

ACTS OF 2017 LEGISLATURE

Acts 219 - 280

ACT No. 219

HOUSE BILL NO. 393

BY REPRESENTATIVES CONNICK, MARCELLE, ARMES, BERTHELOT, BILLIOT, BOUIE, CARPENTER, STEVE CARTER, FOIL, LANCE HARRIS, HAVARD, HOFFMANN, IVEY, JORDAN, LYONS, MARINO, JAY MORRIS, POPE, PYLANT, RICHARD, SCHEXNAYDER, SCHRODER, STAGNI, THOMAS, AND ZERINGUE

AN ACT

To amend and reenact R.S. 22:1331, relative to residential property insurance policies; to provide certain policyholders the option to exclude personal property coverage after a declared disaster; to provide for a reduction in premium; to provide for the withdrawal of the exclusion and the reduction in premium; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1331 is hereby amended and reenacted to read as follows:
§1331. Personal property coverage; option to exclude

~~A. In the gubernatorially declared disaster areas for Hurricanes Katrina and Rita, any insurance company that issues a homeowner's policy as is defined in R.S. 22:47(15) and which includes personal property coverage in the coastal parishes of Louisiana, except for rental insurance, shall make available, during the term of the policy, upon written request of the policyholder one of the following options: (1) Upon a disaster being declared by the governor or the president of the United States or any officer acting under presidential authority, any insurance company that issues a homeowner's insurance policy, as defined in R.S.22:47(15), that includes personal property coverage in the affected area, shall make available during the term of the policy, upon written request of a policyholder, one of the following options:~~

~~(1) (a) a residential property policy that provides dwelling coverage without personal property coverage,~~

~~or (2) (b) an An exclusion of personal property coverage,~~

~~(2) that Upon the exercise of either option by the policyholder, the insurer shall be accompanied by calculate an appropriate reduction in premium that shall be returned to the policyholder.~~

~~(3) The option provided in Paragraph (1) of this Subsection shall not be available to the policyholder after the passage of twenty-four months from the date the disaster declaration is made.~~

B. Notwithstanding any provision of law to the contrary, ~~such~~ the substitute policy or exclusion of personal property coverage that occurs during the term of the policy shall not be considered a new policy. This Section shall ~~only~~ apply only to homeowners' insurance policies written on structures ~~that have been rendered uninhabitable as determined by Hurricanes Katrina and Rita as determined by the local governing authority or insurer~~ because they have sustained extensive damage to more than fifty percent of the dwelling area. In addition, the insurer may withdraw the exclusion or substitute policy ~~when one of the following has occurred:~~

~~(1) after The the structure has been repaired to the point that it is again habitable,~~

~~(2) or the The homeowners' policy has been terminated.~~

~~(3) The expiration of twenty-four months from the date of the disaster declaration.~~

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

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 220

HOUSE BILL NO. 436

BY REPRESENTATIVES TALBOT, HOLLIS, LEBAS,
DUSTIN MILLER, MORENO, AND THIBAUT

AN ACT

To enact Part VIII of Chapter 12 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2255.1 and 2255.11, relative to prescription drug prices; to provide for definitions; to require disclosure of prescription drug price information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VIII of Chapter 12 of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:2255.1 and 2255.11, is hereby enacted to read as follows:

PART VIII. PHARMACEUTICAL COST TRANSPARENCY SUBPART A. GENERAL PROVISIONS

§2255.1. Definitions

As used in this Part, the following words have the following meanings unless the context indicates otherwise:

(1) "Prescription drug" means a drug as defined in 21 U.S.C. 321.

(2) "Prescription drug marketing" means to provide educational or marketing information or materials regarding a prescription drug in any form including but not limited to all of the following:

(a) Face-to-face meetings.

(b) Physical mailings.

(c) Telephone conversations.

(d) Electronic mail or facsimile.

SUBPART B. DISCLOSURE OF PRESCRIPTION DRUG PRICE INFORMATION

§2255.11. Disclosure of prescription drug price information

Each drug manufacturer or pharmaceutical marketer who engages in any form of prescription drug marketing to a prescriber, his designee, or any member of his staff in Louisiana shall provide to the Louisiana Board of Pharmacy no later than January first, April first, July first, and October first of each calendar year the current wholesale acquisition cost information for the United States Food and Drug Administration approved drugs marketed in the state by that manufacturer.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 221

HOUSE BILL NO. 471 BY REPRESENTATIVE FOIL AN ACT

To amend and reenact R.S. 51:911.21, 911.22(5), (7), (8.1), (10)(introductory paragraph), (11), and (12), 911.24(A)(1) through (3) and (6), (B)(introductory paragraph) and (L), 911.26(A)(1), (D)(1) through (3), (F)(1) through (4) and (10), 911.29, 911.30, 911.32(E), 911.36, 911.38, 911.39, 911.41, 911.43, 911.46, 912.3(introductory paragraph) and (7), 912.5(A), 912.21(introductory paragraph), (1), (2), (4), (6), and (9) through (12), 912.22(introductory paragraph), (1), and (7), 912.25(2) and (3), 912.26, 912.27(A)(1) and (B) through (D), 912.28(A), and 912.52(B)(5), to enact R.S. 51:911.22(13), 911.24(C)(3), 911.26(F)(11), and 912.21(13), and to repeal R.S. 51:911.24(K), 911.26(A)(3), and (J), and 911.28(A)(10); relative to provisions applicable to manufactured and modular housing; to expand Parts XIV, XIV-A, and XIV-B of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950 with respect to greater inclusion of and applicability to modular housing; to modify and create definitions; to provide with respect to requirements of retailers, developers, and transporters; to provide with respect to members at large and authority of the Louisiana Manufactured Housing Commission; to require consumers to provide certain written notice to the commission with respect to defects; to modify certain installation standards; to provide with respect to licensure of installers and transporters; to increase certain civil penalties for violations; to repeal certain licensing requirements and fees applicable to manufactured home brokers; to repeal obsolete provisions relative to the commission; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:911.21, 911.22(5), (7), (8.1), (10)(introductory paragraph), (11), and (12), 911.24(A)(1) through (3) and (6), (B)(introductory paragraph) and (L), 911.26(A)(1), (D)(1) through (3), (F)(1) through (4) and (10), 911.29, 911.30, 911.32(E), 911.36, 911.38, 911.39, 911.41, 911.43, 911.46, 912.3(introductory paragraph) and (7), 912.5(A), 912.21(introductory paragraph), (1), (2), (4), (6), and (9) through (12), 912.22(introductory paragraph), (1), and (7), 912.25(2) and (3), 912.26, 912.27(A)(1) and (B) through (D), 912.28(A), and 912.52(B)(5) are hereby amended and reenacted and R.S. 51:911.22(13), 911.24(C)(3), 911.26(F)(11), and 912.21(13) are hereby enacted to read as follows:

PART XIV. MANUFACTURED AND MODULAR HOUSING

§911.21. Short title

This Part shall be known and may be cited as "Uniform Standards Code for Manufactured and Modular Housing".

§911.22. Definitions

As used in this Part, unless the context requires a different definition:

* * *

(5) "Manufactured home" and "manufactured housing" means mean a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development (HUD), under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. §5401 et seq., as amended. Further, the terms "manufactured home" and "manufactured housing" may be used interchangeably and apply to structures bearing the permanently affixed seal of the United States Department of Housing

and Urban Development or to factory-built, residential dwellings that are mounted on a chassis.

* * *

(7) "Manufacturer" means any person who manufactures manufactured or modular housing.

* * *

(8.1) "Modular home" and "modular housing" means mean a factory-built, residential dwelling unit built to the International Residential Code as adopted by the Louisiana State Uniform Construction Code Council.

* * *

(10) "Retailer" means any person who is engaged wholly or in part in the business of buying, selling, distributing, brokering, or exchanging an interest in a manufactured or modular home with the intent to make a profit, monetary gain, or any thing of economic value. Any person who buys, sells, distributes, brokers, or exchanges an interest in more than one such manufactured or modular home in any twelve-month period shall be presumed to be a retailer. "Retailer" shall not include any of the following:

* * *

(11) "Salesman" means any person employed by a retailer or developer for purposes of selling manufactured or modular housing to the public.

(12) "Seal" or "label" means the permanently affixed device or insignia issued by the United States Department of Housing and Urban Development (HUD) or other authority having jurisdiction that is displayed on the exterior of a factory-built manufactured or modular home, certifying that the home is in compliance with the applicable Code.

(13) "Transporter" means an individual who transports a manufactured or modular home to a site of installation but does not perform any blocking or anchoring of the home, except a transporter is allowed to put blocks under the hitch on the tongue of the frame.

* * *

§911.24. License required; qualifications; application; issuance; transfer; criminal history record information

A.(1) No manufacturer, retailer, or salesman within or without this state shall sell or offer for sale in Louisiana any mobile home, modular home, or manufactured housing unless he has obtained a valid manufacturer's, retailer's, or salesman's license, whichever is applicable, from the commission as provided in this Part.

(2) No developer shall sell or offer for sale to the public any manufactured or modular home unless he has obtained a license from the commission, as provided in this Part. No employee of a developer shall offer manufactured or modular housing for sale to the general public without first obtaining a salesman license or being a licensed real estate agent.

(3) No manufacturer within or without this state shall sell or offer for sale to a person any manufactured or modular housing for resale to the public unless the person has obtained a valid retailer's or developer's license from the commission as provided in this Part.

* * *

(6) No retailers or developers shall offer for sale to the public any new manufactured or modular home unless the manufacturer of the home has obtained a valid manufacturer's license.

B. Application for a manufacturer's license shall be made upon the form prescribed by the commission and shall contain all of the following:

* * *

C.

* * *

(3) All retailers and developers are required to have at least one licensed salesman.

* * *

L. The commission shall require that retailers, developers, transporters, and installers show proof of continued and ongoing general liability insurance coverage of at least one hundred thousand dollars. Manufacturers shall be required to show proof of continued and ongoing liability insurance coverage of at least one million dollars.

* * *

§911.26. Louisiana Manufactured Housing Commission

A.(1) The Louisiana Manufactured Housing Commission is hereby created. The commission shall be composed of seven members, with at least one member appointed from each Public Service Commission district and two at-large members, all appointed by the governor with the consent of the Senate as provided in this Section.

* * *

D.(1) The commission shall may hire a qualified person to serve as executive director who shall have had sufficient management and organizational experience to direct the day-to-day operations of the commission. The commission shall fix the salary and shall define and prescribe the duties of the executive director.

(2) The executive director shall be in charge of the commission's office and shall devote such time as directed by the commission to fulfill the duties thereof, and before entering upon his duties he shall take and subscribe to the oath of office.

(3) The commission may employ such clerical, technical, legal, and other help and incur such expenses as may be necessary for the proper discharge of its duties under as provided in this Part and Part XIV-B of this Chapter.

* * *

F. The powers and duties of the commission shall include but are not limited to the following:

(1) Licensing of manufacturers, retailers, developers, salesmen, transporters, and installers as provided in this Part and Part XIV-B of this Chapter.

(2) Inspecting a reasonable sample of installations of manufactured and modular homes within this state to insure ensure compliance with state and federal standards.

(3) Working with consumers, manufacturers, retailers, developers, salesmen, transporters, and installers to hear complaints and make determinations relating to construction defects, warranty issues, service complaints, and other matters which are not set forth pursuant to 24 CFR Part 3280 and 24 CFR Part 3282.

(4) Establishing an alternative dispute resolution process for manufactured and modular home consumers in Louisiana. The commission may charge a reasonable fee to defray the cost of establishing the alternative dispute resolution process.

* * *

(10) The authority to establish a mandatory uniform written transportation and installation contract that is required to be used by all transporters and installers when moving or installing a manufactured or modular home in this state. Transporters and installers shall be required to give their customers a copy of the contract, itemizing all services being provided and the cost associated with those services, prior to beginning work or moving a home. These records shall be maintained for at least three years and shall be made available to the commission for inspection. Transporters who are only passing through the state or are delivering a home from a manufacturer to a licensee of the commission; are not required to comply with the provisions of this Paragraph. The commission shall have has the authority to promulgate rules and regulations in accordance with the Administrative Procedure Act in order to implement the provisions of this Paragraph.

(11) The authority to adopt rules governing the repairs or renovations of manufactured homes.

* * *

§911.29. Motor vehicle inspection; exception

The provisions of Chapter 7 of Title 32 of the Louisiana Revised Statutes of 1950 relative to inspections shall not apply to manufactured or modular housing.

§911.30. Serial numbers on manufactured and modular homes

On each manufactured home manufactured after January 1, 1975, a A serial number shall be stamped by the manufacturer on the header plate or front cross member of the frame so that it can be easily read. It may not contain more than fifteen digits. Any multiple units shall contain the same serial number with letters of the alphabet designating that each is a different separate unit. Starting with the letter "A", each unit addition shall be in alphabetical order. The letter shall be stamped at the end of the serial number.

§911.32. Administration and enforcement of Part; powers of commission; cease and desist orders; applicability of Administrative Procedure Act

* * *

E. The commission or its authorized representatives may enter any place, establishment, or location where manufactured or modular homes are manufactured, sold, offered for sale, transported, or installed, for the purpose of ascertaining whether the requirements of the Code and of this Part and Part XIV-B of this Chapter, and the rules and regulations of the commission, have been or are being complied with.

* * *

§911.36. Hearings to investigate and determine violations; orders prohibiting violations and requiring compliance

A. Whenever in the opinion of the commission the Code or the requirements of this Part or Part XIV-B of this Chapter are being violated, it may conduct hearings to investigate and determine whether the violation has occurred or is occurring and may issue orders prohibiting such violation and requiring compliance with the Code and the provisions of this Part or Part XIV-B of this Chapter.

B. All costs incurred by the commission, including reasonable attorney fees, may be borne by the person or licensee who has been found in violation of the provisions of the Code, or any provision of this Part or Part XIV-B of this Chapter, or any rule or regulation adopted and promulgated by the commission in accordance with the Administrative Procedure Act.

§911.38. Suspension or revocation of licenses for violation

After prior notice and hearing, the commission may suspend or revoke the license of any manufactured or modular home licensee licensed under pursuant to the provisions of this Part or Part XIV-B of this Chapter for violations of the Code or the manufactured or modular home provisions of this Part or Part XIV-B of this Chapter. The notice, hearing, and actions under as prescribed in this Section shall be governed by the provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950, and particularly R.S. 49:961(C) relative to emergency action.

§911.39. Penalties for violations

A. Whoever is found guilty of violating the Code or any manufactured or modular housing provision of this Part, Part XIV-B of this Chapter, any rule, or any regulation or final order issued thereunder shall be liable to the state of Louisiana through the commission for a civil penalty not in excess of one two thousand five hundred dollars for each violation. If the commission determines a violation was intentional or the violator is a habitual offender, the commission may double the civil penalty up to five thousand dollars for each violation. Each violation shall constitute constitutes a separate

violation with respect to each manufactured or modular home, or with respect to each failure or refusal to allow or perform an act required thereby, except that the maximum civil penalty ~~may~~ shall not exceed one million dollars for any related series of violations occurring within one year from the date of the first violation.

B. Any individual or director, officer, or agent of a corporation who knowingly and willingly violates any provision of the Code or of this Part, Part XIV-B of this Chapter, or any applicable rule or regulation issued thereunder in a manner which threatens the health and safety of any purchaser shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.

* * *

§911.41. Supremacy of the Part

Notwithstanding any provision of law to the contrary, the codes and standards referenced in R.S. 51:911.21 et seq. and R.S. 51:912.21 et seq. and those adopted by the commission shall be the only construction and installation standards used for manufactured or modular housing in Louisiana, and these standards shall preempt all local standards as they relate to the construction and installation of manufactured ~~housing and~~ manufactured or modular homes in Louisiana.

§911.43. Maintenance of records; reports required

Each ~~manufactured home~~ licensee shall establish and maintain such records, make such reports, and provide such information as the commission may reasonably require in order to be able to determine whether such licensee has acted or is acting in compliance with the Code and the manufactured or modular housing provisions of this Part, Part XIV-B of this Chapter, or any rule or regulation adopted by the commission. Upon request of the commission, each ~~manufacturer, distributor, and dealer licensee~~ shall permit the commission or its representative to inspect appropriate books, papers, records, and documents relevant to determining whether the licensee has acted or is acting in compliance with the provisions of this Part, Part XIV-B of this Chapter, or any rule, as well as any regulation or order issued thereunder.

§911.46. Down payments, sale of manufactured housing

It is unlawful for a retailer or developer to set forth in any retail installment sales contract, chattel mortgage, or security agreement any down payment unless all of the down payment has actually been received by the retailer or developer at the time of execution of such document. If any part of the down payment is represented by a loan, trade-in, or any consideration other than cash, this fact shall be expressly set forth on the retail installment sales contract, chattel mortgage, or security agreement. No amount of the cash down payment shall be from any rebate or other consideration received by or to be given to the consumer from the retailer or developer, or his agents respective agent.

* * *

§912.3. Definitions

For purposes of this Part, the following words, phrases, and terms ~~shall be~~ are defined and construed as follows:

* * *

(7) “Manufactured home” or “manufactured housing” means a factory-built, residential dwelling unit constructed to standards and codes, as promulgated by the United States Department of Housing and Urban Development, under the National Manufactured Housing Construction and Safety Standards Act of 1974, 42 U.S.C. 5401 et seq., as amended. Further, the terms “manufactured home” and “manufactured housing” may be used interchangeably and apply to structures bearing the permanently affixed seal of the United States Department of Housing and Urban Development ~~or to factory-built, residential dwellings that are mounted on a chassis.~~

* * *

§912.5. Required notice

A. Before undertaking any repair himself or instituting any action for breach of warranty, the owner shall give the commission written notice by filling out the consumer complaint form provided by the commission and submitting it, by registered or certified mail, within one year after knowledge of the defect, advising the commission of all defects. The commission shall then have the home inspected and a determination made on all defects listed by the owner. Thereafter, the commission shall give the appropriate builder a reasonable opportunity to comply with the provisions of this Part. Once the repairs are made, the commission shall have the home reinspected to determine if the repairs have been made in compliance with the building standards.

* * *

PART XIV-B. MINIMUM STANDARDS FOR INSTALLATION OF MANUFACTURED AND MODULAR HOMES AND TRANSPORTATION REQUIREMENTS

§912.21. Definitions

For the purposes of this Part, the following words ~~shall~~ have the following meanings:

(1) “Frame tie” or “tie down” means any device approved and used for the purpose of securing manufactured or modular homes to ground anchors in order to resist wind forces.

(2) “Ground anchor” means any device approved and used for the purpose of securing manufactured or modular homes to the ground in order to resist wind forces.

* * *

(4) “Installation permit” means a permit issued by the commission to a licensed installer or the homeowner who ~~must~~ shall certify that the home is in compliance with this Part.

* * *

(6) “Installer” means a person licensed by the commission to install a manufactured or modular home.

* * *

(9) “Modular home” and “modular housing” mean a factory-built, residential dwelling unit built to the International Residential Code as adopted by the Louisiana State Uniform Construction Code Council.

~~(9)(10)~~ “Over-rooftie” means a certain device approved by the manufactured homes manufacturer and used for the purpose of securing the manufactured homes systems to ground anchors in order to resist wind forces. Ties may be installed only under roof material.

~~(10)(11)~~ “Setup” or “installation” means the operations performed at the occupancy site which render manufactured and modular homes fit for habitation. Such operations include but are not limited to ~~transporting,~~ positioning, blocking, leveling, supporting, tying down, making minor adjustments and trim out, and assembling multiple or expandable units in the final construction process.

~~(11)(12)~~ “Stabilizer device” means an approved device or method that is used to resist lateral movement of manufactured homes and anchors.

~~(12)(13)~~ “Transporter” means an individual who transports a manufactured or modular home to the site of installation but does not perform ~~the any~~ blocking or anchoring of the home, except a transporter is allowed to put blocks under the hitch on the tongue of the frame.

§912.22. Installation standards for manufactured and modular homes

All manufactured and modular homes shall be installed to meet the following standards, unless otherwise specified in this Part:

(1) Installation standards for the setup of new ~~or used~~ manufactured homes shall be in compliance with the manufacturer’s installation instructions, ~~if available.~~ Installation for the setup of new or used modular homes shall be in compliance with the International Residential Code enforced by the local authority having jurisdiction.

* * *

(7) Piers or load-bearing supports or devices shall be installed and constructed to evenly distribute the loads. Steel piers with mechanical adjustments shall be securely attached to the frame of all manufactured homes ~~and mobile homes.~~ Manufactured load-bearing supports or devices shall be listed and approved for the use intended, or piers shall be constructed as outlined in this Part. Concrete products shall comply with the minimum dimensional and structural requirements for load-bearing. Solid and cell concrete blocks shall be to the standard specification for load-bearing concrete masonry units, ASTM C-90, 1993 Edition. Poured concrete shall be a minimum of FCL = 2500 PSI. All plastic products shall be conditioned at ASTM D 618-61, reapproved 1990, standard practice for conditioning plastics and electrical insulating materials for testing. Plastics shall be tested to the ASTM D 790-92 standard test methods for flexural properties or unreinforced and reinforced plastics and electrical insulating materials, ASTM D 732-85 standard test method for shear strength or plastics by punch tool, and ASTM G 53-88 standard practice for operating light and water exposure apparatus for exposure of nonmetallic materials.

* * *

§912.25. Installation standards for used manufactured homes in hurricane zones

When the manufacturer’s printed setup requirements are not available for the applicable wind zone, the following guidelines are to be used:

* * *

(2) ~~Diagonal~~ Longitudinal ties only are required at each end of each unit. The minimum number of ties at a minimum angle of forty-five degrees from vertical is three each for Zone II and four each for Zone III.

(3) All designated tie points on the perimeter side walls shall be equipped with vertical and diagonal ties with stabilizer devices. When tie points are not designated on the side walls, ~~vertical and~~ diagonal ties with stabilizer devices shall be spaced a maximum of ~~twelve~~ ten feet for Zone I, eight feet for Zone II, and six feet six inches for Zone III.

* * *

§912.26. Local installation standards preempted

The manufactured and modular home installation standards provided for in this Part shall preempt all local installation standards.

§912.27. Licensure of installers and transporters; adoption of rules; compliance with installation instructions; disposition of fees

A.(1) The commission shall, by rule adopted in accordance with the Administrative Procedure Act, provide for the licensure of installers and transporters of manufactured and modular homes and the implementation and collection of an annual license fee and an installation permit sticker fee. The installer’s and transporter’s license fee shall be one hundred twenty-five dollars per license, and the installation permit sticker fee shall be twenty dollars. Further, a licensed installer shall be allowed to perform the functions of a transporter without having to obtain that license.

* * *

B. It shall be unlawful for any person, other than the homeowner or a licensed installer, to perform an installation of a manufactured or modular home, whether or not such person receives compensation for such action. For the purposes of this Subsection, community owners or park operators of

manufactured or modular homes shall not be considered homeowners if the home in question is or will be leased at any time.

C. Any installer or homeowner installing a manufactured or modular home in this state shall first obtain an installation permit sticker from the commission which shall be affixed to the side of the home at the point where electrical power is connected to the home. All installation permit stickers shall be affixed within ten days of delivery of the manufactured or modular home, unless extenuating circumstances are shown.

D. Any installation of a manufactured or modular home in this state shall be performed in strict compliance with this Part.

§912.28. Violations; penalties

A. Any installer, transporter, or other person who performs any service under work covered as described in this Part without the appropriate license or who installs a manufactured or modular home in a manner contrary to the requirements of this Part shall be in violation of the provisions of this Part. All such violators shall be subject to the penalty of revocation or suspension of their license or a civil fine of up to ~~one~~ two thousand five hundred dollars, or both, for each violation. If the commission determines a violation was intentional or the violator is a habitual offender, then the commission may double the civil penalty up to five thousand dollars for each violation. Violators shall also be subject to any measures prescribed by any other applicable rule, regulation, or law.

§912.52. Louisiana state administrative agent

B. The power and authority of the agent shall include but not be limited to the following:

(5) Providing oversight as prescribed by law of remedial actions carried out by manufacturers and a manufacturer's handling of consumer complaints as to plants located within the state.

Section 2. R.S. 51:911.24(K), 911.26(A)(3), and (J), and 911.28(A)(10) are hereby repealed in their entirety.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 222

HOUSE BILL NO. 474
BY REPRESENTATIVE GAROFALO
AN ACT

To amend and reenact R.S. 56:431.2(A)(1) and (B)(2) and to repeal R.S. 56:431.2(B)(3)(d) and (C), relative to alternative oyster culture permits; to authorize the issuance of such permit to a person holding an oyster lease on a privately owned water bottom or dual-claimed water bottom; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:431.2(A)(1) and (B)(2) are hereby amended and reenacted to read as follows:

§431.2. Alternative oyster culture; permits

A. Alternative Oyster Culture Permits.

(1) ~~The Notwithstanding the provisions of R.S. 3:559.1 through 559.13, R.S. 56:412, 431.1, and 579.1 notwithstanding, the department is authorized to issue an alternative oyster culture permit (AOC permit) to a leaseholder holding a valid oyster lease of state water bottoms pursuant to R.S. 56:427 or 428 or to a person owning a water bottom or holding an oyster lease on a privately owned water bottom or a dual-claimed water bottom as defined in R.S. 56:425.1. The area permitted for alternative oyster culture shall not extend beyond the boundaries of an existent lease or ownership of the water bottom. No AOC permit may be issued unless a reasonable investigation into the question of ownership is complete and, based on the findings, a determination is made that the state owns the water bottom to be covered by the permit. No AOC permit may be issued until the department has completed the suitability mapping required in Subsection C of this Section.~~

B. Application and permitting.

(2) ~~Based on the initial suitability mapping required by this Section, any update or revisions to the initial suitability mapping, The department shall determine areas that are unsuitable or inappropriate for alternative oyster culture activities due to creation of unreasonable conflicts with other existing or anticipated uses of state waters and water bottoms, including but not limited to integrated coastal protection projects as defined in R.S. 49:214.2. The department shall base all rules, regulations, and decisions regarding AOC permits on any master plan or annual plan issued pursuant to R.S. 49:214.5.3; and any other information and data deemed relevant by the department; , the The department may grant an AOC permit for a different location, size, or configuration, and for different alternative oyster culture activity than what was requested in the application.~~

Section 2. R.S. 56:431.2(B)(3)(d) and (C) are hereby repealed in their entirety.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 223

HOUSE BILL NO. 508
BY REPRESENTATIVE JAMES AND SENATOR MORRELL
AN ACT

To amend and reenact R.S. 47:6007(C)(4)(b) and to enact R.S. 47:6007(C)(4)(g), relative to motion picture production tax credits; to authorize a fee for the transfer of a motion picture production credit; to establish the Louisiana Entertainment Development Fund as a special treasury fund; to provide for deposits into and uses of the fund; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6007(C)(4)(b) is hereby amended and reenacted and R.S. 47:6007(C)(4)(g) is hereby enacted to read as follows:

§6007. Motion picture production tax credit

C. Production tax credit; specific productions and projects.

(4) Transferability of the credit. Except as provided for in Item (f)(iii) of this Paragraph, motion picture tax credits not previously claimed by any taxpayer against its income tax may be transferred or sold to another Louisiana taxpayer or to the office, subject to the following conditions:

(b) Transferors and transferees shall submit to the Department of Revenue in writing, a notification of any transfer or sale of tax credits within ten business days after the transfer or sale of such tax credits. No transfer or sale of tax credits shall be effective until recorded in the tax credit registry in accordance with R.S. 47:1524. The notification shall include the transferor's tax credit balance prior to transfer, a copy of any tax credit certification letter(s) issued by the office and the secretary of the Department of Economic Development the transferor's remaining tax credit balance after transfer, all tax identification numbers for both transferor and transferee, the date of transfer, the amount transferred, a copy of the credit certificate, price paid by the transferee to the transferor, in the case when the transferor is a state-certified production, for the tax credits, and any other information required by the office or the Department of Revenue. For the purpose of reporting transfer prices, the term "transfer" shall include allocations pursuant to Paragraph (2) of this Subsection as provided by rule. The tax credit transfer value means the percentage as determined by the price paid by the transferee to the transferor divided by the dollar value of the tax credits that were transferred in return. The notification submitted to the Department of Revenue shall include a ~~processing fee of up to two hundred dollars per transferee,~~ and any information submitted by a transferor or transferee shall be treated by the office and the Department of Revenue as proprietary to the entity reporting such information and therefore confidential. However, this shall not prevent the publication of summary data that includes no fewer than three transactions.

(g)(i) ~~The notification submitted to the Department of Revenue shall include a fee, for projects that apply to the office prior to July 1, 2017, of two hundred dollars per transferee, and a fee, for projects that apply to the office on or after July 1, 2017, of two percent of the tax credit transfer value, which shall be deposited upon receipt in the state treasury.~~

(ii) ~~There is hereby established in the state treasury a special treasury fund, the Louisiana Entertainment Development Fund, hereinafter referred to as the "fund". Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which becomes due and payable within any fiscal year as required by Article VII, Section 9(B) of this constitution, the treasurer shall deposit in and credit to the fund the fees deposited as provided in this Paragraph.~~

(iii) ~~The money in the fund shall be appropriated by the legislature as follows:~~

(AA) ~~Twenty-five percent to the Department of Revenue for administrative purposes.~~

(BB) ~~Seventy-five percent to the Department of Economic Development, office for education development initiatives, matching grants for Louisiana filmmakers, a loan guarantee program, and a deal closing fund.~~

(iv) ~~The money in the fund shall be invested by the treasurer in the same manner as money in the state general fund and interest earned on the investment of the money shall be credited to the fund after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund. All unexpended and unencumbered money in the fund at the end of the year shall remain in the fund.~~

(v) ~~The office shall promulgate rules and regulations prior to issuance of any awards pursuant to the provisions of this item, in accordance with the Administrative Procedure Act.~~

* * *

Section 2. This Act shall take effect and become operative if the Act which originated as Senate Bill No. 254 of this 2017 Regular Session of the Legislature is enacted and becomes effective.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 224

HOUSE BILL NO. 517
BY REPRESENTATIVES GARY CARTER
AND BOUIE AND SENATOR CARTER
AN ACT

To amend and reenact R.S. 17:22(11), to enact R.S. 17:22(12), and to repeal R.S. 17:22(11), relative to the functions and duties of the state superintendent of education; to require the superintendent to submit a written report annually to the House Committee on Education and the Senate Committee on Education relative to each public school, including charter schools; to provide for an annual deadline and the content of such reports; to specify a regular legislative session during which the superintendent shall appear before such committees to present a summary, findings, and recommendations relative to such reports; to provide for the termination of these provisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:22(11) is hereby amended and reenacted and R.S. 17:22(12) is hereby enacted to read as follows:

§22. Superintendent; functions and duties
The superintendent shall:

* * *

(11)(a) Prepare a report to provide information that will assist policymakers and the public in assessing the extent to which the state's students have access to quality public education. The superintendent shall submit this report, which shall be in addition to the report required by Paragraph (7) of this Section, not later than December first annually to the House Committee on Education and the Senate Committee on Education. The report shall include school-level information for each public school, including charter schools, for the preceding school year. Such report shall include but need not be limited to data relative to the following:

- (i) The type of school.
 - (ii) The percentage of students who are economically disadvantaged.
 - (iii) The percentage of students with exceptionalities who have an Individualized Education Program and the percentage of students who have an Individual Accommodation Plan.
 - (iv) The percentage of students who are racial or ethnic minorities.
 - (v) The percentage of students who are English language learners.
 - (vi) The percentage of students who complete Advanced Placement, International Baccalaureate, or dual-enrollment courses.
 - (vii) The percentage of students who complete courses included in the core curricula for the Taylor Opportunity Program for Students.
 - (viii) The percentage of students who complete industry-based certifications.
 - (ix) The percentage of students in world language immersion programs.
 - (x) The percentage of students who have access to instruction in the visual and performing arts and the percentage of students who have access to instruction in world languages.
 - (xi) The percentage of students who have out-of-school suspensions and the percentage of students who have expulsions.
 - (xii) Results of state assessments administered in grades three through twelve.
 - (xiii) The percentage of teachers determined to be highly effective.
 - (xiv) The number of teacher absences.
 - (b) The report also shall provide aggregate data required by Items (a)(vi) through (xii) of this Paragraph according to the categories of students in Items (a)(i) through (v) of this Paragraph.
 - (c) During the 2022 Regular Session of the Legislature, the state superintendent of education shall appear before the House Committee on Education and the Senate Committee on Education to present a summary of the information required by Subparagraph (b) of this Paragraph. This summary shall contain the superintendent's findings and recommendations relative to supporting an equitable system of public elementary and secondary education.
- (12) Perform such other functions as provided by law.

* * *

Section 2. R.S. 17:22(11) is hereby repealed in its entirety.

Section 3. Section 1 of this Act and this Section of this Act shall become effective on August 1, 2017. Section 2 of this Act shall become effective on August 1, 2022.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 225

HOUSE BILL NO. 542
BY REPRESENTATIVE STOKES AND SENATOR THOMPSON
AN ACT

To enact Subpart E of Part IV of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1351 through 1358, relative to travel insurance; to provide for definitions; to provide for deposits, assessments, fees, and taxes; to provide for sales practices; to provide for travel protection plans; to provide for travel administrators; to provide for promulgation of regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart E of Part IV of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1351 through 1358, is hereby enacted to read as follows:

SUBPART E. TRAVEL INSURANCE

§1351. Applicability

A. This Subpart shall apply to travel insurance where policies or certificates are delivered or issued for delivery in this state.

B. This Subpart shall not apply to cancellation fee waivers and travel assistance services, except as expressly provided herein.

§1352. Definitions

As used in this Subpart, the following definitions apply:

(1) "Aggregator site" means a website that provides access to information regarding insurance products from more than one insurer, including product and insurer information, for use in comparison shopping.

(2) "Blanket travel insurance" means travel insurance issued to any eligible group providing coverage for specified circumstances and specific classes of persons defined in the policy and issued to a policyholder and not by specifically naming the persons covered, by certificate or otherwise, although a statement of the coverage provided may be given, or required by policy to be given, to eligible persons.

(3) "Cancellation fee waiver" means a contractual agreement between a supplier of travel arrangements or travel services and its customer to waive some or all of the nonrefundable cancellation fee or penalty provisions of the underlying travel contract between the supplier and customer. A cancellation fee waiver is not insurance.

(4) "Commissioner" means the commissioner of insurance of this state.

(5) "Eligible group" means any of the following:

(a) Any entity engaged in the business of providing travel or travel services, including but not limited to:

- (i) Tour operators.
- (ii) Lodging providers.
- (iii) Vacation property owners.
- (iv) Hotels and resorts.
- (v) Travel clubs.
- (vi) Property managers.
- (vii) Cultural exchange programs.
- (viii) Common carriers of passengers, including but not limited to airlines, cruise lines, railroads, steamship companies, and public bus carriers.

(b) Any college, school, or other institution of learning covering students, teachers, or employees defined by reference to specified hazards incident to activities or operations of the institution of learning.

(c) Any employer covering any group of employees, contractors, dependents, or guests, defined by reference to specified hazards incident to activities or operations of the employer.

(d) Any sports team, camp, or sponsor thereof covering participants, members, campers, employees, officials, supervisors, or volunteers.

(e) Any religious, charitable, recreational, educational, or civic organization or branch thereof covering any group of members, participants, or volunteers defined by reference to specified hazards incident to any activity or activities or operations sponsored or supervised by or on the premises of the organization or branch.

(f) Any financial institution or financial institution vendor, or parent holding company, trustee, or agent of or designated by one or more financial institutions or financial institution vendors, under which account holders, credit card holders, debtors, guarantors, or purchasers are insured.

(g) Any incorporated or unincorporated association, including labor unions, having a common interest, constitution, and bylaws, and organized and maintained in good faith for purposes other than obtaining insurance for members or participants of the association.

(h) Any trust or the trustees of a fund established, created, or maintained for the benefit of members or customers of one or more associations meeting the requirements of this Paragraph.

(i) Any entertainment production company covering any group of participants, volunteers, audience members, contestants, or workers.

(j) Any newspaper or other publisher covering its journalists and carriers.

(k) Any volunteer fire department or any first aid, civil defense, or other such volunteer group or agency having jurisdiction thereof, covering all or any group of the members, participants, or volunteers of the fire department or first aid, civil defense, or other group.

(l) Any other group for which the commissioner determines that the members are engaged in a common enterprise, or have an economic, educational, or social affinity or relationship, and that issuance of the policy would not be contrary to the best interests of the public.

(6) "Fulfillment materials" means documentation sent to the purchaser of a travel protection plan confirming the purchase and providing the travel protection plan's coverage and assistance details, as applicable.

(7) "Group travel insurance" means travel insurance issued to any eligible group.

(8) "Limited lines travel insurance producer" has the same meaning as in R.S. 22:1782.1.

(9) "Offer and disseminate" has the same meaning as in R.S. 22:1782.1.

(10) "Travel administrator" means a person who directly or indirectly underwrites, collects charges, collateral, or premiums from, or adjusts or settles claims on residents of this state in connection with travel insurance except that a person shall not be considered a travel administrator if the only circumstance that would otherwise cause him to be considered a travel administrator is one of the following:

(a) A person working for a travel administrator to the extent that his activities are subject to the supervision and control of the travel administrator.

(b) An insurance producer selling insurance or engaging in administrative and claims-related activities within the scope of the producer's license.

(c) A travel retailer offering and disseminating travel insurance and registered under the license of a limited lines travel insurance producer in accordance with the provisions of R.S. 22:1782.2.

(d) An individual adjusting or settling claims in the normal course of his practice or employment as an attorney at law and who does not collect charges or premiums in connection with insurance coverage.

(e) A business entity that is affiliated with a licensed insurer while acting as a travel administrator for the direct and assumed insurance business of an affiliated insurer. For purposes of this Paragraph, "affiliated business entity" or "affiliated insurer" has the same meaning as "affiliated company" in R.S. 22:550.2.

(11) "Travel assistance services" means non-insurance services that may be distributed by limited lines travel insurance producers or other entities and for which there is no indemnification for the travel protection plan customer based on a fortuitous event, nor any transfer or shifting of risk that would constitute the business of insurance. Travel assistance services include but are not limited to security advisories, destination information, vaccination and immunization information services, travel reservation services, entertainment, activity, and event planning, translation assistance, emergency messaging, international legal and medical referrals, medical case monitoring, coordination of transportation arrangements, emergency cash transfer assistance, medical prescription replacement assistance, passport and travel document replacement assistance, lost luggage assistance, concierge services, and any other service that is furnished in connection with planned travel that is not related to the adjudication of a travel insurance claim unless otherwise approved by the commissioner in a travel insurance filing. Travel assistance services are not insurance and not related to insurance.

(12) "Travel insurance" has the same meaning as in R.S. 22:1782.1.

(13) "Travel protection plan" means a plan that provides any of the following:

(a) Travel insurance.

(b) Travel assistance services.

(c) Cancellation fee waivers.

(14) "Travel retailer" has the same meaning as in R.S. 22:1782.1.

§1353. Deposits, assessments, fees, and taxes

A. A travel insurer shall be subject to the provisions of Chapter 3 of this Title, R.S. 22:791 et seq.

B. A travel insurer shall pay premium tax, as provided in R.S. 22:837 and 838, on travel insurance premiums paid by any one of the following:

(1) An individual policyholder who is a resident of this state.

(2) A certificate-holder who is a resident of this state who elects coverage under a group travel insurance policy.

(3) An eligible group policyholder that is resident in, or has its principal place of business in, this state that purchases a blanket travel insurance policy.

§1354. Travel protection plans

Travel protection plans may be offered for one price for the combined features that the travel protection plan offers in this state if all of the following are met:

A. There is no finding by the commissioner, pursuant to R.S. 22:1453, that the travel insurance market in the state is noncompetitive or that the travel protection plan restricts competition by either significantly decreasing output or efficiency in the market or that a travel insurer or travel retailer is exerting sufficient market power in providing travel insurance or a travel protection plan such that competition is adversely impacted or that the travel protection plan would exact burdensome terms that would not exist in a competitive market.

B. The travel insurance, travel assistance services, and cancellation fee waivers are clearly delineated in the travel protection plan's fulfillment materials. The fulfillment materials shall include the travel insurance disclosure requirements required pursuant to state law and the contact information for persons providing travel assistance services and cancellation fee waivers, as applicable.

C. The travel protection plan clearly discloses to the consumer at or prior to the time of purchase and fulfillment that it includes travel insurance, travel assistance services, and cancellation fee waivers, as applicable, and

provides an opportunity at any time thereafter for the consumer to obtain additional information regarding the features and pricing of each.

§1355. Sales practices

A. All persons involved in offering, soliciting, or negotiating travel insurance to residents of this state shall be subject to the unfair trade practices provisions of Chapter 7 of this Title, R.S. 22:1901 et seq., except as otherwise provided in this Section.

B. It shall not be an unfair trade practice to include blanket travel insurance coverage with the purchase of a trip, provided the coverage is not marketed as free.

C. Travel insurance policies or certificates that contain pre-existing condition exclusions shall clearly disclose the exclusion in the coverage's fulfillment materials.

D. Policyholders or certificate holders shall have a minimum of ten days from the date of purchase to review and cancel the policy or certificate for a full refund of the travel protection plan price, unless the insured has either started the covered trip or has filed a claim under the travel insurance coverage.

E. The travel insurance policy shall disclose in the policy fulfillment materials whether the travel insurance is primary or secondary to other applicable coverage. Travel insurance is not subject to coordination of benefits for health insurance coverage.

F. Where travel insurance is marketed directly to a consumer through an insurer's website or by others through an aggregator site, it shall not be an unfair trade practice or other violation of law when an accurate summary or short description of coverage is provided on the web page, as long as the consumer has access to the full provisions through electronic means.

G. Unless otherwise permitted by state or federal law, no person offering travel insurance or travel protection plans on an individual or group basis may do so using negative option or opt-out, which would require a consumer to take an affirmative action such as unchecking a box on an electronic form when he purchases a trip to deselect coverage.

§1356. Travel administrators

Notwithstanding any other provisions of this Title, no person shall act or represent himself as a travel administrator in this state unless that person meets one of the following conditions:

(1) Is a licensed producer for property and casualty insurance in this state.

(2) Holds a valid managing general agent license in this state.

§1357. Policy

A. Notwithstanding any other provision of this Title, travel insurance shall be classified and filed for purposes of rates and forms as a marine and transportation line of insurance as defined in R.S. 22:47(13).

B. Travel insurance may be provided by an individual or group master policy.

C. Eligibility and underwriting standards for travel insurance may be developed and provided based on travel protection plans designed for individual or identified marketing or distribution channels, and the travel insurance offered as part of the travel protection plan may be offered as individual travel insurance, group travel insurance, or blanket travel insurance.

§1358. Regulations

The commissioner may, in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., promulgate rules and regulations as he deems necessary to enforce the provisions of this Subpart.

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

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler

Secretary of State

ACT No. 226

HOUSE BILL NO. 554

BY REPRESENTATIVES SCHRODER, BERTHELOT, AND EDMONDS
AN ACT

To amend and reenact R.S. 39:1600(D)(1), (2)(introductory paragraph), and (3) and to enact R.S. 39:1600(D)(4), relative to public contracts; to provide for the requirements of reverse auctions for certain purchases in the Procurement Code; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1600(D)(1), (2)(introductory paragraph), and (3) are hereby amended and reenacted and R.S. 39:1600(D)(4) is hereby enacted to read as follows:

§1600. Other procurement methods

* * *

D. Reverse auction

(1) Notwithstanding the provisions of Subpart A of this Part, with the approval of the state chief procurement officer ~~and the determination of the head of the using agency~~ that the best interests of the state would be served ~~and that electronic online bidding is more advantageous than other procurement methods provided in this Chapter,~~ a reverse auction may be utilized for the acquisition of materials, supplies, services of any type, products, or equipment of any monetary amount, including small purchases.

