

ACTS OF 2018 LEGISLATURE

Acts 448 - 549

ACT No. 448

HOUSE BILL NO. 116
BY REPRESENTATIVE ZERINGUE
AN ACT

To amend and reenact R.S. 49:214.6.2(A) and to enact R.S. 49:191(11)(a), relative to the Coastal Protection and Restoration Authority; to authorize the Coastal Protection and Restoration Authority to issue rules, regulations, or guidelines for the implementation of their existing contracting authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:214.6.2(A) is hereby amended and reenacted and R.S. 49:191(11)(a) is hereby enacted to read as follows:

§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates

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

* * *

(11) July 1, 2023;

(a) The Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board to be reviewed by and re-creation to be considered by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources. Thereafter, the Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board shall be reviewed and re-created every six years to coincide with the review and adoption of the comprehensive master plan for integrated coastal restoration.

* * *

§214.6.2. Functions and responsibilities; coastal activities

A. The authority shall administer the programs of the Coastal Protection and Restoration Authority Board. The executive director may use his contracting authority, or the contracting authority of any state department or agency, to implement the provisions of this Chapter. Such His contracting authority shall include construction management at risk, operation and maintenance, design-build, design-build-operate and maintain, design-build-finance-operate and maintain, outcome-based performance contracts, or any combination of design, construction, finance, and services for operation and maintenance of an integrated coastal protection project, where appropriate. The Coastal Protection and Restoration Authority shall promulgate, through the Administrative Procedure Act, rules, regulations, or guidelines for the implementation of the contracting authority granted by the provisions of this Section. The Coastal Protection and Restoration Authority shall have the authority to execute and implement contracts entered into by the board.

* * *

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 449

HOUSE BILL NO. 135
BY REPRESENTATIVE DWIGHT
AN ACT

To amend and reenact R.S. 26:2(9), 79, and 279, relative to application for state and local alcohol permits; to provide relative to permits not issued; to provide relative to the waiving of state application fees or credits for such fees; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:2(9), 79, and 279 are hereby amended and reenacted to read as follows:

§2. Definitions

For purposes of this Chapter, the following terms have the respective meanings ascribed to them in this Section, unless a different meaning clearly appears from the context:

* * *

(9) ~~“Liquor retail distribution center” means any liquor retailer who has continuously maintained a distribution center or centers for distribution to its wholly owned retail permittees on or prior to January 1, 1961, in this state, or any commercial airline that stores alcoholic beverages in sealed containers of any size at any airport regularly served by the permittee. Such possession for retail sale or distribution therefrom shall be limited to alcohol of high volume content in any quantity.~~

* * *

§79. Submission of applications; delay

All applications for state permits shall be mailed or delivered to the commissioner in Baton Rouge, Louisiana, and all applications for local permits shall be mailed or delivered to the

THE ADVOCATE
PAGE 193

* As it appears in the enrolled bill

respective local authorities. An applicant shall mail or deliver both his applications for state and local permits within twenty-four hours of each other. If he fails to do so, his state application may be withheld and the permits denied. Upon receipt of an application, the commissioner or the local authorities, as the case may be, shall stamp the day, month, and year received, and the commissioner shall verify that the applicant does not owe the state or the political subdivision in which the business is located any delinquent sales taxes, penalties, or interest, excluding items under formal appeal pursuant to the applicable statutes. The commissioner and officers or employees specifically so authorized by the commissioner and local authorities may issue the permits immediately after proper investigation but, for a period of thirty-five days after issuance, such permits shall operate on a probationary basis subject to final action on, opposition to, or withholding of, the permits as hereinafter provided. ~~Notwithstanding any other provision of this Chapter, prior to August 1, 2016, the commissioner may waive all state application fees or provide an equal credit to an applicant's account when a permit is not issued within three business days after receipt of a fully and properly completed application.~~

* * *

§279. Submission of applications; delay

All applications for state permits shall be mailed or delivered to the commissioner in Baton Rouge at the state capitol, and all applications for local permits shall be mailed or delivered to the respective local authorities. An applicant shall mail or deliver his applications for state and local permits within twenty-four hours of each other. If he fails to do so, his state application may be withheld and the permits denied. Upon receipt of an application, the commissioner or the local authorities, as the case may be, shall stamp the day, month, and year received, and the commissioner shall verify that the applicant does not owe the state or the political subdivision in which the business is located any delinquent sales taxes, penalties, or interest, excluding items under formal appeal pursuant to applicable statutes. The commissioner and officers or employees specifically so authorized by the commissioner and local authorities may issue the permits immediately after proper investigation but, for a period of thirty-five days after receipt of the application, such permits shall operate on a probationary basis subject to final action on opposition to, or withholding of, the permit as hereinafter provided. ~~Notwithstanding any other provision of this Chapter, prior to August 1, 2016, the commissioner may waive all state application fees or provide an equal credit to an applicant's account when a permit is not issued within three business days after receipt of a fully and properly completed application.~~

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 450

HOUSE BILL NO. 148

BY REPRESENTATIVES FALCONER, ANDERS, BACALA, BAGLEY, BAGNERIS, BILLIOT, BRASS, TERRY BROWN, CARMODY, GARY CARTER, CHANEY, COX, DEVILLIER, EDMONDS, EMERSON, FOIL, GISCLAIR, HENRY, HODGES, HORTON, JACKSON, NANCY LANDRY, LEGER, LYONS, MCFARLAND, GREGORY MILLER, POPE, REYNOLDS, RICHARD, SIMON, AND STAGNI AND SENATORS BISHOP AND WALSWORTH

AN ACT

To enact Chapter 12 of Title 28 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 28:801 through 814, relative to suicide prevention; to create and provide for a program to be known as the zero suicide initiative; to provide for administration of the program by the office of behavioral health of the Louisiana Department of Health; to provide for creation of the Louisiana suicide prevention plan; to provide for legislative findings and intent; to provide for promulgation of administrative rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 12 of Title 28 of the Louisiana Revised Statutes of 1950, comprised of R.S. 28:801 through 814, is hereby enacted to read as follows:

CHAPTER 12. SUICIDE PREVENTION PART I. GENERAL PROVISIONS

§801. Short title

This Chapter shall be known and may be cited as the “Louisiana Suicide Prevention Act”.

§802. Definitions

For purposes of this Chapter, the following terms have the meaning ascribed to them in this Section:

(1) “America’s Health Rankings report” means the annual report of that name published by the United Health Foundation.

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

(3) “Office of behavioral health” means the office of behavioral health of the Louisiana Department of Health.

(4) “State suicide prevention plan” means the Louisiana suicide prevention plan required by and provided for more specifically in Part III of this Chapter.

(5) “Suicide Prevention Resource Center” means the resource center of that name operated by the Education Development Center, Incorporated, which is devoted to advancing the National Strategy for Suicide Prevention.

(6) “Zero suicide initiative” means the program for suicide prevention created by the provisions of Part II of this Chapter.

§803. Legislative findings and declaration; purpose

A. The legislature hereby finds and declares all of the following:

(1) An individual suicide is a tragic event, and suicide generally is now recognized as a serious public health concern.

(2) According to the 2016 America’s Health Rankings report, the number of deaths due to suicide per one hundred thousand population in the United States rose steadily from 2012 through 2016, and Louisiana’s rate of deaths from suicide is nearly ten percent higher than the national average.

(3) While suicide occurs among persons of all ages, ethnic backgrounds, and income levels, it is an especially troubling problem among youth in Louisiana, with suicide ranking as the second-leading cause of death in this state for persons between the ages of ten and twenty-four

CODING: Words in ~~struck-through~~ type are deletions from existing law; words under-scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.

in 2014, the most recent year for which complete data are available.

(4) Suicide is a pronounced public health concern among military veterans nationwide and in Louisiana particularly, as Louisiana's veteran suicide rate is over ten percent higher than that of the nation and of the southern region.

(5) Enhancing suicide awareness and prevention has been a priority of the Legislature of Louisiana as evidenced by the final passage, or final adoption and concurrence, of all of the following acts and concurrent resolutions:

(a) Act 86 of the 2017 Regular Session, providing for in-service training on suicide prevention for teachers and other employees of nonpublic and charter schools, as had previously been provided in law for teachers and other employees of traditional public schools.