(2) Prior to the implementation of this Subsection, use of any reverse auction, the state chief procurement officer shall develop policies, procedures, and

promulgate regulations, in accordance with the Administrative Procedure Act. Such policies and procedures may require in the solicitation language that:

* * *

(3) Adequate public notice for the purchase of materials, supplies, services, or equipment using a reverse auction shall be given, as follows:

(a) The advertisement or notice shall be published one time in the official journal of the state at least twenty days before the opening date of the reverse auction, conform to the requirements for public notice of sealed bidding or small purchases as applicable, pursuant respectively to R.S. 39:1594 or 1596, such that the extent, timing, location, form, and duration of public notice activities for the reverse auction process shall be fully consistent with the public notice activities required for a sealed bid or small purchase of equivalent value.

(b) In the case of any purchase to meet the needs of a single budget unit, the advertisement shall be published also in a newspaper of general circulation printed in the parish in which the budget unit is situated, or, if there is not a newspaper printed in the parish, in a newspaper printed in the nearest parish that has a general circulation in the parish in which the budget unit is situated.

(4) The office of state procurement shall report annually to the legislature by September first, on the use of reverse auctions and any savings achieved.

* * *

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 227

HOUSE BILL NO. 556
BY REPRESENTATIVE PEARSON
AN ACT

To amend and reenact R.S. 17:500.1, 1201(C)(1)(b), and 1206.1 and to enact R.S. 17:1200(C), relative to sick leave for public school employees; to provide relative to sick leave benefits to public school teachers, school bus operators, and other school employees who are disabled under certain circumstances; to provide relative to requirements for certification of such disability by a physician; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:500.1, 1201(C)(1)(b), and 1206.1 are hereby amended and reenacted and R.S. 17:1200(C) is hereby enacted to read as follows:

§500.1. School bus operators; sick leave

A. ~~Any A~~ school bus operator as defined in R.S. 17:500 who is injured or incapacitated in his official capacity as a result of physical assault and battery by any student or person and is disabled as a result of such injury and cannot perform his functions as a school bus operator, shall receive sick leave without reduction in pay while incapacitated ~~disabled~~ as a result of such injury; provided, however, that when ~~if~~ a school bus operator is absent for six or more consecutive days as a result of such injury or incapacitation ~~disability~~, he shall be required to present a certificate from a physician certifying such injury or incapacitation ~~the disability~~. The sick leave authorized by this section ~~Section~~ shall be in addition to all other sick leave authorized by R.S. 17:500, provided that additional sick leave for incapacity ~~disability~~ as a result of physical assault and battery shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any other manner except as authorized in this section ~~Section~~.

B. ~~At any time during the period of certified disability, if the school board questions the validity of the physician certification, the board may require the school bus operator to be examined by a physician selected by the board. In such a case, the board shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the board certifies the disability, the leave shall be granted or continued as appropriate. If the physician selected by the board disagrees with the certification of the physician selected by the school bus operator, the board may require the school bus operator to be examined by a third physician whose name appears next in the rotation of physicians on a list established by the local or state medical society for such purpose and maintained by the board. All costs of an examination and any tests required by a third physician shall be paid by the board. The opinion of the third physician shall be determinative of the issue.~~

C. (1) ~~The school board shall not reduce the pay or accrued sick leave of a school bus operator who is absent from his duties to seek medical attention or treatment as a result of an injury as provided in this Section.~~

(2) ~~If the school bus operator's physician determines that he is able to return to active service as a school bus operator with restrictions and the board does not allow the school bus operator to return to active service as a school bus operator subject to those restrictions, then the school bus operator's leave shall be granted or continued, as appropriate, as provided in this Section.~~

D. ~~As used in this Section, "disabled" or "disability" means unable to or the inability to perform the essential functions of the job of a school bus operator.~~

* * *
§1200. Definitions

* * *

~~C. As used in this Subpart "disabled" or "disability" means unable to or the inability to perform the essential functions of the job the member of the teaching staff or employee was performing at the time of his injury.~~

§1201. Amount of sick leave; reimbursement; injury on the job

* * *

C.(1)

* * *

(b)(i) ~~Any A~~ member of the teaching staff of the public schools who while acting in his official capacity is injured or disabled as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student shall receive sick leave for a period up to one calendar year without reduction in pay and without reduction in accrued sick leave days while injured or disabled as a result of rendering such assistance. Such member of the teaching staff shall be required to present a certificate from a physician selected by the teaching staff member certifying such injury or the disability. Nothing in this Subsection shall prohibit a city, parish, or other local public school board from extending this period beyond one calendar year.

(i) ~~If At any time during the period of certified disability, if the school board questions the validity or accuracy of the physician certification provided for in Item (i) of this Subparagraph, this Section, the board may require the teaching staff member to be examined by a physician selected by the board. In such a case, the board shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the board certifies the injury or disability, the leave shall be granted or continued as appropriate. If the physician selected by the school board disagrees with the certificate of the physician selected by the teaching staff member, then the board may require the staff member to be examined by a third physician whose name appears next in the rotation of physicians on a list established by the local or state medical society for such purpose and maintained by the board. All costs of an examination and any tests required by a third physician shall be paid by the board. The opinion of the third physician shall be determinative of the issue.~~

(iii) The opinion of each physician consulted as provided in this Subparagraph shall be submitted to the school board in the form of a sworn statement which that shall be subject to the provisions of R.S. 14:125.

(iv) ~~The board shall not reduce the pay or accrued sick leave of a member of the teaching staff who is absent from his duties to seek medical attention or treatment as a result of an injury as provided in this Subsection.~~

(v) ~~If the member of the teaching staff's physician determines that the member is able to return to active service as a member of the teaching staff with restrictions and the board does not allow the member to return to active service as a member of the teaching staff subject to those restrictions, then the member's leave shall be granted or continued as provided in this Subsection.~~

* * *

§1206.1. School employees; sick leave

A.(1) ~~Any An~~ employee of the parish or city school boards of this state a city, parish, or other local public school board, as the word "employee" is defined in R.S. 17:1205, who is injured or disabled while acting in his official capacity as a result of assault or battery by any student or person, shall receive sick leave without reduction in pay and without reduction in accrued sick leave days while injured or disabled as a result of such assault or battery; however, when such if the employee is absent for six or more consecutive days as a result of such injury or disability, he shall be required to present a certificate from a physician certifying such injury or the disability. If the employee of the parish or city school board who is receiving sick leave without reduction as described in this Section begins to draw his benefit from the Teachers' Retirement System of Louisiana or the Louisiana School Employees' Retirement System, the leave shall cease.

(2) The sick leave authorized by this Section shall be in addition to all other sick leave authorized by R.S. 17:1206, provided that additional sick leave for injury or disability as a result of assault or battery shall not be accumulated from year to year, nor shall such additional sick leave be compensated for at death or retirement, or compensated for in any other manner except as authorized in this Section.

B. ~~Any An~~ employee of the parish or city school boards of this state, as the word "employee" is defined in R.S. 17:1205, who is injured or disabled while acting in his official capacity as a result of physical contact with a student while providing physical assistance to a student to prevent danger or risk of injury to the student, shall receive sick leave for a period up to ninety days without reduction in pay and without reduction in accrued sick leave days while injured or disabled as a result of rendering such assistance. Such employee shall be required to present a certificate from a physician certifying such injury or the disability. Nothing in this Section shall prohibit a city or parish school board from extending this period beyond ninety days.

C. ~~At any time during the period of certified disability, if the school board questions the validity or accuracy of the physician certification, the board may require the employee be examined by a physician selected by the board. In such a case, the board shall pay all costs of the examination and any tests determined to be necessary. If the physician selected by the board certifies the disability, the leave shall be granted or continued as appropriate. If the physician selected by the board disagrees with the certification of the~~

physician selected by the employee, the board may require the employee to be examined by a third physician whose name appears next in the rotation of physicians on a list established by the local or state medical society for such purpose and maintained by the board. All costs of an examination and any tests required by a third physician shall be paid by the board. The opinion of the third physician shall be determinative of the issue.

D.(1) The school board shall not reduce the pay or accrued sick leave of an employee who is absent from his duties to seek medical attention or treatment as a result of an injury as provided in this Section.

(2) If the employee's physician determines that he is able to return to active service as a school employee with restrictions and the board does not allow the employee to return to active service as a school employee subject to those restrictions, then the employee's leave shall be granted or continued, as appropriate, as provided in this Section.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 228

HOUSE BILL NO. 608
BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact R.S. 56:1901, 1902(1) 1903, 1904(A), (B)(introductory paragraph), (C)(2), (D), (E), and (H), and 1907 and to enact R.S. 56:1902(3) and 1904(C)(3), (I), (J), and (K), relative to threatened and endangered species conservation; to include native plants in the species to be conserved by the Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:1901, 1902(1), 1903, 1904(A), (B)(introductory paragraph), (C)(2), (D), (E), and (H), and 1907 are hereby amended and reenacted and R.S. 56:1902(3) and 1904(C)(3), (I), (J), and (K) are hereby enacted to read as follows:

§1901. Legislative findings and declarations

The Louisiana Legislature finds:

A. That it is the policy of this state to conserve species of wildlife and native plants for human enjoyment, for scientific purposes, and to insure their perpetuation as viable components of this state's economic and ecologic ecological systems;

B. That species of wildlife and native plants normally occurring within this state which may be found to be threatened or endangered within the state should be accorded such protection as is necessary to maintain and to enhance their numbers;

C. That the state should assist in the protection of species of wildlife which that are determined to be "threatened" or "endangered" elsewhere pursuant to the ~~Federal~~ federal Endangered Species Act of 1973, 16 U.S.C. 1531 et seq., as concurred in by the Louisiana Wildlife and Fisheries Commission, by prohibiting the taking, possession, transportation, exportation from the state, processing, sale or offer for sale or shipment within this state of such endangered species, or by carefully regulating such activities with regard to such species. Exceptions to such prohibitions, for the purpose of enhancing the conservation of such species, may be permitted as set forth elsewhere in this Part; and.

D. That funding for the conservation of threatened or endangered species and native plants may be made available to the Louisiana Department of Wildlife and Fisheries annually by appropriations from the general fund of the state. Additionally, sources other than those normally used by the department to support its present wildlife programs may be utilized, including but not limited to federal funding through Section 6 of the federal Endangered Species Act of 1973 and to that extent the department may enter into cooperative agreements with the proper authorities of the government of the United States, issue and promote the sale of "Endangered Species" stamps or utilize such other methods as are deemed appropriate to accomplish the purposes of this Part.

§1902. Definitions

For the purpose of this Part:

(1) "Threatened or endangered species" shall mean any species of wildlife or native plant determined by the secretary of the Department of Wildlife and Fisheries or by the secretary of the Interior of the United States with concurrence by the Wildlife and Fisheries Commission to be of a class that requires protective regulation to prevent its extinction or the destruction or deterioration of its economic usefulness within this state, presently or in the foreseeable future.

(3) "Native plant" shall mean any nonvascular or vascular plant occurring outside of cultivation, excluding species that are known to have escaped cultivation or to have been intentionally or unintentionally introduced from outside of Louisiana since European colonization.

§1903. Conservation, study, regulation; authority

A. The Louisiana Department of Wildlife and Fisheries is authorized to conserve resident species of wildlife or native plants, and those species determined to be threatened or endangered by the secretary and the secretary of the Interior of the United States, and to formulate conservation programs and plans, to be submitted to the secretary of Interior for review.

B. The Louisiana Department of Wildlife and Fisheries is authorized to conduct investigations on resident wildlife or native plants in order to develop information relating to populations, distribution, habitat needs, limiting factors and other biological, economic, and ecological data to determine conservation measures necessary for their continued ability to sustain themselves successfully. On the basis of such determinations the commission may issue regulations designed to assist the continued ability of wildlife or native plants deemed in need of conservation to perpetuate themselves successfully. The department may conduct ongoing investigations of wildlife or native plants and the commission may from time to time amend such regulations.

C. The commission may establish such programs, including acquisition of land or aquatic habitat or interests therein, as are deemed necessary for the conservation of threatened or endangered species of wildlife or native plants. The commission may utilize all vested authority except the power of expropriation to carry out the purposes of this Part.

§1904. Threatened or endangered species, determination; notice; lists; regulations

A. Any species of wildlife or native plant determined by the secretary of the Louisiana Department of Wildlife and Fisheries to be an endangered or threatened species pursuant to the ~~Federal~~ federal Endangered Species Act shall be deemed to be an endangered or threatened species under the provisions of this Part.

B. In addition to the species deemed to be endangered or threatened pursuant to the ~~Federal~~ federal Endangered Species Act, the commission may by regulation determine whether any species of wildlife or native plant occurring within this state is an endangered or threatened species because of any of the following factors:

* * *

C. The secretary may make determinations required by Subsection B of this Section on the basis of the best scientific, commercial, and other data available to it and after consultation, as appropriate, with federal agencies, other interested state agencies, other states having a common interest in the species, and interested persons and organizations. The secretary may not add a species to nor remove a species from any list published pursuant to Subsection D of this Section unless he has first:

* * *

(2) Allowed at least thirty days following publication for comment from the public and other interested parties; however, that in cases where the department determines that an emergency situation exists involving the continued existence of such species as a viable component of the state's wildlife and native plants the department may add species to such lists provided it has published a public notice that such an emergency situation exists together with a summary of facts which support such determination.

(3) In determining whether any species of wildlife or native plant is an endangered species or a threatened species, the department shall take into consideration those actions, if any, being carried out or about to be carried out by the federal government, by other states, by other agencies of this state or political subdivisions thereof, or by any other person which may affect the species under consideration.

D.(1) The commission may issue regulations containing a list of all species of wildlife and native plants occurring within this state which are determined in accordance with Subsections A through C of this Section to be an endangered or threatened species. Each list shall refer to the species contained therein by scientific and common name or names, if any, and shall specify with respect to each such species over what portion of its range it is endangered or threatened.

(2) Except with respect to species of wildlife and native plants determined to be endangered or threatened pursuant to the ~~Federal~~ federal Endangered Species Act, the commission may upon the petition of an interested person conduct a review of any listed or unlisted species proposed to be removed from or added to the lists published pursuant to this Subsection, but only if it makes and publishes a public notice that such person has presented substantial evidence which warrants such a review.

E. Whenever any species of wildlife or native plant is listed as a threatened or endangered species pursuant to Subsection D of this ~~section~~ Section, the commission shall issue such regulations as it deems necessary and advisable to provide for the conservation of such species. The commission may, by regulation, prohibit with respect to any threatened or endangered species of wildlife any act prohibited under Subsection F of this ~~section~~ Section and with respect to any threatened or endangered species of native plant any act prohibited under Subsection H of this Section.

* * *

H. With respect to any threatened or endangered species of native plant, it is unlawful, except as provided in Subsection I of this Section, for any person subject to the jurisdiction of this state to:

(1) Willfully destroy or harvest any such species growing on the private land of another without first obtaining the written permission of the landowner or legal representative of the landowner.

(2) Willfully destroy or harvest any such species on any public land without a permit from the Louisiana Department of Wildlife and Fisheries and written permission from the agency owning the land. However, permits issued for species listed on the federal Endangered Species List under the federal Endangered Species Act of 1973, as amended, must be consistent with federal standards.

I. (1) With respect to native plant species, no provision of this Part shall apply to the following:

(a) The clearing or other disturbance of land for agricultural or silvicultural purposes.

(b) The clearing or removal of threatened or endangered plants by the landowner or his agent.

(c) The clearing of land by a public agency or a publicly or privately owned public utility when acting in the performance of its obligation to provide service to the public.

(d) The propagation and sale of legally harvested threatened or endangered plant species by entities of the horticultural and nursery industry that are licensed or permitted to operate under the Horticulture Commission Law, R.S. 3:3801 et seq.

(e) Any emission or discharge authorized pursuant to a permit, license, registration, or variance by the Department of Environmental Quality or any water intake for a facility that holds such permit, license, registration or variance.

(2) The provisions of this Part shall not be interpreted to authorize the department to designate critical habitat on private property.

J. Any law, regulation or ordinance of any political subdivision of this state which applies with respect to the taking, importation, exportation, possession, sale or offer for sale, processing, delivery, carrying, transportation or shipment of wildlife species determined to be endangered species or threatened species pursuant to this Part is void to the extent that it may effectively do either of the following:

(1) ~~Permit~~ ~~prohibit~~ what is prohibited by this Part or by any regulation which implements this Part, or

(2) ~~Prohibit~~ ~~prohibit~~ what is authorized pursuant to an exemption or permit provided for in this Part or in any regulation which implements this Part.

K. This Part shall not otherwise be construed to void any law, regulation or ordinance of any political subdivision of this state which is intended to conserve wildlife.

* * *

§1907. Penalties and enforcement

A. Violation of the provisions of R.S. 56:1904(C) or any regulations issued pursuant thereto constitutes a class four violation.

B. Violation of the provisions of R.S. 56:1904(F), or any regulations issued pursuant to R.S. 56:1904(E), or failure to procure any permit required by R.S. 56:1904(G), or violation of the terms of any such permit constitutes a class six violation. Any violation of the provisions of this Part or any regulation adopted pursuant to the provisions of this Part shall constitute a class six violation punishable under the provisions of R.S. 56:36.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 229

HOUSE BILL NO. 617
BY REPRESENTATIVE LEBAS
AN ACT

To amend and reenact R.S. 48:600.1(B)(1) and (4) and 600.2(B)(1) and (4), relative to district five and six road commissions of St. Landry Parish; to provide relative to the appointment of the commissioners of the boards of district five and six road commissions of St. Landry Parish; 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. 48:600.1(B)(1) and (4) and 600.2(B)(1) and (4) are hereby amended and reenacted to read as follows:

§600.1. District Five Road Commission of St. Landry Parish

* * *

B.(1) The commissioners of the board shall be appointed by the governing authority of the parish of St. Landry. The governing authority shall appoint one member from each of the ~~thirteen precincts~~ precinct within Police Jury District Five: as such districts are established at the time the appointments are being made and as certified by the St. Landry Parish register of voters. ~~who~~ Each member appointed shall be a resident of such precinct. ~~the precinct he is appointed to represent.~~ The governing authority of the parish shall attempt to achieve a racial balance when appointing the commissioners to the board.

* * *

(4) The terms of commissioners of the board appointed upon the expiration of the initial terms shall be ~~two~~ four years, and upon expiration of a term of office, the successor shall be appointed as provided in Paragraph B(1) of this Section Subsection. No commissioner shall serve for more than two terms. No person who has served as a commissioner for two consecutive four-year terms shall be appointed for the succeeding term.

* * *

§600.2. District Six Road Commission of St. Landry Parish

* * *

B.(1) The commissioners of the board shall be appointed by the governing authority of the parish of St. Landry. The governing authority shall appoint

one member from each of the ~~six precincts~~ precinct within Police Jury District Six: as such districts are established at the time the appointments are being made and as certified by the St. Landry Parish register of voters. ~~who~~ Each member appointed shall be a resident of such precinct. ~~the precinct he is appointed to represent.~~ The governing authority of the parish shall attempt to achieve a racial balance when appointing the commissioners to the board.

* * *

(4) The terms of commissioners of the board appointed upon the expiration of the initial terms shall be ~~two~~ four years, and upon expiration of a term of office, the successor shall be appointed as provided in Paragraph B(1) of this Section Subsection. No commissioner shall serve for more than two terms. No person who has served as a commissioner for two consecutive four-year terms shall be appointed for the succeeding term.

* * *

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 230

HOUSE BILL NO. 660
BY REPRESENTATIVES GARY CARTER
AND BOUIE AND SENATOR CARTER
AN ACT

To enact R.S. 17:161.1, relative to school buses in Orleans Parish; to require all school buses used to transport students to public schools in Orleans Parish to contain lettering identifying the name of the school or schools; 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. 17:161.1 is hereby enacted to read as follows:

§161.1. School buses in Orleans Parish; lettering requirements

Each school bus used to transport students to public schools in Orleans Parish shall contain lettering identifying the name of the school or schools for which it transports students. The lettering shall be black and in block form. The lettering shall be placed on both sides of the bus as high as possible to provide maximum visibility.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 231

HOUSE BILL NO. 675
(Substitute for House Bill No. 440 by Representative Davis)
BY REPRESENTATIVE DAVIS
AN ACT

To amend and reenact R.S. 37:2175.1(A)(1) and 2175.3(A)(9) and to enact R.S. 37:2171.3, relative to contractors; to require the provision of name, license, classification, and insurance information to certain persons; to provide for penalties; to require certain information be included in home improvement contracting agreements; to provide for prohibited acts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2175.1(A)(1) and 2175.3(A)(9) are hereby amended and reenacted and R.S. 37:2171.3 is hereby enacted to read as follows:

§2171.3. Notification of name, license number, and classification; evidence of required insurance

A. Any person required to be licensed pursuant to R.S. 37:2167 or registered pursuant to R.S. 37:2175.2 shall provide, in writing to the party with whom he has contracted to perform contracting services, his name, contracting license number, classification, and current insurance certificates evidencing the amount of liability insurance maintained and proof of workers' compensation coverage, regardless of whether such information is requested by the contracting party for whom the work is to be performed.

B. Failure by any person required to be licensed pursuant to R.S. 37:2167 or registered pursuant to R.S. 37:2175.2 to comply with the provisions of this Section shall be deemed a willful failure to comply with the provisions of this Chapter pursuant to R.S. 37:2158(A)(3).

C. Any person required to be licensed pursuant to R.S. 37:2167 or registered pursuant to R.S. 37:2175.2 shall produce to the appropriate permitting authority evidence of a license or registration in good standing prior to the issuance of any permit required by law.

* * *

§2175.1. Home improvement contracting; written contract required; right to cancel

A. Every agreement to perform home improvement contracting services, as defined by this Part, in an amount in excess of one thousand five hundred dollars, but not in excess of seventy-five thousand dollars, shall be in writing and shall include the following documents and information:

(1) The complete agreement between the owner and the contractor and a clear description of any other documents which are or shall be incorporated into the agreement, including current insurance certificates evidencing the amount of liability insurance maintained and proof of workers' compensation coverage by any person required to be licensed pursuant to R.S. 37:2167 or registered pursuant to R.S. 37:2175.2.

* * *

§2175.3. Home improvement contracting; prohibited acts; violations

A. The following acts are prohibited by persons performing home improvement contracting services:

* * *

(9) ~~Failing to possess any insurance required by federal law provide, in writing to the party with whom he has contracted to perform contracting services, his name, registration number, and current insurance certificates evidencing the amount of liability insurance maintained and proof of workers' compensation coverage, regardless of whether such information is requested by the contracting party for whom the work is to be performed.~~

* * *

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 232

SENATE BILL NO. 43
BY SENATOR MARTINY

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

AN ACT

To amend and reenact R.S. 13:2590(B), the introductory paragraph of 2590.1(B), and (C), relative to justice of the peace courts; to provide for court costs; to provide for distribution of court costs; to provide for court costs in certain parishes; to provide for agreements in cases with out-of-constable jurisdiction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2590(B), the introductory paragraph of 2590.1(B), and (C) are hereby amended and reenacted to read as follows:

§2590. Security for costs; ~~advanced costs deposit~~

* * *

B.(1) Fifty percent of ~~each fee and deposit such court costs~~ shall be retained by the justice of the peace for fees compensation and operational expenses of the office and court, and fifty percent of ~~the fees and deposits such court costs~~ shall be used for fees compensation and operational expenses of the ward constable's office.

(2) Notwithstanding Paragraph (1) of this Subsection, in cases with out-of-constable jurisdiction, the justice of the peace and his ward constable's office may enter into an agreement whereby the justice of the peace shall pay any applicable fees directly to the out-of-jurisdiction server. The justice of the peace shall pay such fees from his ward constable office's portion of the court costs.

* * *

§2590.1. Appointment of clerk of court; security for costs; ~~advanced costs deposit~~; East Baton Rouge Parish; Jefferson Parish

* * *

B. A justice of the peace in East Baton Rouge Parish and Jefferson Parish may demand and receive up to the following amounts in addition to or in lieu of the ~~fees and costs~~ provided for in R.S. 13:2590 for filings and services in civil matters:

* * *

C. ~~Each fee and deposit All amounts~~ received pursuant to Subsection B shall be retained by the justice of the peace in a separate account for fees compensation and operational expenses of the clerk of court's office.

* * *

Approved by the Governor, June 12, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 233

SENATE BILL NO. 23
BY SENATOR ALARIO AND REPRESENTATIVE BILLIOT

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

AN ACT

To provide relative to state highways; to designate the new bridge across Goose Bayou on Louisiana Highway 45 in Jefferson Parish as the "Jules Nunez Bridge"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The new bridge across Goose Bayou on Louisiana Highway 45 in Jefferson Parish is hereby designated as the "Jules Nunez Bridge".

Section 2. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of this designation provided local or private monies are received by the department equal to

the department's actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 234

SENATE BILL NO. 37
BY SENATOR MARTINY

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

AN ACT

To amend and reenact R.S. 37:2353(C)(5), 2354(B)(1), 2356(A)(6), and 2359(C), relative to the Louisiana State Board of Examiners of Psychologists; to provide for authority to conduct hearings; to provide for hearing fees; to provide for informal resolution fees; to provide for experience substitutions; to provide for authority to withhold license; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2353(C)(5), 2354(B)(1), 2356(A)(6), and 2359(C) are hereby amended and reenacted to read as follows:

§2353. State board of examiners; organization; duties; meetings; fees

* * *

C. The board is authorized and empowered to:

* * *

(5) Conduct hearings upon complaints concerning the disciplining of a ~~psychologist, provided that, notwithstanding a person licensed pursuant to the provisions of this Chapter and within the limitations established under Chapter 1-A of Title 37 of the Louisiana Revised Statutes of 1950, no disciplinary proceeding shall be commenced more than one year after the date upon which the board knows or should know of the act or omission upon which the disciplinary action is based.~~

* * *

§2354. Fees

* * *

B.(1) The board shall charge an application fee to all applicants for licensure. The board may also charge a written examination fee and an oral examination fee. ~~A hearing fee may also be charged at the discretion of the board.~~ The board shall establish a reasonable fee schedule in conformity with the provisions of the Administrative Procedure Act, R.S. 49:950 et seq.

* * *

§2356. Licensure of psychologists by written and oral examination

A. The board shall issue a license as a psychologist to each applicant who shall file an application upon a form and in such a manner as the board prescribes, accompanied by such fee as required by this Chapter, and who furnishes evidence to that board that, except as otherwise required by law, he:

* * *

(6) Has a minimum of two years of experience practicing psychology under the supervision of a psychologist, one year of which may be a predoctoral internship as defined in the rules and regulations of the board and required as part of the doctoral degree in psychology as defined by the board and all other experience being post-doctoral. Psychologists who can demonstrate five years of licensed practice as a psychologist in another state, with no disciplinary actions, may qualify to meet one year of post-doctoral experience as defined in the rules and regulations of the board.

* * *

§2359. Denial, revocation, or suspension of license; psychologist; provisional license; specialist in school psychology

* * *

C.(1) Proceedings for disciplinary action or for the denial or withholding of a license or provisional license under the authority of this Section shall be conducted in compliance with the Louisiana Administrative Procedure Act, R.S. 49:950 et seq. The board may require a person against whom it has taken disciplinary action has been taken by the board, after hearing or informal resolution, to pay reasonable costs of the proceedings incurred by the board for hearing and any judicial review, including attorney, stenographer, and witness fees in accordance with the provisions of this Chapter. These costs shall be paid no later than ~~thirty~~ ninety days after the adjudication by the board becomes final. No license or provisional license shall be issued, reinstated, or renewed until such costs have been paid.

(2) The board may charge a hearing fee to include reasonable costs and fees incurred by the board for the hearing or proceedings, including its legal fees, stenographer, investigator, staff, and witness fees and any such costs and fees incurred by the board on any judicial review or appeal.

(3) The board may charge an informal resolution fee, not to exceed ten thousand dollars, to include costs and fees incurred by the board for a disciplinary action that is resolved by settlement, consent decree, or other informal resolution including its investigator, staff, and legal fees.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to

become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 235

SENATE BILL NO. 38
BY SENATOR MORRELL

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

AN ACT

To amend and reenact R.S. 37:1103(7) and 1116(F) and to repeal R.S. 37:1103(14), relative to mental health counselors; to provide for changes to the definition of mental health counseling services; to provide for the repeal of the definition of serious mental illness; to provide for the repeal of provisions regarding consultation; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1103(7) and 1116(F) are hereby amended and reenacted to read as follows:

§1103. Definitions

* * *

(7) "Mental health counseling services" means rendering or offering prevention, assessment, diagnosis, and treatment, which includes psychotherapy, of mental, emotional, behavioral, and addiction disorders to individuals, groups, organizations, or the general public by a licensed professional counselor, that is consistent with his professional training as prescribed by R.S. 37:1107(A)(6), by a provisional licensed professional counselor, that is consistent with the requirements as prescribed by R.S. 37:1107(F), and code of ethics/behavior involving the application of principles, methods, or procedures of the mental health counseling profession. ~~However, nothing in this Chapter shall be construed to authorize any person licensed under the provisions of this Chapter to assess, diagnose, or provide treatment to any individual suffering from a serious mental illness, as defined by this Section, when medication may be indicated, except when a licensed professional counselor, in accordance with industry best practices, consults and collaborates with a practitioner who holds a license or permit with the Louisiana State Board of Medical Examiners or an advanced practice registered nurse licensed by the Louisiana State Board of Nursing who is certified as a psychiatric nurse practitioner. Moreover, except as provided in this Section, nothing in this Chapter shall be construed to authorize any person licensed hereunder to administer or interpret intellectual, personality, developmental, or neuropsychological tests in accordance with the provisions of R.S. 37:2352(5)(7), except as provided by Title 46, Part LXIII, Chapter 17, Section 1702(E) of the Louisiana Administrative Code, or engage in the practice of psychology or to prescribe, either orally or in writing, distribute, dispense, or administer any medications. If intellectual, personality, developmental, or neuropsychological tests are deemed necessary, the licensed professional counselor or provisional licensed professional counselor shall make an appropriate referral.~~

* * *

§1116. Licensure application for marriage and family therapists; provisional license; temporary license or temporary provisional license

* * *

F. Nothing in this Chapter shall be construed to authorize any person licensed under the provisions of this Chapter to assess, diagnose, or provide treatment to any individual suffering from a serious mental illness, as defined by R.S. 37:1103, when medication may be indicated, except when a licensed marriage and family therapist, in accordance with best practices, consults and collaborates with a practitioner who holds a license or permit with the Louisiana State Board of Medical Examiners or an advanced practice registered nurse licensed by the Louisiana State Board of Nursing who is certified as a psychiatric nurse practitioner. If intellectual, personality, developmental, or neuropsychological tests are deemed necessary, the licensed marriage and family therapist or provisional licensed marriage and family therapist shall make an appropriate referral.

Section 2. R.S. 37:1103(14) is hereby repealed.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 236

SENATE BILL NO. 59

BY SENATORS MILLS, JOHNS AND MORRISH

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

AN ACT

To enact Part VI of Chapter 14 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1251, relative to prescription drug price information; to provide for disclosure of certain information; to provide for required data; to provide for responsibilities of the Louisiana Board of Pharmacy; to provide for a website; to provide for definitions; to provide for grant funding opportunities; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VI of Chapter 14 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1251, is hereby enacted to read as follows:

PART VI. DISCLOSURE OF PRESCRIPTION DRUG PRICE INFORMATION
§1251. Disclosure of prescription drug price information

A.(1) The Louisiana Board of Pharmacy shall develop a website to contain prescription drug price information to be made available to Louisiana prescribers on the board's website with a dedicated link that is prominently displayed on the board's home page, or by a separate easily identifiable internet address.

(2) The website shall include, at a minimum, the following data elements, separated by therapeutic category:

(a) Name of the product.

(b) Whether the drug is a brand name or a generic.

(c) Drug strength.

(d) Per-unit wholesale acquisition cost of the drug.

(e) Any disclaimers deemed appropriate by the board.

(3) When a pharmaceutical marketer engages in any form of prescription drug marketing directly to a prescriber, his designee, or any member of his staff, the marketer may disclose the website's internet address and inform the prescriber that he may access the website to obtain information on the cost of prescription drugs. The provisions of this Section shall only apply to pharmaceutical marketing engaged in by a pharmaceutical marketer and a prescriber licensed by the state of Louisiana, his designee, or any member of his staff, while physically present in the state of Louisiana.

(4) The board shall have the authority to enter into a contract for the administration of the board's responsibilities pursuant to this Section.

(5) Each health profession licensing board that regulates individuals with prescriptive authority in Louisiana shall advise the licensees of the board at least once annually of the opportunity to access this website.

B. For purposes of this Section:

(1) "Wholesale acquisition cost" means, with respect to a pharmaceutical drug or biological product, the manufacturer's list price for the pharmaceutical drug or biological product to wholesalers or direct purchasers in the United States for the most recent month for which the information is available, as reported in wholesale price guides or other publications of pharmaceutical drug or biological product pricing data, not including prompt pay or other discounts, rebates, or reductions in price.

(2) "Pharmaceutical marketer" means a person who, while employed by or under contract to represent a pharmaceutical manufacturing company engages in marketing activities of prescription drugs.

(3) "Prescription drug" means a pharmaceutical drug that legally requires a prescription to be dispensed.

(4) "Prescription drug marketing" means in-person meetings, mailings, telephonic conversations, video conferencing, and electronic mail activities with prescribers.

(5) "Prescriber" means a physician or any other person authorized to prescribe prescription drugs or any other person on their staff who receives prescription drug marketing materials.

C.(1) Implementation of this Section shall be contingent upon the Louisiana Board of Pharmacy's obtaining grant funds from private entities for the development, implementation, operation, and continued maintenance of the drug pricing disclosure website.

(2) The board shall actively seek grant funding to implement the provisions of this Section. Within ten months of successful receipt of grant funds sufficient in amount to implement the provisions of this Section, the board shall make the drug pricing disclosure website available to prescribers.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 237

SENATE BILL NO. 66

BY SENATORS BARROW AND THOMPSON

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

AN ACT

To amend and reenact R.S. 36:4(B)(8) and R.S. 46:2402(3) and (6), 2403(A), (D)(1) and (E), 2404(A), (B), and (G), 2405, 2406(A), (B), (D), (E), (F) and (G), 2407, 2605(A)(6) and (B)(11), and 2607, to enact R.S. 46:2404(H), 2405.1, 2603(A)(7), and 2605(A)(7) and (B)(17), and to repeal R.S. 36:478(F) and (K) and 802.9 and R.S. 46:450.4, 2405(B), 2605(B)(12) and (31), and Chapter 62 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2801, relative to the Children's Cabinet, the Children's Trust Fund, and related governmental entities with functions pertaining to child welfare; to revise the termination date of the Children's Cabinet; to provide for the membership and duties of the Children's Cabinet Advisory Board; to provide for the repeal of the Child Poverty Prevention Council for Louisiana and the Community-based Family Center Program of the Louisiana Children's Trust Fund Board; to provide for the transfer of the Children's Trust Fund to the Children's Cabinet; to provide for duties of the Children's Cabinet relative to the Children's Trust Fund; to provide for Children's Trust Fund staff reallocation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:4(B)(8) is hereby amended and reenacted to read as follows:

§4. Structure of executive branch of state government

* * *

B.

* * *

(8) The Children's Cabinet and the Children's Cabinet Advisory Board, as more specifically provided in R.S. 46:2601 through 2607, the Children's Trust Fund, as more specifically provided in R.S. 46:2401 through 2407, and the Council on the Status of Grandparents Raising Grandchildren, as more specifically provided in R.S. 46:2605.1 through 2605.3, shall be placed within the office of the governor.

* * *

Section 2. R.S. 46:2402(3) and (6), 2403(A), (D)(1) and (E), 2404(A), (B), and (G), 2405, 2406(A), (B), (D), (E), (F) and (G), 2407, 2605(A)(6) and (B)(11), and 2607 are hereby amended and reenacted and R.S. 46:2404(H), 2405.1, 2603(A)(7), and 2605(A)(7) and (B)(17) are hereby enacted to read as follows:

§2402. Definitions

Except where the context clearly indicates otherwise, in this Chapter:

* * *

(3) "Department" means the Department of Children and Family Services. "Cabinet" means the Children's Cabinet, as provided for in R.S. 46:2601 et seq.

* * *

(6) "Office" means the office of ~~children and family services~~ the governor.

* * *

§2403. Creation of the Children's Trust Fund

A. There is hereby established a special fund in the state treasury to be known as the "Children's Trust Fund", consisting of monies provided by the legislature and monies received from any other sources, including funds derived from donations of income tax refunds as provided in R.S. ~~47:120.33~~ 47:120.35 and funds derived from fees as provided in Subsection B hereof of this Section. The legislature shall make yearly appropriations to the fund for the purposes set forth in this Chapter to the extent that state funds are available.

* * *

D.(1) The monies in the fund shall be used solely for programs designed to prevent the physical and sexual abuse and gross neglect of children. Disbursement of the amount appropriated each year shall be made as determined by the Children's Cabinet with consideration of recommendations made by the Children's Trust Fund Board. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain to the credit of the fund.

* * *

E. The ~~board~~ Children's Cabinet shall determine the eligibility of programs to receive funding based upon a nonbiased system of scoring by volunteer grant reviewers and recommendations by the Children's Trust Fund Board, and the administration of the fund shall be exercised by the office of children and family services of the Department of Children and Family Services in accordance with the directives of the ~~board~~ cabinet and the provisions of R.S. ~~36:802.9~~ 36:4(B)(8) and R.S. 46:2407.

§2404. Louisiana Children's Trust Fund Board; created; membership

A. There is hereby established the Louisiana Children's Trust Fund Board within the office of children and family services of the Department of Children and Family Services, which shall serve as a subcommittee of the Children's Cabinet.

B.(1) The Louisiana Children's Trust Fund Board shall be composed of fifteen members as follows:

(1) The secretary of the Department of Children and Family Services, or his designee. (a) The executive director of the Children's Cabinet, or his designee.

~~(2)(b) The assistant secretary of the office of children and family services~~ child welfare of the Department of Children and Family Services, or his designee.

(c) The assistant secretary of the office of juvenile justice of the Department of Public Safety and Corrections, or his designee.

~~(3)(d)~~ A representative of each of the following, appointed by the governor, subject to Senate confirmation:

~~(a)(i)~~ The Department of Education.

~~(b)(ii)~~ The religious community.

~~(c)~~ The office of juvenile justice of the Department of Public Safety and Corrections.

~~(d)(iii)~~ The university community.

(iv) The early childhood community.

~~(4)(e)~~ One member appointed by the governor, subject to Senate confirmation, from each of ~~ten~~ eight lists of three names, one such list to be submitted by each of the following:

~~(a)(i)~~ The Louisiana State Medical Society.

~~(b)(ii)~~ The Louisiana Council of Juvenile and Family Court Judges.

~~(c)(iii)~~ The Louisiana State Bar Association.

~~(d)(iv)~~ The Louisiana Chapter of the National Association of Social Workers.

~~(e)(v)~~ The Louisiana Association of Chamber of Commerce Executives.

~~(f)~~ The Louisiana Association for Education of Young Children.

~~(g)(vi)~~ The Louisiana Psychological Association.

~~(h)(vii)~~ The Louisiana State Conference of the National Association for the Advancement of Colored People.

~~(i)(viii)~~ The National Business League, New Orleans Chapter.

~~(5)(2)~~ In making his appointments as provided in this Subsection, the governor shall provide for geographic representation of all areas of the state and for representation of minority groups.

* * *

G. The board shall make recommendations to the Children's Cabinet on the following:

(1) ~~Promulgate rules~~ Rules and regulations necessary to implement the provisions of this Chapter.

(2) ~~Review, evaluate, adopt, coordinate, and revise the~~ The comprehensive state plan for child abuse prevention, as provided in R.S. 46:2406 and funded through the Children's Trust Fund.

(3) ~~Have the authority to contract, in accordance with applicable provisions of state law, for the provision of services needed to coordinate, develop, and write a comprehensive state plan for child abuse prevention.~~

(4) ~~Review, evaluate, and award grants~~ Funding amounts of grant proposals from the fund for child abuse and neglect prevention programs as provided in R.S. 46:2407.

(5) ~~Prepare and submit an annual report to the legislature and to the governor sixty days prior to each regular legislative session.~~

~~(6)(4)~~ Adopt the budget request Budget requests for the board that if approved by the cabinet shall be presented by the executive director of the cabinet to the and present it to the office of children and family services, the governor and the executive budget office, and the Joint Legislative Committee on the Budget.

~~(7)(5)~~ Monitor, evaluate, and review the The development and quality of services and child abuse prevention programs funded through the Children's Trust Fund.

~~(8)~~ Develop, implement, and administer a community-based family center program in accordance with R.S. 46:450.4.

H. The board shall prepare and submit to the cabinet for review an annual report regarding the status of the fund that, once approved by the cabinet, shall be submitted to the legislature sixty days prior to each regular legislative session.

§2405. Louisiana Children's Trust Fund Board; staff; duties

A. The board, with the approval of the secretary of the department executive director of the Children's Cabinet, shall appoint an executive director for the board who shall be in the unclassified service and who shall report to the executive director of the Children's Cabinet.

C. The executive director of the board shall perform duties and functions as required by the board and under the direction of the executive director of the cabinet.

(1) Prepare the annual budget request for the board for adoption by the board.

(2) Act as agent for the board in the performance of its duties and subject to its direction and serve as secretary of the board.

§2405.1. Louisiana Children's Trust Fund; transfer to Children's Cabinet; report to legislature

On or before August 1, 2019, the Children's Trust Fund coordinator and the executive director of the Children's Cabinet shall prepare and submit to the standing legislative committees on health and welfare a comparative analysis and report concerning the operations of the Children's Trust Fund during the period prior to, and during the period after, the enactment of the provisions of R.S. 46:2404(A) which transferred the Children's Trust Fund from within the Department of Children and Family Services to the Children's Cabinet.

§2406. Comprehensive state plan for child abuse prevention

A. The board shall ~~review and adopt~~ make recommendations to the cabinet regarding the comprehensive state plan and any revision thereof, prior to transmittal of the plan as provided in this Section for child abuse prevention programs.

B. ~~On or before January 1, 1989, the board~~ The cabinet shall transmit the comprehensive state plan for child abuse prevention programs funded through the Children's Trust Fund to the governor, the president of the Senate, and the speaker of the House of Representatives every five years

beginning on January 1, 2018, and shall review the plan for necessary changes annually.

* * *

D. The board shall ~~by rule~~ recommend rules to the cabinet that establish procedures for preparation and adoption of the plan.

E. Prior to adoption of the state plan, the ~~board cabinet~~ shall submit the plan it proposes to adopt to the ~~Committees on Health and Welfare committees on health and welfare~~ of the Senate and House of Representatives for their approval as provided in R.S. 49:968. The comprehensive state plan shall be subject to approval as provided in R.S. 49:968.

F. The board shall review the state plan at least biennially and ~~the board shall adopt~~ make recommendations to the cabinet regarding any needed revision.

G. The Department of Children and Family Services, the Department of Public Safety and Corrections, and the Department of Education shall participate and cooperate in the development of the state plan as deemed necessary by the cabinet.

§2407. Funding of children's trust fund programs

A. ~~The board in its annual budget request,~~ cabinet shall identify the amount of funds necessary for the implementation of this Chapter.

B. Monies appropriated or otherwise made available to the ~~board cabinet~~ to implement the provisions of this Chapter shall be disbursed as follows:

(1) ~~The board cabinet~~ shall adopt a formula based on a recommendation by the board for the distribution of funds from the Children's Trust Fund for programs and services for child abuse prevention which shall provide for the allocation of funds in each state planning district based upon the percentage of the total state reported cases of abuse and neglect reported in the state planning district and the percentage of the total state population under the age of eighteen years and upon the service and program needs of the district; and ~~after January 1, 1989,~~ the comprehensive state plan.

(2) Any funds which are not utilized within a state planning district shall be reallocated to the remaining districts in accordance with the formula required by Paragraph (1) of this Subsection.

(3) Ten percent of the amount appropriated to the ~~board cabinet~~ may be used for administrative costs of the board. ~~This ten percent limitation shall not apply to costs for plan development and shall include provisions for staff support.~~

C. Appropriations made for distribution by the ~~board cabinet~~ for programs and services shall be deposited in the fund and shall be disbursed by the office in accordance with directives of the ~~board cabinet.~~

D. ~~(1)~~ The board shall develop and, once approved by the cabinet, publish solicitations for grant proposals for grants to be funded from the Louisiana Children's Trust Fund for child abuse prevention programs and services which are designed to meet identified priorities.

~~(1)(2)~~ After January 1, 1989, these priorities Priorities shall be based upon information contained in the comprehensive state plan.

~~(2)(3)~~ A priority ranking shall be made based upon the extent to which a proposal meets identified needs, criteria for cost effectiveness, an evaluation component providing outcome data, and a determination that the proposal provides a mechanism for coordinating and integrating preventive services with other services deemed necessary for working effectively with families who are at risk of child abuse or neglect. Priority shall be given to primary and secondary prevention programs and services.

E. ~~The office board~~ shall review and evaluate all proposals submitted for grants for children's trust fund programs funding and services and make recommendations to the cabinet regarding grant awards. The cabinet shall make the final approval of grant awards.

F. ~~On and after January 1, 1989, all~~ All budget requests submitted by any private nonprofit agency to the legislature for funding of programs related to child abuse prevention shall conform to the ~~comprehensive state plan~~ application process and any subsequent revision of the plan adopted pursuant to the provisions of this Chapter. ~~The services and programs of the Department of Children and Family Services or any other public agency shall not be subject to the provisions of this Subsection.~~

* * *

§2603. Children's Cabinet; powers and duties

A. In order to carry out the purposes of this Chapter and the purposes for which it is created, the Children's Cabinet shall:

* * *

(7) Administer the Children's Trust Fund provided for in R.S. 46:2401 et seq.

* * *

§2605. Children's Cabinet Advisory Board

A. The Children's Cabinet Advisory Board, hereinafter referred to as the "advisory board", is hereby created. The purpose of the advisory board shall be to provide information and recommendations from the perspective of advocacy groups, service providers, and parents. Primary responsibilities of the Children's Cabinet Advisory Board are:

* * *

(6) To make recommendations to the Children's Cabinet, through the executive director, as to specific programs with the greatest potential for reducing child poverty and funding opportunities for the implementation of such programs.

(7) To make an annual report to the legislature, the Senate Committee on Health and Welfare, the House Committee on Health and Welfare, the Select Committee on Women and Children, and any other legislative committee requesting a copy of the annual report; by January thirty-first summarizing. The report shall summarize the well-being of Louisiana's children, the

accomplishments of the past year, and specific goals and priorities for the next fiscal year.

B. The advisory board shall be composed of the following members:

* * *

(11) ~~The deputy secretary of the office of children and family services~~ assistant secretary of child welfare of the Department of Children and Family Services.

* * *

(17) A representative of the Louisiana Policy Institute for Children.

* * *

§2607. Termination

The existence of the Children's Cabinet shall terminate, all legal authority therefor shall cease, and this Chapter shall be repealed on ~~August 15, 2018~~ August 1, 2022.

Section 3. R.S. 36:478(F) and (K) and 802.9 and R.S. 46:450.4, 2405(B), 2605(B) (12) and (31), and Chapter 62 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2801, are hereby repealed in their entirety.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 238

SENATE BILL NO. 69

BY SENATORS CARTER AND THOMPSON

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

AN ACT

To enact R.S. 2:2, relative to unmanned aircraft; to provide for definitions; to provide exclusive jurisdiction to the state in the regulation of such systems; to preempt local ordinances, rules, regulations, and codes; to provide for federal preemption; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 2:2 is hereby enacted to read as follows:

§2. Regulation of unmanned aerial systems and unmanned aircraft systems; preemption

A. Subject to the provisions of Subsection C of this Section and except as otherwise provided by law:

(1) The state shall have exclusive jurisdiction to regulate all unmanned aircraft systems and all unmanned aerial systems.

(2) State law shall supersede and preempt any rule, regulation, code, or ordinance of any political subdivision or other unit of local government.

B. As used in this Section, the following phrases shall have the following meanings:

(1) "Unmanned aerial system" means an unmanned aircraft and all associated support equipment, control station, data links, telemetry, communications, and navigation equipment necessary to operate the unmanned aircraft. The system may include drones, remote-controlled aircraft, unmanned aircraft, or any other such aircraft that is controlled autonomously by computer or remote control from the ground.

(2) "Unmanned aircraft system" means an unmanned, powered aircraft that does not carry a human operator, may be autonomous or remotely piloted or operated, and may be expendable or recoverable. "Unmanned aircraft system" does not include any of the following:

(a) A satellite orbiting the earth.

(b) An unmanned aircraft system used by the federal government or a person who is acting pursuant to contract with the federal government to conduct surveillance of specific activities.

(c) An unmanned aircraft system used by the state government or a person who is acting pursuant to a contract with the state government to conduct surveillance of specific activities.

(d) An unmanned aircraft system used by a local government law enforcement agency or fire department.

(e) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by the Louisiana Public Service Commission, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property located on the immovable property belonging to such business.

(f) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by a local franchising authority, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property located on the immovable property belonging to such business.

(g) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by the Federal Communications Commission under the Cable Television Consumer Protection and Competition Act of 1992 or under Part 73 of Title 47 of the United States Code of Federal Regulations, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, servitude, or any property located on the immovable property belonging to such business.

(h) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of a municipal or public utility while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance

of a facility, servitude, or any property located on the immovable property belonging to such municipal or public utility.

(i) An unmanned aircraft system used by a person, affiliate, employee, agent, or contractor of any business that is regulated by the Federal Railroad Administration, while acting in the course and scope of his employment or agency relating to the operation, repair, or maintenance of a facility, equipment, servitude, or any property located on the immovable property belonging to such business.

C. If federal law or regulation preempts any provision of this Section, that provision of this Section shall be null.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 239

SENATE BILL NO. 81
BY SENATOR BISHOP

(On Recommendation of the Louisiana State Law Institute)

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

AN ACT

To amend and reenact Children's Code Articles 405(A) and (B), 1016(A), and 1025.4(A)(2), and to enact Children's Code Articles 116(4.1), 643(C), 1004(D)(6), 1015(10), and 1023(C), relative to curators; to provide for definitions; to provide for the payment of fees; to provide relative to unidentified parents; to provide relative to termination of parental rights; to provide relative to right to counsel; to provide relative to conference scheduling; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 405(A) and (B), 1016(A), and 1025.4(A)(2) are hereby amended and reenacted and Children's Code Articles 116(4.1), 643(C), 1004(D)(6), 1015(10), 1023(C) are hereby enacted to read as follows:

Art. 116. Definitions

Except where the context clearly indicates otherwise, these definitions apply for the following terms used throughout this Code.

(4.1) "Diligent effort to locate" means efforts made by a curator that, under the circumstances known to the curator, are reasonably calculated to locate an absentee. Such efforts may include a review of court records, department records, law enforcement records, vital records, military records, directory assistance, internet search sites, and licensing agencies. Publication shall not be required except as specifically provided in this Code.

Comments - 2017

The list in Article 116(4.1) is illustrative only. What constitutes a diligent effort is decided on a case-by-case basis. The capacity to conduct searches on the Internet has become readily available and is highly effective; thus, preference should be given to internet searches, particularly in lieu of or prior to publication.

Art. 405. Court or witness fees; travel expenses

A. Except as otherwise provided by law, no court or witness fees shall be allowed against any party to a petition, and no salaried officer of the state or of any parish or municipality therein shall be entitled to receive any fee for the service or for attendance in court in any such proceedings. Except as otherwise provided in R.S. 13:4521, all other persons acting under orders of the court may be paid in the same manner as in the district court for services or service of process and attendance or serving as witnesses, the fees provided by law for like services in cases before the district court.

B. The court may authorize the payment of necessary travel expenses to witnesses attending in response to summons and the payment of curator fees to be fixed by the court. Such Travel expenses, when authorized by the court, shall be paid from the general fund of the parish or other funds available to the court. Except in proceedings initiated by the state, the court may authorize the payment of curator expenses and fees, which, if so authorized, shall be fixed by the court and paid by petitioners.

Art. 643. Service; absentee or unidentified parent; curator ad hoc

C. If the father is unidentified, it is not necessary to appoint a curator ad hoc for that parent. The father shall be considered unidentified if the biological father's name is not provided on the birth certificate, there is no presumed father, and no party to the proceedings or the mother, if not a party, is able to provide a first and last name of a putative father or alias sufficient to provide a reasonable possibility of identification and location.

Art. 1004. Petition for termination of parental rights; authorization to file

* * *

D. The department may petition for the termination of parental rights of the parent of the child when any of the following apply:

* * *

(6) The child is in foster care and, despite diligent efforts by the department to identify the child's father, his identity is unknown and termination is authorized by Article 1015(10).

* * *

Art. 1015. Grounds

The grounds for termination of parental rights are:

* * *

(10) The child is in the custody of the department pursuant to a court order for at least one year, unless sooner permitted by the court, and the identity of the child's father remains unknown and all the following have occurred:

(a) In the course of investigating the case and providing services to the family the department has been unable to learn the identity of the father.

(b) No party to the proceedings or the mother, if not a party, is able to provide a first and last name of a putative father or alias sufficient to provide a reasonable possibility of identification and location.

(c) The department has obtained all of the following:

(i) A certified copy of the child's birth certificate with no one indicated thereon as the father of the child, or the father listed has been determined not to be the biological father of the child.

(ii) A recent certificate from the putative father registry indicating that no person is listed or registered as the child's father.

(iii) A recent certificate from the clerk of court in the parish in which the child was born indicating that no acknowledgment with respect to this child has been recorded.

* * *

Art. 1016. Right to counsel

A. The child and the identified parent shall each have the right to be represented by separate counsel in a termination proceeding brought under this Title. Neither the child nor anyone purporting to act on his behalf may be permitted to waive the child's right to counsel.

* * *

Art. 1023. Service; absentee parent; unidentified father

* * *

C. If the father is unidentified, it is not necessary to appoint a curator ad hoc for that parent. The father shall be considered unidentified if the biological father's name is not provided on the birth certificate, there is no presumed father, and no party to the proceedings or the mother, if not a party, is able to provide a first and last name of a putative father or alias sufficient to provide a reasonable possibility of identification and location.

* * *

Art. 1025.4. Prehearing and scheduling conference; order

A. At the appearance, on its own motion or on motion of counsel, the court shall direct counsel for the petitioner, for the parents, and for the child to appear before it for a conference to consider the following:

* * *

(2) Efforts to identify and locate an unidentified or absent parent and relatives or other individuals willing and able to offer a wholesome and stable home for the child.

* * *

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 240

SENATE BILL NO. 90

BY SENATORS ERDEY, ALARIO, ALLAIN, APPEL, BOUDREAUX, CORTEZ, DONAHUE, FANNIN, GATTI, JOHNS, LAFLEUR, LAMBERT, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, PEACOCK, PERRY, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES AMEDEE, BACALA, BROADWATER, CHAD BROWN, TERRY BROWN, ROBBY CARTER, STEVE CARTER, COX, EDMONDS, FOIL, GLOVER, HOFFMANN, HOWARD, GREGORY MILLER, NORTON, POPE AND THIBAUT

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

AN ACT

To amend and reenact R.S. 17:1681.1(A) and (B), relative to scholarships for children of certain law enforcement officers and other investigative employees killed or permanently disabled in the performance of duty; to allow use of the scholarships for part-time attendance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1681.1(A) and (B) are hereby amended and reenacted to read as follows:

§1681.1. Scholarships for children of police officers, deputy sheriffs, or certain probation and parole officers killed or permanently disabled in performance of duty; certain other investigative employees

A. Any child of a police officer, deputy sheriff, or adult probation and parole officer within the division of probation and parole of the Department

of Public Safety and Corrections who was or is killed or permanently disabled after January 1, 1973, in the course and scope of the performance of his duties as such, which child is otherwise eligible and meets all of the entrance requirements of a college or university, shall be admitted to such college or university without the payment of any fees or other charges for tuition, books, reference manuals, and other aids to instruction required in any ~~undertaken for any required~~ course and, ~~for full-time students only,~~ room and board as long as such child meets the academic standards and complies with the rules and regulations of such college or university required for attendance therein as a full-time student. Such exemption shall exist for such child for the number of semesters required of a full-time student to obtain one bachelor's degree offered by such college or university.

B. In no event shall such a scholarship exceed eight semesters for any one child: (1) A scholarship awarded to a student pursuant to this Section shall be provided for the time period required for the student to earn one undergraduate degree or one vocational or technical certificate or diploma.

(2) Such scholarship shall cover not more than:

(a) One hundred twenty hours of course work required to earn a bachelor's degree.

(b) Seventy-five hours of course work required to earn an associate's degree.

(c) Sixty hours of course work required to earn a vocational or technical certificate or diploma.

(3) Notwithstanding the provisions of Paragraph (2) of this Subsection, for a student who first earns a transferable associate's degree from a public two-year institution and then transfers to a public four-year college or university, the scholarship provided in this Section shall cover an additional sixty hours of course work required to earn a bachelor's degree.

* * *

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

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 241

SENATE BILL NO. 96

BY SENATORS JOHNS AND THOMPSON

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

AN ACT

To amend and reenact R.S. 40:1007(A), (B), the introductory paragraph of (E), the introductory paragraph of (F), (I), and (J), 1008(A), and 1009(A) and (B) and to enact R.S. 40:1003(15) and 1007(E)(5), (6), and (7), and (K), relative to the prescription monitoring program; to provide for definitions; to provide for access to prescription monitoring information; to provide for immunity; to provide for education and training; to provide for penalties; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1007(A), (B), the introductory paragraph of (E), the introductory paragraph of (F), (I), and (J), 1008(A), and 1009(A) and (B) are hereby amended and reenacted and R.S. 40:1003(15) and 1007(E)(5), (6), and (7), and (K) are hereby enacted to read as follows:

§1003. Definitions

As used in this Part, the following terms shall have the meaning ascribed to them unless the context clearly indicates otherwise:

* * *

(15)(a) "Audit trail information" means information submitted or produced regarding requests for prescription monitoring program data that the board or other individual as specified by this Part uses to help monitor compliance with this Part and other applicable statutes, rules, or regulations.

(b) "Audit trail information" shall not include any information produced or requested by the Louisiana legislative auditor.

* * *

§1007. Access to prescription monitoring information **and audit trail information**

A. Except as provided in Subsections C, D, E, F, G, H, and I of this Section, prescription monitoring information submitted to the board **and audit trail information** shall be protected health information, not subject to public or open records law, including but not limited to R.S. 44:1 et seq., and not subject to disclosure. Prescription monitoring information **and audit trail information** shall not be available for civil subpoena from the board nor shall such information be disclosed, discoverable, or compelled to be produced in any civil proceeding nor shall such records be deemed admissible as evidence in any civil proceeding for any reason. Notwithstanding this provision, law enforcement and professional licensing, certification, or regulatory agencies may utilize prescription monitoring information **and audit trail information** in the course of any investigation and subsequent criminal and administrative proceedings, but only in accordance with federal and state law and the requirements of this Part.

B. The board shall maintain procedures to ensure that the privacy and confidentiality of patients and patient information collected, recorded, transmitted, and maintained, as well as audit trail information, is not disclosed to persons or entities except as in Subsections C, D, E, F, G, H, **and I, and J** of this Section.

* * *

E. The following persons, ~~after successful completion of the educational courses identified in R.S. 40:1008~~, may access prescription monitoring information at no cost and in the same or similar manner, and for the same or similar purposes, as those persons are authorized to access similar protected health information under federal and state law and regulation:

* * *

(5) A medical examiner or coroner, or a delegate thereof, for the purpose of investigating an individual's death.

(6) A licensed substance abuse addiction counselor providing services as part of a state-licensed substance abuse or addiction treatment program.

(7) A probation or parole officer for the purpose of monitoring an offender's compliance with participation in a drug diversion program or with other conditions of probation or parole related to monitored drugs.

F. The board may provide a report containing prescription monitoring information upon application of local, state, out-of-state, and federal law enforcement or prosecutorial officials, including judicially supervised specialty courts within the criminal justice system that are authorized by the Louisiana Supreme Court, engaged in the administration, investigation, or enforcement of the laws governing controlled substances or other drugs of concern in compliance with and as limited by the relevant requirements of any of the following:

* * *

I. The board may provide prescription monitoring information to ~~an individual who requests his personal prescription monitoring information in accordance with procedures established by board regulation.~~ the following in accordance with procedures established by board regulation:

(1) An individual who requests his personal prescription monitoring information.

(2) A parent, legal guardian, or legal healthcare agent, for the purpose of reviewing the history of monitored drugs dispensed to a child or an individual for whom the agent makes healthcare decisions, to the extent consistent with federal and state confidentiality laws and regulations.

(3) An executor of a will, or a court-appointed succession representative of an estate, for the purpose of reviewing the history of monitored drugs dispensed to a deceased individual.

J. The board and the advisory council shall be immune from civil liability arising from inaccuracy of any of the information submitted to the board pursuant to this Part. The board may disclose audit trail information to individuals identified in Paragraph (E)(2) and Subsections F and I of this Section for use in an active investigation of an individual who submitted requests for prescription monitoring information.

K.(1) The board and advisory council shall not be subject to civil liability, administrative action, or other legal or equitable relief for any of the following:

(a) Failure to possess prescription monitoring information that was not reported to the board.

(b) Release of prescription monitoring information or audit trail information that was factually incorrect.

(c) Release of prescription monitoring information or audit trail information to the wrong person or entity.

(d) Unlawful access to prescription monitoring information by an individual, or unlawful disclosure or use of prescription monitoring information by an individual who requested and received prescription monitoring information pursuant to this Section.

(2) A dispenser or reporting agent shall not be subject to civil liability, administrative action, or other legal or equitable relief for reporting prescription monitoring information to the board.

(3) A prescriber, dispenser, or other individual, agency, or entity in proper possession of prescription monitoring information or audit trail information pursuant to this Part shall not be subject to civil liability, administrative action, or other legal or equitable relief for accessing, using, or disclosing prescription monitoring information or audit trail information pursuant to the provisions of this Section.

§1008. Education and treatment

A. The board shall, in consultation with and upon the recommendation of the advisory council, implement the following education courses:

~~(1) An orientation course during the implementation phase of the prescription monitoring program.~~

~~(2) A course for persons who are authorized to access the prescription monitoring information, but who did not participate in the orientation course.~~

~~(3) A course for persons who are authorized to access the prescription monitoring information, but who have violated the laws or breached occupational standards involving the prescribing, dispensing, or use of any controlled substances or drugs monitored by the prescription monitoring program.~~

~~(4)~~(2) A continuing education course for health care healthcare providers or professionals on prescribing practices, pharmacology, and the identification, treatment, and referral of a patient addicted to or abusing controlled substances or drugs monitored by the prescription monitoring program.

* * *

§1009. Unlawful acts and penalties

A. A dispenser who fails to submit prescription monitoring information to the board as required by this Part, or who fails to correct or amend data after notification by the board, shall be referred to the appropriate professional licensing, certification, or regulatory agency for administrative sanctions as deemed appropriate by that agency.

B. A person or entity authorized to possess prescription monitoring information pursuant to this Part who knowingly accesses or discloses such information in violation of this Part shall be referred to the appropriate professional licensing, certification, or regulatory agency for administrative sanctions as deemed appropriate by that agency and may, upon criminal conviction, be imprisoned, with or without hard labor, for not more than five years, and in addition, may be fined not more than five thousand dollars.

* * *

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

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 242

SENATE BILL NO. 99
BY SENATOR DONAHUE
AN ACT

To amend and reenact R.S. 33:130.401(A), 130.402(A), (B), (D), (E), (F) and (G), and 130.409(A) and R.S. 44:4.1(B)(20), and to enact R.S. 33:130.409 (D), relative to the St. Tammany Parish Development District; to provide relative to the classification of the district; to provide relative to its board of commissioners; to provide relative to a nominating committee; to provide relative to certain prohibitions regarding transactions and employment; to allow certain records regarding active negotiations to be confidential for a period of time subject to certain conditions; 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. 33:130.401(A), 130.402(A), (B), (D), (E), (F) and (G), and 130.409(A) are hereby amended and reenacted and R.S. 33:130.409(D) is hereby enacted to read as follows:

§130.401. St. Tammany Parish Development District; creation; territorial jurisdiction

A. The St. Tammany Parish Development District, hereinafter referred to as the "district", is hereby constituted and is declared to be a body politic and political subdivision of the state of Louisiana, as defined in Article VI, Section 44 of the Constitution of Louisiana and a public agency for the purposes of R.S. 12:249. Pursuant to Article VI, Sections 19 and 21 of the Constitution of Louisiana, the district, acting through its board of commissioners, the governing authority of ~~said the~~ district, is hereby granted all of the rights, powers, privileges, and immunities granted to political subdivisions for economic and industrial development purposes, including but not limited to the power of taxation, the power to incur debt and issue revenue and general obligation bonds, certificates of indebtedness, bond and certificate anticipation notes, and refunding bonds, subject to the limitations hereinafter provided.

* * *

§130.402. Board of commissioners; members; officers; employees

A.(1) The district shall be governed by a board of commissioners consisting of ~~thirteen~~ eleven members selected as ~~set out herein~~ provided for in this Section. All members shall be qualified voters and taxpayers within the limits of the district during their term of office. ~~The~~ On and after January 1, 2018, members of the board of commissioners shall be appointed and ~~serve terms of office as follows~~ nominated by the board of commissioners and submitted to the council of St. Tammany Parish for approval. Commissioners shall serve three-year terms of office, except in the case of any shorter initial terms. Initial terms shall be staggered for the periods indicated as follows:

(a) Four members shall be appointed by the president of St. Tammany Parish. The initial appointment shall be made for staggered terms as specified herein and, at the termination of these initial terms of office, the term of office shall be for three years. Initial terms, as designated by the president of St. Tammany Parish, shall be as follows:

- (i) One member shall be appointed for three years.
- (ii) One member shall be appointed for two years.
- (iii) Two members shall be appointed for one year serve three-year initial terms.

(b) Four members shall be appointed by the council of St. Tammany Parish. The initial appointment shall be made for staggered terms as specified herein and, at the termination of these initial terms of office, the term of office shall be for three years. Initial terms, as designated by the council, shall be as follows:

- (i) One member shall be appointed for three years.

(ii) One member shall be appointed for two years.

(iii) Two members shall be appointed for one year serve two-year initial terms.

(c) Three members shall be appointed by the St. Tammany Economic Development Foundation. The initial appointment shall be made for staggered terms as specified herein and, at the termination of these initial terms of office, the term of office shall be for three years. Initial terms, as designated by the foundation, shall be as follows:

- (i) One member shall be appointed for three years.
- (ii) One member shall be appointed for two years.
- (iii) One member shall be appointed for one year.
- (d) One member shall be the St. Tammany Parish President or his designee.
- (e) One member shall be the executive director of the St. Tammany Economic Development Foundation serve one-year initial terms.

(2)(a) The nominating committee of the board of commissioners shall consist of the board president and vice president, the district executive director, the president of St. Tammany Parish, and a member of a regional board or commission selected by the president of St. Tammany Parish. The nominating committee shall submit its slate of nominees to the board of commissioners for approval. Once a slate of nominees is approved by the board, it shall be forwarded to the council of St. Tammany Parish.

(b) The initial slate of nominees shall be nominated by the members of the nominating committee and board of commissioners on or before December 31, 2017. For continuity, both the initial nominations and initial approved nominees shall include at least two members of the board of commissioners as of December 31, 2017.

(c) The council of St. Tammany Parish may approve or disapprove any nominee. The board of commissioners shall submit new nominees for any individual nominees that are not approved.

(d) Any vacancy which occurs prior to the expiration of the term for which a member of the board of commissioners has been appointed shall be filled in the same manner as the original appointment for the unexpired term pursuant to the same nomination and approval process set forth in Paragraph(1) of this Subsection.

B. The members of the board of commissioners shall not receive per diem or be paid a salary for serving on the board. No members of the board of commissioners shall be appointed to serve for more than two successive three-year terms.

* * *

D. ~~Except as specifically provided by Subparagraph (A)(1)(d) of this Section, elected~~ Elected officials are prohibited from serving on the board of commissioners.

E. The board of commissioners shall elect from among its own members a president, a vice president, a secretary, ~~an executive director~~, and a treasurer, whose duties shall be those usual to such offices. At the option of the board of commissioners, the offices of secretary and treasurer may be held by one person.

F. The board of commissioners shall meet in regular session every month and shall also meet in special session as often as the president of the board convenes them or on the written request of four members. ~~Seven~~ Six members of the board of commissioners shall constitute a quorum.

G. The board of commissioners shall prescribe rules to govern its meetings. The board of commissioners may contract with ~~and or~~ employ attorneys, clerks, engineers, deputy commissioners, ~~a director~~ an executive director, and other agents and employees and shall fix their compensation and terms of employment.

* * *

§130.409. General compliances; enhancement

A. Except as otherwise specifically provided by R.S. 33:130.402(H) and Subsection D of this Section, no provision of this Subpart shall be construed so as to exempt the district from compliance with the provisions of Louisiana laws pertaining to open meetings, public records, fiscal agents, official journals, dual officeholding and employment, public bidding for the purchase of supplies and materials and construction of public works, the Code of Governmental Ethics, the Right to Property in Article I, Section 4 of the Constitution of Louisiana, and the Louisiana Election Code.

* * *

D. Records in the custody of the district pertaining to an active negotiation with a person for the purpose of retaining, expanding, or attracting economic or business development in St. Tammany Parish shall be confidential on the same basis as such records in the custody of the Department of Economic Development as set forth in R.S. 44:22, with the district's executive director performing the duties and obligations of the secretary of the Department of Economic Development and with any notice required therein being published in the official journal of St. Tammany Parish rather than the official journal of the state.

Section 2. R.S. 44:4.1(B)(20) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

* * *

Section 3. The provisions of R.S. 33:130.402(A)(2), as amended by 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. The remaining provisions of this Act shall become effective January 1, 2018.

Section 4. The terms of office of the members of the board currently serving shall terminate on January 1, 2018, or upon the official appointment by the council of St. Tammany Parish of a new slate of board members, whichever is later.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 243

SENATE BILL NO. 128

BY SENATOR MILKOVICH AND REPRESENTATIVES AMEDEE, ANDERS, BACALA, BAGLEY, BAGNERIS, BARRAS, BROADWATER, CHAD BROWN, ROBBY CARTER, CHANEY, CONNICK, COX, CREWS, CROMER, DAVIS, DEVILLIER, EDMONDS, EMERSON, FRANKLIN, GAROFALO, GISCLAIR, LANCE HARRIS, HILFERTY, HILL, HODGES, HOFFMANN, HORTON, HOWARD, HUVAL, JACKSON, LEBAS, MCFARLAND, MIGUEZ, JIM MORRIS, PEARSON, PIERRE, POPE, PYLANT, REYNOLDS, RICHARD, SCHRODER, SEABAUGH, STEFANSKI, THOMAS, WHITE AND ZERINGUE
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 14:87.3(C) and (D) and to enact R.S. 14:87.3(E), relative to certain offenses affecting public morals; to prohibit cutting, resection, excision, harvesting, or removing a body part, organ, or tissue of an aborted unborn child for sale, commerce, transport, research, or profit; to provide penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:87.3(C) and (D) are hereby amended and reenacted and R.S. 14:87.3(E) is hereby enacted to read as follows:

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

* * *

C. After an induced abortion has been completed, no person shall intentionally cut, resection, excise, harvest, or remove any body part, organ, or tissue of the aborted unborn child for any purpose prohibited by this Section, or for sale, commerce, transport, research, or profit.

D.(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.E.~~ 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.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

SENATE BILL NO. 129
BY SENATORS ALLAIN AND APPEL

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

AN ACT

To amend and reenact R.S. 9:1254(A), relative to rights and servitude of passage on certain waterways; to provide for indemnification for damages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1254(A) is hereby amended and reenacted to read as follows:

§1254. Enclosed estate; right and servitude of passage on certain waterways
A. The owner of an enclosed estate who has no access to his estate other than by way of an existing waterway passing through neighboring property shall have a right and servitude of passage on such waterway. **He is bound to indemnify his neighbor for the damage he may occasion.** The existing waterway passing through the neighboring property shall be directly accessible from a publicly navigable waterway, and shall have been and shall still be capable of use for navigation by the owner of either the dominant or servient estate at the time of acquisition by act of sale, inheritance, or otherwise, by the owner of the dominant estate.

* * *

Section 2. The provisions of this Act shall have prospective application only.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 245

SENATE BILL NO. 150
BY SENATORS CHABERT AND MORRELL
AND REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 47:6036(C)(1)(b) as amended by Section 2 of Act No. 125 of the 2015 Regular Session of the Legislature, (G), the introductory paragraph of (I)(1), (I)(1)(c) and (2)(a) and to repeal R.S. 47:6036(C)(1)(b) as amended by Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature and R.S. 47:6036(K), relative to the Ports of Louisiana tax credits; to streamline the approval process; to change the overall credit caps; to extend the sunset date of the credit; to remove an expired reporting provision; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6036(C)(1)(b) as amended by Section 2 of Act No. 125 of the 2015 Regular Session of the Legislature, (G), the introductory paragraph of (I)(1), (I)(1)(c) and (2)(a) are hereby amended and reenacted to read as follows:
§6036. Ports of Louisiana tax credits

* * *

C. Investor tax credit.

(1)

* * *

* * *

(b) The Investor Tax Credit provided for in this Subsection shall be granted by the Department of Economic Development for a qualifying project if the commissioner of administration, after approval of the Joint Legislative Committee on the Budget, ~~and the state bond commission~~ certifies to the secretary of the department that securing the project will result in a significant positive economic benefit to the state. "Significant positive economic benefit" means net positive tax revenue that shall be determined by taking into account direct, indirect, and induced impacts of the project based on a standard economic impact methodology utilized by the commissioner, and the value of the credit, and any other state tax and financial incentives that are used by the department to secure the project. If the commissioner with the approval of the committee so certifies, then the Department of Economic Development may grant a tax credit equal to seventy-two percent of the total capital costs of such qualifying project to be taken at five percent per tax year or shall grant such other amount of tax credit to be taken at such other percentage which is warranted by the significant positive economic benefit determined by the commissioner, but no tax credit granted for a qualifying project shall exceed one million eight hundred thousand dollars per tax year. However, the total amount of tax credits granted on a qualifying project shall not exceed the total cost of the project. In addition, the investor tax credits granted by the department to any recipient pursuant to this Section shall be limited to an amount which shall not result in a reduction of tax liability by all recipients of such credits to exceed four million five hundred thousand dollars in any fiscal year.

* * *

G. Termination of investor and import-export cargo tax credits.

The provisions of Subsection C and I of this Section shall be effective until ~~January 1, 2020~~ **July 1, 2021**, and no investor tax credit or import-export cargo tax credit pursuant to the provisions of this Section shall be granted after such date.

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

AN ACT

To amend and reenact R.S. 29:733 and R.S. 40:1379.1(F), relative to emergency preparedness; to create the Emergency Management Assistance Compact; to provide for responsibilities, powers, duties, functions, and liability of the compact; to provide terms, conditions, procedures, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:733 is hereby amended and reenacted to read as follows: §733. ~~Interstate Emergency Preparedness and Disaster Management Assistance Compact~~

A. ~~This~~ The state of Louisiana enacts into law and enters into the Interstate Emergency Preparedness and Disaster Management Assistance Compact with all states, as defined therein herein and referred to as EMAC or Compact, which states have enacted or shall hereafter enact the compact Compact in the form substantially as follows in accordance with Public Law 104-321:

B. ~~The Interstate Emergency Preparedness and Disaster Compact, heretofore previously in force in this state by virtue of execution pursuant to this Chapter Section, is hereby confirmed and codified. The compact Compact is and shall hereafter be in effect with any and all jurisdictions which have joined or which may hereafter legally join therein in the form substantially as contained in this Section, provided that such other jurisdiction or jurisdictions have signified their joinder with this state by enactment without limitation as to parties or in some other manner sufficient in law to make it clear that joinder has been effected with this state.~~

C. ~~The contracting states solemnly agree state of Louisiana hereby agrees:~~
Article 1. ~~The purpose of this compact Compact is to provide mutual aid assistance among between the states in meeting an emergency or disaster. The prompt, full, and effective utilization of the resources of the respective states, including such resources as may be available from the United States government or any other source, are essential to the safety, care, and welfare of the people thereof in the event of an emergency or disaster, and any other resources, including personnel, equipment, or supplies, shall be incorporated into a plan or plans of mutual aid to be developed among the emergency preparedness agencies or similar bodies of the states that are parties hereto. The directors of emergency preparedness of all party states shall constitute a committee to formulate plans to take all necessary steps for the implementation of this compact. The purpose of this Compact is to provide for mutual assistance between the states entering into this Compact in managing any emergency disaster that may be duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack. This Compact shall also provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods. Mutual assistance in this Compact may include the use of the states' national guard forces, either in accordance with the National Guard Mutual Assistance Compact or by mutual agreement between states.~~

Article 2 ~~2.A.~~ It shall be the duty of each party state to formulate plans and programs for application within such state. There shall be frequent consultation between the representatives of the states and with the United States government and the free exchange of information and plans, including inventories of any materials and equipment available. In carrying out such plans and programs the party states shall, so far as possible, provide and follow uniform standards, practices, and rules and regulations. On behalf of the governor of each state participating in the Compact, the legally designated state official who is assigned responsibility for emergency management will be responsible for formulation of the appropriate interstate mutual aid plans and procedures necessary to implement this Compact. In Louisiana, the director of the Governor's Office of Homeland Security and Emergency Preparedness, hereinafter referred to as "director", bears that legal responsibility in accordance with R.S. 29:725.

~~B.~~ The director may designate an EMAC coordinator or EMAC-authorized representative to administer this Compact. The Governor's Office of Homeland Security and Emergency Preparedness may promulgate and adopt regulations with respect to the administration and use of this Compact.

Article 3 ~~3.A.~~ Any party state requested to render mutual aid shall take such action as is necessary to provide and make available the resources covered by this compact Compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall extend to the civil defense forces of any other party state, while operating within its state limits under the terms and conditions of this compact Compact, the same powers, (except that of arrest unless specifically authorized by the receiving state), duties, rights, privileges, and immunities as if they were performing their duties in the state in which they are normally employed or rendering services. Additionally, the party states, insofar as practical, shall:

I. Import-export cargo tax credit.

(1) Certification of taxpayer. Only those taxpayers who have received certification from the secretary of the Department of Economic Development shall be eligible to take the tax credits provided for by this Subsection and then only for the taxable year or years and for the amount provided for in the commissioner of administration's certification, approved by the Joint Legislative Committee on the Budget and the state bond commission, provided for in Item (2)(a)(i) of this Subsection as allocated by the secretary. The secretary shall promulgate rules in accordance with the Administrative Procedure Act which establish the process by which a taxpayer shall apply for certification.

(c) The secretary shall provide a statement of certification to each taxpayer which he has certified as eligible to take the tax credit after approval of the Joint Legislative Committee on the Budget and the state bond commission, which shall contain the taxable year or years for which the taxpayer is allowed the tax credit and the amount of tax credit allocated for such taxable year or years. The secretary shall also transmit a copy of such statement to the secretary of the Department of Revenue.

(2)(a)(i) For taxable years beginning on and after January 1, 2014, there shall be allowed a credit against the individual income, corporation income, and corporation franchise tax liability of a taxpayer who has received certification pursuant to the provisions of Paragraph (1) of this Subsection, provided that the credit shall be allowed only against the tax liability of the international business entity which receives the certification. The amount of the credit shall be equal to the product of multiplying three dollars and sixty cents by the taxpayer's number of tons of qualified cargo for the taxable year which exceeds the pre-certification tonnage or the product of multiplying the number of dollars by the taxpayer's number of tons of qualified cargo for the taxable year or portion of a taxable year which exceeds the pre-certification tonnage which is warranted by the significant positive economic benefit determined by the commissioner pursuant to Item (ii) of this Subparagraph, whichever is less. For purposes of this Item, "pre-certification tonnage" means the number of tons of cargo which meets the definition of qualified cargo for purposes of this credit, and which was owned by the international business entity receiving the credit, were imported or exported to or from a manufacturing, fabrication, assembly, distribution, processing, or warehouse facility located in Louisiana, and which were so moved by way of an oceangoing vessel berthed at public port facilities in Louisiana during the 2013 calendar year the calendar year prior to the year in which the application is submitted. However, each tax credit granted to a taxpayer shall be subject to the same limit as is provided for a qualifying project pursuant to Subparagraph (C)(1)(b) of this Section. In addition, the import-export cargo tax credits granted by the department to any recipient pursuant to this Section shall be limited to an amount which shall not result in a reduction of tax liability by all recipients of such credits to exceed four million five hundred thousand dollars in any fiscal year.

(ii) The tax credit provided for in this Subsection shall be allowed if the commissioner of administration certifies to the secretary of the Department of Economic Development that provided for in this Subsection whether from the increased utilization of public port facilities and other activity in Louisiana associated with the import or export of the international business entities qualified cargo will result in a significant positive economic benefit to the state. "Significant positive economic benefit" means net positive tax revenue that shall be determined by taking into account direct, indirect, and induced impacts of the port and state activity based on a standard economic impact methodology utilized by the commissioner, and the value of the credit, and any other state tax and financial incentives that are used by the department to secure the port and state activity because of the tax credit, and such certification is approved by the Joint Legislative Committee on the Budget, which approval shall not be granted earlier than July 1, 2014, and the state bond commission.

Section 2. R.S. 47:6036(C)(1)(b) as amended by Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature and R.S. 47:6036(K) are hereby repealed.

Section 3. The provisions of this Act shall supersede and control to the extent of any conflict between this Act and Act No. 125 of the 2015 Regular Session of the Legislature as amended by Act No. 29 of the 2016 First Extraordinary Session of the Legislature.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

(1) Review individual state hazards analyses and, to the extent reasonably possible, determine all those potential emergencies the party states might jointly suffer, whether due to natural disaster, technological hazard, man-made disaster, emergency aspects of resources shortages, civil disorders, insurgency, or enemy attack.

(2) Review party states' individual emergency plans and develop a plan which will determine the mechanism for the interstate management and provision of assistance concerning any potential emergency.

(3) Develop interstate procedures to fill any identified gaps and to resolve any identified inconsistencies or overlaps in existing or developed plans.

(4) Assist in warning communities adjacent to or crossing the state boundaries.

(5) Protect and assure uninterrupted delivery of services, medicines, water, food, energy, fuel, search and rescue, critical lifeline equipment, services, and resources, both human and material.

(6) Inventory and set procedures for the interstate loan and delivery of human and material resources, together with procedures for reimbursement or forgiveness.

(7) Provide, to the extent authorized by law, for temporary suspension of any statutes or ordinances that restrict the implementation of the above responsibilities.

B. The director may request assistance of another party state by contacting the authorized representative of that state. The provisions of this Compact shall apply only to requests for assistance made by the director and to authorized representatives of another state. Requests may be oral or in writing. If oral, the request shall be confirmed in writing within thirty days of the oral request. Requests shall provide the following information:

(1) A description of the emergency service function for which assistance is needed, including but not limited to fire services, law enforcement, emergency medical, transportation, communications, public works and engineering, building, inspection, planning and information assistance, mass care, resource support, health and medical services, and search and rescue.

(2) The amount and type of personnel, equipment, materials and supplies needed, and a reasonable estimate of the length of time they will be needed.

(3) The specific place and time for staging of the assisting party's response and a point of contact at that location.

C. There shall be frequent consultation between state officials who have assigned emergency management responsibilities and other appropriate representatives of the party states with affected jurisdictions and the government of the United States of America, with free exchange of information, plans, and resource records relating to emergency capabilities.

Article 4. Any party state requested to render mutual aid or conduct exercises and training for mutual aid shall take such action as is necessary to provide and make available the resources covered by this Compact in accordance with the terms hereof; provided that it is understood that the state rendering aid may withhold resources to the extent necessary to provide reasonable protection for such state. Each party state shall afford to the emergency forces of any party state, while operating within its state limits under the terms and conditions of this Compact, the same powers, except that of arrest unless specifically authorized by the receiving state, duties, rights, and privileges as are afforded forces of the state in which they are performing emergency services. Emergency forces will continue under the command and control of their regular leaders, but the organizational units will come under the operational control of the emergency services authorities of the state receiving assistance. These conditions may be activated as needed, only subsequent to a declaration of a state emergency or disaster by the governor of the party state that is to receive assistance or upon commencement of exercises or training for mutual aid and shall continue so long as the exercises or training for mutual aid are in progress, the state of emergency or disaster remains in effect, or loaned resources remain in the receiving state, whichever is longer.

Article 4 Article 5. Whenever any person holds a license, certificate, or other permit issued by any state party to the Compact evidencing the meeting of qualifications for professional, mechanical, or other skills, such person may render aid involving such skill in any party state to meet an emergency or disaster and such state shall give due recognition to such license, certificate, or other permit as if issued in the state in which aid is rendered and when such assistance is requested by the receiving party state, such person shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to such limitations and conditions as the governor of the requesting state may prescribe by executive order or otherwise.

Article 5 Article 6. Officers or employees of a party state, to include political subdivisions and local governments of that state, rendering aid in another state pursuant to this Compact shall be considered agents of the requesting state for tort liability and immunity purposes. No party state or its officers or employees, including local political subdivisions and local governments, rendering aid in another state or in its own state pursuant to this compact Compact shall be liable on account of any act or omission in good faith on the part of such forces while so engaged; or on account of the maintenance or use of any equipment or supplies in connection therewith. Good faith in this Article shall not include willful misconduct, gross negligence, or recklessness.

Article 6 Article 7. Inasmuch as it is probable that the pattern and detail of the machinery for mutual aid among two or more states may differ from that appropriate among other states party hereto, this instrument contains elements of a broad base common to all states, and nothing herein contained shall preclude any state from entering into supplementary agreements with another state or states. Such supplementary agreements may comprehend

but shall not be limited to provisions for evacuation and reception of injured and other persons, and the exchange of medical, fire, police, public utility, reconnaissance, welfare, transportation and communications personnel, equipment, and supplies.

Article 7 Article 8. Each party state shall provide for the payment of compensation and death benefits to injured members of the response forces of that state and the representatives of deceased members of such forces in case such members sustain injuries or are killed while rendering aid pursuant to this compact Compact, in the same manner and on the same terms as if the injury or death were sustained within such their own state.

Article 8 Article 9. Any party state rendering aid in another state pursuant to this compact Compact shall be reimbursed by the party state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment and the provision of any service in answering a request for aid, and for the cost costs incurred in connection with such request; however, provided that any aiding party state may assume in whole or in part such loss, damage, expense, or other cost, or may loan such equipment or donate such services to the receiving party state without charge or cost; and provided further, that any two or more party states may enter into supplementary agreements establishing a different allocation of costs as among those states. The United States government may relieve the party state receiving aid from any liability and reimburse the party state supplying forces for the compensation paid to and the transportation, subsistence, and maintenance expense of such forces during the time of the rendition of such aid or assistance outside the state and may also pay fair and reasonable compensation for the use or utilization of the supplies, materials, equipment, or facilities so utilized or consumed.

Article 9 Article 10. Plans for the orderly evacuation and interstate reception of portions of the civilian population as the result of an emergency or disaster of sufficient proportions to so warrant, shall be worked out from time to time between representatives of the party states and the various local areas thereof and maintained between the party states and the emergency management services directors of the various jurisdictions where any type of incident requiring evacuations might occur. Such plans shall be put into effect by request of the state from which evacuees come and shall include the manner of transporting such evacuees, the number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided, the registration of the evacuees, the providing of facilities for the notification of relatives or friends, and the forwarding of such evacuees to other areas or the bringing in of additional materials, and supplies, and all other relevant factors. Such plans shall provide that the party state receiving evacuees and the party state from which evacuees come shall be reimbursed generally for the mutually agree as to reimbursement of out-of-pocket expenses incurred in receiving and caring for such evacuees for expenditures for transportation, food, clothing, medicines, and medical care, and like items. Such expenditures shall be reimbursed as agreed by the party state of from which the evacuees are residents, or by the United States government under plans approved by it come. After the termination of the emergency or disaster, the party state of from which the evacuees are residents come shall assume the responsibility for the ultimate support or of repatriation of such evacuees.