(b) Act 582 of the 2014 Regular Session, providing relative to suicide assessment, intervention, treatment, and management training for several health professions.

(c) House Concurrent Resolution No. 152 of the 2016 Regular Session, recognizing the month of September as suicide prevention awareness month in this state and urging greater awareness of the problem of suicide, particularly among military veterans.

(d) Senate Concurrent Resolution No. 75 of the 2014 Regular Session, requesting that the department develop a list of best practice suicide prevention training programs to make available for groups of professionals and citizens to take voluntarily.

(e) House Concurrent Resolution No. 15 of the 2013 Regular Session, requesting the department to study the most effective means by which to reduce the rate of suicide in this state and report its findings to the legislative committees on health and welfare.

(6) Healthcare settings, including mental and behavioral health systems, primary care clinics, physical and mental health clinics in educational institutions, and hospitals are valuable access points to reach those at risk for suicide.

(7) National data indicate all of the following:

(a) Over thirty percent of individuals are receiving mental health care at the time of their deaths by suicide.

(b) Approximately forty-five percent of persons who die by suicide have seen a primary care physician within one month of their deaths, illustrating that primary care is often the entry point into the health system for individuals who are less likely to seek out mental health services.

(c) Approximately twenty-five percent of those who die by suicide visited an emergency department in the month prior to their deaths.

(8) Healthcare facilities and providers including but not limited to mental health professionals, behavioral health services providers, primary care providers, and hospitals that have implemented a suicide prevention model such as that provided for in Part II of this Chapter have noted significant reductions in suicide deaths among patients within their care.

(9) Identifying and putting into practice an effective means of suicide prevention such as that provided for in this Chapter is a vital public health priority for this state.

B. The legislature hereby declares that the purpose of this Chapter is to combat a dire public problem in this state by creating and providing for the zero suicide initiative, a systems approach and national best practice for addressing suicide as a public health issue.

§804. Sources of funding authorized

The office of behavioral health may receive and expend funds as may be necessary to carry out the requirements of this Chapter, including but not limited to funds appropriated by the legislature, including any appropriation of federal funds; and any public or private donations, gifts, or grants from governmental sources, individuals, corporations, nonprofit organizations, business entities, and any other lawful source.

PART II. ZERO SUICIDE INITIATIVE

§807. Zero suicide initiative; creation

A. The legislature hereby creates the zero suicide initiative, which shall be administered by the office of behavioral health in accordance with the provisions of this Part.

B. The legislature hereby declares that the zero suicide initiative embodies the foundational belief and aspirational goal that suicide deaths of individuals who are under the care of any part of the health system in this state, including providers of mental health and behavioral health services, are frequently preventable.

C. The zero suicide initiative of this state shall be based upon the model set forth in the National Strategy for Suicide Prevention published in 2012 by the United States Surgeon General and further developed, refined, and promoted by the Suicide Prevention Resource Center or its successor.

§808. Zero suicide initiative; administration; duties of the office of behavioral health

A. In administering the zero suicide initiative, the office of behavioral health shall ensure that the initiative incorporates, at minimum, all of the following components as set forth by the zero suicide model of the Suicide Prevention Resource Center:

- (1) Leadership development.
- (2) Healthcare provider training.
- (3) Identification of suicide risk factors.
- (4) Patient engagement.
- (5) Treatment.
- (6) Health system transition.
- (7) Health system quality improvement.

B. The office of behavioral health shall ensure that administrators of all healthcare facilities licensed by the department and that all healthcare professionals licensed by any board or commission of the department have ready access to informational resources and technical assistance necessary for implementation of the zero suicide initiative.

C.(1) Subject to the limitations of Paragraph (2) of this Subsection, the office of behavioral health shall examine and coordinate the use of existing data to identify priority groups of patients, improve the quality of care for persons who are suicidal, and provide a basis for measuring progress in the ongoing operation of the zero suicide initiative.

(2) The office of behavioral health shall carry out the requirements of Paragraph (1) of this Subsection in a manner that protects the privacy of individuals, and shall comply with all applicable state and federal laws and regulations relative to privacy of health information.

D. The department shall promulgate all rules and regulations in accordance with the Administrative Procedure Act as may be necessary to implement the provisions of this Part.

§809. Legislative intent; stakeholder collaboration and coordination in the zero suicide initiative

Because suicide in Louisiana is a primary public health concern, the legislature intends that the office of behavioral health, state and local criminal justice systems, healthcare facilities and providers including but not limited to mental health professionals, behavioral health services providers, primary care providers, hospitals, and physical and mental health clinics in educational institutions throughout this state do all of the following:

(1) Work in collaboration to adopt and operate the zero suicide initiative as promulgated in administrative rules of the department.

(2) Work with advocacy groups, faith-based organizations, and any other entities with an interest in suicide prevention to support the adoption by health systems in Louisiana of the suicide prevention plan provided for in Part III of this Chapter.

(3) Make efforts to connect persons and groups who are at higher risk for suicide with services provided under the suicide prevention plan provided for in Part III of this Chapter.

PART III. STATE SUICIDE PREVENTION PLAN

§811. State suicide prevention plan; creation; goals; publication; report to governor and legislature

A. The Louisiana suicide prevention plan, referred to in this Section as the "state suicide prevention plan", is hereby created as an initiative of the office of behavioral health, which shall lead the development of and publish the plan. The goal and purpose of the state suicide prevention plan is to reduce the incidence of suicide in Louisiana through system-level implementation of the plan in criminal justice and health systems statewide, including mental health and behavioral health systems.

B.(1) The office of behavioral health shall collaborate with criminal justice and health systems, including mental health and behavioral health systems, primary care providers, physical and mental health clinics in educational institutions, colleges and universities, community mental health centers, advocacy groups, emergency medical services professionals, public and private insurers, hospital chaplains, and faith-based organizations to develop and implement all of the following:

(a) A plan to improve training on means by which to identify a person with trends, attributes, and indicators of suicidal thoughts and behavior across criminal justice and health systems.

(b) A plan to improve training on the provisions of the Health Insurance Portability and Accountability Act (42 U.S.C. 1320d et seq.) and regulations issued pursuant thereto and on other applicable federal and state laws and regulations concerning privacy of health information.

(c) Professional development resources and training opportunities regarding indicators of suicidal thoughts and behavior, risk assessment, treatment, and management.

(2) The office of behavioral health shall include as elements within the state suicide prevention plan the items required by Paragraph (1) of this Subsection.

C. As a demonstration of commitment to patient safety, criminal justice and health systems, including mental and behavioral health systems, primary care providers, and hospitals throughout the state are encouraged to contribute to and implement the state suicide prevention plan.

D.(1) The office of behavioral health shall publish the state suicide prevention plan on or before December 31, 2020.

(2) At the time of publication of the state suicide prevention plan, the office of behavioral health shall transmit a summary of the plan in a report to the governor and to the legislature.

§812. Stakeholder collaboration and coordination in suicide prevention plan

The legislature intends that the following systems and organizations contribute to the development and implementation of the state suicide prevention plan:

- (1) Community mental health centers.
- (2) Behavioral health services providers.
- (3) Hospitals.
- (4) Emergency medical services professionals and responders.
- (5) Regional health systems.
- (6) Physical and mental health clinics in educational institutions.
- (7) State and local criminal justice systems.
- (8) Advocacy groups with an interest in suicide prevention.
- (9) Faith-based organizations.
- (10) Colleges and universities.

§813. Administrative rulemaking

The department shall promulgate all rules and regulations in accordance with the Administrative Procedure Act as may be necessary to implement the provisions of this Part.

§814. Implementation

Implementation of this Chapter shall be contingent upon receipt of grant funding.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 451

HOUSE BILL NO. 152
BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 27:27.2(A) and 27.4(A), relative to gaming; to provide for the exclusion or ejection of certain persons from gaming establishments; to prohibit the exclusion or ejection of persons based upon certain factors; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:27.2(A) and 27.4(A) are hereby amended and reenacted to read as follows:

§27.2. Board designated excluded persons

A. The board shall adopt rules to provide for the establishment of a list of persons who are to be excluded from any room, premises, or designated gaming area of any establishment where gaming is conducted pursuant to a license or contract issued pursuant to the provisions of this Title. The rules must shall define the standards for exclusion and include standards relating to the following persons:

- (1) Those who are career or professional offenders as defined by the rules of the board.
- (2) Those who have been convicted of a criminal offense as specified by the board.