Article 10. This compact shall be available to any state, territory, or possession of the United States, and the District of Columbia. The term "state" may also include any neighboring foreign country or province or state thereof.

Article 11. The committee established pursuant to Article 1 of this compact may request the Federal Emergency Management Agency to act as an informational and coordinating body under this compact, and representatives of such agency of the United States government may attend meetings of such committee.

Article 12 Article 11.A. This compact Compact shall become operative effective immediately upon its ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by congress unless prior congressional approval has been given. Duty authenticated copies of this compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and emergency preparedness agency and other appropriate agencies of the United States government signature of the governor or lapse of time for gubernatorial action. Thereafter, this Compact shall become effective as to any other state upon enactment by such state.

B. Any party state may withdraw from this Compact by enacting a statute repealing the same, but no such withdrawal shall take effect until thirty days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. Such action shall not relieve the withdrawing state from obligations assumed hereunder prior to the effective date of withdrawal.

C. Duly authenticated copies of this Compact and of such supplementary agreements as may be entered into shall, at the time of their approval, be deposited with each of the party states and with the Federal Emergency Management Agency and other appropriate agencies of the government of the United States of America.

Article 13. This compact shall continue in force and remain binding on each party state until the legislature or the governor of such party state takes action to withdraw therefrom. Such action shall not be effective until thirty days after notice thereof has been sent by the governor of the party state desiring to withdraw to the governors of all other party states.

Article 14. This compact shall be construed to effectuate the purposes stated in Article 1 hereof. If any provision of this compact is declared unconstitutional, or the applicability thereof to any person or circumstance is held invalid, the constitutionality of the remainder of this compact and the applicability of other persons and circumstances shall not be affected thereby.

Article 15.(a) This Article shall be in effect only as among those states which have enacted it into law or in which the governors have adopted it pursuant to constitutional or statutory authority sufficient to give it the force of law as part of this compact* or any obligation undertaken by a state pursuant thereto, except that if its terms so provide, a supplementary agreement in implementation of this Article may modify, expand, or add to any such obligation as among the parties to the supplementary agreement.

(b) In addition to the occurrences, circumstances, and subject matter to which preceding Articles of this compact make it applicable, this compact and the authorizations, entitlement, and procedures thereof shall apply to:

(i) Searches for and rescue of persons who are lost, marooned, or otherwise in danger.

(ii) Action useful in coping with emergencies or disasters arising from any cause or designed to increase the capacity to cope with any such emergencies or disasters.

(iii) Incidents, or the imminence thereof, which endanger the health or safety of the public and which require the use of special equipment, trained personnel in larger numbers than are locally available in order to reduce, counteract, or remove the danger.

(iv) The giving and receiving of aid by subdivisions of party states.

(v) Exercises, drills or other training or practice activities designed to aid personnel to prepare for, cope with, or prevent any disaster or other emergency to which this compact applies.

(c) Except as expressly limited by this compact or a supplementary agreement in force pursuant thereto, any aid authorized by this compact or such supplementary agreement may be furnished by any agency of a party state, a subdivision of such state, or by a joint agency providing such aid shall be entitled to reimbursement therefor to the same extent and in the same manner as a state. The personnel of such joint agency, when rendering aid pursuant to this compact shall have the same rights, authority, and immunity as personnel of party states.

(d) Nothing in this Article shall be construed to exclude from the coverage of Articles 1-14 of this compact any matter which, in the absence of this Article, could reasonably be construed to be covered thereby.

Article 12. This Compact shall be construed to effectuate the purposes stated in Article 1. If any provision of this Compact is declared unconstitutional, or the applicability thereof to any person or circumstances is held invalid, the constitutionality of the remainder of this Compact and the applicability thereof to other persons and circumstances shall not be affected.

Article 13. Nothing in this Compact shall authorize or permit the use of military force by the national guard of a state at any place outside that state in any emergency for which the president of the United States of America is authorized by law to call into federal service the militia, or for any purpose for which the use of the United States Army or the United States Air Force would, in the absence of express statutory authorization, be prohibited under Section 1385 of Title 18 of the United States Code. This Compact shall be construed as understanding that Article 13 does not affect the authority of the president of the United States of America over the national guard provided by Article I of the United States Constitution and Title 10 of the United States Code.

Section 2. R.S. 40:1379.1(F) is hereby amended and reenacted to read as follows:

§1379.1. Special officers; powers and duties; concealed handgun permit

* * *

F. During a declared state of emergency or disaster by the governor, the deputy secretary of the Department of Public Safety and Corrections, public safety services, office of state police may issue a special officer's commission to a commissioned law enforcement officer who responds to a request for assistance pursuant to the Southern Regional Homeland Security and Emergency Preparedness Management Assistance Compact, as found in R.S. ~~29:751~~ **29:733** and is determined by the deputy secretary to need statewide police power and power to arrest. Any person who receives a special officer's commission under this Subsection shall not be required to be bonded and shall adhere to all restrictive stipulations as set forth in the special officer's commission and regulations promulgated and adopted pursuant to Subsection C of this Section. Such person shall have the powers and duties of a peace officer, provided, that when he is not performing tasks directly related to the special officer's commission, he shall be regarded as a private citizen and his commission shall not be in effect.

* * *

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

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 247

SENATE BILL NO. 154

BY SENATOR CARTER AND REPRESENTATIVES BAGNERIS, BOUIE, GARY CARTER, COX, GLOVER, JIMMY HARRIS, HILFERTY, TERRY LANDRY, LEGER, MARCELLE, MORENO, PIERRE, STAGNI AND THIBAUT

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

AN ACT

To enact R.S. 32:45, relative to traffic; to require posting notification of a mobile speed camera; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:45 is hereby enacted to read as follows:

§45. Required notification for mobile speed camera

A. Local municipal authorities or local parish authorities shall post signs indicating that a mobile speed camera is present. The sign shall be posted no less than two hundred fifty feet and no more than five hundred feet of the location of each mobile speed camera in such a manner as to be clearly visible, not obstructed by any barrier, equipment, vegetation, or other object, and shall be easily viewable by drivers approaching the speed camera. The sign shall comply with the current manual and specifications adopted by the Department of Transportation and Development pursuant to R.S. 32:235.

B.(1) Failure of a municipal or parish authority to comply with Subsection A of this Section shall prohibit the use of any photographic or video images collected by the speed camera to impose or collect any civil or criminal fine, fee, or penalty by or on behalf of the municipal or parish authority.

(2) In any proceeding to collect a civil or criminal fine, fee, or penalty by or on behalf of a municipal or parish authority, a rebuttable presumption shall exist that signs were posted in accordance with Subsection A of this Section.

C. For the purposes of this Section, "mobile speed camera" means a device designed to collect photographic or video evidence of an alleged violation of a posted speed limit by recording images that depict the license plate or other identifying feature of a motor vehicle that is not operated in compliance with a posted speed limit sign.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 248

SENATE BILL NO. 163

BY SENATOR MIZELL AND REPRESENTATIVE WHITE
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 15:1157(A), relative to the purchase of goods by state prisons; to authorize the purchase of goods and services in the parish in which a state prison is located if the purchase price is lower than central purchasing or prison enterprises; to provide relative to compliance with the purpose of the Hudson Initiative and Veteran Initiative; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1157(A) is hereby amended and reenacted to read as follows:

§1157. Sales of goods and services; contractual powers

A.(1) State **Except as provided in Subparagraph (2) of this Paragraph, state agencies shall purchase, if available, goods and services from prison enterprises, or products manufactured in a certified Private Sector/Prison Industry Enhancement Program, if the prices are less than those of central purchasing.**

(2) State agencies which operate a state prison may purchase, if available, goods and services from vendors located in the parish in which the prison facility is located, if the prices are less than those of central purchasing or prison enterprises, and the vendor meets the requirements of the Hudson Initiative, as provided in R.S. 39:2001 et seq., or the Veteran Initiative, as provided in R.S. 39:2171 et seq.

(3) Goods and services may be sold to the governing authorities of parishes, municipalities, other political subdivisions, and public employees.

(3)(4) Services shall be provided at a cost that is not less than the cost to the department for providing the services. Manufactured products shall be provided at a cost that is not less than the cost of the raw materials used to manufacture the product. If the manufactured product is deemed to be spoiled, overstocked, obsolete or otherwise not salable at a cost equal to or greater than the raw material cost of the manufactured product and can be documented as such, the director may authorize a sale at less than the raw material cost. Sales of manufactured products to public employees shall be priced at the current prison enterprises contract price or based on established and documented pricing methodologies.

* * *

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

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 249

SENATE BILL NO. 164
BY SENATOR PEACOCK

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

AN ACT

To amend and reenact R.S. 17:87.6(A) and R.S. 41:891 and 892(A) and (F), and to enact R.S. 41:892(G), relative to school lands; to provide for the sale of certain school lands by school boards; to provide for the sale by a licensed real estate broker; to provide for the appraisal of school lands; to provide procedures, terms, conditions, and requirements of the sale; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:87.6(A) is hereby amended and reenacted to read as follows:

§87.6. School property; alienation by school boards

A. Any city, parish, or other local public school board may sell, lease or otherwise dispose of, at public or private sale, for cash or on terms of credit, any school site, building, facility, or personal property which is not used and, in the judgment of the school board, is not needed in the operation of any school or schools within its jurisdiction. Any such sale, lease, or disposal of such school property shall be on such terms and conditions and for such consideration as the school board shall prescribe. **Any sale shall be in accordance with the provisions of R.S. 41:891 and 892.**

* * *

Section 2. R.S. 41:891 and 892(A) and (F) are hereby amended and reenacted and R.S. 41:892(G) is hereby enacted to read as follows:

§891. Sale of unused school lands

Whenever the school board of any parish or city determines that any school lands or other immovable property under its control are no longer needed for school purposes and that the best interest of the public school system would be served by the sale of such lands, the school board shall have authority to dispose of such lands at public auction ~~or, under sealed bids, by licensed real estate broker~~ in accordance with the procedure set forth in this ~~subpart~~ **Subpart**; provided that this ~~subpart~~ **Subpart** shall not apply to the sale of sixteenth section lands, school indemnity lands, or any other school lands for the sale of which the law already has provided a procedure in Chapter 6 of Title 41 of the Louisiana Revised Statutes or elsewhere in the law.

§892. Procedure; deed of sale

A. Whenever a sale of property described in R.S. 41:891 is ordered by the school board, the sale shall be made by the president of the school board in person, ~~or through an auctioneer designated by the school board, or through a licensed real estate broker.~~ **The school board may obtain appraisals from up to three Louisiana state-certified appraisers to ascertain the current value of the property. The appraisals shall be obtained within six months prior to the conducting of the sale.**

* * *

F.(1) In lieu of public auction or sealed bids, and when it is in the best interest of the school board, the school board may contract under policies adopted by the school board for the services of a licensed real estate broker to conduct the sale of the property. Such policies shall include the qualifications for a licensed real estate broker and appraiser.

(2) The term of the contract shall not exceed six months. A minimum sale price and a time period within which the sale is to occur shall be specified by the school board as conditions of the contract. Payment shall not exceed five percent of the sale price and shall be contingent upon completion of the sale in accordance with the terms and conditions of the contract. The school board shall have the right to cancel the contract at any time for any reason prior to the sale and conduct the sale as otherwise provided by law.

(3) No member or immediate family, as defined in R.S. 42:1102, of the school board or legislature shall perform the services of appraiser or real estate broker authorized by this Section.

G. The deed of the president of the school board shall be full and complete evidence of the sale, shall convey a good and valid title to the property sold, and shall have the force and effect of a notarial act.

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 250

SENATE BILL NO. 190

BY SENATORS THOMPSON, ALARIO, APPEL, FANNIN, GATTI, JOHNS, LONG, MILKOVICH, MORRISH, PERRY, WALSWORTH AND WARD
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To enact R.S. 17:2927.1, relative to college and career readiness; to provide for identification of high school students who do not meet certain college readiness standards; to provide relative to the provision of certain courses designed to help students meet such readiness standards; to provide relative to professional development for teachers of such courses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2927.1 is hereby enacted to read as follows:

§2927.1. College transition courses; testing; reports

A. The State Board of Elementary and Secondary Education, in collaboration with public school governing authorities and the public postsecondary education management boards, shall publish a list of transition courses designed to improve identified student academic weaknesses in English and mathematics and to enable such students to achieve college readiness by the end of their senior year of high school. Transition courses shall align with applicable state content standards.

B. Beginning with the 2017-2018 school year, a student's English and mathematics scores from the ACT test and the standards for remediation established by the Board of Regents shall be used to determine readiness for college-level credit-bearing coursework.

C. Beginning with the 2018-2019 school year, each high school senior who did not meet the established college readiness standards for English and mathematics shall be given the opportunity to take an appropriate transition course.

D. Each public school governing authority shall:

(1) Identify each high school senior who did not meet the established college readiness standards and provide the student with information on available transition courses designed to address identified academic weaknesses.

(2) Use course assessment data to determine student attainment.

(3) Provide appropriate professional development to teachers of transition courses as part of existing professional development activities.

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

Approved by the Governor, June 14, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 251

SENATE BILL NO. 193

BY SENATOR CORTEZ

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

AN ACT

To amend and reenact R.S. 37:844 and to enact R.S. 37:874(C) and (D), relative to embalming and funeral directing; to provide for certificate renewals; to provide for notice; to provide for a time frame for compliance; to provide for refunds of certain reinstatement fees; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:844 is hereby amended and reenacted and R.S. 37:874(C) and (D) are hereby enacted to read as follows:

§844. Renewals

A. Every certificate holder under this Chapter who wishes to continue the practice of the science of embalming, or the practice of funeral directing, or continues to operate a funeral establishment in this state shall renew its license by paying pay to the secretary of the board on or before December 31 ~~thirty-first~~ of each year the renewal fee provided in set forth by rule in accordance with R.S. 37:845. Any certificate holder whose renewal fee is not received by the board by December thirty-first shall be deemed delinquent. A notice of delinquency shall be sent via certified mail to the certificate holder by the board. The notice shall state that the deadline for payment has lapsed and that if the certificate holder intends to renew, payment of the renewal fee shall be submitted to the board within five business days of receipt of the notice. No penalties, reinstatement fees, or late fees shall be assessed and no reinspection shall be required if the certificate holder submits payment of the renewal fee within five business days of receipt of the notice. If the board does not receive the renewal fee within the five business days provided for by this Subsection, such certificate holder shall be subject to any penalty, reinstatement fees, or late fees authorized by law.

B. Renewal fees sent through the mail shall be deemed timely received if mailed on or before the due date. If the renewal fee is received by the board

after the due date, the timeliness of the mailing shall be shown by an official United States postmark or by official receipt or certificate from the United States Postal Service or a commercial mail service, made at the time of mailing that indicates the date thereof.

C. Any certificate holder whose renewal fee for 2017 was received by the board by February 1, 2017, and who paid a reinstatement of certificate fee or any penalty for late payment shall be issued a refund by the board for all amounts paid in excess of the annual renewal fee. This refund shall be issued no later than September 1, 2017.

Certificates not renewed by December 31 of any year shall be considered automatically revoked.

* * *

§874. Annual renewal of licenses

* * *

C. Any crematory retort operator or any crematory authority whose renewal application, renewal fee, and, if applicable, annual report is not received by the board by May fifteenth of each year shall be deemed delinquent. A notice of delinquency shall be sent via certified mail to the crematory retort operator or crematory authority by the board. The notice shall state that the deadline for renewal has lapsed and that if the crematory retort operator or crematory authority intends to renew, the renewal fee, the renewal application, and, if applicable, annual report shall be submitted to the board within five business days of receipt of the notice. No penalties, reinstatement fees, or late fees shall be assessed and no reinspection shall be required if the crematory retort operator or crematory authority submits the renewal fee, the renewal application, and, if applicable, the annual report within five business days of receipt of the notice. If the board does not receive the renewal fee, the renewal application, and, if applicable, annual report within the five business days provided for by this Subsection, such crematory retort operator or crematory authority shall be subject to any penalty, reinstatement fees, or late fees authorized by law.

D. A renewal fee, application, or annual report sent through the mail shall be deemed timely received if mailed on or before the due date. If received by the board after the due date, the timeliness of the mailing shall be shown by an official United States postmark or by official receipt or certificate from the United States Postal Service or a commercial mail service, made at the time of mailing that indicates the date thereof.

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

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 252

SENATE BILL NO. 195
BY SENATOR CORTEZ

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

AN ACT

To amend and reenact the introductory paragraph of R.S. 4:152(A) and to enact R.S. 4:152(C), relative to the suspension of racing privileges; to require the Louisiana State Racing Commission to suspend a permittee who has a final and definitive judgment rendered against him mandating payment of past due financial obligations to any individual or business for the boarding of horses; to require the clerk of court to send a certified copy of the final and definitive judgment to the commission; to provide for the suspension period; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 4:152(A) is hereby amended and reenacted and R.S. 4:152(C) is hereby enacted to read as follows:

§152. Grounds for denial or termination of racing privileges--other than associations

A. The commission may refuse, suspend, or withdraw licenses, permits, and privileges granted by it or terminate racing privileges for just cause in accordance with the provisions of ~~Subsection B~~ **Subsections B and C** of this Section. Those things constituting just cause are:

* * *

C.(1) Notwithstanding the provisions of Subsection A of this Section, the commission shall suspend all licenses, permits, and privileges granted to a permittee who has a final and definitive judgment rendered against him by a court of competent jurisdiction mandating payment of past due financial obligations to any individual or business for the boarding of horses.

(2) The clerk of any court rendering or affirming such judgment shall send a certified copy of the final and definitive judgment to the commission.

(3) The suspension period shall begin upon the date the certified copy of the final and definitive judgment is received by the commission and shall end on the date the permittee provides proof of full payment of the judgment to the commission.

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 253

SENATE BILL NO. 215

BY SENATORS TARVER AND LAFLEUR

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

AN ACT

To enact R.S. 17:3991(C)(1)(c)(v) and (vi), relative to charter school enrollment procedures; to allow direct enrollment of certain students; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3991(C)(1)(c)(v) and (vi) are hereby enacted to read as follows:

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

* * *

C. A charter school shall:

(1)(a)

* * *

(c)(i)

* * *

(v) A charter school may directly enroll the child of a faculty member if the child meets all admission requirements for the school. No student admitted to a charter school pursuant to this Item shall be counted to determine whether such enrollment exceeds the capacity of a program, class, grade level, or school. A charter authorizer that uses a common application and enrollment process for its charter schools shall adopt uniform policies and procedures to implement the provisions of this Item, but such policies and procedures shall not limit the ability of a school to exercise the authority granted by this Item.

(vi) A charter school with a foreign immersion mission may directly enroll the child of a foreign consular officer who resides in Louisiana if the child meets all mission-related and academic admission requirements established for the school. No student admitted to a charter school pursuant to this Item shall be counted to determine whether such enrollment exceeds the enrollment capacity of a program, class, grade level, or school. A charter authorizer that uses a common application and enrollment process for its charter schools shall adopt uniform policies and procedures to implement the provisions of this Item, but such policies and procedures shall not limit the ability of a school to exercise the authority granted by this Item.

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

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 254

SENATE BILL NO. 216

BY SENATORS TARVER AND LAFLEUR

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

AN ACT

To amend and reenact R.S. 28:53(B)(1), (2)(a) and (b), and (F), relative to healthcare professionals who may issue an emergency certificate for mental health or substance abuse treatment; to provide for authority to issue an emergency certificate; to provide with respect to certificate documentation; to provide authority to require transportation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:53(B)(1), (2)(a) and (b), and (F) are hereby amended and reenacted to read as follows:

§53. Admission by emergency certificate; extension; payment for services rendered

* * *

B.(1) Any physician, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing the certificate from his collaborating physician, or psychologist may execute an emergency certificate only after an actual examination of a person alleged to be mentally ill or suffering from substance abuse who is determined to be in need of immediate care and treatment in a treatment facility because the examining physician, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing

the certificate from his collaborating physician, or psychologist determines the person to be dangerous to self or others or to be gravely disabled. The actual examination of the person by a psychiatrist may be conducted by telemedicine utilizing video conferencing technology provided that a licensed health care professional who can adequately and accurately assist with obtaining any necessary information including but not limited to the information listed in Paragraph (4) of this Subsection shall be in the examination room with the patient at the time of the video conference. A patient examined in such a manner shall be medically cleared prior to admission to a mental health treatment facility. Failure to conduct an examination prior to the execution of the certificate will be evidence of gross negligence.

(2) The certificate shall state:

(a) The date of the physician's, physician assistant's, psychiatric mental health nurse practitioner's, other nurse practitioner's or psychologist's examination of the person, which shall not be more than seventy-two hours prior to the date of the signature of the certificate.

(b) The objective findings of the physician, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing the certificate from his collaborating physician, or psychologist relative to the physical or mental condition of the person, leading to the conclusion that the person is dangerous to self or others or is gravely disabled as a result of substance abuse or mental illness.

* * *

F. An emergency certificate shall constitute legal authority to transport a patient to a treatment facility and shall permit the director of such treatment facility to detain the patient for diagnosis and treatment for a period not to exceed fifteen days, and to return the patient to the facility if he is absent with or without permission during authorized periods of detention. If necessary, peace officers shall apprehend and transport, or ambulance services, under appropriate circumstances, may locate and transport, a patient on whom an emergency certificate has been completed to a treatment facility at the request of either the director of the facility, the certifying physician, physician assistant when acting in accordance with their respective clinical practice guidelines, psychiatric mental health nurse practitioner, other nurse practitioner who acts in accordance with a collaborative practice agreement and receives verbal approval for executing the certificate from his collaborating physician, or psychologist, the patient's next of kin, the patient's curator, or the agency legally responsible for his welfare. In the case of an emergency certificate issued pursuant to an examination conducted by telemedicine pursuant to Paragraph (B)(1) of this Section, or where the valid original is not provided to the transporter, a copy transmitted by facsimile or other electronic device shall be sufficient authority for the peace officer or ambulance worker to transport the patient to a treatment facility and for the director to accept such patient. The psychiatrist shall cause the original certificate to be deposited in the United States mail properly addressed to the director of the treatment facility by the next business day following the date of examination. The director of the treatment facility shall notify the patient's nearest relative, if known, or designated responsible party, if any, in writing, of the patient's admission by emergency certificate as soon as reasonably possible.

* * *

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 255

SENATE BILL NO. 217
BY SENATOR ERDEY

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

AN ACT

To amend and reenact R.S. 37:2810(A) and (C)(2)(a), relative to chiropractors; to require additional hours of continuing education, including an hour of ethics; to provide for terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:2810(A) and (C)(2)(a) are hereby amended and reenacted to read as follows:

§2810. Renewal of license; inactive status

A.(1) ~~Beginning with the calendar year 1991, each~~ **Each** license to practice chiropractic in this state shall be renewed annually on or before December thirty-first of each year, upon payment of the renewal fee prescribed in R.S. 37:2809 and the presentation to the board of a certificate or certificates attesting to satisfactory attendance of an educational program or programs totaling ~~twelve~~ **fifteen** hours of classroom instruction which have been approved for continuing education credit by the board. **At least three of the fifteen hours shall be in the subject of risk management, which shall include one hour of ethics.**

(2) ~~Beginning in 1992 and continuing with each even-numbered year thereafter, in addition to the annual requirement of twelve hours of~~

continuing education, each applicant for license renewal shall submit proof of attendance of an education program or programs totaling six hours of classroom instruction in the subject of risk management.

(3) However, for good and reasonable cause, the board may waive the educational requirements and/or renewal fee requirements.

* * *

C. * * *

(2) Any person in an inactive status may be granted active status by submitting a written request to the board and satisfactory proof of the following:

(a) ~~Twelve~~ **Fifteen** hours of continuing education annually.

* * *

Approved by the Governor, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 256

SENATE BILL NO. 255

(Substitute of Senate Bill No. 133 by Senator MORRELL)

BY SENATOR MORRELL

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

AN ACT

To enact R.S. 17:407.50.1, relative to early learning centers; to provide relative to health-related policies established by early learning centers; to provide for parental notification; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:407.50.1 is hereby enacted to read as follows:

§407.50.1. Health-related policies; parental notification

Each licensed early learning center shall provide a written copy of all health-related policies established by the center, including policies regarding accidents, allergic reactions, fever, illness, immunizations, infection, and injuries, to the parent or guardian of each child attending or enrolled in the early learning center. Such policies shall be binding upon the early learning center and the child's parent or legal guardian. However, nothing in this Section shall be construed to provide any exemptions or exclusions to any protections or waivers established 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, June 14, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 257

SENATE BILL NO. 146

BY SENATOR CLAITOR

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

AN ACT

To amend and reenact R.S. 15:529.1(A)(1), (3), and (4) and (C) and to enact R.S. 15:529.1(I) and (J), relative to the habitual offender law; to amend penalties provided for in the habitual offender law; to provide relative to the amount of time that must elapse between the current and prior offense for the habitual offender law to apply; to provide for the reduction by the court of a sentence under the habitual offender law under certain circumstances; to define "correctional supervision"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:529.1(A)(1), (3), and (4) and (C) are hereby amended and reenacted and R.S. 15:529.1(I) and (J) are hereby enacted to read as follows:

§529.1. Sentences for second and subsequent offenses; certificate of warden or clerk of court in the state of Louisiana as evidence

A. Any person who, after having been convicted within this state of a felony, or who, after having been convicted under the laws of any other state or of the United States, or any foreign government of a crime which, if committed in this state would be a felony, thereafter commits any subsequent felony within this state, upon conviction of said felony, shall be punished as follows:

(1) If the second felony is such that upon a first conviction the offender would be punishable by imprisonment for any term less than his natural life, then the sentence to imprisonment shall be for a determinate term not less than ~~one-half~~ **one-third** the longest term and not more than twice the longest term prescribed for a first conviction.

* * *

(3) If the third felony is such that upon a first conviction, the offender would be punishable by imprisonment for any term less than his natural life then **the following sentences apply:**

(a) The person shall be sentenced to imprisonment for a determinate term not less than ~~two-thirds~~ **one-half** of the longest possible sentence for the conviction and not more than twice the longest possible sentence prescribed for a first conviction; ~~or,~~

(b) If the third felony and the two prior felonies are felonies defined as a crime of violence under R.S. 14:2(B), ~~or a sex offense as defined in R.S. 15:541 et seq. R.S. 15:541~~ when the victim is under the age of eighteen at the time of commission of the offense, ~~or as a violation of the Uniform Controlled Dangerous Substances Law punishable by imprisonment for ten years or more, or any other crimes punishable by imprisonment for twelve years or more, or any combination of such crimes,~~ the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

(4) If the fourth or subsequent felony is such that, upon a first conviction the offender would be punishable by imprisonment for any term less than his natural life then **the following sentences apply:**

(a) The person shall be sentenced to imprisonment for the fourth or subsequent felony for a determinate term not less than the longest prescribed for a first conviction but in no event less than twenty years and not more than his natural life; ~~or,~~

(b) **If the fourth felony and no prior felony is defined as a crime of violence under R.S. 14:2(B) or as a sex offense under R.S. 15:541, the person shall be imprisoned for not less than twenty years nor more than twice the longest possible sentence prescribed for a first conviction. If twice the possible sentence prescribed for a first conviction is less than twenty years, the person shall be imprisoned for twenty years.**

(c) If the fourth felony and two of the prior felonies are felonies defined as a crime of violence under R.S. 14:2(B), ~~or a sex offense as defined in R.S. 15:541 et seq. R.S. 15:541~~ when the victim is under the age of eighteen at the time of commission of the offense, ~~or as a violation of the Uniform Controlled Dangerous Substances Law punishable by imprisonment for ten years or more, or of any other crime punishable by imprisonment for twelve years or more, or any combination of such crimes,~~ the person shall be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

* * *

C.(1) The Except as provided in Paragraph (2) of this Subsection, the current offense shall not be counted as, respectively, a second, third, fourth, or higher offense if more than ten five years have elapsed between the date of the commission of the current offense or offenses and the expiration of the maximum sentence or sentences of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for the previous conviction or convictions, or between the expiration of the maximum sentence or sentences of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for each preceding conviction or convictions alleged in the multiple offender bill and the date of the commission of the following offense or offenses. In computing the intervals of time as provided herein, in this Paragraph, any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, shall not be included in the computation of any of said ten-year the five-year periods between the expiration of the maximum sentence or sentences of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, and the next succeeding offense or offenses.

(2) The current offense shall not be counted as, respectively, a second, third, fourth, or higher offense if more than ten years have elapsed between the date of the commission of the current offense or offenses and the expiration of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, or between the expiration of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for each preceding conviction or convictions alleged in the multiple offender bill for a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 and the date of the commission of the following offense or offenses. In computing the intervals of time as provided in this Paragraph, any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, shall not be included in the computation of any of the ten-year periods between the expiration of correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 and the next succeeding offense or offenses.

* * *

I. If the court finds that a sentence imposed under the provisions of this Section would be constitutionally excessive pursuant to the criteria set forth in State v. Dorthey, 623 So.2d 1276 (La. 1993), then the court shall state for the record the reasons for such finding and shall impose the most severe sentence that is not constitutionally excessive.

J. For purposes of this Section, "correctional supervision" means any period of parole, probation, or incarceration of a person in a penal institution, either within the state of Louisiana or outside of the state.

Section 2. This Act shall become effective November 1, 2017, and shall have prospective application only to offenders whose convictions became final on or after November 1, 2017.

Approved by the Governor, June 15, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 258

HOUSE BILL NO. 116

**BY REPRESENTATIVES DWIGHT AND LEGER
AN ACT**

To amend and reenact R.S. 46:1844(A)(2)(b) and (d), (M)(1) and (2), (O), and (R) and to enact R.S. 46:1844(A)(2)(e), relative to rights of crime victims; to provide relative to the registration of crime victims; to provide relative to the development of a system that allows for electronic registration and notification; to authorize a registered victim to submit a reentry statement recommending certain parole conditions for the inmate; to require the Crime Victims Services Bureau to provide the victim with information relative to the reentry statement; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1844(A)(2)(b) and (d), (M)(1) and (2), (O), and (R) are hereby amended and reenacted and R.S. 46:1844(A)(2)(e) is hereby enacted to read as follows:

§1844. Basic rights for victim and witness

A. Services and information concerning services available to victims and witnesses of a crime.

* * *

(2) The Department of Public Safety and Corrections shall maintain the Crime Victims Services Bureau presently in operation. The bureau shall publicize and provide a way for crime victims and their family members to be kept informed about the following:

* * *

(b) ~~Parole board~~ Committee on parole or pardon board hearings or other release hearings.

* * *

(d) Beginning August 1, 2018, information regarding the process by which a victim may provide a reentry statement to request that the inmate be subject to certain proximity or contact restrictions as part of the inmate's parole conditions, if the inmate appeared before the committee on parole and was granted parole by the committee, and information on the availability of assistance to the victim in completing the reentry statement.

(e) Inquiries concerning the department's policies and programs for inmates.

* * *

M. Victims' right to seek restitution.

(1) If the defendant is found guilty, the court or ~~committee on parole board~~ shall require the defendant to pay restitution to the appropriate party in an amount and manner determined by the court. In addition, the court or ~~committee on parole board~~ may require the defendant to perform community service work in an amount and according to a schedule determined by the court.

(2) One of the conditions of work release shall be a requirement that an inmate pay from his earnings all restitution ordered by the court or the ~~committee on parole board~~. Even if no restitution has been ordered, the sheriff or director of the program shall have the right to require payment of restitution as a condition of work release.

* * *

O. Notification of pardon or parole.

(1) The Board of Pardons or the ~~Board of Parole~~ committee on parole, respectively, shall notify the victim or the victim's family and the appropriate district attorney that a hearing has been set for the person convicted of the crime against the victim. The victim or victim's family shall have the right to make written and oral statements as to the impact of the crime at any hearing before ~~either the board or committee~~ and to rebut any statements or evidence introduced by the inmate or defendant. The victim or the victim's family, a victim advocacy group, and the district attorney or his representative may also appear before ~~either the board or committee~~ in person or by means of telephone communication from the office of the local district attorney.

(2) Beginning August 1, 2018, when an inmate in physical custody is within three months of his earliest projected release date, a registered victim may contact the Crime Victim Services Bureau to submit a reentry statement to the committee on parole requesting that the inmate be subject to certain proximity or contact restrictions, as part of the inmate's parole conditions, that the victim believes are necessary for the victim's protection. The committee on parole may consider the victim's reentry statement only for the purpose of determining the inmate's parole conditions and not for the purpose of determining whether to order the release of the inmate on parole. A victim's reentry statement is not binding on the committee on parole, but shall be considered in concert with other relevant information when setting parole conditions. The provisions of this Paragraph apply only to those persons who are to appear at a hearing before the committee on parole to determine whether the person should be granted parole.

* * *

R. Preparation of victim notice and registration forms.

(1) The Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall cause to be promulgated uniform victim notice and registration forms which outline and explain the rights and services established by this Chapter. This information shall be updated as necessary. The costs of developing the victim notice and registration form shall be funded by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

~~(2) To the extent that funding is available for such purposes, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice shall develop and provide, by August 1, 2018, a system by which an agency may choose to complete and submit the uniform victim notice and registration form electronically and by which a victim may choose to receive all notices electronically.~~

* * *

Approved by the Governor, June 15, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 259

HOUSE BILL NO. 156
BY REPRESENTATIVE DWIGHT
AN ACT

To amend and reenact R.S. 56:435.1(A) and 435.1.1(A)(2) and (C), relative to oyster harvest in Calcasieu Lake and Sabine Lake; to provide for the gear authorized for oyster harvest on Calcasieu Lake and Sabine Lake; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:435.1(A) and 435.1.1(A)(2) and (C) are hereby amended and reenacted to read as follows:

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

A. Oysters may be harvested in Sabine Lake using only hand tongs, ~~a hand scraper, 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 hand tongs, ~~a hand scraper, or use of a single scraper with mechanical assist and a flat bar length of no more than thirty-six inches is allowed.~~

* * *

C. The commission shall fix the open season for oyster harvest tonging in Calcasieu Lake, which shall begin on any date between October fifteenth and November first and shall end on April thirtieth. However, in consultation with the Calcasieu Oyster Task Force, the commission may open or close the season as biological data indicate a need and may manage East Cove and West Cove separately.

* * *

Approved by the Governor, June 15, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 260

HOUSE BILL NO. 249
BY REPRESENTATIVES MAGEE, BAGNERIS, BOUIE, CARPENTER,
GARY CARTER, COX, DWIGHT, GAINES, GISCLAIR, GLOVER, HALL,
JIMMY HARRIS, HUNTER, JACKSON, JAMES, JEFFERSON, JORDAN,
TERRY LANDRY, LEGER, LYONS, MARCELLE, MARINO, MORENO,
NORTON, REYNOLDS, AND SMITH

AN ACT

To amend and reenact R.S. 47:1676(B)(1) and Code of Criminal Procedure Articles 883.2(D), 884, 885.1(A), (C), and (D), 888, 894.4, 895.1(A)(1) and (2) (a) and (E), and 895.5(C) and to enact Code of Criminal Procedure Article 875.1, relative to the financial obligations for criminal offenders; to provide relative to the payment of fines, fees, costs, restitution, and other monetary obligations related to an offender's conviction; to require the court to determine the offender's ability to pay the financial obligations imposed; to authorize the court to waive, modify, or create a payment plan for the offender's financial obligations; to provide relative to the court's authority to extend probation under certain circumstances; to provide relative to the recovery of uncollected monetary obligations at the end of a probation period; to provide for legislative intent; to provide relative to the disbursement of collected payments; to authorize the court to impose certain conditions in lieu of payment in certain situations; to provide relative to the penalties imposed when an offender fails to make certain payments or fails to appear for a hearing relative to missed payments; to

require notice to an offender upon his failure to make certain payments; to provide for an effective date; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 883.2(D), 884, 885.1(A), (C), and (D), 888, 894.4, 895.1(A)(1) and (2)(a) and (E), and 895.5(C) are hereby amended and reenacted and Code of Criminal Procedure Article 875.1 is hereby enacted to read as follows:

Art. 875.1. Determination of substantial financial hardship to the defendant

A. The purpose of imposing financial obligations on an offender who is convicted of a criminal offense is to hold the offender accountable for his action, to compensate victims for any actual pecuniary loss or costs incurred in connection with a criminal prosecution, to defray the cost of court operations, and to provide services to offenders and victims. These financial obligations should not create a barrier to the offender's successful rehabilitation and reentry into society. Financial obligations in excess of what an offender can reasonably pay undermine the primary purpose of the justice system which is to deter criminal behavior and encourage compliance with the law. Financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven. Creating a payment plan for the offender that is based upon the ability to pay, results in financial obligations that the offender is able to comply with and often results in more money collected. Offenders who are consistent in their payments and in good faith try to fulfill their financial obligations should be rewarded for their efforts.

B. For purposes of this Article, "financial obligations" shall include any fine, fee, cost, restitution, or other monetary obligation authorized by this Code or by the Louisiana Revised Statutes of 1950 and imposed upon the defendant as part of a criminal sentence, incarceration, or as a condition of the defendant's release on probation or parole.

C.(1) Notwithstanding any provision of law to the contrary, prior to ordering the imposition or enforcement of any financial obligations as defined by this Article, the court shall determine whether payment in full of the aggregate amount of all the financial obligations to be imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents.

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

D.(1) If the court determines that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents, the court shall do either of the following:

(a) Waive all or any portion of the financial obligations.

(b) Order a payment plan that requires the defendant to make a monthly payment to fulfill the financial obligations.

(2)(a) The amount of each monthly payment for the payment plan ordered pursuant to the provisions of Subsubparagraph (1)(b) of this Paragraph shall be equal to the defendant's average gross daily income for an eight-hour work day.

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

(c) During any periods of unemployment, homelessness, or other circumstances in which the defendant is unable to make the monthly payment, the court or the defendant's probation and parole officer is authorized to impose a payment alternative, including but not limited to any of the following: substance abuse treatment, education, job training, or community service.

(3) If, after the initial determination of the defendant's ability to fulfill his financial obligations, the defendant's circumstances and ability to pay his financial obligations change, the defendant or his attorney may file a motion with the court to reevaluate the defendant's circumstances and determine, in the same manner as the initial determination, whether under the defendant's current circumstances payment in full of the aggregate amount of all the financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents. Upon such motion, if the court determines that the defendant's current circumstances would cause substantial financial hardship to the defendant or his dependents, the court may either waive or modify the defendant's financial obligation, or recalculate the amount of the monthly payment made by the defendant under the payment plan set forth in Subsubparagraph (1) (b) of this Paragraph.

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

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

* * *

Art. 883.2. Restitution to victim

* * *

D. Notwithstanding any other provision of law to the contrary, if the defendant is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court may order a periodic payment plan

consistent with the person's financial ability pursuant to the provisions of Article 875.1.

Art. 884. Sentence of fine with imprisonment for default

A. If a sentence imposed includes a fine or costs, the sentence shall provide that in default of payment thereof the defendant shall be imprisoned for a specified period not to exceed one year; provided that where the maximum prison sentence which may be imposed as a penalty for a misdemeanor is six months or less, the total period of imprisonment upon conviction of the offense, including imprisonment for default in payment of a fine or costs, shall not exceed six months for that offense.

B. The provisions of this Article do not apply if the court has determined, pursuant to the provisions of Article 875.1, that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents. In such cases, the provisions of Article 875.1 shall apply.

* * *

Art. 885.1. Suspension of driving privileges; failure to pay criminal fines

A. When a fine is levied against a person convicted of any felony criminal offense, including any violation of the Louisiana Highway Regulatory Act or any municipal or parish ordinance regulating traffic in any municipality or in any parish and the defendant is granted an extension of time is able but has willfully refused to pay the fine, the judge of the court having jurisdiction may order the driver's license to be surrendered to the sheriff or official of the court collecting fines for a period of time not to exceed one hundred eighty days. If, after expiration of one hundred eighty days, the defendant has not paid the fine, the sheriff or official of the court designated to collect fines shall forward the license to the Department of Public Safety and Corrections:

* * *

C. If, after expiration of one hundred eighty days, the court finds that the defendant has not paid remains able but has willfully refused to pay the fine, the sheriff or official of the court designated to collect fines shall forward the license to the Department of Public Safety and Corrections. Upon receipt of the defendant's surrendered driver's license, the department shall suspend the driver's license of the defendant. The suspension shall begin when the department receives written notification from the court, and the department shall send immediate written notification to the defendant informing him of the suspension of driving privileges.

D. The department shall not reinstate, return, reissue, or renew a driver's license in its possession pursuant to this Section until upon payment of the fine and any additional administrative cost, fee, or penalty required by the judge having the jurisdiction and any other cost, fee, or penalty required by the department in accordance with R.S. 32:414(H) or other applicable cost, fee, or penalty provision.

* * *

Art. 888. Costs and fines; payment

Costs and any fine imposed shall be payable immediately except as provided in Article 875.1 relative to the determination of the defendant's ability to pay; provided, however, that in cases involving the violation of any traffic law or ordinance, the court having jurisdiction may grant the defendant five judicial days after rendition of judgment to pay any costs and any fine imposed.

* * *

Art. 894.4. Probation; extension

A. When a defendant has been sentenced to probation and has a monetary obligation, including but not limited to court costs, fines, costs of prosecution, and any other monetary costs associated with probation, the judge may not extend the period of probation until the monetary obligation is extinguished for the purpose of collecting any unpaid monetary obligation, except as provided in Paragraph B of this Article, but may refer the unpaid monetary obligation to the office of debt recovery pursuant to R.S. 47:1676.

B. The judge may extend probation only one time and only by a period of six months for the purpose of monitoring collection of unpaid victim restitution if the court finds on the record by clear and convincing evidence that the court's temporary ongoing monitoring would ensure collection of unpaid restitution more effectively than any of the following:

(1) Converting the unpaid restitution to a civil money judgment pursuant to Article 886 or 895.1.

(2) Referring the unpaid restitution to the office of debt recovery pursuant to R.S. 47:1676.

(3) Any other enforcement mechanism for collection of unpaid restitution authorized by law.

C. A six-month extension of probation as provided in Paragraph B shall apply only to the order of victim restitution. All other conditions of probation during the six-month extension shall be terminated.

* * *

Art. 895.1. Probation; restitution; judgment for restitution; fees

A.(1) When a court places the defendant on probation, it shall, as a condition of probation, order the payment of restitution in cases where the victim or his family has suffered any direct loss of actual cash, any monetary loss pursuant to damage to or loss of property, or medical expense. The court shall order restitution in a reasonable sum not to exceed the actual pecuniary loss to the victim in an amount certain. However, any additional or other damages sought by the victim and available under the law shall be pursued in an action separate from the establishment of the restitution order as a civil money judgment provided for in Subparagraph (2) of this

Paragraph. The If the court has determined, pursuant to the provisions of Article 875.1, that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents, restitution payment payments shall be made, in discretion of the court, either in a lump sum or in monthly installments based on the earning capacity and assets of the defendant pursuant to the provisions of Article 875.1.

(2)(a) The order to pay restitution together with any order to pay costs or fines, as provided in this Article, is deemed a civil money judgment in favor of the person to whom restitution, costs, or fines is owed, if the defendant is informed of his right to have a judicial determination of the amount and is provided with a hearing, waived a hearing, or stipulated to the amount of the restitution, cost, or fine ordered. In addition to proceedings had by the court which orders the restitution, cost, or fine, the judgment may be enforced in the same manner as a money judgment in a civil case. Likewise, the judgment may be filed as a lien as provided by law for judgment creditors. Prior to the enforcement of the restitution order, or order for costs or fines, the defendant shall be notified of his right to have a judicial determination of the amount of restitution, cost, or fine. Such notice shall be served personally by the district attorney's office of the respective judicial district in which the restitution, cost, or fine is ordered.

* * *

E. When the court places any defendant convicted of a violation of the controlled dangerous substances law Uniform Controlled Dangerous Substances Law, R.S. 40:966 through 1034, on any type of probation, it shall order as a condition of probation a fee of not less than fifty nor more than one hundred dollars, payable to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice to be credited to the Drug Abuse Education and Treatment Fund and used for the purposes provided in R.S. 15:1224.

* * *

Art. 895.5. Restitution recovery division; district attorneys; establishment

* * *

C. Compliance enforcement. The (1) Except as provided in Subparagraph (2) of this Paragraph, the district attorney may take all lawful action necessary to require compliance with court-ordered payments, including filing a petition for revocation of probation, filing a petition to show cause for contempt of court, or institution of any other civil or criminal proceedings which may be authorized by law or by rule of court. In addition, the district attorney may issue appropriate notices to inform the defendant of his noncompliance and of the penalty for noncompliance. In the event that the district attorney institutes any other civil or criminal proceedings pursuant to this Paragraph, the defendant shall be charged costs of court and such costs shall be added to the amount due.

(2) If a court authorizes a payment plan to collect financial obligations associated with a criminal case and the defendant fails to make a payment, the court shall serve the defendant with a citation for a rule to show cause why the defendant should not be found in contempt of court for failure to comply with the payment plan. This citation shall include the following notice:

"If you make a payment toward the above listed fines and fees on or before _____, you will not have to come to court for this matter.

IMPORTANT NOTICE REGARDING THE HEARING ON THE RULE TO SHOW CAUSE FOR PROOF OF SATISFACTION OF FINANCIAL OBLIGATION:

(a) At the rule to show cause hearing, the court will evaluate your ability to pay the fines and fees listed above.

(b) You are ordered to bring any documentation or information that you want the court to consider in determining your ability to pay.

(c) Your failure to make a payment toward the ordered financial obligation may result in your incarceration only if the court finds, after a hearing, that you had the ability to pay and willfully refused to do so.

(d) You have the right to be represented by counsel (attorney/lawyer) of your choice. If you cannot afford counsel, you have the right to be represented by a court-appointed lawyer at no cost to you. However, you must apply for a court-appointed lawyer at least seven (7) days before this court date by going to the public defender's office. There is a forty-dollar (\$40) application fee.

(e) If you are unable to make a payment toward the ordered financial obligation, you may request payment alternatives including but not limited to community service, a reduction of the amount owed, or both.

(f) During the hearing, you will have a meaningful opportunity to explain why you have not paid the above-listed amounts by presenting evidence and testimony."

(3) If after the hearing provided for by Subparagraph (2) of this Paragraph, the court continues to authorize a payment plan, the defendant shall be served with the same notice provided for in Subparagraph (2) of this Paragraph regarding the consequences and due process for the willful failure to pay.

* * *

Section 2. R.S. 47:1676(B)(1) is hereby amended and reenacted to read as follows:

§1676. Debt recovery

* * *

B. For purposes of this Section, the following words shall have the following meanings unless the context clearly indicates otherwise:

(1) "Agency" means any state office, department, board, commission, institution, division officer or other person, or functional group, existing or created, that is authorized to exercise, or that does exercise, any function of state government in the executive branch. For purposes of this Section, "agency" shall also mean the court only for the collection of unpaid monetary obligations as set forth in Code of Criminal Procedure Article 894.4.

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

Approved by the Governor, June 15, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 261

HOUSE BILL NO. 489

BY REPRESENTATIVES LEGER, AMEDEE, BAGNERIS, BILLIOT, BOUIE, CARPENTER, GARY CARTER, COX, GAINES, GISCLAIR, GLOVER, HALL, JIMMY HARRIS, HOFFMANN, HORTON, HUNTER, JACKSON, JAMES, JEFFERSON, JENKINS, JOHNSON, JORDAN, TERRY LANDRY, LYONS, MARCELLE, MARINO, MORENO, NORTON, PIERRE, SMITH, THIBAUT, AND WHITE

AN ACT

To enact R.S. 15:827.2 and 827.3, relative to the reinvestment of savings realized from criminal justice reforms; to require the Department of Public Safety and Corrections to collect and make available certain information and data relative to the prison and community supervision population; to authorize the Department of Public Safety and Corrections to promulgate rules and regulations; to provide guidelines on the type of information and data to be collected; to provide relative to the calculation of savings realized by the Department of Public Safety and Corrections; to require the reinvestment of a portion of the savings realized; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:827.2 and 827.3 are hereby enacted to read as follows:

§827.2. Data collection and reporting requirements

A.(1) In addition to other duties imposed upon the Department of Public Safety and Corrections, it shall be the duty of the department, in conjunction with the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, to collect, track, analyze, forecast, and distribute data relative to prison admissions, sentencing, habitual offender sentencing, parole, community supervision, medical furlough, certified treatment and rehabilitation programs, workforce development work release programs, and cost savings and reinvestment.

(2) The department shall provide the information described in Subsection D of this Section to the Joint Legislative Committee on the Budget and the commissioner of administration by June 30, 2018, and shall provide updated information annually thereafter.

(3) The department shall make the information described in Paragraphs (D)(1) through (6) of this Section publicly available by June 30, 2018, and shall update the information annually thereafter.

B. The department may enter into a cooperative endeavor agreement or memorandum of understanding with a third-party provider to assist with the collection, tracking, analysis, forecasting, and distribution of the data and information collected pursuant to the provisions of this Section.

C. The department is authorized to adopt rules or regulations necessary to implement the provisions of this Section.

D. The information collected by the department, in conjunction with the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, shall include but not be limited to the following:

(1) With respect to prison admissions: the total prison population and the total number of individuals admitted to prison by offense type, type of admission, prior criminal history, and, if measured upon intake, by risk assessment score and risk assessment tool.

(2) With respect to parole and release from prison: the average length of stay in prison organized by offense type and by type of admission, the total number of individuals released from prison organized by type of release, the total number of parole hearings held, and the recidivism rate of individuals released from prison.

(3) With respect to the population of individuals on probation or parole supervision: the total number of supervision intakes by offense type and by risk assessment score, the average sentence length for persons on probation by offense type, and the total number of supervision discharges by discharge type.

(4) With respect to those individuals on probation or parole supervision who violate a condition of their release or commit a new offense: the average amount of time credited to either their suspended sentence or the remainder of their sentence from time spent on supervision, the average amount of time credited to either their suspended sentence or the remainder of their sentence from time spent awaiting trial pre-revocation, the total number of non-jail administrative sanctions administered, and the total number of, and average length of stay in jail for, administrative jail sanctions issued.

(5) With respect to certified treatment and rehabilitation programs (CTRP), pursuant to R.S. 15:828: the total number of individuals who are

awarded earned credits from CTRP, the percentage of eligible individuals who are awarded earned credits from CTRP, the average amount of credits individuals earn from CTRP, and the number of certified treatment and rehabilitation programs offered at facilities housing inmates under the custody of the Department of Public Safety and Corrections.

(6) With respect to workforce development work release program, pursuant to R.S. 15:711, 1111, and 1199.9: the total number of individuals who participate in a workforce development work release program, the percentage of eligible individuals who participate in a workforce development work release program, and the average amount of awarded earned credits for participation in a workforce development work release program.

(7) With respect to reinvestment and savings: the total amount of annual savings achieved as a result of legislation relative to the criminal justice system enacted in the 2017 Regular Session of the Legislature and thereafter, the total amount of funds deemed a bona fide obligation pursuant to R.S. 15:827.3, and the entities that received reinvestment funds, the dollar amounts directed to each, and a description of how the funding was used.

§827.3. Savings attributable to criminal justice reforms

A. At the end of each fiscal year, the Department of Public Safety and Corrections shall provide to the commissioner of administration and to the Joint Legislative Committee on the Budget a statement of calculated annual savings realized as a result of reforms to the criminal justice system. For Fiscal Year 2017-2018, seventy percent of the savings shall be deemed a bona fide obligation of the state and shall be allocated by the department according to Subsection B of this Section. For Fiscal Year 2018-2019 and each fiscal year thereafter, fifty percent of the annual savings shall be deemed a bona fide obligation of the state and shall be allocated by the department according to Subsection B of this Section and twenty percent of the annual savings shall be deemed a bona fide obligation of the state and shall be allocated by the department for juvenile justice initiatives and programs.

B. The amount deemed to be a bona fide obligation pursuant to the provisions of Subsection A of this Section, except for the portion required to be allocated by the department for juvenile justice initiatives and programs, shall be allocated as follows:

(1) Thirty percent shall be allocated to the Department of Public Safety and Corrections to award incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives and reduce admissions to the state prison system.

(2) Twenty percent shall be allocated to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice to award competitive grants for victim services, including but not limited to victim safety assessments and safety planning, trauma-informed treatment and services for victims and survivors, shelters and transitional housing for domestic violence victims and their children, batterers' intervention programming, and victim-focused education and training for justice system professionals.

(3) The remainder shall be allocated to the Department of Public Safety and Corrections for targeted investments in reentry services, community supervision, educational and vocational programming, transitional work programs, and contracts with parish jails and other local facilities that house state inmates to incentivize expansion of recidivism reduction programming and treatment services.

Approved by the Governor, June 15, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 262

HOUSE BILL NO. 519

BY REPRESENTATIVES EMERSON, JAMES, AND LEGER

AN ACT

To amend and reenact Chapter 1-C of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:31 through 36, relative to provisional licenses issued to ex-offenders through the "Provisional Licenses for Ex-Offenders Act"; to delete the term "provisional" from the entirety of the Act to create the "Licenses for Ex-Offenders Act"; to modify with respect to requirements applicable to the issuance of licenses to ex-offenders; to provide with respect to terms for licenses and reporting requirements of ex-offenders, entities issuing licenses, and certain departments and divisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 1-C of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:31 through 36, is hereby amended and reenacted to read as follows:

CHAPTER 1-C. PROVISIONAL LICENSES FOR EX-OFFENDERS

§31. Short title

This Chapter shall be known and may be cited as the "~~Provisional~~ Licenses for Ex-Offenders Act".

§32. Issuance of licenses to ex-offenders

Notwithstanding any provision of law or rule adopted and promulgated by any state department, agency, board, commission, or authority to the contrary, an entity issuing licenses, except for those listed in R.S. 37:36(E),

for persons to engage in certain fields of work pursuant to state law shall issue either of the following to an otherwise qualified ~~otherwise-qualified~~ applicant who has been convicted of an offense or offenses, except those described in R.S. 37:36(A) through (C): ~~the~~

(1) ~~The license for which the applicant applied if the applicant meets all other requirements of the licensing qualifications, except those pertaining to former offenses.~~

(2) ~~A provisional license for which the applicant applied if the applicant meets all other requirements of the licensing qualifications except those pertaining to former offenses (referred to in this Chapter as "applicant" or "holder").~~

~~§33. Provisional license; issuance; term; probation or parole License; application by ex-offender~~

~~A.(1) An ex-offender may apply to any entity issuing licenses to engage in certain fields of work pursuant to state law for a provisional license to engage in the particular field of work for which the entity issues licenses.~~

~~(2)B. The licensing entity shall issue the provisional license for which the applicant applied and is otherwise qualified to receive.~~

~~B. The licensing entity issuing the provisional license shall determine the term for which the provisional license shall be valid; however, in no event shall a provisional license issued pursuant to this Chapter be valid for fewer than ninety days nor more than three hundred sixty days.~~

~~C. The licensing entity may require up to two years to have passed since an applicant's last conviction or release from incarceration in order for the applicant to qualify for the provisional license.~~

~~D.(1) An applicant who is on community supervision and who is issued a provisional license pursuant to this Chapter shall provide the licensing entity the name and contact information of the person at the Department of Public Safety and Corrections, division of probation and parole, to whom he reports. If the applicant reports to the probation or parole department of another state, he shall provide the licensing entity the name and contact information of the person at that particular department to whom he reports.~~

~~(2) The licensing entity shall notify the probation or parole division or department and court in which the holder's offense was adjudicated that a provisional license has been issued to the applicant.~~

~~§34. Provisional license License; revocation~~

~~A. The licensing entity may revoke the provisional license issued pursuant to this Chapter if the holder commits any of the following:~~

~~(1) A new offense felony for which he is convicted.~~

~~(2) An act or omission that causes the holder of a provisional license community supervision, mandatory supervision, or parole to be revoked.~~

~~(3)(2) A violation of law or rules governing the practice of the field of work for which the provisional license was issued.~~

~~B. A probation or parole department or division shall notify the licensing entity if the community supervision of the holder of a provisional license is revoked.~~

~~C.B. A court shall notify the licensing entity if the holder of the provisional license is charged with a new offense.~~

~~D.C. If a licensing entity revokes a provisional license pursuant to this Section, each of the following apply:~~

~~(1) The holder shall not be entitled to receive another provisional license or regular license for which the applicant originally applied, even if otherwise qualified.~~

~~(2) The ability of the holder to subsequently obtain another provisional license from another licensing entity in the future is within the sole discretion of the issuing entity.~~

~~§35. Regular license License; issuance; discretion of issuer~~

~~A. A licensing entity shall issue the regular license for which the provisional license was issued on the expiration of the provisional license term if the holder of the provisional license does not commit acts described in R.S. 37:34(A).~~

~~B. Nothing in this Chapter shall be implicitly interpreted to preclude an entity from exercising its existing discretion to issue a license to individuals not covered under pursuant to the provisions of this Chapter, except where precluded by another law.~~

~~§36. Exemptions; prohibitions; records; reports~~

~~A. A licensing entity shall not be required to issue a provisional license to any person convicted of any of the following:~~

~~(1) Any grade of homicide enumerated in R.S. 14:29.~~

~~(2) A "crime of violence" as enumerated in R.S. 14:2(B).~~

~~(3) A "sex offense" as defined by R.S. 15:541.~~

~~B. A licensing entity shall not be required to issue a provisional license to any person convicted of an offense involving fraud if the licensed field of work is one in which the licensee owes a fiduciary duty to a client.~~

~~C. A licensing entity shall not be required to issue a provisional license to an applicant whose conviction directly relates to the position of employment sought, or to the specific field for which the license is required, or profession for which the provisional license is sought.~~

~~D. A provisional license holder who supervises children or individuals who lack mental capacity shall not do so without another licensee in the room at all times.~~

~~E.(1) This Chapter shall not apply to the following licensing entities:~~

~~(a) Any law enforcement agency.~~

~~(b) The Louisiana State Board of Medical Examiners.~~

~~(c) The Louisiana State Board of Dentistry.~~

~~(d) The Louisiana State Board of Nursing.~~

~~(e) The Louisiana State Board of Practical Nurse Examiners.~~

~~(f) The Louisiana State Racing Commission.~~

~~(g) The State Boxing and Wrestling Commission.~~

~~(h) The Louisiana Board of Pharmacy.~~

~~(i) The Louisiana Supreme Court.~~

~~(j) The Louisiana Professional Engineering and Land Surveying Board.~~

~~(k) The Louisiana State Board of Architectural Examiners.~~

~~(l) The Louisiana State Board of Private Investigator Examiners.~~

~~(m) The Louisiana State Board of Embalmers and Funeral Directors.~~

~~(n) The Louisiana State Board of Elementary and Secondary Education.~~

~~(o) The Office of Financial Institutions.~~

~~(p) The Louisiana Physical Therapy Board.~~

~~(q) The Louisiana Board of Massage Therapy.~~

~~(r) The office of alcohol and tobacco control of the Department of Revenue.~~

~~(s) The health standards section of the Louisiana Department of Health.~~

~~(t) The Department of Insurance.~~

~~(u) The Louisiana State Board of Social Work Examiners.~~

~~(v) The Louisiana State Board of Examiners of Psychologists.~~

~~(w) The Louisiana Behavior Analyst Board.~~

~~(x) All offices, boards, or commissions under the supervision of the deputy secretary of the Department of Public Safety and Corrections, public safety services, or the superintendent of the Louisiana State Police, which are not delineated in this Section.~~

~~(y) The Louisiana Real Estate Commission.~~

~~(z) The Louisiana Real Estate Appraisers Board.~~

~~(aa) The Louisiana Licensed Professional Counselors Board of Examiners.~~

~~(2) Nothing in this Subsection shall be construed to preclude the licensing entity, in its discretion, from adopting the provisions of this Chapter as policies or administrative rules.~~

~~(3)(a) A licensing entity exempt from the provisions of this Chapter shall keep record and compile a report of the number of provisional licenses denied by the entity, including all reasons for such denial, when the denial is of an otherwise qualified applicant who has been convicted of an offense or offenses, except those described in Subsections A through C of this Section.~~

~~(b) Notwithstanding the exemption of licensing entities as provided in this Section, any licensing entity issuing provisional licenses in accordance with this Chapter to people with criminal convictions shall keep record and compile a report of the number of provisional licenses issued and denied by the entity, including all reasons for any such issuance or denial.~~

~~(c) The entity shall provide the report annually to the House Committee on Commerce no later than February first of each year.~~

~~F. If a licensing entity believes that another exemption not provided in this Section is necessary in a specific case to protect the public from a clear and imminent danger, the entity may seek declaratory relief in district court through a judicial order finding that the applicant shall not be issued a provisional or regular license because it would pose such a danger.~~

~~Approved by the Governor, June 15, 2017.~~

~~A true copy:~~

~~Tom Schedler
Secretary of State~~

~~ACT No. 263~~

~~HOUSE BILL NO. 533~~

~~BY REPRESENTATIVES HUNTER, BAGNERIS, BISHOP, COX, JACKSON, MARCELLE, AND PIERRE AND SENATORS BARROW, BOUDREAUX, AND CLAITOR~~

~~AN ACT~~

~~To enact Part V of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1290.1 through 1290.4, relative to drinking water; to provide for legislative findings; to require a collaborative effort to improve public drinking water quality; to require reporting; to provide for a termination date; and to provide for related matters.~~

~~Be it enacted by the Legislature of Louisiana:~~

~~Section 1. Part V of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1290.1 through 1290.4, is hereby enacted to read as follows:~~

~~PART V. STATE-LEVEL COLLABORATION TO
IMPROVE PUBLIC DRINKING WATER QUALITY~~

~~§1290.1. Legislative findings; purpose~~

~~A. The Legislature of Louisiana does hereby find and declare the following:~~

~~(1) The provision of water for public use and consumption not only safe but also acceptable in appearance, taste, and odor is of the highest priority.~~

~~(2) Water aesthetically unacceptable can undermine the confidence of consumers, will lead to complaints, and could lead to the use of water from sources which are less safe.~~

~~(3) Generally, consumers have no means of judging the safety of their water themselves, but their attitude towards the water supply and water suppliers is often greatly affected by the aspects of water quality they are able to perceive with their own senses.~~

~~(4) It is natural for consumers to regard with suspicion water that appears dirty or discolored or that has an unpleasant taste or smell. Even though these characteristics may not in themselves be of direct consequence, they~~

may consequently cause a substantial number of persons to discontinue using a public water system.

(5) On July 28, 2010, through Resolution 64/292, the United Nations General Assembly explicitly recognized the right to safe and clean drinking water and sanitation as a human right that is essential for the full enjoyment of life and all human rights.

(6) In November 2002, the United Nations Committee on Economic, Social, and Cultural Rights adopted General Comment No. 15, The Right to Water, which states the human right to water is indispensable for leading a life in human dignity and is a prerequisite for the realization of other human rights.

B. The purpose of this Part is to request the Louisiana Department of Health to lead a collaborative effort to improve public drinking water quality in this state, and to develop recommendations to the legislature concerning effective and responsible practices to improve and maintain the quality of drinking water provided by water utility systems.

§1290.2. State-level collaboration to improve public drinking water quality
A. The Louisiana Department of Health shall lead a collaborative effort to evaluate the issues and conditions of drinking water treatment and distribution in communities throughout Louisiana by performing a thorough evaluation of all of the following:

(1) The sanitary survey results for each water utility system across Louisiana.

(2) The effects deteriorating systems have on the safety, health, and well-being of Louisiana families, communities, and businesses.

B. The Louisiana Department of Health shall engage and solicit, as necessary, input, recommendations, and guidance from interested parties and stakeholders including but not limited to any of the following:

(1) State and local agencies involved in the regulation, treatment, and distribution of drinking water.

(2) Technical experts at the university and consulting levels.
(3) Water utility system owners and operators, community members, and state legislators from areas with known public water quality issues.

§1290.3. Reporting
A. The Louisiana Department of Health shall develop a report of the results of the collaborative effort required by this Part, including findings, recommendations, and proposed legislation, if necessary, and shall submit the report to the House and Senate committees on health and welfare no later than thirty days prior to the convening of the 2020 Regular Legislative Session.

B. The Louisiana Department of Health shall submit an interim progress report no later than thirty days prior to the convening of the regular legislative session of each year until the final report required by Subsection A of this Section is submitted.

§1290.4. Termination
The provisions of this Part shall terminate on December 31, 2020.
Approved by the Governor, June 15, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 264

HOUSE BILL NO. 680

(Substitute for House Bill No 426 by Representative Marino)
BY REPRESENTATIVES MARINO, BAGNERIS, BOUIE, CARPENTER, GARY CARTER, GLOVER, HALL, HOFFMANN, HUNTER, JAMES, TERRY LANDRY, LEGER, LYONS, MARCELLE, NORTON, PIERRE, AND SMITH
AN ACT

To amend and reenact R.S. 9:311(A)(2) and (D) and 315.11(A) and (C), to enact Children's Code Article 1353(G), R.S. 9:311.1 and 315.27, R.S. 13:4611(1)(d) (iii), R.S. 46:236.6(B)(4) and 236.7(C)(4), and to repeal R.S. 9:311(G), relative to child support; to provide relative to child support obligations; to provide relative to incarceration of the obligor; to provide procedures for the temporary modification or suspension of child support orders; to provide for notice requirements; to provide for a defense to contempt of court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Children's Code Article 1353(G) is hereby enacted to read as follows:

Art. 1353. Support provisions; contempt; penalties; defenses

G. It is a defense as provided by R.S. 9:311.1 to a charge of contempt of court for failure to comply with a court order of child support if an obligor can prove that he was incarcerated during the period of noncompliance. This defense applies only to the time period of actual incarceration.

Section 2. R.S. 9:311(A)(2) and (D) and 315.11(A) and (C) are hereby amended and reenacted and R.S. 9:311.1 and 315.27 are hereby enacted to read as follows:

§311. Modification or suspension of support; material change in circumstances; periodic review by Department of Children and Family Services; medical support

A.
(2) The Department of Children and Family Services shall prepare and distribute information, forms, and rules for the modification or suspension

of support orders, in accordance with this Subsection, and for proceeding *in forma pauperis*. The information provided by the Department of Children and Family Services shall specifically include what may constitute a material change in circumstances. The clerks of court in all parishes shall make this information available to the public upon request. This information shall also be distributed by the Department of Public Safety and Corrections or the sheriff of any parish, as appropriate, to every person incarcerated in every state and parish jail and prison facility. When the initial support order is entered, either the court or the department, if providing services, shall provide this information to the parties.

D. A material change in circumstance need not be shown for either of the following purposes of:

(1) ~~modifying~~ To modify a child support award to include a court-ordered award for medical support.
(2) To suspend or modify a child support award in accordance with R.S. 9:311.1.

§311.1. Child support during the obligor's incarceration
A. In accordance with the provisions of this Section, every order of child support shall be suspended when the obligor will be or is incarcerated for any period of one hundred eighty consecutive days or more, unless any of the following conditions exist:

(1) The obligor has the means to pay support while incarcerated.
(2) The obligor is incarcerated for an offense against the custodial party or the child subject to the support order.
(3) The incarceration resulted from the obligor's failure to comply with a court order to pay child support.

B. As used in this Section:
(1) "Incarceration" means placement of an obligor in a county, parish, state or federal prison or jail, in which the obligor is not permitted to earn wages from employment outside the facility. "Incarceration" does not include probation or parole.
(2) "Support enforcement services" shall have the same meaning as provided in R.S. 46:236.1.1(14).
(3) "Suspension" means the modification of a child support order to zero dollars during the period of an obligor's incarceration.

C. The Department of Public Safety and Corrections or the sheriff of any parish, as appropriate, shall notify the Department of Children and Family Services of any person who has been in their custody and may be subject to a child support obligation if either:

(1) The person will be or is incarcerated for one hundred eighty consecutive days or longer.
(2) At least six months before the person who was the subject of notification under Paragraph (1) of this Subsection is scheduled to be released from incarceration as defined in Subsection B of this Section.

D.(1) When the Department of Children and Family Services is providing support enforcement services, the department shall, upon receipt of notice in accordance with Paragraph (C)(1) of this Section, verify that none of the conditions in Subsection A exists.
(2) Upon finding that none of the conditions in Subsection A exists, the department shall provide notice to the custodial party by certified mail, return receipt requested. The notice shall state all of the following:

(a) The child support order shall be suspended unless the custodial party objects no later than fifteen calendar days after receipt of such notice on any of the following grounds:
(i) The obligor has sufficient income or assets to comply with the order of child support.
(ii) The obligor is incarcerated for an offense against the custodial party or the child subject to the order of child support.
(iii) The offense for which the obligor is incarcerated is due to the obligor's failure to comply with an order to pay child support.

(b) The custodial party may object to the proposed modification by delivering a signed objection form, indicating the nature of the objection to the department no later than fifteen calendar days after receipt of the notice in this Paragraph.
(3) If no objection is received from the custodial party in accordance with Paragraph (2) of this Subsection, the department shall file an affidavit with the court that has jurisdiction over the order of child support. The affidavit shall include all of the following:

(a) The beginning and expected end dates of such obligor's incarceration.
(b) A statement by the affiant of all of the following:
(i) A diligent search failed to identify any income or assets that could be used to satisfy the order of child support while the obligor is incarcerated.
(ii) The offense for which the obligor is incarcerated is not an offense against the custodial party or the child subject to the order of child support.
(iii) The offense for which the obligor is incarcerated is not due to the obligor's failure to comply with an order to pay child support.

(iv) A notice was provided to the custodial party in accordance with Paragraph (2) of this Subsection and an objection was not received from such party.
(4) The suspension of the order of support shall begin upon the date that the department files the affidavit.
(5) If the custodial party makes a timely objection, the department shall file a contradictory motion with the court that has jurisdiction over the order of child support.

(6) If a timely objection is made, the order of child support shall continue until further order of the court.

E. Nothing in this Section shall prevent either party from seeking a suspension or a modification of the order of support under this Section or any other provision of law.

F.(1) Upon motion of either party or the Department of Children and Family Services, after notice and hearing, the court shall suspend the child support obligation unless it finds one of the conditions in Subsection A of this Section exists.

(2) If one of the conditions in Subsection A of this Section exists, the court shall use the child support guidelines in R.S. 9:315 et seq. to determine an obligor's support obligation during his period of incarceration.

G.(1) An order of support suspended in accordance with this Section shall resume by operation of law on the first day of the second full month after the obligor's release from incarceration.

(2) An order that suspends an obligor's order of support because of the obligor's incarceration shall contain a provision that the previous order will be reinstated on the first day of the second full month after the obligor's release from incarceration.

(3) Unless the terms of the order of support have been otherwise modified, the suspended order of support shall resume at the same terms that existed before the suspension.

H. The suspension of an order of support in accordance with this Section shall not affect any past due support that has accrued before the effective date of the suspension.

I. The provisions of this Section shall not apply if a court does not have continuing exclusive jurisdiction to modify the order of child support in accordance with Children's Code Article 1302.5.

J. The secretary of the Department of Children and Family Services, in consultation with the courts, the Department of Public Safety and Corrections, and law enforcement entities, shall promulgate rules in accordance with the Administrative Procedure Act necessary to implement the provisions of this Section.

* * *

§315.11. Voluntarily unemployed or underemployed party

A.(1) 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. In determining whether to impute income to a party, the court's considerations shall include, to the extent known, all of the following:

(a) Assets owned or held by the party.

(b) Residence.

(c) Employment and earnings history.

(d) Job skills.

(e) Educational attainment.

(f) Literacy.

(g) Age and health.

(h) Criminal record and other employment barriers.

(i) Record of seeking work.

(j) The local job market.

(k) The availability of employers willing to hire the noncustodial parent.

(l) Prevailing earnings level in the local community.

(m) Other relevant background factors in the case.

(2) 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-two hours at a minimum wage, according to the laws of his state of domicile or federal law, whichever is higher.

* * *

C. A party shall not be deemed voluntarily unemployed or underemployed if he or she either:

(1) He has been temporarily unable to find work or has been temporarily forced to take a lower paying lower-paying job as a direct result of Hurricane Katrina or Rita.

(2) He is or was incarcerated for one hundred eighty consecutive days or longer.

* * *

§315.27. Child support award

A. If a child support award is suspended pursuant to R.S. 9:311.1 and the obligor is released from incarceration while the child is a minor, the Department of Children and Family Services may petition the court to continue the award beyond the termination date provided by R.S. 9:315.22. If the court extends the child support award, the amount of support shall be established using the child support guidelines. However, any continuation of a child support award extended pursuant to this Subsection shall not exceed the amount of time the child support order was suspended.

B. If a child support award is suspended pursuant to R.S. 9:311.1 and the obligor is released from incarceration after the child has reached the age of majority, the custodial party or the child may petition the court to establish an award of support for the period of suspension within twenty-four months of the obligor's release from incarceration. If the court establishes a child support award for the period of suspension, the amount shall be established using the child support guidelines. However, any child support award

established pursuant to this Subsection shall not exceed the amount of time the child support order was suspended.

Section 3. R.S. 13:4611(d)(iii) is hereby enacted to read as follows:

§4611. Punishment for contempt of court; defenses

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:

* * *

(d)

* * *

(iii) It is a defense as provided by R.S. 9:311.1 to a charge of contempt of court for failure to comply with a court order of child support if an obligor can prove that he was incarcerated during the period of noncompliance. This defense applies only to the time period of actual incarceration.

* * *

Section 4. R.S. 46:236.6(B)(4) and 236.7(C)(4) are hereby enacted to read as follows:

§236.6. Failure to pay support; procedure, penalties and publication

* * *

B.

* * *

(4) It is a defense as provided by R.S. 9:311.1 to a charge of contempt of court for failure to comply with a court order of child support if an obligor can prove that he was incarcerated during the period of noncompliance. This defense applies only to the time period of actual incarceration.

* * *

§236.7. Order of support; stipulation by district attorney and party

* * *

C.

* * *

(4) It is a defense as provided by R.S. 9:311.1 to a charge of contempt of court for failure to comply with a court order of child support if an obligor can prove that he was incarcerated during the period of noncompliance. This defense applies only to the time period of actual incarceration.

* * *

Section 5. R.S. 9:311(G) is hereby repealed in its entirety.

Section 6. The legislature finds that the purpose of modifying child support during a person's incarceration is to increase the likelihood of successful reintegration into the workforce and long-term stability after a jail or prison term. Establishing financial stability in the weeks and months following a jail or prison term reduces the risk of recidivism, increasing both public safety and the likelihood of consistent payment of child support over time.

Section 7. The provisions of this Act shall become effective on January 1, 2019.

Approved by the Governor, June 15, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 265

HOUSE BILL NO. 681

(Substitute for House Bill No. 177 by Representative Moreno)
BY REPRESENTATIVES MORENO, BAGNERIS, COX, GLOVER, HALL,
JACKSON, JAMES, TERRY LANDRY, MARCELLE, MARINO, NORTON,
PIERRE, AND SMITH AND SENATOR BISHOP

AN ACT

To enact R.S. 46:233.3 and to repeal R.S. 46:233.2 and 237(D), relative to eligibility for benefits of certain public assistance programs; to provide relative to Supplemental Nutrition Assistance Program eligibility; to provide relative to eligibility for cash assistance funded through the Temporary Assistance for Needy Families program; to provide for eligibility for such programs of persons convicted of certain drug-related felonies; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:233.3 is hereby enacted to read as follows:

§233.3. Individuals convicted of certain felonies; eligibility for assistance
As authorized by 21 U.S.C. 862a(d)(1), this state hereby exempts all individuals domiciled in the state from the application of the prohibition provided in 21 U.S.C. 862a(a) on eligibility for the following assistance programs and benefits:

(1) Cash benefits under any state program funded under Part A of Title IV of the Social Security Act.

(2) Benefits under the Supplemental Nutrition Assistance Program as defined in Section 3 of the Food and Nutrition Act of 2008 or any state program carried out under that Act.

Section 2. R.S. 46:233.2 and 237(D) are hereby repealed in their entirety.

Section 3. This Act shall become effective October 1, 2017.

Approved by the Governor, June 15, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 266

HOUSE BILL NO. 79

BY REPRESENTATIVES FOIL, AMEDEE, ARMES, BILLIOT, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, ROBBY CARTER, STEVE CARTER, DAVIS, FALCONER, GISCLAIR, GUINN, HILFERTY, HORTON, JACKSON, JEFFERSON, LEBAS, LYONS, MAGEE, GREGORY MILLER, MORENO, NORTON, PIERRE, REYNOLDS, RICHARD, STAGNI, THIBAUT, THOMAS, AND ZERINGUE

AN ACT

To amend and reenact R.S. 17:223(A), 416.1(B), and 3996(B)(2), relative to student discipline; to prohibit the use of corporal punishment in public elementary and secondary schools for students with exceptionalities, except gifted and talented students; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:223(A), 416.1(B), and 3996(B)(2) are hereby amended and reenacted to read as follows:

§223. Discipline of pupils; suspension from school, ~~corporal punishment~~. A. Every teacher is authorized to hold every pupil to a strict accountability for any disorderly conduct in school or on the playground of the school, or on any school bus going to or returning from school, or during intermission or recess. ~~Each parish and city school board shall have discretion in the use of corporal punishment. In those cases in which a parish or city school board decides to use corporal punishment, each parish or city school board shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools in its district.~~

§416.1. Discipline of pupils; additional disciplinary authority

B.1(a) Corporal punishment means using physical force to discipline a student, with or without an object. Corporal punishment includes hitting, paddling, striking, spanking, slapping, or any other physical force that causes pain or physical discomfort.

(b) Corporal punishment does not include:
(i) The use of reasonable and necessary physical restraint of a student to protect the student, or others, from bodily harm or to obtain possession of a weapon or other dangerous object from a student.

(ii) The use of seclusion and restraint as provided in R.S. 17:416.21.
(2) Each parish and city school board The governing authority of a public elementary or secondary school shall have the discretion with respect to the use of corporal punishment; however, no form of corporal punishment shall be administered to a student with an exceptionality, excluding gifted and talented, as defined in R.S. 17:1942 or to a student who has been determined to be eligible for services under Section 504 of the Rehabilitation Act of 1973 and has an Individual Accommodation Plan. In those cases in which a parish or city school board decides to use corporal punishment, each parish or city school board Each governing authority of a public elementary or secondary school shall adopt such rules and regulations as it deems necessary to implement and control any form of corporal punishment in the schools in its district under its jurisdiction.

§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:

(2) Corporal punishment, R.S. 17:416.1(B), and suspension of students, R.S. 17:223.

Approved by the Governor, June 16, 2017.
A true copy:
Tom Schedler
Secretary of State

ACT No. 267

HOUSE BILL NO. 205

BY REPRESENTATIVES BOUIE AND SMITH

AN ACT

To amend and reenact R.S. 15:572.4(D), relative to pardons; to provide relative to the time periods in which persons serving a life sentence may apply for a pardon or commutation of sentence; to provide relative to the time periods prior to an imposition of a life sentence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:572.4(D) is hereby amended and reenacted to read as follows:

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

D. Notwithstanding any provisions of law to the contrary, any applicant who has been sentenced to life imprisonment shall not be eligible to apply to the board for a pardon or commutation of sentence for a period of fifteen years after being sentenced by the trial court, except that periods of time prior to the imposition of the sentence in which the defendant was in actual custody for the offense for which he was sentenced to life imprisonment shall be included in computing the fifteen-year period. If the application is denied, the applicant shall be notified in writing of the reason for the denial and thereafter may file a new application to the board no earlier than five years from the date of action by the board. Any subsequent applications shall not be filed earlier than five years after the immediately preceding action taken by the board. However, the provisions of this Subsection shall not apply when the board determines that new and material evidence that, notwithstanding the exercise of reasonable diligence by the applicant, was not discovered before or during his trial, is available, and if it had been introduced at the trial, it would probably have changed the verdict or judgment of guilty.

Approved by the Governor, June 16, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 268

HOUSE BILL NO. 272

BY REPRESENTATIVE SHADOIN

AN ACT

To amend and reenact Code of Civil Procedure Article 1446(A)(1), relative to depositions; to provide procedures for the sealing of certain depositions; to provide for delivery of electronically sealed depositions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1446(A)(1) is hereby amended and reenacted to read as follows:

Art. 1446. Certification by officer; custody of deposition; exhibits; copies; notice of availability for inspection or copying; cost of originals and copies of transcripts

A.1(a) The officer as defined in Article 1434(B) shall certify on the deposition that the witness was duly sworn and that the deposition is a true record of the testimony given by the witness.

(b) The officer shall do either of the following:
(i) Securely He shall then securely seal the deposition in an envelope endorsed with the title of the action and marked "Deposition of (here insert name of witness)" and shall promptly and simultaneously send it by United States mail or by courier to the party at whose request the deposition was taken, who shall become the custodian of the deposition, and to all other parties to the action who have ordered a copy of the deposition transcript.

(ii) At the request of the parties, seal the deposition electronically by secure electronic means approved by rules promulgated by the Louisiana Board of Examiners of Certified Shorthand Reporters and shall promptly and simultaneously deliver the deposition electronically to the party at whose request the deposition was taken and to all other parties to the action who have ordered a copy of the deposition transcript. The party at whose request the deposition was taken shall then become the custodian of the deposition.

(c) The original of the deposition shall not be filed in the record, but shall be made available to all other parties in the matter for inspection or copying. The failure or lack of filing such original in the record shall not affect the use or admissibility of the original at trial or by the court if otherwise authorized or provided by law.

Approved by the Governor, June 16, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 269

HOUSE BILL NO. 266

BY REPRESENTATIVE CONNICK

AN ACT

To amend and reenact R.S. 38:330.1(C)(2)(a) and (b) and 330.12.1(C)(2) and to enact R.S. 38:330.1(C)(2)(d) and (e), relative to flood protection authorities and related entities; to provide for flood protection authority nominating committee members; to provide for the composition of the nominating committee board; to provide relative to term limits for levee district nominating committee members; to include the nominating committee as a "public body" for purposes of open meetings and public records laws; to provide for the composition of the Non-Flood Protection Asset Management Authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:330.1(C)(2)(a) and (b) and 330.12.1(C)(2) are hereby amended and reenacted and R.S. 38:330.1(C)(2)(d) and (e) are hereby enacted to read as follows:

§330.1. Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank; territorial jurisdiction; board of commissioners; appointments; terms; compensation; vacancy; officers; meetings; domicile

* * *

C.

* * *

(2)(a) The nominating committee for each board shall be composed as follows:

(i) A member ~~designated by~~ or designee of the Public Affairs Research Council of Louisiana.

(ii) A member ~~designated by~~ or designee of the Council for A Better Louisiana.

(iii) A ~~representative member or designee~~ of the Louisiana Geological Survey at Louisiana State University.

(iv) A member ~~or designee~~ of the Association of State Floodplain Managers. ~~designated by the association.~~

(v) A member ~~or designee~~ of the National Society of Black Engineers ~~designated by the society.~~

(vi) ~~The dean~~ A faculty member or designee of the College of Engineering at the University of New Orleans, ~~or his designee.~~

(vii) ~~The dean~~ A faculty member or his designee of the School of Science and Engineering at Tulane University, ~~or his designee.~~

(viii) ~~The dean~~ A faculty member or designee of the College of Engineering at Southern University and Agricultural and Mechanical College ~~or his designee.~~

(ix) ~~The dean~~ A faculty member or designee of the College of Engineering at Louisiana State University ~~or his designee.~~

(x) A member ~~or designee~~ of the American Society of Civil Engineers ~~designated by the society.~~

(xi) A member ~~or designee~~ of the Louisiana Engineering Society.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph for the purpose of nominating persons to serve on the Southeast Louisiana Flood Protection Authority-West Bank, the committee shall also include, a member ~~or designee~~ of the ~~Harvey Canal Industrial Association West Bank Business and Industry Association and the president~~ a faculty member or designee of Our Lady of Holy Cross College, ~~or his designee.~~

* * *

(d) ~~After August 1, 2017, all nominating committee members shall be appointed for a term of eight years. A former nominating committee member may be reappointed to a nominating committee four years from the completion of a previous term. Service of four or more years of an unexpired term shall constitute a term.~~

(e) ~~For purposes of Paragraph (C)(2) of this Section, the nominating committee shall be considered a "public body" as defined in R.S. 42:13, and the Open Meetings Law, R.S. 42:11 et seq., and Public Records Law, R.S. 44:1 et seq., shall apply to such committee.~~

* * *

§330.12.1. Non-Flood Protection Asset Management Authority; creation; composition; powers, duties, functions

* * *

C. The authority shall be composed of the following members who shall be subject to Senate confirmation, provided that no elected official shall be appointed to serve as a member of the authority:

* * *

(2) One member appointed by the state senator representing Senate District No. 3 and Senate District No. 4, and by the state representative representing House District No. 97, House District No. 94, House District No. 99, and two members appointed by the Congressional Representative representing ~~Congressional District No. 1 and Congressional District No. 2.~~ At least one member appointed shall be a lawyer, at least one member shall be a certified public accountant, and at least one member shall be a realtor.

* * *

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

Approved by the Governor, June 16, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 270

HOUSE BILL NO. 337

BY REPRESENTATIVES STOKES, SIMON, AND STAGNI
AN ACT

To amend and reenact R.S. 47:297(P)(1), (2), (3)(introductory paragraph), and (5) and to enact R.S. 47:297(P)(6) and (7), relative to individual income tax credits; to authorize an individual income tax credit for certain residential

improvements made by persons with certain disabilities; to provide for a program cap; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:297(P)(1), (2), (3)(introductory paragraph), and (5) are hereby amended and reenacted and R.S. 47:297(P)(6) and (7) are hereby enacted to read as follows:

§297. Reduction to tax due

* * *

P.(1) There shall be allowed a credit against the individual income tax liability of a taxpayer for the inclusion of accessible and barrier-free design elements in either the construction of a new one- or two-family dwelling or the renovation of an existing dwelling if the taxpayer, the taxpayer's spouse, or an individual who qualifies as a dependent of the taxpayer for purposes of determining the taxpayer's federal income tax liability and who resides with the taxpayer has a physical disability that requires, or will require, the inclusion of such accessible and barrier-free design elements in the dwelling. For purposes of this Subsection, "taxpayer" shall mean an individual who owns a newly constructed one- or two-family dwelling, or the existing dwelling that is renovated, and who qualifies for and claims a homestead exemption on a dwelling which meets all of the design elements necessary for claiming the tax credit authorized by the provisions of this Subsection. If the dwelling is co-owned in indivision by two or more taxpayers who qualify for and claim a homestead exemption on the dwelling, the credit allowed to each taxpayer shall be limited to the pro-rata ownership interest of the taxpayers.

(2) The amount of the credit shall be seven hundred twenty five thousand dollars, or seventy-two percent of the total tax liability of the taxpayer, whichever is less or the cost of the construction or renovation, whichever is less. The credit shall be taken in the taxable year in which the construction or renovation of the dwelling is completed. Only one tax credit may be granted per dwelling. If the amount of the credit authorized by this Paragraph exceeds the amount of tax liability for the tax year, the amount of unused credit may be carried forward as a credit against subsequent Louisiana individual income tax liability for a period not to exceed five years.