(3)(a) Those whose presence in a gaming establishment operated by a licensee or the casino operator would be adverse to the interests of Louisiana or gaming operations. For purposes of this Paragraph, the following persons may be excluded:

(i) Persons suspected of cheating.

(ii) Persons whose gaming privileges, permits, or licenses have been suspended, revoked, or denied.

(iii) Persons who pose a threat to the safety of the patrons or employees of the casino operator or casino manager or any casino gaming licensee.

(iv) Persons with a documented history of conduct involving the disruption of the gaming operations in any jurisdiction.

(v) Persons subject to an order of a Louisiana court excluding such persons from any gaming establishment.

(vi) Persons with pending charges for a gaming or gambling crime or a crime related to the integrity of gaming operations.

(b) A person may not be excluded from a gaming establishment operated by a licensee or the casino operator for reasons based solely on the skill level of the person.

* * *

§27.4. Exclusion or ejection of persons

A. Any licensee, permittee, or the casino gaming operator may exclude or eject any person for any reason if such person engages in unlawful or disruptive conduct. ~~except~~ No licensee, permittee, or the casino gaming operator may exclude or eject any person from a gaming establishment based upon race, color, creed, national origin, sex, or disability as defined in R.S. 51:2232(H) R.S. 51:2232(3).

* * *

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 452

HOUSE BILL NO. 172
BY REPRESENTATIVE GAROFALO
AN ACT

To amend and reenact Code of Civil Procedure Article 2376 and to enact R.S. 13:4368, relative to the cancellation of privileges, liens, and mortgages; to provide for the cancellation or partial release of inferior privileges, liens, and mortgages on property sold at sheriff's sale; to provide for the procedures for cancelling or partially releasing inferior privileges, liens, and mortgages; to provide for the required information for the filing of an affidavit; to provide the duties, effect, and liability for the filing of an affidavit; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 2376 is hereby amended and reenacted to read as follows:

Art. 2376. Release of inferior mortgages, liens, and privileges

The sheriff shall give the purchaser a release from the security interest, mortgage, lien, or privilege of the seizing creditor, and from all inferior security interests, mortgages, liens, and privileges, and he shall direct the recorder of mortgages or proper filing officer to cancel or partially release their inscriptions in so far as they affect the property sold.

Section 2. R.S. 13:4368 is hereby enacted to read as follows:

§4368. Post judicial sale; cancellation of inferior mortgages, liens, and privileges

A. If the inscription of an inferior mortgage, lien, or privilege encumbering the immovable property sold through a judicial sale is not cancelled as required by Code of Civil Procedure Article 2376, the seizing creditor or its attorney of record may have the inferior mortgage, lien, or privilege cancelled or partially released as to the immovable property sold by recording in the mortgage records of the parish in which the immovable property sold is located an "affidavit to cancel an inferior encumbrance" that is in compliance with the requirements of this Section. For purposes of this Section, an "inferior creditor" means the holder of record of a mortgage, lien, or privilege that is inferior to a seizing creditor's mortgage, lien, or privilege at the time the encumbered immovable property was sold at judicial sale.

B. A seizing creditor or its attorney of record may file an affidavit to cancel or partially release the inferior mortgage, lien, or privilege in accordance with this Section only if the inferior creditor was provided written notice of seizure prior to the judicial sale.

C. An affidavit executed by a seizing creditor or its attorney of record to cancel or partially release an inferior mortgage, lien, or privilege shall include all of the following information:

(1) The name, mailing address, telephone number, and email address of the seizing creditor or its attorney of record.

(2) The name of the court, case name, and docket number of the action under which the seizure and sale of the immovable property was ordered.

(3) The date of the judicial sale.

(4) A description of the seizing creditor's foreclosed mortgage, lien, or privilege, including the recordation information and recording date.

(5) A description sufficient to identify the foreclosed immovable property.

(6) A description of the inferior mortgage, lien, or privilege, including the recordation information and recording date, and a declaration that the described mortgage, lien, or privilege requested to be cancelled or partially released is inferior to the foreclosed mortgage, lien, or privilege.

(7) A certification that written notice of seizure was given to the inferior creditor prior to the judicial sale, and a copy attached of the written notice together with evidence that it was delivered to the inferior creditor.

(8) A request that the clerk of court cancel or partially release the identified inferior mortgage, lien, or privilege pursuant to this Section.

D. The clerk of court shall cancel or partially release the inferior mortgage, lien, or privilege upon the recordation of an affidavit that is in compliance with this Section.

E. The cancellation of a mortgage, lien, or privilege by the filing of an affidavit in accordance

with the provisions of this Section shall have no effect if the mortgage, lien, or privilege is actually superior to the seizing creditor's foreclosed mortgage, lien, or privilege.

F. Any party recording an affidavit pursuant to this Section shall be subject to the liability requirements and standards provided in R.S. 9:5174.

G. This Section shall not apply to utility servitudes.

H. For the purposes of this Section "attorney of record" means the attorney of record in the seizing creditor's suit that results in the judicial sale of the immovable property.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 453

HOUSE BILL NO. 187
BY REPRESENTATIVE MARINO
(On Recommendation of the Louisiana State Law Institute)
AN ACT

To amend and reenact Children's Code Article 408, relative to juvenile court proceedings; to provide for the use of restraints upon a determination of necessity; to provide the procedure for such a determination; to provide notice; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Article 408 is hereby amended and reenacted to read as follows:

Art. 408. Duty of court to control proceedings; use of restraints on a child

A. The court shall require that the proceedings be conducted with dignity and in an orderly and expeditious manner, and shall control the proceedings so that justice is done. The court may exclude any person whose conduct is disruptive if the person fails promptly to heed the court's admonition to refrain from such conduct.

B.(1) Restraints shall not be used upon a child during any juvenile court proceeding except in a delinquency proceeding as specifically provided in this Paragraph.

(2) A court may permit a child to be restrained in the courtroom only upon the court's individualized determination that the use of restraints is necessary because the child presents a particularized risk of physical harm to himself or another or presents a particularized substantial risk of flight from the courtroom, and that there are no less restrictive alternative measures to prevent flight or physical harm. The fact that the child is detained is insufficient to warrant a finding that the use of restraints is necessary.

(3) If it is alleged that the use of restraints upon a child is necessary, the district attorney or law enforcement shall inform the judge and the attorney for the child prior to the proceeding. The attorney for the child shall be given an opportunity to be heard and object on the record. If the use of restraints is ordered, the judge shall state on the record the reasons therefor.

(4) In accordance with Paragraph A of this Article, a court may authorize the use of restraints when the conduct of the child during a hearing presents an imminent threat, risk of flight, or physical harm.

(5) This Paragraph does not apply when the child is in a detention center, when the child is in transport from a detention center to the courthouse, or when the child is held in the courthouse outside of the room where the juvenile delinquency proceeding will occur.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 454

HOUSE BILL NO. 189
BY REPRESENTATIVE WRIGHT
AN ACT

To amend and reenact R.S. 49:953(C) and 968(K) and (L), relative to administrative procedure; to provide for processes to review agency rules; to require agencies to conduct periodic hearings to have public comment on rules; and to require reports to the appropriate committees of the legislature regarding such comment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:953(C) and 968(K) and (L) are hereby amended and reenacted to read as follows:

§953. Procedure for adoption of rules; agency rule review

* * *

C.(1) An interested person may petition an agency requesting the adoption, amendment, or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, considerations, and disposition. Within ninety days after submission of a petition, the agency shall either deny the petition in writing, stating reasons for the denial, or shall initiate rule-making proceedings in accordance with this Chapter. Each agency with an appropriated operating budget of five million dollars or more shall include on its website a description of the procedure for submitting petitions in accordance with this Paragraph.