(3) A newly constructed dwelling which that meets all of the following requirements, or a renovated dwelling that meets any of the following requirements, shall be deemed to include accessible and barrier-free design elements for purposes of the tax credit:

* * *

(5) Notwithstanding any other provision of law to the contrary, the taxpayer shall be allowed to claim the tax credit if any individual in the taxpayer's household has a physical disability that requires, or will require, the inclusion of accessible and barrier-free design elements in the dwelling, provided that such individual who, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer and can be identified as a member of the taxpayer's household.

(6) Notwithstanding any other provision of law to the contrary, the taxpayer shall be allowed to claim the tax credit in any case where there is a valid and enforceable contract of lease, as defined in Civil Code Article 2668, between the taxpayer and any individual who has a physical disability that requires, or will require, the inclusion of accessible and barrier-free design elements in the dwelling and who occupies and resides in any portion of such dwelling pursuant to the terms of the contract of lease.

(5)(7) The provisions of this Subsection shall be effective for all tax years beginning on or after January 1, 2012. The total amount of tax credit granted by the department in any calendar year shall not exceed five hundred thousand dollars. Claims for tax credits shall be allowed on a first-come, first-served basis. Any taxpayer whose claim exceeds the amount of tax credit that the department is authorized to grant in a calendar year may claim the credit against the individual income tax liability on an original tax return filed in the next calendar year and his claim shall have priority over other claims filed after the date and time of his original claim.

Section 2. Notwithstanding the provisions of Section 8 of Act No. 125 of the 2015 Regular Session as amended by Act No. 29 of the 2016 First Extraordinary Session of the Legislature, R.S. 47:297(P)(2) as enacted by Section 5 of Act No. 125 of the 2015 Regular Session shall not become effective.

Section 3. The provisions of this Act shall be applicable for all taxable periods beginning on and after January 1, 2018.

Section 4. This Act shall become effective on January 1, 2018.

Approved by the Governor, June 16, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 271

HOUSE BILL NO. 473

BY REPRESENTATIVES GAINES, BAGNERIS, GARY CARTER,
JIMMY HARRIS, JACKSON, AND JAMES

AN ACT

To amend and reenact R.S. 40:2405(H)(2)(a), (I)(2), and (J) and to enact R.S. 40:2405(H)(2)(c), relative to peace officers; to provide relative to peace officer certification; to provide for annual training requirements for peace officers to maintain P.O.S.T. certification; to provide relative to impediments

to P.O.S.T. certification; to provide for revocation of P.O.S.T. certification; to provide for grounds for revocation; to provide for revocation hearings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2405(H)(2)(a), (I)(2), and (J) are hereby amended and reenacted and R.S. 40:2405(H)(2)(c) is hereby enacted to read as follows: §2405. Peace officer training requirements; reimbursement by peace officer

* * *

H.

* * *

(2)(a) A person who is not serving as a peace officer, but who retains the qualifications to do so, as provided in Paragraph (1) of this Subsection, may resume service as a qualified peace officer during the five-year period ~~without the requirement of any further training prior to such resumption provided the officer successfully requalifies with his or her firearm in accordance with the provisions of Paragraph (A)(2) of this Section and completes additional annual training for the year in which the peace officer resumes employment as required and prescribed by the council.~~

* * *

(c) The additional annual training required of officers pursuant to Subparagraph (a) of this Paragraph and Paragraph (I)(2) of this Section may be available online and at no cost to the peace officer.

* * *

I. Any person who is enrolled in a law enforcement curriculum and who successfully completes a certified Police Officer Standards and Training course or academy subsequent to July 1, 2005, and does not begin employment as a peace officer upon completion of the course or academy shall maintain their P.O.S.T. qualification status for a period of two years provided they meet the following requirements:

* * *

(2) Satisfactorily fulfill all requirements for annual basic firearms training and any additional training for the year in which the peace officer resumes employment as required and prescribed by the council.

J.(1) Notwithstanding any provision of law to the contrary, the P.O.S.T. certification of any qualified peace officer, whether employed full-time, part-time, or reserve, shall be ~~immediately revoked upon a conviction of malfeasance in office; the occurrence of any of the following conditions:~~

(a) A conviction of malfeasance in office.

(b) A conviction of an offense which results in the individual peace officer's restriction of his constitutional right to bear arms.

(2) The Council on Peace Officer Standards and Training may conduct a revocation hearing to determine whether the P.O.S.T. certification of any qualified peace officer, whether employed full-time, part-time, or reserve, shall be revoked if any of the following conditions occur:

(a) The officer has been involuntarily terminated by his employing law enforcement agency for disciplinary reasons involving an adjudication of civil rights violations and the officer has exhausted all administrative remedies.

(b) The officer has been convicted of a misdemeanor involving the crime of domestic abuse battery as provided in R.S. 14:35.3 or a felony in any court of the United States.

(c) The officer has failed to complete additional training as required and prescribed by the council.

(d) The officer voluntarily surrenders certification.

(e) A judicial disposition in a criminal case results in revocation of certification.

(3) Any hearings conducted by the council or appeal by an officer whose certification has been revoked shall be conducted according to rules promulgated by the council.

(4) The council shall promulgate rules in accordance with the Administrative Procedure Act no later than January 1, 2018, subject to the oversight of the House Committee on Judiciary and the Senate Committee on Judiciary B, to provide procedures governing revocation hearings.

(5) Any peace officer whose certification has been denied or revoked by the council may file an appeal under the provisions of the Administrative Procedure Act provided in R.S. 49:964.

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

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler

Secretary of State

ACT No. 272

HOUSE BILL NO. 481

BY REPRESENTATIVES JACKSON, BAGNERIS, GARY CARTER, GAINES, JIMMY HARRIS, JAMES, MARINO, AND ZERINGUE AND SENATORS BARROW AND THOMPSON

AN ACT

To amend and reenact R.S.15:1212(B)(introductory paragraph), (1), and (4) and 1212.1(B), R.S. 40:2402(3)(a), (c), and (d) and 2405(A)(1) and (2), and R.S. 44:3(A)(introductory paragraph) and 4.1(B)(8), to enact R.S. 15:1212.1(C), (D), (E), and (F) and R.S. 44:4(54), and to repeal R.S. 40:2405(E)(2), relative to law enforcement; to provide relative to the Louisiana Uniform Law Enforcement Statewide Reporting Database; to provide relative to the information reported to and contained in the database; to provide relative to the use of information in the database; to provide for certain information that is exempt from disclosure; to provide relative to the definition of a peace officer; to provide relative to the time periods within which peace officers are required to obtain training and certification; to provide relative to the Public Records Law; to provide for an emergency effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S.15:1212(B)(introductory paragraph), (1), and (4) and 1212.1(B) are hereby amended and reenacted and R.S. 15:1212.1(C), (D), (E), and (F) are hereby enacted to read as follows:

§1212. Creation of database; functions

* * *

B. The commission shall be the central depository for all information submitted for entry into the database by law enforcement agencies, correctional agencies, and institutions and shall have the following functions, powers, and duties:

(1) To establish, through electronic data processing and related procedures, a database by which relevant information can be collected, coordinated, analyzed, and made readily available to serve and be electronically accessible to qualified law enforcement agencies concerned with the hiring practices, P.O.S.T. certifications, disciplinary actions, resignations, terminations, and training of law enforcement officers located anywhere in the state. The commission Council on Peace Officer Standards and Training shall prescribe the terms and conditions under which such agencies shall contribute or gain access to information contained in the database files.

* * *

(4) To prepare and distribute, to all such persons and agencies, forms to be used in reporting data to the database. The forms shall provide for detailed information regarding the name of the law enforcement officer, the designated position, the status of all P.O.S.T. certifications and decertifications related to training and qualifications, the hire date, the final disposition of disciplinary actions that result in involuntary termination, resignations in lieu of termination, resignations pending an investigation, final judgments in civil cases related to civil rights violations under the provisions of 42 U.S.C. 1983 or related to serious bodily injury as defined in R.S. 14:34.1(B)(3) or criminal cases related to the duties of a law enforcement officer in the course and scope of his employment when the misconduct of that specific law enforcement officer gave rise to the cause of action, and the date of separation from service.

* * *

§1212.1. Report to the system; duties of persons and agencies

* * *

B. Upon the request of the commission, all All law enforcement agencies shall provide any other such assistance, information, and data which are reasonable and available to enable the commission to properly carry out its powers and duties.

C. A law enforcement agency shall obtain and certify to the commission that it has received the required information as provided in R.S. 15:1212(B)(4) from the database before hiring a law enforcement officer.

D. Except in cases of willful or wanton misconduct or gross negligence, the commission, Council on Peace Officer Standards and Training, or a law enforcement agency, correctional agency, or institution shall not be civilly or criminally liable for the release or reporting of information provided in R.S. 15:1212(B)(4) when released or reported pursuant to the provisions of this Section.

E. The personal information of a peace officer including the peace officer's home address, home telephone number, birth date, Social Security number, driver's license number, and username for P.O.S.T. electronic data/training systems contained in the database central depository shall be confidential and shall not be subject to disclosure by the commission or Council on Peace Officer Standards and Training pursuant to the Public Records Law but may be disclosed to a requesting law enforcement agency in this or another state, accredited training academies of the Council on Peace Officer Standards and Training, and to councils on peace officer standards and training in other states.

F. The information received by the commission as provided in R.S. 15:1212(B)(4), other than certification and training records of a law enforcement officer, shall be used for hiring or revocation purposes only and shall not be disclosed to any persons other than a qualifying law enforcement agency.

* * *

Section 2. R.S. 40:2402(3)(a), (c), and (d) and 2405(A)(1) and (2) are hereby amended and reenacted to read as follows:

§2402. Definitions
As used in this Chapter:

* * *

(3)(a) "Peace officer" means any ~~full-time~~ employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties actually include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and is responsible for the prevention or detection of crime or for the enforcement of the penal, traffic, or highway laws of this state, but not including any elected or appointed head of a law enforcement department.

* * *

(c) "Peace officer" shall also include ~~full-time~~ military police officers within the Military Department, ~~State~~ state of Louisiana.

(d) "Peace officer" shall also include ~~full-time~~ security personnel employed by the Supreme Court of the state of Louisiana.

* * *

§2405. Peace officer training requirements; reimbursement by peace officer

A.(1) ~~Notwithstanding any other provision of law to the contrary Except as otherwise provided in Paragraph (2) of this Subsection, any person who begins employment as a peace officer in Louisiana subsequent to January 1, 1986, must successfully complete a certified training program approved by the council and successfully pass a council-approved comprehensive examination within one calendar year from the date of initial employment. The one-year period in which a peace officer is required to complete a certified training program approved by the council and successfully pass a council-approved comprehensive examination is not interrupted if the peace officer leaves the employing agency to be employed as a peace officer in another agency in Louisiana. Any person who fails to comply with this requirement shall be prohibited from exercising the authority of a peace officer; however, such persons shall not be prohibited from performing administrative duties.~~

(2) ~~In addition, any person employed or commissioned as a peace officer, reserve peace officer, or part-time peace officer prior to July 1, 1998, including those persons employed as such prior to January 1, 1986, who has not satisfactorily completed a basic firearms training program, shall do so no later than August 1, 1999. All other such persons who begin employment subsequent to July 1, 1998, shall satisfactorily complete a basic firearms training program prescribed by the council within one calendar year from the date of initial employment. Any person who does not comply with the provisions of this Paragraph shall be prohibited from exercising the authority of a peace officer, reserve peace officer, or part-time peace officer; however, such persons shall not be prohibited from performing administrative duties.~~

(a) ~~The council shall promulgate administrative rules for the certification requirements of part-time and reserve peace officers employed on or after the effective date of this Act and prior to January 1, 2022, subject to oversight by the House Committee on Judiciary and Senate Committee on Judiciary B.~~

(b) ~~Any person who begins employment as a part-time or reserve peace officer in Louisiana on or after January 1, 2022, shall be subject to the requirements of Paragraph (1) of this Subsection.~~

* * *

Section 3. R.S. 44:3(A)(introductory paragraph) and 4.1(B)(8) are hereby amended and reenacted and R.S. 44:4(54) is hereby enacted to read as follows:

§3. Records of prosecutive, investigative, and law enforcement agencies and communications districts

A. Nothing in this Chapter shall be construed to require disclosures of records, or the information contained therein, held by the offices of the attorney general, district attorneys, sheriffs, police departments, Department of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, Council on Peace Officer Standards and Training, Louisiana Commission on Law Enforcement and Administration of Criminal Justice, or publicly owned water districts of the state, which records are:

* * *

§4. Applicability

This Chapter shall not apply:

* * *

(54) ~~To the personal information of a peace officer as provided in R.S. 15:1212.1(E) in the custody of the Council on Peace Officer Standards and Training or the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice.~~

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(8) R.S. 15:242, 440.6, 477.2, 549, 570(F), 574.12, 578.1, 616, 660, 840.1, 1176, 1204.1, 1212.1(E), 1507, 1614

* * *

Section 4. R.S. 40:2405(E)(2) is hereby repealed in its entirety.

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

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 273

HOUSE BILL NO. 582

BY REPRESENTATIVES SMITH AND BROADWATER AND SENATORS ALARIO, BARROW, BOUDREAUX, CARTER, CHABERT, CLAITOR, GATTI, JOHNS, LUNEAU, MARTINY, MILKOVICH, MIZELL, MORRELL, PETERSON, TARVER, THOMPSON, AND WARD

AN ACT

To amend and reenact R.S. 47:1061(A) and (B), relative to the telecommunications tax for the deaf; to provide with respect to the amount of the tax levied; to provide with respect to those telecommunications services to which the tax is levied; to provide for certain limitations; to provide for the amount of the deduction certain companies are authorized to retain for the collection of such tax; to provide for legislative captioning and sign language; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1061(A) and (B) are hereby amended and reenacted to read as follows:

§1061. Telecommunication tax for the deaf

A.(1) There is hereby levied a tax of ~~five four and one-half~~ four and one-half cents per month to be assessed per line for each wireline access line and per telephone number for each wireless handset device on each residence residential and business customer telephone access line of the local exchange companies of a local or wireless telecommunication service company operating in Louisiana. The tax shall be collected from each residence residential and business customer and remitted by each such company on or before thirty days after the close of each calendar quarter to the secretary of the Department of Revenue on forms prescribed by the secretary. The tax provided for in this Paragraph shall not apply to wireless devices used only for data purposes or to prepaid wireless devices.

(2) ~~The local exchange companies or wireless telecommunication service company~~ collecting and remitting such tax as hereinabove provided shall be allowed a deduction, not to exceed two three percent, from the amount so collected and remitted to the secretary as compensation for such collection. The compensation shall not be allowed, however, if the remittance is not made timely.

(3) ~~The tax so collected and remitted by the local exchange companies or wireless telecommunication service company shall not be subject to any tax, fee, or assessment, nor shall it be considered revenue of the local exchange companies or wireless telecommunication service company.~~

(4) ~~The revenues so collected shall be remitted by the secretary immediately upon receipt to the treasurer and the treasurer shall credit the full amount of such taxes to the Bond Security and Redemption Fund. After a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay the remainder of such funds into a special fund which is hereby created within the state treasury and designated as the "Telecommunications for the Deaf Fund".~~

B. ~~The monies in the Telecommunications for the Deaf Fund shall be used solely to establish, administer, and promote a statewide program to provide accessibility services and assistive technology for persons who are deaf, deaf/blind, hard of hearing, speech impaired, or others with similar disabilities or impairments, including captioning and American sign language services to be utilized at the legislature, in the amounts appropriated each year by the legislature to the Louisiana Commission for the Deaf. Any surplus monies remaining to the credit of the fund on June thirtieth of each year and any funds earned through the investment of the monies in the fund shall remain to the credit of the fund.~~

* * *

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

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 274

HOUSE BILL NO. 601
BY REPRESENTATIVE STOKES
AN ACT

To amend and reenact R.S. 47:302(K)(6), 337.2(C)(1)(a), 337.19(A), 337.23(B)(1)(b), (d), and (e), 337.49, 337.81(A)(1), 337.87(C)(1)(introductory paragraph), 337.92(1), and 1407(3) and to enact R.S. 36:459(A), R.S. 47:337.86(E)(3), 337.87(C)(1)(d), 337.102, and Chapter 2-E of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:339 and 340, relative to sales and use tax administration; to provide with respect to a concursus proceeding for determination of the proper local taxing jurisdiction; to establish the Louisiana Uniform Local Sales Tax Board as a political subdivision of the state for purposes of uniformity and efficiency of imposition, collection, and administration of local sales and use taxes; to provide for membership of the board; to provide for powers and duties of the board; to establish a dedication of revenue for support of operations of the board; to establish the Louisiana Sales and Use Tax Commission for Remote Sellers for purposes of uniformity and efficiency of collection and administration of state and local sales and use tax relative to remote sellers; to provide for membership of the commission; to provide for duties and powers of the commission; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:459(A) is hereby enacted to read as follows:

§459. Transfer of agencies or their powers to Department of Revenue

A. The Louisiana Sales and Use Tax Commission for Remote Sellers is placed within the Department of Revenue and shall exercise and perform its powers, duties, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of R.S. 36:801.1. The secretary and the Department of Revenue shall in no way interfere with, review, or change the decisions or operations of the agency so placed.

Section 2. R.S. 47:302(K)(6), 337.2(C)(1)(a), 337.19(A), 337.23(B)(1)(b), (d), and (e), 337.49, 337.81(A)(1), 337.87(C)(1)(introductory paragraph), 337.92(1), and 1407(3) are hereby amended and reenacted and R.S. 47:337.86(E)(3), 337.87(C)(1)(d), 337.102, and Chapter 2-E of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:339 and 340 are hereby enacted to read as follows:

§302. Imposition of tax

K. An additional tax shall be levied as follows:

(6) The taxes levied under this Subsection shall be collected by the Department of Revenue, advised by a sales and use tax commission consisting of nine members appointed as follows: two members appointed by the Louisiana Municipal Association; two members appointed by the Louisiana School Boards Association; two members appointed by the Police Jury Association of Louisiana; two members appointed by the Louisiana Sheriffs' Association; and one member appointed by the Louisiana Association of Tax Administrators the Louisiana Uniform Local Sales Tax Board. The secretary shall assess a collection fee, not to exceed one percent of the proceeds of the tax, as reimbursement for the actual cost of collection of the tax. The department shall keep the commission board informed on a regular basis of the collection and distribution of the taxes collected, and the commission board shall receive a copy of the executive budget submission of the Local Tax Division of the Board of Tax Appeals.

§337.2. Intent; application and interpretation of Chapter

C. Notwithstanding any other law to the contrary, in order to insure taxpayers of uniformity of tax collection, the regulations applicable to the sales and use tax of the tax authorities provided for in this Chapter shall be the following:

(1) For purposes of this Section, the following terms shall have the following definitions:

(a) "Board" means the board of directors of the Louisiana Association of Tax Administrators Louisiana Uniform Local Sales Tax Board created by R.S. 47:337.102.

§337.19. Withholding of state funds; assessment and collection standards

A. The secretary of the Department of Revenue, after consultation with representatives of the Louisiana Municipal Association, the Louisiana Police Jury Association, the Louisiana School Boards Association, and the Louisiana Association of Tax Administrators the Louisiana Uniform Local Sales Tax Board, is hereby authorized and directed to promulgate rules, pursuant to the enforcement of R.S. 47:306(D). Such rules shall also apply to R.S. 47:337.18(C). The municipal and parish permitting agencies of each parish as specified in R.S. 47:306(D)(2)(a) and R.S. 47:337.18(C)(2)(a) shall comply with rules authorized by this Subsection within six months of the effective date of such rules.

§337.23. Uniform electronic local return and remittance system; official record of tax rates, and exemptions; filing and remittance of local sales and use taxes; penalties for violations

B.(1) The system by which such taxpayers file electronically and pay their taxes and by which the information provided for in Subsection I is to be posted on the internet shall be established, managed, and supervised by the secretary of the Department of Revenue. The Uniform Electronic Local Return and Remittance Advisory Committee shall provide advice and may make enforceable recommendations to the secretary for his consideration with regard to the design, implementation, and operation of the system in the manner provided for by this Section. The advisory committee is hereby created within the Department of Revenue and shall be composed of the following members:

~~(b) A representative of a local governmental subdivision who shall be appointed by the governor from a list of three names, one provided to him by the Louisiana Municipal Association, one by the Police Jury Association of Louisiana, and one by the Louisiana School Board Association. The member shall serve at the pleasure of the governor. He The chairman of the Louisiana Uniform Local Sales Tax Board, or in the absence of the chairman, the vice chairman of the board, who shall serve as chair of the advisory committee.~~

(d) The head of a collector's office, appointed by the governor Louisiana Uniform Local Sales Tax Board from a list of three names provided to ~~him~~ by the board of directors of the Louisiana Association of Tax Administrators, to serve ~~at the pleasure of the governor for a three-year term.~~

(e) A representative of a business ~~which that~~ is required to file sales and use tax returns for multiple collectors in the state, who shall be appointed by the governor from a list of three names provided to him jointly by the Louisiana Retail Retailers Dealers Association and the Louisiana Association of Business and Industry. The member shall serve at the pleasure of the governor.

§337.49. Protest to collector's determination of tax due

A. The taxpayer, within fifteen calendar days from the date of the notice provided in R.S. 47:337.48(A) or within thirty calendar days from the date of the notice provided in R.S. 47:337.48(B), may protest thereto. This protest must be in writing and should fully disclose the reasons, together with facts and figures in substantiation thereof, for objecting to the collector's determination. The collector shall consider the protest, and shall grant a hearing thereon, before making a final determination of tax, penalty, and interest due.

B. The taxpayer or the local collector may request that a member of the Louisiana Uniform Local Sales Tax Board attend a hearing granted in accordance with this Section. The request shall be made in writing and received by the board at least five business days prior to the date of the hearing. The chairman of the board may appoint a designee to serve in the place of a board member for this purpose. A person eligible to serve as a designee shall be either a full-time employee of the board or the head of a single parish collector's office.

§337.81. Appeals from the collector's disallowance of refund claim

A.(1) If the collector fails to act on a properly filed claim for refund or credit within one year from the date received by him or by the Louisiana Uniform Local Sales Tax Board or if the collector denies the claim in whole or in part, the taxpayer claiming such refund or credit may within thirty days of the notice of disallowance of the claim request a hearing with the collector for redetermination. The collector shall render a decision within thirty days of the request by the taxpayer.

§337.86. Credit for taxes paid

E.

(3) Optional concursus proceeding.

(a) When a taxpayer or dealer has received a formal notice of assessment from two or more Louisiana local collectors having a competing or conflicting claim to sales or use tax on a transaction, the taxpayer or dealer is hereby authorized to file a concursus proceeding before the Local Tax Division of the Louisiana Board of Tax Appeals, hereinafter referred to as "board". If a concursus is filed, the taxpayer or dealer, as applicable, shall pay the amount of sales tax collected or, if no tax was collected, the amount of tax due at the highest applicable rate, together with penalty and interest, into the Escrow Account for the Registry of the Board of Tax Appeals. The proceeding shall name as defendants all parishes that are parties to the dispute. The filing of a concursus proceeding in compliance with the provisions of this Paragraph shall prevent collection of assessment from the taxpayer or dealer. No additional interest or penalties shall accrue against the taxpayer on the amount of payment made pursuant to this Paragraph following the date of such payment. The board's judgment may order the tax payment held in escrow to be disbursed to the proper parish under the law and ordinances applicable to the case, and may also order the payment of any refund due to the taxpayer or dealer.

(b) Any refund ordered by the board to a dealer who collected the tax shall further stipulate that the dealer promptly issue refunds to their customers as necessary, and that the dealer shall not benefit from any excess tax collected as a result of filing the concursus proceeding.

(c) A suspensive appeal from any decision or judgment of the board rendered pursuant to this Paragraph shall be filed with the court of appeal of the parish of the local collector against whom the appeal is taken. However, if there are multiple appellees from different circuits, the appeal shall be filed with the court of appeal for the parish where the taxpayer is domiciled, or if the taxpayer is not domiciled in Louisiana, then with the Louisiana Court of Appeal, First Circuit.

(d) No provision of this Paragraph shall require any taxpayer or dealer to file a concursus proceeding as authorized by this Paragraph, and no penalty shall be levied solely on the failure to use this optional procedure.

(e) All parties shall be responsible for their respective costs including but not limited to travel expenses, filing fees, and attorney fees.

§337.87. Post-session update procedure

* * *

C.(1) Prior to the placement of all or a portion of an Act into this code, the institute shall provide to the following organizations for their review the Acts or portions of Acts which that it intends to place within the code:

* * *

(d) The Louisiana Uniform Local Sales Tax Board.

* * *

§337.92. Definitions

As used in this Part:

(1) "Board" means the board of directors of the Louisiana Association of Tax Administrators Louisiana Uniform Local Sales Tax Board as defined in R.S. 47:337.2 which that is required to develop rules and regulations pursuant to Chapter 2-D of the Uniform Local Sales Tax Code unless otherwise specified.

* * *

§337.102. Louisiana Uniform Local Sales Tax Board; creation; membership; powers and duties

A. Creation of the board. The Louisiana Uniform Local Sales Tax Board, hereinafter referred to in this Section as "board", is hereby created as a political subdivision of the state as such term is defined in the Constitution of Louisiana. The board shall be subject to all legal requirements applicable to a public body, including procurement, ethics, record retention, fiscal and budgetary controls, and legislative audit in the same manner as any local political subdivision. The domicile of the board shall be East Baton Rouge Parish. The board may meet and conduct business at other locations within the state of Louisiana.

B. Board membership and organization. (1) The board shall consist of eight members, as follows:

(a) The executive director of the Louisiana Municipal Association.

(b) The executive director of the Louisiana School Boards Association.

(c) The executive director of the Police Jury Association of Louisiana.

(d) The executive director of the Louisiana Sheriffs Association.

(e) The head of a single parish collector's office appointed by the executive board of the Louisiana Municipal Association.

(f) The head of a single parish collector's office appointed by the board of directors of the Louisiana School Boards Association.

(g) The head of a single parish collector's office appointed by the executive board of the Police Jury Association of Louisiana.

(h) The head of a single parish collector's office appointed by the executive committee of the Louisiana Sheriff's Association.

(2) The board members established in Subparagraphs (B)(1)(a) through (d) of this Section shall be permanent members of the board.

(3) The board member appointments provided for in Subparagraphs (B)(1)(e) through (h) of this Section shall be made no later than August 31, 2017. Employees, legal counsel, and vendors of a single parish collector's office shall not be eligible for appointment to the board. Members appointed to the board pursuant to Subparagraphs (B)(1)(e) through (h) of this Section shall serve at the pleasure of the respective appointing authority. The appointing authorities shall coordinate their appointments to the board in order that the board's membership is representative of the diverse regions of the state and to ensure that no two members represent a single parish.

(4) A permanent member of the board may appoint a designee to attend board meetings and vote by proxy on his behalf, the procedure for which shall be determined by rule of the board.

(5) The board shall hold its organizational meeting no later than October 15, 2017, at which time it shall elect a chairman, vice chairman, and such other officers as determined necessary at the first meeting.

(6) Board members shall serve without compensation, but may be reimbursed for reasonable expenses incurred in the performance of their duties.

C. Powers and duties of the board. The board may:

(1) Support and advise local sales and use tax collectors concerning the imposition, collection, and administration of local sales and use taxes authorized under the constitution and laws of this state.

(2) Promulgate rules and regulations in accordance with Part H of Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

(3) Enter into agreements with local tax collectors.

(4) Enter into contracts for the services of legal counsel, analysts, auditors, appraisers, and witnesses, as well as any agency or department of the state or any state or local political subdivision.

(5) Issue policy advice on matters concerning the imposition, collection, and administration of local sales and use tax.

(6) Prescribe uniform forms and model procedures to be used by local sales and use tax collectors.

(7) Procure the development of computer software and equipment for the collection and administration of local sales and use taxes.

(8) Employ an executive director, and any necessary agents, assistants, auditors, clerks, inspectors, investigators, or other experts and employees.

(9) Issue private letter rulings when requested pursuant to this Section as to the imposition, collection, and administration of local sales and use tax.

D. Issuance of policy advice.

(1) The board may issue policy advice intended to provide guidance to taxpayers or dealers with respect to any local sales and use tax issue. A taxpayer or dealer may request a private letter ruling from the board by sending a certified letter to the board and to the respective local tax collectors. Prior to the issuance of a private letter ruling, the board may solicit additional information from the respective local tax collectors. A private letter ruling issued by the board shall be transmitted by certified mail simultaneously to both the requesting party and the respective local tax collectors. A private letter ruling shall be posted in redacted form on the board's website within ten days of its issuance.

(2) If a request for a private letter ruling involves a single local tax collector, the tax collector may elect to decline to participate in the private letter ruling process provided for in this Subsection with respect to that request for a private letter ruling by notifying the board and the requesting party within ten days of receipt of the request. If the board receives this notification, the board shall decline the request for the ruling.

(3) Except as otherwise provided in Paragraph (2) of this Subsection, a private letter ruling shall bind the decision or discretion of a local tax collector served with notice of the request pursuant to Paragraph (1) of this Subsection. However, any party to the dispute may seek a review of the ruling within twenty days of the date of its certified mailing by filing a petition to the Local Tax Division of the Louisiana Board of Tax Appeals. The only grounds for overturning a private letter ruling on appeal shall be that the ruling is contrary to law or a controlling ordinance, conflicts with pre-existing jurisprudence, or otherwise is clearly arbitrary and capricious. Any private letter ruling that is appealed shall be stayed until the appeal is resolved by final judgment or by settlement.

E. Rulemaking. The board, after consultation with the Board of Directors of the Louisiana Association of Tax Administrators, hereinafter referred to in this Section as "LATA", is hereby authorized and directed to promulgate rules and regulations pursuant to R.S. 47:337.94. The board shall request a non-binding recommendation from LATA prior to the issuance of a rule or regulation. The recommendation shall be submitted to the board within thirty days of the request, and a failure on the part of LATA to provide a recommendation shall not preclude the promulgation of a rule or regulation by the board.

F. Voluntary disclosure program. The board shall promulgate rules pursuant to the Administrative Procedure Act to establish a uniform voluntary disclosure program for taxpayers seeking relief from penalties in cases where a liability to more than one local sales and use tax collector is owed. The board shall accept applications from taxpayers seeking to participate in the program and may issue a recommendation for the waiver of penalties for taxpayers who have complied with program requirements, including full payment of taxes and interest. This recommendation shall be binding on local tax collectors absent fraud, material misrepresentation, or any such misrepresentation of the facts by the taxpayer.

G. Refunds. The board shall establish uniform standards and forms for the purpose of refund requests for all local sales and use taxes. The refund denial form shall include notice to taxpayers that a refund request denial is appealable to the Board of Tax Appeals, and shall provide specific information as to deadlines and other requirements as provided by law for such an appeal. The board shall serve as the central filing agency for all refund claims involving two or more Louisiana parishes having transactions similar in fact. The filing of a refund claim with the board shall suspend the running of prescription. The board shall notify the respective tax collector within fifteen days of receipt of a refund request. The function of the board with respect to refund requests shall be ministerial in nature and the board shall have no authority over the approval or denial of a request.

H. Multi-parish audits. The board may develop a coordinated multi-parish audit process which may be requested by a taxpayer having a location in the state and registered to file and remit local sales and use taxes pursuant to a local ordinance in at least three parishes. If a coordinated multi-parish audit program is developed, the program shall be implemented through a pilot program prior to statewide availability.

I. Funding. (1) The board shall be funded through a dedication of a percentage of the total statewide collections of local sales and use tax on motor vehicles, in accordance with the limitations provided in this Paragraph and the budgetary policy as provided in Paragraph (2) of this Subsection. Monies shall be payable monthly from the current collections of the tax. The dedication shall be considered a cost of collection and shall be deducted by the state and disbursed to the board prior to distribution of tax collections to local taxing authorities. The dedication shall be in addition to any fee imposed by the office of motor vehicles for the collection of the local sales and use tax on motor vehicles. The amount to be disbursed to the board in any fiscal year shall not, under any circumstances and notwithstanding any budget adopted by the board, exceed the following:

(a) In Fiscal Year 2017-2018, one-fifth of one percent of the collections.

(b) In Fiscal Year 2018-2019, one-quarter of one percent of the collections.
(c) In Fiscal Year 2019-2020 and each fiscal year thereafter, three-tenths of one percent of the collections.

(2)(a) The actual amount to be disbursed to the board by the office of motor vehicles in any fiscal year shall be determined by the requirements of the annual budget adopted by the board for that year, subject to the limitations established in Subparagraphs (a) through (c) of Paragraph (1) of this Subsection. To accomplish this, by the first day of June each year the chairman of the board shall notify the commissioner of the office of motor vehicles regarding the amount to be disbursed to the board for the ensuing fiscal year, with the exception of Fiscal Year 2018, when the date for such notification shall be determined by agreement of the chairman and the commissioner.

(b) The board shall develop and adopt a budget as required by the Louisiana Local Government Budget Act, R.S. 39:1301, et seq. The board shall have the same fiscal year as the state. The adopted budget may be amended as deemed necessary by the board.

(3) If use tax collections pursuant to R.S. 47:302(K) yields insufficient revenue to fulfill the dedication made pursuant to R.S. 47:302(K)(7) for interagency transfers to the Department of State Civil Service, Board of Tax Appeals, Local Tax Division, the board shall pay any remaining amount necessary to satisfy the dedication, which payment shall be made into the Local Tax Division Expense Fund within the first thirty days of the fiscal year. The board is authorized to enter into an agreement with the Department of State Civil Service, Board of Tax Appeals, Local Tax Division to pay an amount sufficient to compensate the Local Tax Division for workload increases.

J. Employees. Employees of the board shall serve in unclassified positions.

K. The board shall adopt a strategic plan for its operations, which shall include specific goals and objectives. The plan shall be adopted by July 1, 2018.

L. The board shall provide for the education and training of collectors of local sales and use taxes. Programs shall be offered from time to time as determined by the board, but not less than once per fiscal year.

* * *

CHAPTER 2-E. LOUISIANA SALES AND USE TAX COMMISSION FOR REMOTE SELLERS

§339. Louisiana Sales and Use Tax Commission for Remote Sellers

A. The Louisiana Sales and Use Tax Commission for Remote Sellers, hereinafter referred to as "commission", is created and established within the Department of Revenue for the administration and collection of the sales and use tax imposed by the state and political subdivisions with respect to remote sales. The commission shall:

(1) Promote, to the extent feasible and in accordance with law, uniformity and simplicity in sales and use tax compliance in Louisiana, while reserving to political subdivisions their authority to impose and collect sales and use taxes as provided in Article VI, Section 29 of the Constitution of Louisiana and other laws.

(2) With respect to any federal law as may be enacted by the United States Congress authorizing states to require remote sellers, except those remote sellers who qualify for the small seller exceptions as may be provided by federal law, serve as the single entity in Louisiana to require remote sellers and their designated agents to collect from customers and remit to the commission sales and use taxes on remote sales sourced to Louisiana on the uniform Louisiana state and local sales and use tax base established by Louisiana law.

(3) Provide the minimum tax administration, collection, and payment requirements required by federal law with respect to the collection and remittance of sales and use tax imposed on remote sales.

(4) Establish a fiscal agent solely for the purpose of remote seller remittances.

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

(1) "Commission" means the Louisiana Sales and Use Tax Commission for Remote Sellers.

(2) "Executive director" means the executive director of the commission. The executive director of the Louisiana Uniform Local Sales Tax Board shall serve ex-officio as executive director of the commission unless otherwise directed by the commission.

(3) "Federal law" shall mean any federal law as may be enacted by the United States Congress authorizing states to require remote sellers, except those remote sellers who meet the small seller exceptions of federal law, to collect and remit sales and use taxes on remote sales sourced to Louisiana.

(4) "Local taxing authority" and "local" means those parishes, municipalities, special tax districts, political subdivisions, parish governing bodies, and school boards who are authorized under the provisions of the Constitution of Louisiana, the Louisiana Revised Statutes of 1950 and jurisprudence to levy and collect local sales and use taxes.

(5) The term "non-remote sale" means a sale that is not a remote sale.

(6) The term "non-remote seller" means a seller that is not a remote seller.

(7) The term "person" shall have the meaning as defined by federal law for purposes of remote sales but shall retain the meaning as provided in R.S. 47:301(8) for all other purposes in state and local sales and use tax law.

(8) "Sales and use taxes" and "taxes" shall mean the sales and use taxes levied by the state of Louisiana under the provisions of Title 47 of the Louisiana Revised Statutes of 1950 and the sales and use taxes levied by local

taxing authorities in Louisiana under the provisions of the Constitution of Louisiana, statutory laws authorizing the imposition of such taxes, and local sales and use tax ordinances.

§340. Louisiana Sales and Use Tax Commission for Remote Sellers; Members; Powers

A. The duties of the commission shall be exercised and discharged under the supervision and direction of a commission with voting power and a non-voting executive director, all of whom shall be appointed and shall serve as provided in this Section:

B. The commission shall be comprised of eight voting commissioners as follows:

(1) The secretary of the Department of Revenue.

(2) Three employees or other officials of the Department of Revenue as appointed by the secretary.

(3) The members of the Louisiana Uniform Local Sales Tax Board appointed as provided in R.S. 47:337.102(B)(1)(e) through (h). In the absence of such a member, the chairman of the Louisiana Uniform Local Sales Tax Board may appoint a designee to attend commission meetings and vote on their behalf. A person eligible to serve as a designee shall be a permanent member of the board.

C. The commission shall elect its own chairman, vice chairman, and such other officers as its rules may direct.

D.(1) The commission shall meet as often and at such locations as directed by the chairman, who shall provide timely notice to the public as to the time and location of each meeting. A majority of the commission membership shall constitute a quorum for the transaction of business and no action shall be taken by the commission unless approved by a majority vote of the members present.

(2) The domicile of the commission shall be East Baton Rouge Parish. The commission may meet and conduct commission business at other locations within the state of Louisiana as it may from time to time determine, after timely notice to those persons who may be affected by the change in location.

E.(1) The commission shall select and employ an executive director who shall serve at the pleasure of the commission. The executive director, under and subject to the direct supervision and control of the commission, shall direct the day-to-day administration and enforcement of all laws, rules, policies, and regulations which it is the duty of the commission to administer and enforce. The executive director shall receive compensation and benefits as may be determined and fixed by the commission. The executive director may employ professional and administrative staff and set their rate of compensation and benefits, plus necessary expenses incurred in performing their duties, as may be approved by the commission. The commission may enter into a joint services agreement with any other agency, board, or political subdivision concerning the performance of its functions.

(2) The commission shall monthly remit monies, less any refunds and amounts retained for expenses as defined in Paragraph (3) of this Subsection, to the appropriate taxing jurisdiction by electronic funds to the designated bank account of that jurisdiction on or before the tenth business day of the month following the month of collection. Records of gross collections, refunds, and amounts retained for expenses shall be made accessible to the respective jurisdiction on a monthly basis.

(3) The commission and its operations shall be funded by an amount equal to actual expenses incurred which amount shall not exceed one percent of the total amount of state and local sales and use tax collected on remote sales by the commission. Subject to the limitations provided in this Paragraph, this amount shall be retained by the commission on a monthly basis from current collections of state and local sales tax on remote sales as collected by the commission prior to monthly distribution to the state and local collectors. The commission shall have no authority to retain these monies unless and until a federal law authorizing states to require remote sellers and their agents to collect state and local sales and use taxes on their sales in each state has been enacted and becomes effective.

F. The commission shall develop rules and procedures in accordance with the Administrative Procedure Act with respect to implementation of the provisions of this Chapter.

G. The commission shall have the power, duty, and authority:

(1) To serve as the single entity within the state of Louisiana responsible for all state and local sales and use tax administration, return processing, and audits for remote sales sourced to Louisiana.

(2) To serve as the central, single agency to which remote sellers shall make state and local sales and use tax remittances.

(3) To assign and direct a single audit of remote sellers for the state and all local taxing authorities.

(4) To serve as the single state of Louisiana agency to represent both state and local taxing authorities in taking appropriate action to enable Louisiana to participate in programs designed to allow Louisiana to more efficiently enforce and collect state and local sales and use taxes on sales made by remote sellers.

(5) To conduct administrative hearings as requested by aggrieved remote sellers, administer oaths, and make adjustments to assessments when justified by the facts and the law, and render decisions following such hearings.

(6) To require remote sellers to register with the commission.

(7) To provide to the single tax collector for each parish an annual report of revenues collected and distributed for the previous calendar year, which report shall be provided on or before June first of each year.

(8) To enter into agreements to waive or suspend prescription with remote sellers as to state and local taxes.

(9) With the consent of the affected local taxing authority, to issue notices of intent to assess, notices of assessments, enforce collection of local sales and use taxes by distraint and sale, and institute summary proceedings or ordinary proceedings for collection of local taxes.

(10) To sue and be sued.

H. Nothing in this Chapter shall be construed to:

(1) Authorize or require any expenditure unless and until a federal law authorizing states to require remote sellers and their agents to collect state and local sales and use taxes on their sales in each state has been enacted and becomes effective.

(2) Limit the right of local taxing authorities to levy and collect sales and use taxes as provided in the Constitution of Louisiana, statutory law, and jurisprudence.

(3) Authorize the commission to exercise any right or perform any function presently exercised by local sales and use tax authorities under present law.

(4) Create, repeal, or amend any local tax exclusions or exemptions.

(5) Authorize the commission to grant local tax amnesty.

(6) Authorize the commission to promulgate rules, regulations, issue private letter rulings or give to dealers or taxpayers other advice that is inconsistent with the Constitution of Louisiana, statutory law, or controlling jurisprudence.

(7) Require local taxing authorities to make refunds, give tax credit, waive penalties, or waive audit costs.

(8) Repeal or amend any provisions of any local tax ordinances.

(9) Extend to any local taxes any state exclusions, exemptions, credits, rebates, or other tax relief provisions that do not presently apply to local taxes.

(10) Repeal or amend any provision of the Uniform Local Sales Tax Code, R.S. 47:337.1, et seq.

(11) Make the state of Louisiana a member of the Streamlined Sales and Use Tax Agreement.

(12) Authorize the commission to serve as a central state collection agency for local sales and use taxes.

(13) Limit any statutory and ordinal provisions in place as of the effective date of this Act that require dealers and taxpayers, with respect to non-remote sales, to pay and remit directly to the single sales and use tax collector in each parish the sales and use taxes due to each local taxing authority within each parish.

(14) Limit or amend any provision of R.S. 47:1508 and 1508.1.

I. The Louisiana State Law Institute is hereby authorized and requested to review all statutes which contain phrases being changed by this Chapter and in all locations it deems appropriate change the references, particularly those that apply to the levy and collection of state and local sales and use taxes.

* * *

§1407. Jurisdiction of the board

The jurisdiction of the board shall extend to the following:

* * *

(3) All matters related to other jurisdiction otherwise provided by law, including rules to seek uniformity of interpretation of common sales and use tax law or local sales and use tax law, as provided in R.S. 47:337.101(A) (2), and petitions concerning the validity of a collector's rules, regulations, or private letter rulings, as provided in R.S. 47:337.102.