(2)(a) At least once prior to January 1, 2020, and at least once during every six-year period thereafter, each agency subject to Paragraph (1) of this Subsection which engages in rulemaking shall conduct a public hearing for the purpose of allowing any interested person the opportunity to comment on any rule of the agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. The agency shall publish notice of the meeting in the Louisiana Register, give notice of the meeting electronically to the appropriate legislative oversight committees, and shall provide notice of the meeting to all persons who have made timely request of the agency for notice of rule changes, all no later than thirty days prior to the meeting.

(b) The notice of the meeting shall contain:

(i) The name of the agency.

(ii) The purpose of the meeting.

(iii) The time and place of the meeting.

(iv) The process for requesting reasonable accommodations for persons with disabilities.
(v) The name and contact information of the person within the agency to whom interested persons should direct their views regarding the agency's rules, if in writing, and the deadline for submission of written comments.

(c) The agency shall consider fully all written and oral comments and submissions concerning its rules. The agency shall advise persons who provide oral comments that in order to be submitted to the legislative oversight committees, comments must be submitted to the agency in writing. The agency shall issue a response to each submission describing the principal advantages and disadvantages of the rule changes suggested in the submission. In addition, the agency may prepare a statement explaining the basis and rationale for the rule in question identifying the data and evidence upon which the rule is based. All such statements and responses to submissions shall be furnished to the respective legislative oversight committees in the manner provided by R.S. 49:968(K) and shall be made available to interested persons as soon as possible but no later than one day following their submission to the appropriate legislative oversight committees.

* * *
* * *

§968. Review of agency rules; fees

K.(1) Each year, no later than thirty days prior to the beginning of the regular session of the legislature, each agency which has proposed the adoption, amendment, or repeal of any rule or the adoption, increase, or decrease of any fee during the previous year, shall submit a report to the appropriate committees as provided for in Subsection B of this Section. This report shall contain a statement of the action taken by the agency with respect to adoption, amendment, or repeal of each rule proposed for adoption, amendment, or repeal during the previous year and a report of the action taken by the agency with respect to any proposed fee adoption, increase, or decrease during the previous year.

(2) The report required by Paragraph (1) of this Subsection shall also contain a recitation of each petition and submission, if any, received by the agency pursuant to R.S. 49:953(C) during the previous calendar year and the agency's response to each petition and submission, if any were received.

L. After submission of the report required by Subsection K of this Section to the standing committee, a public hearing may be held by the committee for the purpose of reviewing the report with representatives of the proposing agency.

* * *

Section 2. This Act shall become effective on January 1, 2019.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 455

HOUSE BILL NO. 199

BY REPRESENTATIVES SMITH, AMEDEE, ANDERS, BACALA, BAGNERIS, BARRAS, BERTHELOT, BILLIOT, BOUIE, BRASS, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, STEVE CARTER, COX, DAVIS, DEVILLIER, EDMONDS, EMERSON, FALCONER, FOIL, GAINES, GISCLAIR, HALL, LANCE HARRIS, HAZEL, HILFERTY, HODGES, HOWARD, HUNTER, JACKSON, JAMES, JEFFERSON, JENKINS, JOHNSON, JONES, JORDAN, LEGER, LYONS, MARCELLE, GREGORY MILLER, NORTON, PIERRE, POPE, REYNOLDS, SCHEXNAYDER, SIMON, STAGNI, WHITE, WRIGHT, AND ZERINGUE AND SENATORS ALARIO, APPEL, BARROW, BOUDREAUX, CHABERT, CLAITOR, DONAHUE, FANNIN, GATTI, HEWITT, LAFLEUR, LONG, LUNEAU, MILKOVICH, MILLS, MIZELL, MORRISH, PEACOCK, PRICE, GARY SMITH, THOMPSON, WALSWORTH, AND WHITE

AN ACT

To enact R.S. 17:1960.1 and R.S. 36:651(G)(6) and to repeal R.S. 17:1960.1 and R.S. 36:651(G)(6), relative to the development of children who are deaf or hard of hearing; to establish the Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force; to provide relative to the purpose, membership, and meetings of the task force; to require the task force to study and make recommendations relative to specific matters; to require the task force to submit a report to the legislature; to require the state Department of Education and the Louisiana Department of Health to provide a response to such report to the legislature; to provide for termination of the task force; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1960.1 is hereby enacted to read as follows:

§1960.1. Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force

A.(1) The legislature finds that children who are deaf or hard of hearing have the same ability and capability to learn language as their peers who do not have a similar disability and that the ability and right to develop language are central to the human experience and necessary prerequisites to literacy as well as cognitive, emotional, linguistic, academic, and social growth and the chance for children to evolve into healthy and productive members of society.