* * *

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

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 275

HOUSE BILL NO. 646

BY REPRESENTATIVES LEGER, GLOVER, AND WHITE

AN ACT

To amend and reenact R.S. 47:6023(A)(introductory paragraph), (1)(b), (B), (C)(1)(introductory paragraph) and (b) as amended by Section 2 of Act No. 125 of the 2015 Regular Session of the Legislature and (3)(introductory paragraph) as amended by Section 2 of Act No. 125 of the 2015 Regular Session of the Legislature, (D)(1)(introductory paragraph), (2)(c), (d), and (e), and (4), (E), and (I), to enact R.S. 47:6023(C)(1)(c) and (d), (4), and (5), and to repeal R.S. 47:6023(A)(2) and R.S. 47:6023(C)(1)(introductory paragraph) and (3)(introductory paragraph) both as amended by Section 5 of Act No. 125 of the 2015 Regular Session of the Legislature, relative to tax credits; to provide with respect to the sound recording investor tax credit; to provide for an additional tax credit; to provide for the amount of the fee associated with certain reports; to provide for definitions; to provide for administration of the tax credit; to provide with respect to certain tax

certification letters; to provide for certain requirements and limitations; to provide with respect to review of the tax credit program; to authorize the promulgation of rules and regulations; to provide for the termination of the tax credit program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6023(A)(introductory paragraph), (1)(b), (B), (C)(1)(introductory paragraph) and (b) and (3)(introductory paragraph), (D)(1)(introductory paragraph), (2)(c), (d), and (e), and (4), (E), and (I) are hereby amended and reenacted and R.S. 47:6023(C)(1)(c) and (d), (4), and (5), are hereby enacted to read as follows:

§6023. Sound recording investor tax credit

A. Purpose. The primary objective of this Section is to encourage development in Louisiana of a strong capital and infrastructure base for sound recording productions in order to achieve a more independent, self-supporting music and sound recording industry. This objective is divided into immediate and long-term objectives as follows:

(1) Immediate objectives are to:

* * *

(b) Develop a tax and capital infrastructure which encourages private investment. This tax infrastructure is to provide for state participation in the form of tax credits to encourage investment in state-certified sound recording productions and infrastructure.

* * *

B. Definitions. For the purposes of this Section:

(1) "Base investment" shall mean the actual investment made and expended in the state by a state-certified production as production-related costs and QMC payroll expenditures for Qualified Music Companies approved by the office and the secretary on or after July 1, 2017 or as capital costs of a state-certified sound recording infrastructure project. Expenditures comprising the base investment shall not include the expenditure verification report fee paid by the sound recording production company for purposes of verification of the company's cost report for production or project expenditures.

(2) "Expended in the state" or an "expenditure in the state" means an expenditure to acquire property from a source within the state which is subject to state sales or use tax, or an expenditure as compensation for services performed within the state which is subject to state income tax.

(3) "New jobs" means full-time employment in Louisiana of an average of thirty hours or more per week, filled by Louisiana residents at the project site designated in the contract, who were not previously on the QMC's payroll in Louisiana, nor previously on the payroll of such QMC's parent entity, subsidiary, or affiliate in Louisiana, or previously on the payroll of any business whose physical location and employees are substantially the same as those of the QMC in Louisiana, as approved by the Secretary.

(4) "Qualified Music Company" or "QMC" means an entity authorized to do business in Louisiana, engaged directly or indirectly in the production, distribution and promotion of music, certified by the secretary as meeting the eligibility requirements of this Section, and executing a contract providing the terms and conditions for its participation.

(5) "QMC payroll" means wages reported in box 1 on a W-2 form.

(6) "Sound recording" means a recording of music, poetry, or spoken-word performance made in Louisiana, in whole or in part. The term "sound recording" shall not include the audio portions of dialogue or words spoken and recorded as part of television news coverage or athletic events.

(7) "Sound recording production company" shall mean a company engaged in the business of producing sound recordings as defined in this Section. Sound recording production company shall not mean or include any person or company, or any company owned, affiliated, or controlled, in whole or in part, by any company or person, which is in default on a loan made by the state or a loan guaranteed by the state, nor which has ever declared bankruptcy under which an obligation of the company or person to pay or repay public funds or monies was discharged as a part of such bankruptcy.

(8) "State-certified production" means a sound recording production, or a series of productions occurring over the course of a twelve-month period, and base investment related to such production or productions that are approved by the Louisiana Department of Economic Development within one hundred eighty days of the receipt by the Department of Economic Development of a complete application for initial certification of a production. If the production is not approved within one hundred eighty days, the Department of Economic Development shall provide a written report to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means which states the reason that the production has not been approved.

(9) "State-certified sound recording infrastructure project" means a sound recording capital infrastructure project and base investment related to such project that are approved by the Louisiana Department of Economic Development within one hundred eighty days of the receipt by the Department of Economic Development of a complete application for initial certification of an infrastructure project. If the infrastructure project is not approved within one hundred eighty days, the Department of Economic Development shall provide a written report to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means which states the reason that the infrastructure project has not been approved.

C. Investor tax credit; state-certified productions and infrastructure projects.

~~(1) Until January 1, 2020, there~~ There is hereby authorized a credit against the state income tax for investments made in state-certified productions and state-certified sound recording infrastructure projects. The tax credit shall be earned by investors at the time expenditures are certified by the Louisiana Department of Economic Development according to the total base investment certified for the sound recording production company per calendar year; however, no credit shall be allowed under this Section for any expenditures for which a credit was granted under R.S. 47:6007,6022, or 6034.

* * *

~~(b) For state-certified productions certified on and after July 1, 2015, and state-certified infrastructure projects which have been applied on or after July 1, 2015, and before July 1, 2017,~~ each investor shall be allowed a tax credit of eighteen percent of the base investment made by that investor in excess of fifteen thousand dollars or, if a resident of this state, in excess of five thousand dollars.

~~(c) Project-based production credit. For applications for state-certified productions received on or after July 1, 2017, each investor shall be allowed a tax credit of eighteen percent of the base investment made by that investor in excess of twenty-five thousand dollars. However, if the investor who is applying for the tax credit is a Louisiana resident, the eighteen percent tax credit shall be allowed on base investments which exceed ten thousand dollars.~~

~~(d) Company-based QMC payroll credit. For applications for Qualified Music Companies received on or after July 1, 2017, to the extent that base investment is expended on payroll for Louisiana residents in connection with a QMC, tax credits shall be earned at the following rates:~~

~~(i) Tier 1. A payroll credit of ten percent shall be earned for each new job whose QMC payroll is equal to or greater than thirty-five thousand dollars per year, up to sixty-six thousand dollars per year.~~

~~(ii) Tier 2. A payroll credit of fifteen percent shall be earned for each new job whose QMC payroll is equal to or greater than sixty-six thousand dollars per year, but no greater than two hundred thousand dollars per year.~~

* * *

~~(3) Except as otherwise provided in this Paragraph, the aggregate amount of credits certified for all investors pursuant to this Section during any calendar year shall not exceed two million one hundred sixty thousand dollars. However, fifty percent of the aggregate amount of credits certified each year shall be reserved for QMCs. No more than one hundred thousand dollars in tax credits may be granted per project, per calendar year.~~

* * *

~~(4)(a) Company-based QMC payroll credit. A business shall be eligible for participation in the program if the business meets all of the following criteria:~~

~~(i) The business is engaged directly or indirectly in the production, distribution, and promotion of music.~~

~~(ii) The business creates a minimum of three new jobs meeting or exceeding the Tier 1 minimum wage requirements, in accordance with the provisions of Subparagraph (C)(1)(d) of this Section.~~

~~(iii) The business is approved by the secretary of the Department of Economic Development.~~

~~(iv) The business is a music publisher, sound recording studio, booking agent, or artist management. The secretary, in his discretion may approve other businesses which are related to the music and sound recording industry which permanently locate or expand existing operations in Louisiana.~~

~~(b) Notwithstanding the amount of the credit earned by the investor pursuant to this Section, application of tax credits earned and claimed against an investor's income tax liability shall never reduce the investor's income tax liability below fifty percent of the amount of the liability prior to application of the credit. Any excess credit may be carried forward for up to five years and shall be applied against the subsequent income tax liability of the taxpayer.~~

~~(5) Sound recording investor tax credits associated with a state-certified production shall never exceed the total base investment in that production.~~

~~D. Certification and administration.~~

~~(1) The secretary of the Department of Economic Development shall determine through the adoption and promulgation of rules which projects and expenditures, including amounts expended in this state on state-certified infrastructure projects, qualify according to this Section. In addition, these rules shall be approved by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs in accordance with the provisions of the Administrative Procedure Act. When determining which projects expenditures qualify, the Louisiana Department of Economic Development shall take the following factors into consideration:~~

* * *

~~(2)~~

* * *

~~(c)(i) The Louisiana Department of Economic Development shall directly engage and assign a certified public accountant to prepare an expenditure verification report on a sound recording production company's cost report of production or project expenditures. The applicant shall be responsible for payment of the expenditure verification report fee in accordance with R.S. 36:104.1, and shall make all records related to the tax credit application available to the department and the accountant.~~

~~(ii) The applicant will be assessed the department's actual cost for the expenditure verification report fee. The maximum fee for the report shall be five thousand dollars for verification of a cost report reflecting production or project expenditures of between five thousand dollars and fifty thousand dollars, and a maximum fee of fifteen thousand dollars for verification of a cost report reflecting production or project expenditures in excess of fifty thousand dollars. shall be as follows:~~

~~(aa) One thousand five hundred dollars for verification of a cost report reflecting expenditures of at least ten thousand dollars but less than twenty-five thousand dollars.~~

~~(bb) Three thousand dollars for verification of a cost report reflecting expenditures of at least twenty-five thousand dollars but less than fifty thousand dollars.~~

~~(cc) Five thousand dollars for verification of a cost report reflecting expenditures of at least fifty thousand dollars, but less than one hundred thousand dollars.~~

~~(dd) Seven thousand five hundred dollars for verification of a cost report reflecting expenditures of more than one hundred thousand dollars.~~

~~(iii) At the time of application, the applicant shall submit a deposit of in an amount equal to fifty percent of the expenditure verification report fee of two thousand five hundred dollars for productions or projects with qualified expenditures projected to be between five thousand dollars and fifty thousand dollars, and a deposit of five thousand dollars for those projected to be in excess of fifty thousand dollars required pursuant to the provisions of Item (ii) of this Subparagraph.~~

~~(d) The Louisiana Department of Economic Development shall submit its initial certification of a project as a state-certified production or a state-certified sound recording infrastructure project to investors and to the secretary of the Department of Revenue. The initial certification shall include a unique identifying number for each state-certified production or state-certified project.~~

~~(e) Upon project completion, the applicant shall make a request to the Louisiana Department of Economic Development to proceed to final certification by Qualified Music Companies may submit one request for final certification of tax credits per calendar year and state-certified productions may request final certification of credits upon project completion by submitting to the department a cost report of production or project expenditures to be formatted in accordance with instructions of the department. The applicant shall make all records related to the cost report available for inspection by the department and the accountant selected by the department to prepare the expenditure verification report. After review and investigation of the cost report, the accountant shall submit to the department an expenditure verification report. Sound recording investor tax credits shall be certified only upon the receipt and approval by the department of an expenditure verification report submitted by a certified public accountant in accordance with this Subparagraph. The department shall review the expenditure verification report, and for those expenditures found to be qualified the department shall issue a tax credit certification letter to the investors indicating the amount of tax credits certified for the state-certified production or state-certified infrastructure project.~~

* * *

~~(4) With input from the Legislative Fiscal Office, the Louisiana Department of Economic Development shall prepare a written report to be submitted to the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs no less than sixty days prior to the start of the Regular Session of the Legislature in 2007, and every second year thereafter. The report shall include the overall impact of the tax credits, the amount of the tax credits issued, the number of new jobs created, the amount of Louisiana payroll created, the economic impact of the tax credits and sound recording industry, the amount of new infrastructure that has been developed in the state, and any other factors that describe the impact of the program.~~

~~E. Tax credit certification letter for project-based tax credit. After certification, the Louisiana Department of Economic Development shall submit the tax credit certification letter to the Department of Revenue on behalf of the investor who earned the sound recording tax credits. The Department of Revenue may require the investor to submit additional information as may be necessary to administer the provisions of this Section. Upon receipt of the tax credit certification letter and any necessary additional information, the secretary of the Department of Revenue shall make payment to the investor in the amount to which he is entitled from the current collections of the taxes collected pursuant to Chapter 1 of Subtitle II of this Title, as amended.~~

* * *

~~I. Commencing no later than January 31, 2016, the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs shall review the credit authorized pursuant to the provisions of this Section to determine if the economic benefit provided by such credit outweigh the loss of revenue realized by the state as a result of awarding such credit. The House and Senate committees shall make a specific recommendation no later than March 1, 2017, to either continue the credit or to terminate the credit. No credits shall be granted pursuant to the provisions of this Section for applications received on or after July 1, 2021.~~

~~Section 2. R.S. 47:6023(A)(2) and R.S. 47:6023(C)(1)(introductory paragraph) and (3)(introductory paragraph) both as amended by Section 5 of Act No. 125~~

of the 2015 Regular Session of the Legislature are hereby repealed in their entirety.

Section 3. Notwithstanding Section 8 of Act No. 125 of the 2015 Regular Session, as amended by Act No. 29 of the 2016 First Extraordinary Session, R.S. 47:6023(C)(1) and (3)(introductory paragraph) as enacted by Section 5 of that Act shall not become effective and R.S. 47:6023(C)(1) and (3)(introductory paragraph) as amended and reenacted by Section 2 of that Act shall remain effective.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 276

HOUSE BILL NO. 688

(Substitute for House Bill No. 122 by Representative Pierre)

BY REPRESENTATIVES PIERRE, JAMES, AMEDEE, ARMES, BAGNERIS, BILLIOT, BISHOP, BOUIE, BROADWATER, CHAD BROWN, TERRY BROWN, CARPENTER, GARY CARTER, CONNICK, COX, CREWS, DAVIS, DWIGHT, EDMONDS, EMERSON, FALCONER, FRANKLIN, GAINES, GISCLAIR, GLOVER, GUINN, HALL, JIMMY HARRIS, HILFERTY, HORTON, HUNTER, JACKSON, JEFFERSON, JENKINS, JORDAN, TERRY LANDRY, LEBAS, LEGER, LYONS, MAGEE, MARCELLE, MARINO, DUSTIN MILLER, GREGORY MILLER, NORTON, PRICE, REYNOLDS, RICHARD, SMITH, AND STAGNI AND SENATORS BISHOP, CARTER, AND PETERSON

AN ACT

To amend and reenact R.S. 17:3138(A)(1)(a) and (D) and to enact R.S. 17:3152, relative to public postsecondary education; to provide relative to the consideration of criminal history in the process of admission to public postsecondary education institutions; to prohibit inquiries relative to criminal history prior to an institution's decision relative to a student's admission; to provide exceptions; to provide relative to criminal history with respect to academic programs related to occupational licensing; to provide relative to certain common applications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3138(A)(1)(a) and (D) are hereby amended and reenacted and R.S. 17:3152 is hereby enacted to read as follows:

§3138. Louisiana common application; development; implementation

A.(1)(a) The Board of Regents, in collaboration with the public postsecondary education management boards, the chairman of the Senate Committee on Education or his designee, and the chairman of the House Committee on Education or his designee, shall provide for the development and implementation of a common application whereby Louisiana residents and nonresidents may apply to any public college and university in the state. Except as provided in R.S. 17:3152, such application shall not include questions pertaining to an applicant's criminal history.

* * *

D. Notwithstanding the provisions of Subsection B of this Section, if a student chooses to utilize the "Common Application" developed and administered by the not-for-profit membership organization, The Common Application, Inc., a public college or university may accept such application in lieu of the Louisiana common application required by this Section. If a public college or university accepts such application, it shall not consider any criminal history information provided on the application at any point during the admissions process except as provided in R.S. 17:3152.

* * *

§3152. Consideration of criminal history; prohibited acts

A.(1) Except as provided in Paragraph (2) of this Subsection, a public postsecondary education institution, referred to in this Section as an "institution", shall not inquire about a prospective student's criminal history on an initial application form or at any time during the admissions process prior to the institution's decision relative to the prospective student's acceptance for admission.

(2) An institution may inquire on an initial application form about a prospective student's criminal conviction history relative to any conviction for an offense defined in R.S. 14:40.2, 40.3, 41, 42, 42.1, 43, 43.1, and 43.2 or an offense under the laws of another state or under any military, territorial, foreign, tribal, or federal law that is equivalent to any of these offenses. If an institution elects to deny admission based on any such conviction, it shall notify the person, who may appeal the decision to the entity that considers the institution's disciplinary matters.

B.(1) After a student has been accepted for admission, an institution may make inquiries relative to his criminal conviction history, not limited to the offenses enumerated in Paragraph (A)(2) of this Section, for the following purposes:

(a) Offering supportive counseling and services.

(b) Making decisions relative to a student's participation in campus life and determining if the institution will limit such participation.

(2) An institution may make such inquiries when obtaining secondary information, including but not limited to information pertaining to immunizations, financial aid, or housing. If an institution elects to make such inquiries, the institution shall consider all of the following:

(a) The nature and gravity of the criminal conduct and whether it bears a direct relationship to a particular aspect of a student's participation in campus life, including but not limited to campus residency and campus activities.

(b) The time that has passed since the occurrence of the criminal conduct.

(c) The age of the student at the time of the conduct underlying the criminal conviction.

(d) Any evidence of rehabilitation or good conduct produced by the student.

(3) After a student has been accepted for admission, an institution offering a teacher preparation program may consider criminal conviction history if information pertaining to such history is provided on the professional conduct form developed by the state Department of Education for use in the teacher certification process. The purpose of such consideration shall be limited to the offering of counseling as provided in Paragraph (C)(1) of this Section.

C.(1) An institution shall not deny based solely on criminal conviction history admission to or continuation in an academic program designed to prepare a student for a career that requires an occupational license or a teaching certificate. The institution shall offer counseling relative to the licensing or certification requirement in order to assist a student in making an informed decision about pursuing such program.

(2) The Louisiana State University Health Sciences Center at New Orleans, the Louisiana State University Health Sciences Center at Shreveport, the Louisiana State University School of Veterinary Medicine, and other public postsecondary education institutions may consider criminal conviction history if information pertaining to such history is provided on an application that is designed by a national application service, tailored for admission to a specific degree program, and used by postsecondary education institutions in multiple states.

Approved by the Governor, June 16, 2017.

A true copy:

Tom Schedler
Secretary of State

ACT No. 277

SENATE BILL NO. 16

BY SENATOR CLAITOR

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

AN ACT

To amend and reenact R.S. 15:574.4(D)(1)(a) and (2) and (E)(1)(introductory paragraph) and (a) and Code of Criminal Procedure Article 878.1 and to enact R.S. 15:574.4(F) and (G), relative to juvenile parole eligibility; to provide relative to parole eligibility for juveniles who commit certain homicide offenses; to provide relative to the judicial determination of parole eligibility; to provide relative to parole eligibility for juveniles sentenced to life imprisonment for non-homicide offenses; to provide for conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(D)(1)(a) and (2) and (E)(1)(introductory paragraph) and (a) are hereby amended and reenacted and R.S. 15:574.4(F) and (G) are hereby enacted to read as follows:

§574.4. Parole; eligibility; **juvenile offenders**

* * *

D.(1) Notwithstanding any provision of law to the contrary, any person serving a sentence of life imprisonment who was under the age of eighteen years at the time of the commission of the offense, except for a person serving a life sentence for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this Subsection if all of the following conditions have been met:

(a) The offender has served ~~thirty~~ **twenty-five** years of the sentence imposed.

* * *

(2) For each offender eligible for parole consideration pursuant to the provisions of this Subsection, the ~~board~~ **committee on parole** shall meet in a three-member panel, and each member of the panel shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.

* * *

E.(1) Notwithstanding any provision of law to the contrary **and except as provided in Subsection G of this Section**, any person serving a sentence of life imprisonment for a conviction of first degree murder (R.S. 14:30) ~~or second degree murder (R.S. 14:30.1)~~ who was under the age of eighteen years at the time of the commission of the offense **and whose indictment for the offense is on or after August 1, 2017**, shall be eligible for parole consideration pursuant to the provisions of this Subsection if a judicial determination has been made that the person is entitled to parole eligibility pursuant to Code of Criminal Procedure Article 878.1(A) and all of the following conditions have been met:

(a) The offender has served ~~thirty-five~~ **twenty-five** years of the sentence imposed.

* * *

F.(1) Notwithstanding any provision of law to the contrary and except as provided in Subsection G of this Section, any person serving a sentence of life imprisonment for a conviction of second degree murder (R.S. 14:30.1) who was under the age of eighteen years at the time of the commission of the offense and whose indictment for the offense is on or after August 1, 2017, shall be eligible for parole consideration if all of the following conditions have been met:

- (a) The offender has served twenty-five years of the sentence imposed.
- (b) The offender has not committed any major disciplinary offenses in the twelve consecutive months prior to the parole hearing date. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.
- (c) The offender has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with R.S. 15:827.1.
- (d) The offender has completed substance abuse treatment as applicable.
- (e) The offender has obtained a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification due to a learning disability. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete at least one of the following:

- (i) A literacy program.
- (ii) An adult basic education program.
- (iii) A job skills training program.
- (f) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.
- (g) The offender has completed a reentry program to be determined by the Department of Public Safety and Corrections.

(2) For each offender eligible for parole consideration pursuant to the provisions of this Subsection, the board shall meet in a three-member panel, and each member of the panel shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.

(3) The panel shall render specific findings of fact in support of its decision.

G.(1) Notwithstanding any provision of law to the contrary, any person serving a sentence of life imprisonment for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) who was under the age of eighteen years at the time of the commission of the offense and whose indictment for the offense was prior to August 1, 2017, shall be eligible for parole consideration pursuant to the provisions of this Subsection if a judicial determination has been made that the person is entitled to parole eligibility pursuant to Code of Criminal Procedure Article 878.1(B) and all of the following conditions have been met:

- (a) The offender has served twenty-five years of the sentence imposed.
- (b) The offender has not committed any major disciplinary offenses in the twelve consecutive months prior to the parole hearing date. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.
- (c) The offender has completed the mandatory minimum of one hundred hours of pre-release programming in accordance with R.S. 15:827.1.
- (d) The offender has completed substance abuse treatment as applicable.
- (e) The offender has obtained a GED certification, unless the offender has previously obtained a high school diploma or is deemed by a certified educator as being incapable of obtaining a GED certification due to a learning disability. If the offender is deemed incapable of obtaining a GED certification, the offender shall complete at least one of the following:

- (i) A literacy program.
- (ii) An adult basic education program.
- (iii) A job skills training program.
- (f) The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections.
- (g) The offender has completed a reentry program to be determined by the Department of Public Safety and Corrections.

(2) For each offender eligible for parole consideration pursuant to the provisions of this Subsection, the board shall meet in a three-member panel, and each member of the panel shall be provided with and shall consider a written evaluation of the offender by a person who has expertise in adolescent brain development and behavior and any other relevant evidence pertaining to the offender.

(3) The panel shall render specific findings of fact in support of its decision.

Section 2. Code of Criminal Procedure Article 878.1 is hereby amended and reenacted to read as follows:

Art. 878.1. Sentencing hearing **Hearing to determine parole eligibility for certain juvenile offenders**

A. In any case where an **If** an offender is **indicted on or after August 1, 2017, for the crime to be sentenced to life imprisonment for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1)** where the offender was under the age of eighteen years at the time of the commission of the offense, **the district attorney may file a notice of intent to seek a sentence of life imprisonment without possibility of parole within one hundred eighty days after the indictment. If the district attorney timely files the notice of intent, a hearing shall be conducted after conviction and prior to sentencing**

to determine whether the sentence shall be imposed with or without parole eligibility. **If the court determines that the sentence shall be imposed with parole eligibility, the offender shall be eligible for parole pursuant to the provisions of R.S. 15:574.4(E). If the district attorney fails to timely file the notice of intent, the sentence shall be imposed with parole eligibility and the offender shall be eligible for parole pursuant to the provisions of R.S. 15:574.4(E) without the need of a judicial determination pursuant to the provisions of this Article. If the court determines that the sentence shall be imposed without parole eligibility, the offender shall not be eligible for parole.**

B.(1) If an offender was indicted prior to August 1, 2017, for the crime of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) where the offender was under the age of eighteen years at the time of the commission of the offense and a hearing was not held pursuant to this Article prior to August 1, 2017, to determine whether the offender's sentence should be imposed with or without parole eligibility, the district attorney may file a notice of intent to seek a sentence of life imprisonment without the possibility of parole within ninety days of August 1, 2017. If the district attorney timely files the notice of intent, a hearing shall be conducted to determine whether the sentence shall be imposed with or without parole eligibility. If the court determines that the sentence shall be imposed with parole eligibility, the offender shall be eligible for parole pursuant to R.S. 15:574.4(G). If the district attorney fails to timely file the notice of intent, the offender shall be eligible for parole pursuant to R.S. 15:574.4(E) without the need of a judicial determination pursuant to the provisions of this Article. If the court determines that the sentence shall be imposed without parole eligibility, the offender shall not be eligible for parole.

(2) If an offender was indicted prior to August 1, 2017, for the crime of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) where the offender was under the age of eighteen years at the time of the commission of the offense and a hearing was held pursuant to this Article prior to August 1, 2017, the following shall apply:

(a) If the court determined at the hearing that was held prior to August 1, 2017, that the offender's sentence shall be imposed with parole eligibility, the offender shall be eligible for parole pursuant to R.S. 15:574.4(G).

(b) If the court determined at the hearing that was held prior to August 1, 2017, that the offender's sentence shall be imposed without parole eligibility, the offender shall not be eligible for parole.

B.C. At the hearing, the prosecution and defense shall be allowed to introduce any aggravating and mitigating evidence that is relevant to the charged offense or the character of the offender, including but not limited to the facts and circumstances of the crime, the criminal history of the offender, the offender's level of family support, social history, and such other factors as the court may deem relevant. **The admissibility of expert witness testimony in these matters shall be governed by Chapter 7 of the Code of Evidence.** Sentences imposed without parole eligibility should normally be reserved for the worst offenders and the worst cases.

D. The sole purpose of the hearing is to determine whether the sentence shall be imposed with or without parole eligibility. The court shall state for the record the considerations taken into account and the factual basis for its determination. Sentences imposed without parole eligibility and determinations that an offender is not entitled to parole eligibility should normally be reserved for the worst offenders and the worst cases.

Approved by the Governor, June 15, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 278

SENATE BILL NO. 50
BY SENATOR MORRISH

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

AN ACT

To amend and reenact R.S. 3:4672(D), R.S. 45:162(5)(d) and (9), 164(A), (B), and (C), and to enact R.S. 45:164(F), relative to motor carriers; to provide relative to common carrier certificates or contract carrier permits issued to certain motor carriers by the Louisiana Public Service Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4672(D) is hereby amended and reenacted to read as follows:

§4672. Measuring devices; calibration of vehicle tanks; application of Subpart; removal or change of markings unlawful; certificate of calibration

* * *

D. The provisions of this Subpart are not applicable to carriers-for-hire operating under valid permits or certificates of convenience or necessity **common carrier certificates or contract carrier permits** issued by the Louisiana Public Service Commission and not engaged in transporting gasoline, motor fuel, or any other petroleum products for the purpose of sale, use, or consumption within this state, and persons operating motor busses under franchises or licenses issued by municipalities.

* * *

Section 2. R.S. 45:162(5)(d) and (9) and 164(A), (B), and (C) are hereby amended and reenacted and R.S. 45:164(F) is hereby enacted to read as follows:

§162. Definitions

The following words and phrases when used in this Chapter shall have the meanings ascribed to them in this Section except where a different meaning is expressly stated or clearly indicated by the context.

(5)(a)

~~(d) All certificates of public convenience and necessity~~ **common carrier certificates and contract carrier permits** now issued and validly outstanding for common carriers defined herein in this Paragraph shall continue in full force and effect until the further orders of the commission. Those portions of certificates of public convenience and necessity issued and validly outstanding prior to January 1, 1995, which are subject to the preemption as provided by Section 601 of the Federal Aviation Administration Act of 1994 are null and void and shall have no continuing value.

(9) "Department" means the Department of ~~Highways~~ **Transportation and Development**.

§164. Common carrier's certificate; contract carrier's permit

~~A. Except as provided by Subsection C of this Section, no~~ **No** motor carrier, as defined in R.S. 45:162, ~~of waste~~ shall operate as a common carrier without first having obtained from the commission a certificate of public convenience and necessity **common carrier certificate or contract carrier permit**, which shall be issued only after a written application made and filed, a public hearing, due notice given to applicant and all competing common carriers, and a finding by the commission that public convenience and necessity require the issuance of the applicant is fit to receive a certificate. No new or additional certificate shall be granted over a route where there is an existing certificate, unless it be clearly shown that the public convenience and necessity would be materially promoted thereby. No such certificate to operate as a motor carrier of passengers shall be issued to an applicant which uses or will use any vehicle with a reconstructed title as provided in R.S. 32:707 or an equivalent title issued pursuant to the laws of another state in the operation of such business.

~~B. Except as provided by Subsection C of this Section, no motor carrier shall operate as a contract carrier without having had a public hearing and obtained from the commission a permit to do so, which permit shall not be issued unless in the public interest and until the applicant shall have complied with the requirements of R.S. 45:161 through 172. An applicant applying for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate or permit authorizing the transportation of waste, as defined in R.S. 45:162, shall prove fitness in a hearing before an administrative law judge or hearing officer by proving all of the following:~~

~~(1) The applicant holds, or is capable of acquiring, an insurance policy that complies with commission rules.~~

~~(2) The applicant has the financial ability to provide the transportation of waste for disposal in a safe and efficient manner.~~

~~(3) The applicant holds, or is capable of acquiring, all the necessary authorizations required by any and all regulatory authorities for the transportation of waste for disposal.~~

~~(4) The applicant holds, or is capable of acquiring for use, equipment and man power to provide transportation services in a safe and efficient manner.~~

~~(5) The applicant has in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.~~

~~C. Wrecker and towing services, passenger carrying vehicles, household goods movers, and motor carriers of salt water utilized in oil well exploration and production shall not be required to prove public convenience and necessity comply with Subsection B of this Section when applying for a common carrier certificate or contract carrier permit.~~

~~**E. No certificate to operate as a motor carrier of passengers shall be issued to an applicant which uses or will use any vehicle with a reconstructed title as provided in R.S. 32:707 or an equivalent title issued pursuant to the laws of another state in the operation of such business.**~~

Section 3. This Act shall apply to all applications pending on the effective date. Any restrictive language in any existing common carrier certificate of waste or any contract carrier permit of waste that prevents the carrier from applying for expanded authority for any period of time is null and void.

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

Approved by the Governor, June 15, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 279

SENATE BILL NO. 93

BY SENATORS MILLS AND ALLAIN AND REPRESENTATIVES BARRAS, HUVAL, TERRY LANDRY AND MIGUEZ
AN ACT

To amend and reenact R.S. 47:302(AA)(introductory paragraph), and to enact R.S. 47:301(14)(g)(iv), 302(AA)(29), and 321.1(F)(67), relative to sales and use tax; to clarify the definition of repairs to tangible personal property; to provide for effectiveness and applicability of the exclusion; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:302(AA)(introductory paragraph) is hereby amended and reenacted and R.S. 47:301(14)(g)(iv), 302(AA)(29), and 321.1(F)(67) are hereby enacted to read as follows:

§301. Definitions

As used in this Chapter the following words, terms, and phrases have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning:

(14) "Sales of services" means and includes the following:

(g)(i)

(iv) For purposes of the sales and use tax levied by the state and its political subdivisions, "repair to tangible personal property and fabrication" shall not include surface preparation, coating, and painting of a fixed or rotary wing military aircraft or certified transport category aircraft so long as the Federal Aviation Administration registration address of the aircraft is not in this state.

§302. Imposition of tax

AA. Notwithstanding any other provision of this Section to the contrary, **except as provided in Paragraph (29) of this Subsection**, beginning July 1, 2016, the following specific exclusions and exemptions shall be applicable to the tax levied pursuant to the provisions of this Section:

(29) Beginning July 1, 2017, the exclusion for surface preparation, painting, and coating fixed or rotary wing aircraft and certified transport category aircraft registered outside of this state, as provided in R.S. 47:301(14)(g)(iv).

§321.1. Imposition of Tax

F. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provision of this Chapter, there shall be no exemptions or exclusions as defined in R.S. 47:301 to the tax levied pursuant to the provisions of this Section, except for the sales or purchases of the following items:

(67) Beginning July 1, 2017, in addition to those exclusions and exemptions provided for in Paragraphs (1) through (66) of this Subsection, the exclusion for surface preparation, painting, and coating fixed or rotary wing aircraft and certified transport category aircraft registered outside of this state, as provided in R.S. 47:301(14)(g)(iv).

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

Approved by the Governor, June 15, 2017.

A true copy:
Tom Schedler
Secretary of State

ACT No. 280

SENATE BILL NO. 139

BY SENATORS MARTINY AND BISHOP AND REPRESENTATIVES BAGNERIS, BILLIOT, BOUIE, CARPENTER, GARY CARTER, CONNICK, COX, DWIGHT, GAINES, GLOVER, HALL, JIMMY HARRIS, HOFFMANN, HUNTER, JACKSON, JAMES, JORDAN, TERRY LANDRY, LEGER, LYONS, MAGEE, MARCELLE, MARINO, MORENO, NORTON, PIERRE AND SMITH

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

AN ACT

To amend and reenact Code of Criminal Procedure Articles 893(A) and (B), 899.1(A)(introductory paragraph), 900(A)(5) and (6), and 903.1, R.S. 13:5304(B)(10)(b), and R.S. 15:571.3(B) and (D), 574.2(C)(1) and (2) (introductory paragraph) and (D)(1),(6)(introductory paragraph), (8)(a), and (9), 574.4(A)(1), (B)(1), and (C)(2)(a)(introductory paragraph) and (b), 574.4.1(A)(1), 574.6, 574.7(B)(1)(introductory paragraph) and (C), 574.9(D), (E), (F), and (G), 574.20, and 828(B) and (C) and to enact Code of Criminal Procedure Articles 893(G), 895.6, and 899.2 and R.S. 15:574.2(C)(4), 574.4(F), 574.6.1, 574.7(D), 574.9(H), 827(A)(7), and 828(D), relative to criminal justice; to provide for alternatives to incarceration; to provide for release from incarceration and from supervision; to provide for felony probation and

parole; to provide for suspension and deferral of sentence; to provide for the term of probation and of parole; to provide for extended probation periods; to provide for discharge credits for felony probation and for parole; to provide for the earning of discharge credits; to provide for the regulation of number of credits earned; to provide for methods to rescind credits; to provide for notice; to provide for the satisfaction of sentences; to provide for discharge from probation and from parole; to provide for administrative sanctions; to provide for technical violations of probation and of parole; to authorize use of administrative sanctions; to provide for a system of administrative rewards; to provide for probation and for parole revocation; to provide for sentences imposed for technical violations of probation and of parole; to provide for credit for time served; to provide for the substance abuse probation program; to provide for diminution of sentence; to provide for good time; to provide for earning rates for good time; to provide for the committee on parole; to provide for meetings of the committee on parole; to provide for voting; to provide for administrative parole; to provide for notice to victims; to provide for notice for victim's spouse or next of kin; to provide for parole eligibility; to provide for parole eligibility for offenders serving a life sentence; to provide for parole hearings; to provide for conditions of parole; to provide for custody and supervision of parolees; to provide for modification of parole; to provide for suspension of probation and of parole; to provide for return to custody hearings; to provide for detainers; to provide for enforceability of detainers; to provide for medical parole; to authorize medical treatment furloughs; to provide for the terms of medical parole and medical treatment furlough; to provide for revocation of medical parole or medical treatment furlough for improved health; to provide for written case plans; to provide for classification and treatment programs; to provide for credit for participation in certain programs; to provide relative to good time for offenders sentenced as habitual offenders; to provide for rulemaking; to provide for record collection; to provide for maintenance of records; to provide for effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 893(A) and (B), 899.1(A) (introductory paragraph), 900(A)(5) and (6), and 903.1 are hereby amended and reenacted and Code of Criminal Procedure Articles 893(G), 895.6, and 899.2 are hereby enacted to read as follows:

Art. 893. Suspension and deferral of sentence and probation in felony cases

A.(1)(a) When it appears that the best interest of the public and of the defendant will be served, the court, after a first, or second, or third conviction of a noncapital felony, may suspend, in whole or in part, the imposition or execution of either or both sentences, where suspension is allowed under the law, and in either or both cases place the defendant on probation under the supervision of the division of probation and parole. **The court shall not suspend the sentence of a second or third conviction of R.S. 14:73.5. Except as provided in Paragraph G of this Article, the period of probation shall be specified and shall not be more than three years.**

(b) The court shall not suspend the sentence of a second or third conviction of R.S. 14:81.1 or 81.2. If the court suspends the sentence of a first conviction of R.S. 14:81.1 or 81.2, the period of probation shall be specified and shall not be more than five years.

(2) The court shall not suspend the sentence of a conviction for an offense that is designated in the court minutes as a crime of violence pursuant to Article 890.3, or of a second conviction if the second conviction is for a violation of R.S. 14:73.5, 81.1, or 81.2, except a first conviction for an offense with a maximum prison sentence of ten years or less that was not committed against a family member or household member as defined by R.S. 14:35.3, or dating partner as defined by R.S. 46:2151. The period of probation shall be specified and shall not be less than one year nor more than five years.

(3) The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a new trial or appeal.

(4) Supervised release as provided for by Chapter 3-E of Title 15 of the Louisiana Revised Statutes of 1950 shall not be considered probation and shall not be limited by the five-year or three-year period for probation provided for by the provisions of this Paragraph.

B.(1)(a) The court Notwithstanding any other provision of law to the contrary, when it appears that the best interest of the public and of the defendant will be served, the court, after a fourth conviction of operating a vehicle while intoxicated pursuant to R.S. 14:98, may suspend, in whole or in part, the imposition or execution of the sentence when the defendant was not offered such alternatives prior to his fourth conviction of operating a vehicle while intoxicated and the following conditions exist:

(i) The sentence is for a third conviction of any of the following:

(aa) A noncapital felony for which a defendant could have his sentence suspended under Paragraph A of this Article had the conviction been for a first or second offense.

(bb) A violation of the Uniform Controlled Dangerous Substances Law.

(cc) A third conviction of operating a vehicle while intoxicated in violation of R.S. 14:98.

(ii) It appears that suspending the sentence is in the best interest of the public and the defendant.

(iii)(a) The district attorney consents to the suspension of the sentence.

(iv)(b) The court orders the defendant to do any of the following:

(aa)(i) Enter and complete a program provided by the drug division of the district court pursuant to R.S. 13:5301 et seq. When a case is assigned

to the drug division probation program pursuant to the provisions of R.S. 13:5301 et seq., with the consent of the district attorney, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the five-year limit. If necessary to assure successful completion of the drug division probation program, the court may extend the duration of the probation period. The period of probation as initially fixed or as extended shall not exceed eight years.

(bb)(ii) Enter and complete an established driving while intoxicated court or sobriety court program, as agreed upon by the trial court and the district attorney. When a case is assigned to an established driving while intoxicated court or sobriety court program, with the consent of the district attorney, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the five-year limit. If necessary to assure successful completion of the drug division probation program, the court may extend the duration of the probation period. The period of probation as initially fixed or as extended shall not exceed eight years.

(cc)(iii) Reside for a minimum period of one year in a facility which conforms to the Judicial Agency Referral Residential Facility Regulatory Act, R.S. 40:2852 40:2851 et seq.

(dd)(iv) Enter and complete the Swift and Certain Probation Pilot Program established pursuant to R.S. 13:5371 et seq. When a case is assigned to this pilot program, with the consent of the district attorney, the court may place the defendant on probation for a period of not less than one year and not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the five-year limit. If necessary to ensure successful completion of the program, the court may extend the duration of the probation period. The period of probation as initially fixed or as extended shall not exceed eight years.

(b)(2) When suspension is allowed under this Paragraph, the defendant shall be placed on probation under the supervision of the division of probation and parole. The period of probation shall be specified and shall not be less than two years nor more than five ~~three~~ years, except as provided in Subitems (a)(iv)(aa), (bb), and (dd) of this Subparagraph **Paragraph G of this Article. The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a new trial or appeal.**

(2) Notwithstanding any other provisions of law to the contrary, the sentencing alternatives available in Subparagraph (1) of this Paragraph, shall be made available to offenders convicted of a fourth offense violation of operating a vehicle while intoxicated pursuant to R.S. 14:98, only if the offender had not been offered such alternatives prior to his fourth conviction of operating a vehicle while intoxicated.

* * *

G. If the court, with the consent of the district attorney, orders a defendant, upon a third conviction or fourth felony conviction, to enter and complete a program provided by the drug division of the district court pursuant to R.S. 13:5301, an established driving while intoxicated court or sobriety court program, a mental health court program established pursuant to R.S. 13:5351 et seq., a Veterans Court program established pursuant to R.S. 13:5361 et seq., a reentry court established pursuant to R.S. 13:5401, or the Swift and Certain Probation Pilot Program established pursuant to R.S. 13:5371, the court may place the defendant on probation for a period of not more than eight years if the court determines that successful completion of the program may require that period of probation to exceed the three-year limit. The court may not extend the duration of the probation period solely due to unpaid fees and fines. The period of probation as initially fixed or as extended shall not exceed eight years.

* * *

Art. 895.6. Compliance credits: probation

A. Every defendant on felony probation pursuant to Article 893 for an offense other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 shall earn a diminution of probation term, to be known as "earned compliance credits", by good behavior. The amount of diminution of probation term allowed under this Article shall be at the rate of thirty days for every full calendar month on probation.

B. If the defendant's probation and parole officer has reasonable cause to believe that a defendant on felony probation has not been compliant with the conditions of his probation in a given calendar month, he may rescind thirty days of earned compliance credits as an administrative sanction pursuant to Article 899.2. Credits may be rescinded only for a month in which the defendant is found not to be in compliance.

C. The Department of Public Safety and Corrections shall develop written policies and procedures for the implementation of earned compliance credits for defendants on felony probation supervision provided for by the provisions of this Article. The policies and procedures shall include but not be limited to written guidelines regarding the process to rescind earned compliance credits, and the placement of these credits in the administrative sanctions grid. The Department of Public Safety and Corrections shall also collect data on the implementation of earned compliance credits, including the names of defendants that earned credits, how many credits are applied to each defendant, and reductions to supervision periods at the time of discharge.

D. When a defendant's total probation term is satisfied through a combination of time served on felony probation and earned compliance credits, the Department of Public Safety and Corrections shall order the termination of the probation of the defendant.

* * *

Art. 899.1. Administrative sanctions for technical violations; crimes of violence and sex offenses

A. At the time of sentencing **for a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 15:541**, the court may make a determination as to whether a defendant is eligible for the imposition of administrative sanctions as provided for in this Article. If authorized to do so by the sentencing court, each time a defendant violates a condition of his probation, a probation agency may use administrative sanctions to address a technical violation committed by a defendant when all of the following occur:

* * *

Art. 899.2. Administrative sanctions for technical violations; offenses other than crimes of violence or sex offenses

A. Each time a defendant on probation for a crime other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 violates a condition of his probation, a probation agency is authorized to use administrative sanctions to address a technical violation committed by a defendant when all of the following occur:

(1) The defendant, after receiving written notification of the right to a hearing before a court and the right to counsel provides a written waiver of a probation violation hearing.

(2) The defendant admits to the violation or affirmatively chooses not to contest the violation alleged in the probation violation report.

(3) The defendant consents to the imposition of administrative sanctions by the Department of Public Safety and Corrections.

B. The department shall promulgate rules to implement the provisions of this Article to establish the following:

(1)(a) A system of structured, administrative sanctions which shall be imposed for technical violations of probation and which shall take into consideration the following factors:

(i) The severity of the violation behavior.

(ii) The prior violation history.

(iii) The severity of the underlying criminal conviction.

(iv) The criminal history of the probationer.

(v) Any special circumstances, characteristics, or resources of the probationer.

(vi) Protection of the community.

(vii) Deterrence.

(viii) The availability of appropriate local sanctions, including but not limited to jail, treatment, community service work, house arrest, electronic surveillance, restitution centers, work release centers, day reporting centers, or other local sanctions.

(b) Incarceration shall not be used for the lowest-tier violations including the first positive drug test and the first or second violation for the following:

(i) Association with known felons or persons involved in criminal activity.

(ii) Changing residence without permission.

(iii) Failure to initially report as required. However, incarceration may be used if the court, after a contradictory hearing, finds that the probationer wilfully failed to report as required and instructed for the purpose of permanently avoiding probation supervision.

(iv) Failure to pay restitution for up to three months.

(v) Failure to report as instructed. However, incarceration may be used if the court, after a contradictory hearing, finds that the probationer wilfully failed to report as required and instructed for the purpose of permanently avoiding probation supervision.

(vi) Traveling without permission.

(vii) Occasion of unemployment and failure to seek employment within ninety days.

(c) Incarceration shall not be used for first or second violations of alcohol use or admission, except for defendants convicted of operating a vehicle while intoxicated pursuant to R.S. 14:98; defendants convicted of domestic abuse battery pursuant to R.S. 14:35.3 committed by one family member or household member against another; defendants convicted of battery by one dating partner as defined by R.S. 46:2151 against another; or defendants convicted of violation of a protective order, pursuant to R.S. 14:79, issued against the defendant to protect a family member or household member as defined by R.S. 14:35.3, or a dating partner as defined by R.S. 46:2151.

(2) Procedures to provide a probationer with written notice of the right to a probation violation hearing to determine whether the probationer violated the conditions of probation alleged in the violation report and the right to be represented by counsel at state expense at that hearing if financially eligible.

(3) Procedures for a probationer to provide written waiver of the right to a probation violation hearing, to admit to the violation or affirmatively choose not to contest the violation alleged in the probation violation report, and to consent to the imposition of administrative sanctions by the department.

(4) The level and type of sanctions that may be imposed by probation officers and other supervisory personnel.

(5) The level and type of violation behavior that warrants a recommendation to the court that probation be revoked.

(6) Procedures notifying the probationer, the district attorney, the defense counsel of record, and the court of probation of a violation admitted by the probationer and the administrative sanctions imposed.

(7) Such other policies and procedures as are necessary to implement the provisions of this Article and to provide adequate probation supervision.

C. If the administrative sanction imposed pursuant to the provisions of this Article is jail confinement, the confinement shall not exceed ten days per violation and shall not exceed a total of sixty days per year.

D. For purposes of this Article, "technical violation" means any violation of a condition of probation, except that it does not include any of the following:

(1) An allegation of a criminal act that is subsequently proven to be a felony.

(2) An allegation of a criminal act that is subsequently proven to be an intentional misdemeanor directly affecting the person.

(3) An allegation of a criminal act pursuant to R.S. 14:2(B).

(4) An allegation of a criminal act pursuant to R.S. 15:541.

(5) An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by one family member or household member against another, or battery committed by one dating partner as defined by R.S. 46:2151 against another.

(6) An allegation of a violation of a protective order, pursuant to R.S. 14:79, issued against the offender to protect a family member or household member as defined by R.S. 14:35.3, or a dating partner as defined by R.S. 46:2151.

(7) Being in possession of a firearm or other prohibited weapon.

(8) Absconding from the jurisdiction of the court by leaving the state without the prior approval of the probation and parole officer.

Art. 900. Violation hearing; sanctions

A. After an arrest pursuant to Article 899, the court shall cause a defendant who continues to be held in custody to be brought before it within thirty days for a hearing. If a summons is issued pursuant to Article 899, or if the defendant has been admitted to bail, the court shall set the matter for a violation hearing within a reasonable time. The hearing may be informal or summary. If the court decides that the defendant has violated, or was about to violate, a condition of his probation it may:

* * *

(5)(a) Order that the probation be revoked. In the event of revocation the defendant shall serve the sentence suspended, with or without credit for the time served on probation at the discretion of the court. If the imposition of sentence was suspended, the defendant shall serve the sentence imposed by the court at the revocation hearing.

(b) Notwithstanding the provisions of Subsubparagraph (a) of this Subparagraph, in the event of revocation for a defendant placed on probation for the conviction of an offense other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, the defendant shall serve the sentence suspended with credit for time served on probation.

(6)(a) Notwithstanding the provisions of Subparagraph (A)(5) of this Article, any defendant who has been placed on probation by the drug division probation program pursuant to R.S. 13:5304, and who has had his probation revoked under the provisions of this Article for a technical violation of drug division probation as determined by the court, may be ordered to be committed to the custody of the Department of Public Safety and Corrections and be required to serve a sentence of not more than twelve months without diminution of sentence in the intensive incarceration program pursuant to the provisions of R.S. 15:574.4.4. Upon successful completion of the program, the defendant shall return to active, supervised probation with the drug division probation program for a period of time as ordered by the court, subject to any additional conditions imposed by the court and under the same provisions of law under which the defendant was originally sentenced. If an offender is denied entry into the intensive incarceration program for physical or mental health reasons or for failure to meet the department's suitability criteria, the department shall notify the sentencing court for resentencing in accordance with the provisions of Article 881.1.

(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) by R.S. 15:541, and who has had his probation revoked under the provisions of this Article for his first a 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, without diminution of sentence, as follows:

(i) For a first technical violation, not more than fifteen days.

(ii) For a second technical violation, not more than thirty days.

(iii) For a third or subsequent technical violation, not more than forty-five days.

(iv) For custodial substance abuse treatment programs, not more than ninety days.

(c) 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 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.~~

~~(d)~~ A "technical violation", as used in this Paragraph, means any violation except it shall not include any of the following:

(i) Being arrested, charged, or convicted of any of the following: **An allegation of a criminal act that is subsequently proven to be a felony.**

~~(aa)~~ A felony.

(bb) A violation of any provision of Title 40 of the Louisiana Revised Statutes of 1950, except for misdemeanor possession of marijuana or tetrahydrocannabinol, or chemical derivatives thereof, as provided in R.S. 40:966(E)(1), which shall be considered a "technical violation".

(cc)(ii) Any An allegation of a criminal act that is subsequently proven to be an intentional misdemeanor directly affecting the person.

(dd) At the discretion of the court, any attempt to commit any intentional misdemeanor directly affecting the person.

(ee) At the discretion of the court, any attempt to commit any other misdemeanor.

(iii) An allegation of a criminal act that is subsequently proven to be a violation of a protective order, pursuant to R.S. 14:79, issued against the offender to protect a family member or household member as defined by R.S. 14:35, or dating partner as defined by R.S. 46:2151.

(ii)(iv) Being in possession of a firearm or other prohibited weapon.

(iii) Failing to appear at any court hearing.

(iv)(v) Absconding from the jurisdiction of the court by leaving the state without the prior approval of the court or the probation and parole officer.

(v) Failing to satisfactorily complete a drug court program if ordered to do so as a special condition of probation.

(vi) At the discretion of the court, failing to report to the probation officer for more than one hundred twenty consecutive days.

* * *

Art. 903.1. Substance abuse probation program; eligibility

A. In order to be eligible for the substance abuse probation program, the defendant must be charged with a violation of a statute of this state relating to the use and possession of or possession with intent to distribute any narcotic drugs, coca leaves, marijuana, stimulants, depressants, or hallucinogenic drugs, or where there is a significant relationship between the use of alcohol or drugs and the crime before the court. shall not be excluded from participation pursuant to the provisions of Paragraph B of this Article and shall be charged with any of the following offenses:

(1) Felony possession of a controlled dangerous substance as defined in R.S. 40:966(C), 967(C), 968(C), or 969(C).

(2) Except as provided in Subparagraph (3) of this Paragraph, possession with intent to distribute a controlled dangerous substance as defined in R.S. 40:966(A), 967(A), 968(A), or 969(A) where the offense involves less than twenty-eight grams of the controlled dangerous substance.

(3) Possession with intent to distribute marijuana or synthetic cannabinoids as defined in R.S. 40:966(A) where the offense involves less than one pound of marijuana or synthetic cannabinoids.

B. The provisions of this Article shall not apply to any defendant who has been convicted of a crime of violence as defined in R.S. 14:2(B), except for a first conviction of an offense with a maximum prison sentence of ten years or less that was not committed against a family member or household member as defined by R.S. 14:35.3, or against a dating partner as defined by R.S. 46:2151, or a sex offense as defined in R.S. 15:541, or any defendant who has participated in or declined to participate in a drug division probation program as provided for in R.S. 13:5301 et seq.

Section 2. R.S. 13:5304(B)(10)(b) is hereby amended and reenacted to read as follows:

§5304. The drug division probation program

* * *

B. Participation in probation programs shall be subject to the following provisions:

* * *

(10) In order to be eligible for the drug division probation program, the defendant must satisfy each of the following criteria:

* * *

(b) The crime before the court cannot be a crime of violence as defined in R.S. 14:2(B), except a first conviction of an offense with a maximum prison sentence of ten years or less that was not committed against a family member or household member as defined by R.S. 14:35.3, or against a dating partner as defined by R.S. 46:2151, or an offense of domestic abuse battery which is punishable by imprisonment at hard labor as provided in R.S. 14:35.3.

* * *

Section 3. R.S. 15:571.3(B) and (D), 574.2(C)(1) and (2)(introductory paragraph), and (D)(1), (6)(introductory paragraph), (8)(a), and (9), 574.4(A)(1), (B)(1), and (C)(2)(a)(introductory paragraph) and (b), 574.4.1(A)(1), 574.6, 574.7(B)(1)(introductory paragraph) and (C), 574.9(D), (E), (F), and (G), 574.20, and 828(B) and (C) are hereby amended and reenacted and R.S. 15:574.2(C)(4), 574.4(F), 574.6.1, 574.7(D), 574.9(H), 827(A)(7), and 828(D) are hereby enacted to read as follows:

§571.3. Diminution of sentence for good behavior

* * *

B.(1)(a) Unless otherwise prohibited, every inmate offender in the custody of the department who has been convicted of a felony, except an inmate offender convicted a second time of a crime of violence as defined by R.S. 14:2(B), and sentenced to imprisonment for a stated number of years or months, may earn, in lieu of incentive wages, a diminution of sentence by good behavior and performance of work or self-improvement activities, or both, to be known as "good time". Those inmates offenders serving life sentences will be credited with good time earned which will be applied toward diminution of their sentences at such time as the life sentences might be commuted to a specific number of years. The secretary shall establish regulations for awarding and recording of good time and shall

determine when good time has been earned toward diminution of sentence. The amount of diminution of sentence allowed under the provisions of this Section shall be at the rate of ~~one and one half day for every one day~~ thirteen days for every seven days in actual custody served on the imposed sentence, including time spent in custody with good behavior prior to sentencing for the particular sentence imposed as authorized by the provisions of Code of Criminal Procedure Article 880.

(b) The provisions of Subparagraph (a) of this Paragraph shall be applicable to persons offenders convicted of offenses on or after January 1, 1992, and who are not serving a sentence for the following offenses:

(i) A sex offense as defined in R.S. 15:541.

(ii) A crime of violence as defined in R.S. 14:2(B).

(iii) Any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction.

(2)(a) An inmate offender convicted a first time of a crime of violence as defined in R.S. 14:2(B), without a prior conviction of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, shall earn diminution of sentence at a rate of three days for every seventeen one day for every three days in actual custody held on the imposed sentence, including time spent in custody with good behavior prior to sentencing for the particular sentence imposed as authorized by Code of Criminal Procedure Article 880.

(b) The provisions of this Paragraph shall not apply to an offender if his instant conviction is for a crime that is listed both as a crime of violence pursuant to R.S. 14:2(B) and sex offense pursuant to R.S. 15:541.

(c) The provisions of this Paragraph shall apply only to offenders who commit an offense or whose probation or parole is revoked on or after November 1, 2017.

(3) A person shall not be eligible for diminution of sentence for good behavior if he has been convicted of or pled guilty to, or where adjudication has been deferred or withheld for, a violation of any one of the following offenses:

(a) Rape (R.S. 14:41).

(b) Aggravated or first degree rape (R.S. 14:42).

(c) Forcible or second degree rape (R.S. 14:42.1).

(d) Simple or third degree rape (R.S. 14:43).

(e) Sexual battery (R.S. 14:43.1).

(f) Second degree sexual battery (R.S. 14:43.2).

(g) Oral sexual battery (R.S. 14:43.3).

(h) Intentional exposure to AIDS virus (R.S. 14:43.5).

(i) Repealed by Acts 2014, No. 602, §7, eff. June 12, 2014.

(j) Repealed by Acts 2014, No. 602, §7, eff. June 12, 2014.

(k) Felony carnal knowledge of a juvenile (R.S. 14:80).

(l) Indecent behavior with juveniles (R.S. 14:81).

(m) Pornography involving juvenile (R.S. 14:81.1).

(n) Molestation of a juvenile or a person with a physical or mental disability (R.S. 14:81.2).

(o) Computer-aided solicitation of a minor (R.S. 14:81.3).

(p) Crime against nature (R.S. 14:89).

(q) Aggravated crime against nature (R.S. 14:89.1).

(r) Sexual battery of persons with infirmities (R.S. 14:93.5).

(4) Diminution of sentence shall not be allowed an inmate in the custody of the Department of Public Safety and Corrections if the inmate has been convicted one or more times under the laws of this state, any other state, or the federal government of any one or more of the following crimes or attempts to commit any of the following crimes:

(a) Felony carnal knowledge of a juvenile.

(b) Indecent behavior with juveniles.

(c) Molestation of a juvenile or a person with a physical or mental disability.

(d) Crime against nature as defined by R.S. 14:89(A)(2).

(e) Aggravated crime against nature as defined by R.S. 14:89.1(A)(2).

* * *

D.(1) Diminution of sentence shall not be allowed an inmate offender in the custody of the Department of Public Safety and Corrections if the instant offense is a second offense crime of violence as defined by R.S. 14:2(B).

(2) Diminution of sentence shall not be allowed an offender in the custody of the Department of Public Safety and Corrections if the instant offense is a sex offense as defined by R.S. 15:541.

* * *

§574.2. Committee on parole, Board of Pardons; membership; qualifications; vacancies; compensation; domicile; venue; meetings; quorum; panels; powers and duties; transfer of property to committee; representation of applicants before the committee; prohibitions

* * *

C.(1) The committee shall meet in a minimum of three-member panels at the adult correctional institutions on regular scheduled dates, not less than every three months. Such dates are to be determined by the chairman. Except as provided for in Paragraph (2) of this Subsection or in cases where the offender is released pursuant to Paragraph (4) of this Subsection, three votes of a three-member panel shall be required to grant parole, or, if the number exceeds a three-member panel, a unanimous vote of those present shall be required to grant parole.

(2) The Except in cases where the offender is released pursuant to Paragraph (4) of this Subsection, the committee may grant parole with two votes of a three-member panel, or, if the number exceeds a three-member panel, a majority vote of those present if all of the following conditions are met:

* * *

(4)(a) Notwithstanding any provision of law to the contrary, each offender who commits an offense on or after November 1, 2017, other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, and eligible for parole pursuant to R.S. 15:574.4(A)(1), except those sentenced under R.S. 15:529.1 or R.S. 13:5401, shall be released on administrative parole on the offender's parole eligibility date without a hearing before the committee if all of the following conditions are met:

(i) The offender has completed a case plan pursuant to R.S. 15:827(A)(7), except as provided in Subparagraph (b) of this Paragraph.

(ii) For any offender whose charge or amended charge on the bill of information was a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 15:541, the following conditions are met:

(aa) A victim of the offender has been notified pursuant to Subsection D of this Section and has not requested that the committee conduct a hearing.

(bb) The district attorney of the parish in which the conviction occurred has been notified pursuant to Subsection D of this Section and has not requested that the committee conduct a hearing.

(iii) The offender has not committed any major disciplinary offenses in the twelve consecutive months prior to the administrative parole eligibility date. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.

(iv) The offender has agreed to the conditions of supervision.

(b)(i) Except as provided in Item (ii) of this Subsection, if the offender has met the conditions provided in Items (a)(ii), (iii), and (iv) of this Paragraph, he shall still be released on administrative parole if the case plan was not created for him or the incomplete case plan was not the fault of the offender.

(ii) The provisions of Item (i) of this Subparagraph shall not apply to persons who commit the offense on or after January 1, 2021.

D. In accordance with the provisions of this Part, the committee on parole shall have the following powers and duties:

(1) ~~To~~ Except as provided in Paragraph (C)(4) of this Section, to determine the time and conditions of release on parole of any person offender who has been convicted of a felony and sentenced to imprisonment, and confined in any penal or correctional institution in this state.

* * *

(6) ~~To~~ Except as provided in Paragraph (C)(4) of this Section, to consider all pertinent information with respect to each prisoner offender who is incarcerated in any penal or correctional institution in this state at least one month prior to the parole eligible date and thereafter at such other intervals as it may determine, which information shall be a part of the inmate's offender's consolidated summary record and which shall include:

* * *

(8)(a) To notify the district attorney of the parish where the conviction occurred. The notification shall be in writing and shall be issued at least thirty sixty days prior to the hearing date. For offenders eligible for release pursuant to Paragraph (C)(4) of this Section, the notification shall be in writing and shall be issued at least ninety days prior to the offender's administrative parole eligibility date. If the offender's charge or amended charge on the bill of information was a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, the district attorney of the parish in which the conviction occurred shall have thirty days from the date of notification to object to the offender's release on administrative parole and may request that the committee on parole conduct a hearing. The district attorney of the parish where the conviction occurred shall be allowed to review the record of the offender since incarceration, including but not limited to any educational or vocational training, rehabilitative program participation, disciplinary conduct, and risk assessment score. The district attorney shall be allowed to present testimony to the committee on parole and submit information relevant to the proceedings, except as provided in Paragraph (C)(4) of this Section.

* * *

(9)(a) To notify the victim, or the spouse or next of kin of a deceased victim, when the offender is scheduled for a parole hearing. The notification shall be in writing and sent no less than thirty sixty days prior to the hearing date. The notice shall advise the victim, or the spouse or next of kin of a deceased victim, of their rights with regard to the hearing. The notice is not required when the victim, or the spouse or next of kin of a deceased victim, advises the committee in writing that such notification is not desired. The victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify at the hearing. The victim, or the spouse or next of kin of a deceased victim, shall be allowed to testify directly, or in rebuttal to testimony or evidence offered by or on behalf of the offender, or both.

(b) To notify the victim, or the spouse or next of kin of a deceased victim of those offenders eligible for release pursuant to Paragraph (C)(4) of this Section. The notification shall meet all requirements set forth in Subparagraph (9)(a) of this Section except that it shall give notice of the offender's administrative parole eligibility date and be sent no less than ninety days prior to the offender's administrative parole eligibility date. If the offender's charge or amended charge on the bill of information was a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, the victim, or the spouse or next of kin of a deceased victim, shall have thirty days from the date of notification to object to the offender's release on administrative parole and may request that the committee on parole conduct a hearing.

* * *

§574.4. Parole; eligibility

A.(1)(a) Unless eligible at an earlier date and except as provided for in Subparagraph (b) of this Paragraph and Subsection B of this Section, a person; otherwise eligible for parole; convicted of a first felony offense shall be eligible for parole consideration upon serving twenty-five percent of the sentence imposed. The provisions of this Subparagraph shall not apply to any person whose instant offense is a crime of violence as defined in R.S. 14:2(B), a sex offense as defined in R.S. 15:541, or any offense which would constitute a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, regardless of the date of conviction. Notwithstanding any provisions of law to the contrary, the provisions of this Subparagraph shall be applicable to persons convicted of offenses prior to and on or after November 1, 2017, thirty-three and one-third percent of the sentence imposed. Upon conviction of a second felony offense, such person shall be eligible for parole consideration upon serving fifty percent of the sentence imposed. A person convicted of a third or subsequent felony offense shall not be eligible for parole.

(b)(i) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, a person, otherwise eligible for parole, convicted of a first felony offense shall be eligible for parole consideration upon serving twenty-five percent of the sentence imposed. The provisions of this Subparagraph shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B), has been convicted of a sex offense as defined in R.S. 15:541, has been sentenced as a habitual offender pursuant to R.S. 15:529.1, or is otherwise ineligible for parole. A person, otherwise eligible for parole, whose instant offense is a second conviction of a crime of violence as defined in R.S. 14:2(B) or a first or second conviction of a sex offense as defined in R.S. 15:541 shall be eligible for parole consideration upon serving seventy-five percent of the sentence imposed. A person convicted a third or subsequent time of a crime of violence as defined in R.S. 14:2(B) or a third or subsequent time of a sex offense as defined in R.S. 15:541 shall not be eligible for parole.

(ii) Notwithstanding the provisions of Subparagraph (b)(i) of this Paragraph, a person, otherwise eligible for parole, convicted of a crime of violence as defined in R.S. 14:2(B) who does not have a prior felony conviction for a crime of violence as defined in R.S. 14:2(B) or a prior felony conviction for a sex offense as defined in R.S. 15:541 shall be eligible for parole consideration upon serving sixty-five percent of the sentence imposed. The provisions of this Item shall not apply to any person convicted of a sex offense as defined in R.S. 15:541.

(iii) The provisions of this Subparagraph shall be applicable only to persons who commit an offense or whose probation or parole is revoked on or after November 1, 2017.

(ii) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, a person, otherwise eligible for parole, convicted of a second felony offense shall be eligible for parole consideration upon serving thirty-three and one-third percent of the sentence imposed. The current offense shall not be counted as a second or subsequent offense if more than ten years have lapsed between the date of the commission of the current offense or offenses and the expiration of the person's maximum sentence or sentences of the previous conviction or convictions, or between the expiration of his maximum sentence or sentences of each preceding conviction and the date of the commission of the following offense or offenses. In computing the intervals of time, any period of parole, probation, or incarceration by a person in a penal institution, within or without the state shall not be included in the computation of any of the ten-year periods between the expiration of the person's maximum sentence or sentences and the next succeeding offense or offenses. The provisions of this Item shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B), has been convicted of a sex offense as defined in R.S. 15:541, has been sentenced as a habitual offender pursuant to R.S. 15:529.1, or is otherwise ineligible for parole.

(iii) Any person eligible for parole pursuant to the provisions of this Subparagraph shall not be eligible for parole pursuant to the provisions of Subparagraph (a) of this Paragraph.

(iv) Nothing in this Subparagraph shall prevent a person from reapplying for parole as provided by rules adopted in accordance with the Administrative Procedure Act.

* * *

B.(1) No person shall be eligible for parole consideration who has been convicted of armed robbery and denied parole eligibility under the provisions of R.S. 14:64. Except as provided in Paragraph (2) of this Subsection, and except as provided in Paragraph (A)(5) and Subsections D, ~~and E,~~ and F of this Section, no prisoner serving a life sentence shall be eligible for parole consideration until his life sentence has been commuted to a fixed term of years. No prisoner sentenced as a serial sexual offender shall be eligible for parole. No prisoner may be paroled while there is pending against him any indictment or information for any crime suspected of having been committed by him while a prisoner. Notwithstanding any other provisions of law to the contrary, a person convicted of a crime of violence and not otherwise ineligible for parole shall serve at least seventy sixty-five percent of the sentence imposed, before being eligible for parole. The victim or victim's family shall be notified whenever the offender is to be released provided that the victim or victim's family has completed a Louisiana victim notice and registration form as provided in R.S. 46:1841 et seq., or has otherwise provided contact information and has indicated to the Department of Public Safety and Corrections, Crime Victims Services Bureau, that they desire such notification.

C.

* * *

* * *

(2)(a) ~~It~~ **Except as provided in R.S. 15:574.2(C)(4),** in cases where the offender has been convicted of, or where adjudication has been deferred or withheld for the perpetration or attempted perpetration of a violation of a sex offense as defined in R.S. 15:541 and parole is permitted by law and the offender is otherwise eligible, the committee shall consider reports, assessments, and clinical information, as available, including any testing and recommendations by mental health professionals, as to all of the following:

* * *

(b) ~~The~~ **Except as provided in R.S. 15:574.2(C)(4),** the committee shall render its decision ordering or denying the release of the prisoner on parole only after considering this clinical evidence where such clinical evidence is available.

* * *

Notwithstanding any provision of law to the contrary, an offender serving a life sentence for second degree murder (R.S. 14:30.1), shall be eligible for parole consideration pursuant to the provisions of this Subsection if all of the following conditions are met:

(1) The offender committed the offense after July 2, 1973, and prior to June 29, 1979.

(2) The offender has served at least forty years of the sentence imposed.

(3) The committee on parole has granted parole with a unanimous vote of those present.

§574.4.1. Parole consideration and hearings

A.(1) The parole hearings shall be conducted in a formal manner in accordance with the rules formulated by the committee and with the provisions of this Part. ~~Before~~ **Except as provided in R.S. 15:574.2(C)(4),** before the parole of any prisoner is ordered, such prisoner shall appear before and be interviewed by the committee, except those incarcerated in parish prisons or parish correctional centers, in which case one committee member may conduct the interview. The committee may order a reconsideration of the case or a rehearing at any time.

* * *

§574.6. Parole term; automatic discharge

The parole term, when the committee orders ~~a prisoner an offender~~ released on parole, shall be for the remainder of the ~~prisoner's offender's~~ sentence, ~~without any diminution of sentence for good behavior with credits for compliance with the terms and conditions of parole supervision pursuant to R.S. 15:574.6.1.~~ When the parolee has completed his full parole term, he shall be discharged from parole by the Department of Public Safety and Corrections without order by the committee, provided that:

(1) No warrant has been issued by the committee for the arrest of the parolee.

(2) No detainer has been issued by the parole officer for the detention of the parolee pending revocation proceedings.

(3) No indictment or bill of information is pending for any felony the parolee is suspected to have committed while on parole.

§574.6.1. Compliance credits; parole

A. Every offender on parole for an offense other than a crime of violence as defined by R.S. 14:2(B) or a sex offense as defined by R.S. 15:541 shall earn a diminution of parole term, to be known as "earned compliance credits", by good behavior on parole. The amount of diminution of parole term allowed under this Section shall be at the rate of thirty days for every full calendar month on parole.

B. If the probation and parole officer has reasonable cause to believe that an offender on parole has not been compliant with the conditions of his parole in a given calendar month, he may rescind thirty days of earned compliance credits as an administrative sanction under R.S. 15:574.7. Credits may be rescinded only for a month in which the offender is found not to be in compliance.

C. The Department of Public Safety and Corrections shall develop written policies and procedures for the implementation of earned compliance credits for offenders on parole supervision provided by the provisions of this Section. The policies and procedures shall include but not be limited to written guidelines regarding the process to rescind earned compliance credits and the placement of these credits in the administrative sanctions grids. The Department of Public Safety and Corrections shall also collect data on the implementation of earned compliance credits, including the names of offenders that earned credits, how many credits are applied to each offender, and reductions to supervision periods at the time of discharge.

D. When the offender's total parole term is satisfied through a combination of time served on parole and earned compliance credits, the Department of Public Safety and Corrections shall order the discharge of the offender from parole.

§574.7. Custody and supervision of parolees; modification or suspension of supervision; violation of conditions of parole; sanctions; alternative conditions; administrative sanctions

* * *

B.(1) At the time a defendant is released on parole **for a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541,** the committee on parole may make a determination as to whether a defendant is eligible for the imposition of administrative sanctions as provided for in this Section. If authorized to do so by the committee, each time a parolee violates a condition of parole, a parole officer may use administrative sanctions to address a technical violation committed by a parolee when all of the following occur:

* * *

C.(1) Each time a parolee who is on parole for a crime other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 violates a condition of parole, a parole officer is authorized to use administrative sanctions to address a technical violation committed by a parolee when all of the following occur:

(a) The parolee, after receiving written notification of his right to a hearing before a court and right to counsel, provides a written waiver of a parole violation hearing.

(b) The parolee admits to the violation or affirmatively chooses not to contest the violation alleged in the parole violation report.

(c) The parolee consents to the imposition of administrative sanctions by the Department of Public Safety and Corrections.

(2) The department shall promulgate rules to implement the provisions of this Subsection to establish the following:

(a) A system of structured, administrative sanctions which shall be imposed for technical violations of parole and which shall take into consideration the following factors:

(i) The severity of the violation behavior.

(ii) The prior violation history.

(iii) The severity of the underlying criminal conviction.

(iv) The criminal history of the parolee.

(v) Any special circumstances, characteristics, or resources of the parolee.

(vi) Protection of the community.

(vii) Deterrence.

(viii) The availability of appropriate local sanctions, including but not limited to jail, treatment, community service work, house arrest, electronic surveillance, restitution centers, work release centers, day reporting centers, or other local sanctions.

(ix) Incarceration shall not be used for the lowest-tier violations including the first positive drug test and the first or second violation for the following:

(aa) Association with known felons or persons involved in criminal activity.

(bb) Changing residence without permission.

(cc) Failure to initially report as required.

(dd) Failure to pay restitution for up to three months.

(ee) Failure to report as instructed.

(ff) Traveling without permission.

(gg) Occasion of unemployment and failure to seek employment within ninety days.

(x) Incarceration shall not be used for first or second violations of alcohol use or admission, except for defendants convicted of operating a vehicle while intoxicated pursuant to R.S. 14:98; defendants convicted of domestic abuse battery pursuant to R.S. 14:35.3 committed by one family member or household member against another; defendants convicted of battery by one dating partner as defined by R.S. 46:2151 against another; or defendants convicted of a violation of a protective order, pursuant to R.S. 14:79, issued against the defendant to protect a family member or household member as defined by R.S. 14:35.3, or a dating partner as defined by R.S. 46:2151.

(b) Procedures to provide a parolee with written notice of the right to a parole violation hearing to determine whether the parolee violated the conditions of parole alleged in the violation report and the right to be represented by counsel at state expense at that hearing if financially eligible.

(c) Procedures for a parolee to provide written waiver of the right to a parole violation hearing, to admit to the violation or affirmatively choose not to contest the violation alleged in the parole violation report, and to consent to the imposition of administrative sanctions by the department.

(d) The level and type of sanctions that may be imposed by parole officers and other supervisory personnel.

(e) The level and type of violation behavior that warrants a recommendation to the board that parole be revoked.

(f) Procedures notifying the parolee and the committee on parole of a violation admitted by the parolee and the administrative sanctions imposed.

(g) Such other policies and procedures as are necessary to implement the provisions of this Subsection and to provide adequate parole supervision.

(3) If the administrative sanction imposed pursuant to the provisions of this Subsection is jail confinement, the confinement shall not exceed ten days per violation and shall not exceed a total of sixty days per year.

(4) For purposes of this Subsection, "technical violation" means any violation of a condition of parole, that does not include any of the following:

(a) An allegation of a criminal act that is subsequently proven to be a felony.

(b) An allegation of a criminal act that is subsequently proven to be an intentional misdemeanor directly affecting the person.

(c) An allegation of a criminal act that if proven would be a crime of violence as defined in R.S. 14:2(B).

(d) An allegation of a criminal act that if proven would be a sex offense as defined in R.S. 15:541.

(e) An allegation of domestic abuse battery pursuant to R.S. 14:35.3 committed by one family member or household member against another, or an allegation of battery committed by one dating partner as defined by R.S. 46:2151 against another.

(f) An allegation of violation of a protective order, pursuant to R.S. 14:79, issued against the offender to protect a family member or household member as defined by R.S. 14:35.3, or a dating partner as defined by R.S. 46:2151.

(g) Being in possession of a firearm or other prohibited weapon.

(h) Absconding from the jurisdiction of the court by leaving the state without the prior approval of the committee on parole or the probation and parole officer.

D.(1) If the chief probation and parole officer, upon recommendation by a parole officer, has reasonable cause to believe that a parolee has violated the conditions of parole, he shall notify the committee, and shall cause the appropriate parole officer to submit the parolee's record to the committee. After consideration of the record submitted, and after such further investigation as it may deem necessary, the committee may order:

(a) The issuance of a reprimand and warning to the parolee.

(b) That the parolee be required to conform to one or more additional conditions of parole which may be imposed in accordance with R.S. 15:574.4.

(c) That the parolee be arrested, and upon arrest be given a prerevocation hearing within a reasonable time, at or reasonably near the place of the alleged parole violation or arrest, to determine whether there is probable cause to detain the parolee pending orders of the parole committee.

(2) Upon receiving a summary of the prerevocation proceeding, the committee may order the following:

(a) The parolee's return to the physical custody of the Department of Public Safety and Corrections, corrections services, to await a hearing to determine whether his parole should be revoked.

(b) As an alternative to revocation, that the parolee, as a condition of parole, be committed to a community rehabilitation center or a substance abuse treatment program operated by, or under contract with, the department, for a period of time not to exceed six months, without benefit of good time, provided that such commitment does not extend the period of parole beyond the full parole term. Upon written request of the department that the offender be removed for violations of the rules or regulations of the community rehabilitation center or substance abuse program, the committee shall order that the parole be revoked, with credit for time served in the community rehabilitation center.

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§574.9. Revocation of parole for violation of condition; committee panels; return to custody hearing; duration of reimprisonment and parole after revocation; credit for time served; revocation for a technical violation

* * *

D.(1) When a judge sets bond on allegations of a new felony offense for a parolee, the Department of Public Safety and Corrections, division of probation and parole and the committee on parole must be notified within three business days.

(2) The parole detainer will expire ten days after the bond has been set, unless the division of probation and parole seeks to maintain the detainer.

DE. Parole revocation shall require two votes of a three-member panel of parole committee members or, if the number of members present exceeds a three-member panel, a majority vote of those members present and voting, and the order of revocation shall be reduced to writing and preserved.

EE. When the parole of a parolee has been revoked by the committee for violation of the conditions of parole, the parolee shall be returned to the physical custody of the Department of Public Safety and Corrections, corrections services, and serve the remainder of his sentence as of the date of his release on parole, and any credit for time served for good behavior while on parole. The parolee shall be given credit for time served prior to the revocation hearing for time served in actual custody while being held for a parole violation in a local detention facility, state institution, or out-of-state institution pursuant to Code of Criminal Procedure Article 880.

FG. Any such prisoner whose parole has been revoked may be considered by the committee for parole in accordance with the provisions of this Part.

GH.(1)(a)(i) Except as provided in Subparagraph (b) of this Paragraph, any offender who has been released on parole and whose parole supervision is being revoked pursuant to the provisions of this Subsection for a technical violation of the conditions of parole as determined by the committee on parole, shall be required to serve the following sentences:

(aa)(i) For the first technical violation, the offender shall serve not more than ninety fifteen days.

(bb)(ii) For a second technical violation, the offender shall serve not more than one hundred twenty thirty days.

(cc)(iii) For a third or subsequent technical violation, the offender shall serve not more than one hundred eighty forty-five days.

(iv) **For custodial substance abuse treatment programs, not more than ninety days.**

(ii)(b) The sentences imposed pursuant to Item (i) of this Subparagraph (a) of this Paragraph shall be served without diminution of sentence or credit for time served prior to the revocation for a technical violation. The term of the revocation for the technical violation shall begin on the date the committee on parole orders the revocation. Upon completion of the imposed technical revocation sentence, the offender shall return to active parole supervision for the remainder of the original term of supervision.

(c) The offender shall be given credit toward service of his sentence for time spent in actual custody prior to the revocation hearing while being held for a technical violation in a local detention facility, state institution, or out-of-state institution.

(b)(d) The provisions of Subparagraph (a) of this Paragraph shall not apply to the following offenders:

(i) Any offender released on parole for the conviction of a crime of violence as defined in R.S. 14:2(B).

(ii) Any offender released on parole for the conviction of a sex offense as defined in R.S. 15:541.

(iii) Any offender released on parole who is subject to the sex offender registration and notification requirements of R.S. 15:541 et seq.

(2) A "technical violation", as used in this Subsection, means any violation except it shall not include any of the following:

(a) ~~Being arrested, charged, or convicted of any of the following:~~

(i) ~~A An allegation of a criminal act that is subsequently proven to be a felony.~~

(ii) ~~Repealed by Acts 2010, No. 510, §1.~~

(iii) ~~Any (b) An allegation of a criminal act that is subsequently proven to be an intentional misdemeanor directly affecting the person.~~

(iv) ~~At the discretion of the committee on parole, any attempt to commit any intentional misdemeanor directly affecting the person.~~

(v) ~~At the discretion of the committee on parole, any attempt to commit any other misdemeanor.~~

(c) An allegation of a criminal act that is subsequently proven to be a violation of a protective order, pursuant to R.S. 14:79, issued against the offender to protect a household member or family member as defined by R.S. 14:35.3, or dating partner as defined by R.S. 46:2151.

(b)(d) ~~Being in possession of a firearm or other prohibited weapon.~~

(e) ~~Failing to appear at any court hearing.~~

(d)(e) **Abscending from the jurisdiction of the committee on parole by leaving the state without the prior approval of the probation and parole officer.**

* * *

§574.20. Medical parole program; eligibility; revocation

A.(H) Notwithstanding the provisions of this Part or any other law to the contrary, any person sentenced to the custody of the Department of Public Safety and Corrections may, upon referral by the department, be considered for medical parole **or medical treatment furlough** by the committee on parole. **Medical Consideration for medical parole consideration or medical treatment furlough pursuant to the provisions of this Section** shall be in addition to any other parole for which an inmate may be eligible, ~~but shall not be available to any inmate who is awaiting execution.~~

(2) ~~Medical parole shall not be available to any inmate serving time for the violation of R.S. 14:30, first degree murder; or R.S. 14:30.1, second degree murder.~~

B. Medical parole.

(1) The committee on parole shall establish the medical parole program to be administered by the Department of Public Safety and Corrections. An ~~inmate offender~~ **eligible for consideration for release under the program shall be any person offender** who, because of an existing medical or physical condition, is determined by the department to be within one of the following designations:

(H)(a) ~~"Permanently disabled inmate offender"~~ means any ~~person offender~~ who is unable to engage in any substantial gainful activity by reason of any medically determinable physical impairment which can be expected to result in death or which is or can be expected to be permanently irreversible.

(2)(b) ~~"Terminally ill inmate offender"~~ means any ~~inmate offender~~ who, because of an existing medical condition, is irreversibly terminally ill. For the purposes of this Section, "terminally ill" is defined as having a life expectancy of less than one year due to an underlying medical condition.

(2) Medical parole shall not be available to any offender serving a sentence for a conviction of first degree murder (R.S. 14:30) or second degree murder (R.S. 14:30.1) or an offender who is awaiting execution.

C. Medical treatment furlough.

(1)(a) **The committee on parole shall establish the medical treatment furlough program to be administered by the Department of Public Safety and Corrections for the purpose of utilizing off-site medical facilities for an eligible offender's medical treatment. Medical treatment furlough shall not be available to any offender who is awaiting execution.**

(b) **For purposes of this Section, "off-site medical facility" means an acute care hospital, nursing home, or other licensed medical facility which complies with all state and federal laws and regulations and is appropriate to meet the offender's medical and treatment needs.**

(2)(a) **An offender eligible for consideration for release under the medical treatment furlough program shall be any offender who is ineligible for release on medical parole pursuant to Subsection B of this Section and is determined by the department to be a limited-mobility offender.**

(b) **For the purposes of this Section, "limited-mobility offender" means any offender who is unable to perform activities of daily living without help or is bedbound, including but not limited to prolonged coma and medical ventilation.**

(3) Notwithstanding any provision of law to the contrary, the committee on parole may authorize the release of an eligible offender on medical treatment furlough when all of the following conditions are met:

(a) **Placement is secured in an acute care hospital, nursing home, or other appropriate medical facility able to meet the offender's medical and treatment needs.**

(b) **All monitoring, security, and supervision requirements that the committee deems necessary are secured by the division of probation and parole.**

(c) **The committee determines that the offender does not present a substantial flight risk.**

D. No inmate offender shall be recommended for medical parole or medical treatment furlough pursuant to this Section by the department until full consideration has been given to the ~~inmate's offender's~~ crime and criminal history, length of time served in custody, institutional conduct, an indication that the ~~inmate offender~~ represents a low risk to himself or society, and a medical assessment of the ~~inmate's offender's~~ condition. In the assessment of risk, emphasis shall be given to the ~~inmate's offender's~~ medical condition and how this relates to his overall risk to society.

DE. The authority to grant medical parole or medical treatment furlough pursuant to this Section shall rest solely with the committee on parole, and the committee shall establish additional conditions of the parole or medical treatment furlough in accordance with the provisions of this Subpart. The Department of Public Safety and Corrections shall identify those inmates offenders who may be eligible for medical parole or medical treatment furlough based upon available medical information. In considering an inmate offender for medical parole or medical treatment furlough, the committee may require that additional medical evidence be produced or that additional medical examinations be conducted. The committee on parole shall determine the risk to public safety and shall grant medical parole or medical treatment furlough only after determining that the inmate offender does not pose a threat to public safety.

EE. The parole term of an inmate offender released on medical parole or medical treatment furlough shall be for the remainder of the inmate's offender's sentence, without diminution of sentence for good behavior. Supervision of the parolee offender shall consist of periodic medical evaluations at intervals to be determined by the committee at the time of release. Release of protected health information to the Department of Public Safety and Corrections or the committee on parole shall be in accordance with all state and federal laws and regulations.

FG. If it is discovered through the supervision of the offender released on medical parole or medical treatment furlough that his condition has improved such that he would not then be eligible for medical parole or medical treatment furlough under the provisions of this Subpart, the committee may order that the person offender be returned to the custody of the Department of Public Safety and Corrections to await a hearing to determine whether his parole or medical treatment furlough shall be revoked. Any person offender whose medical parole or medical treatment furlough is revoked due to an improvement in his condition shall resume serving the balance of his sentence with credit given for the duration of the medical parole or medical treatment furlough. If the person's offender's medical parole or medical treatment furlough is revoked due to an improvement in his condition, and he would be otherwise eligible for parole, he may then be considered for parole under the provisions of R.S. 15:574.4. Medical parole and medical treatment furlough may also be revoked for violation of any condition of the parole as established by the committee on parole.

GH. The committee on parole shall promulgate such rules as are necessary to effectuate this Subpart, including rules relative to the conduct of medical parole and medical treatment furlough hearings, and the conditions of medical parole and medical treatment furlough release.

§827. Duties of Department of Public Safety and Corrections

A. In addition to other duties imposed upon the department it shall be the duty of the department to:

* * *

(7) Establish a procedure that provides for each offender who is sentenced to one hundred eighty days or more in the custody of the Department of Public Safety and Corrections, a written case plan that is based on the results of an assessment of the offender's risk and needs and includes participation in programming that addresses the needs identified in that assessment. For offenders eligible for administrative parole pursuant to R.S. 15:574.2(C)(4), the case plan should be reasonably achievable prior to the offender's administrative parole eligibility date and the department shall notify the committee in writing of an offender's compliance or noncompliance with the case plan not less than sixty days before an offender's administrative parole release date. The provisions of this Paragraph shall be implemented to the extent that funds are appropriated for this purpose and to the extent that it is consistent with the available resources.

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§828. Classification and treatment programs; qualified sex offender programs; reports; earned credits

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B. The secretary shall adopt rules and regulations for local jail facilities and state correctional institutions to encourage voluntary participation by inmates offenders in certified treatment and rehabilitation programs, including but not limited to basic education, job skills training, values development and faith-based initiatives, therapeutic programs, and treatment programs. When funds are provided, such educational programs shall be available at each penal or correctional institution under the jurisdiction of the department. The rules and regulations may include provisions for furloughs or the awarding of earned credits toward the reduction of the projected good time parole supervision date. Offenders may be awarded up to ninety days toward the reduction of the projected good time parole supervision date for satisfactory participation in each approved program pursuant to the provisions of this Subsection, but no offender shall receive more than three hundred sixty days total earned credits toward the reduction of the projected good time parole supervision date for program participation.

C. Notwithstanding any other provision of law to the contrary, any offender in the custody of the Department of Public Safety and Corrections ~~who has been, including those~~ sentenced as an habitual offender pursuant to the provisions of R.S. 15:529.1, may earn additional good time for participation in certified treatment and rehabilitation programs as provided for in Subsection B of this Section, unless the ~~offender was convicted of a sex~~

offense as defined by R.S. 15:541 or a crime of violence as defined by R.S. 14:2(B); offender's instant offense is one of the following:

(1) A sex offense as defined in R.S. 15:541.

(2) A crime of violence as defined in R.S. 14:2(B) and the offender has more than one prior conviction of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541.

D. Offenders who are otherwise eligible under this Section who are participating in the workforce development work release program pursuant to R.S. 15:1199.9, shall be eligible to earn an additional one hundred eighty days of credit toward the reduction of the projected good time parole supervision date.

Section 4. This Act shall become effective on November 1, 2017; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on November 1, 2017, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 15, 2017.

A true copy:

Tom Schedler
Secretary of State