(2) The legislature further finds that the state Department of Education and the Louisiana Department of Health are committed to collaborating to improve services for children who are deaf or hard of hearing so that they have the opportunity to begin kindergarten with the necessary language skills to acquire the knowledge and academic competencies that will allow them to be successful in school and life.

(3) The legislature further finds that pursuant to the Individuals with Disabilities Education Improvement Act, P.L. 108-446:

(a) The Louisiana Department of Health is responsible for the provision of early intervention services as identified in a child's Individualized Family Support Plan to children from birth to age three years with special needs and their families.

(b) The state Department of Education is responsible for the provision of special education and related services as identified in a child's Individualized Education Program to children age three to five years with special needs.

B.(1) The Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force is hereby established for the purposes of developing a resource for parents to monitor and track deaf or hard of hearing children's expressive and receptive language acquisition, using American Sign Language, English, or both languages, and developmental stages toward English literacy and developing a framework for assessing children who are deaf or hard of hearing to determine their competencies in language and literacy skills for the purpose of ensuring they have the opportunity to achieve kindergarten readiness in an equitable manner.

(2) For purposes of this Section, the term "English" shall include spoken English, written English, and English with the use of visual supplements, including but not limited to Cued Speech and Signing Exact English.

C.(1) The task force shall consist of twenty-three members as follows:

(a) One parent whose child is deaf or hard of hearing and proficient in American Sign Language and English.

(b) One parent whose child is deaf or hard of hearing and uses only spoken English.

(c) One teacher of children who are deaf or hard of hearing whose expertise is in curriculum and instruction in American Sign Language and English.

(d) One teacher of children who are deaf or hard of hearing whose expertise is in curriculum and instruction in English.

(e) One early intervention specialist who works with infants and toddlers who are deaf or hard of hearing using American Sign Language and spoken English.

(f) One administrator of an early intervention program for children who are deaf or hard of hearing.

(g) One administrator of a school-age program for children who are deaf or hard of hearing.

(h) One speech pathologist with experience working with children who are deaf or hard of hearing on the development of spoken English, with or without the use of visual supplements.

(i) One school psychologist with experience working with students who are deaf or hard of hearing and with knowledge in conducting and interpreting cognitive assessments for such students.

(j) Two representatives of an association that advocates to enhance the quality of life for Louisiana children who are deaf or hard of hearing.

(k) A licensed or certified mental health professional who works with children who are deaf or hard of hearing and their families.

(l) One adult who is deaf or hard of hearing and is proficient in American Sign Language and English.

(m) One adult who is deaf or hard of hearing who uses spoken English, without visual supplements.

(n) One member of the Louisiana House of Representatives appointed by the speaker of the House of Representatives.

(o) One member of the Louisiana Senate appointed by the president of the Senate.

(p) One representative of the Louisiana Department of Health appointed by the department secretary.

(q) The director of the Louisiana Early Hearing Detection and Intervention Program or his designee.

(r) The executive director of the Louisiana Commission for the Deaf or his designee.

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

(t) The executive director of the governor's office of disability affairs or his designee.

(u) The outreach coordinator for the Parent Pupil Education Program at the Louisiana School for the Deaf.

(v) One representative appointed by the National Cued Speech Association.

(2) Members provided in Subparagraphs (1)(a) through (m) of this Subsection shall be appointed jointly by the state superintendent of education and the secretary of the Louisiana Department of Health, who shall seek input on the appointments from offices and organizations that serve the deaf community, including but not limited to the Louisiana Early Hearing Detection and Intervention Program, the Early Steps Program, and the Louisiana Commission for the Deaf. When making these appointments, preference shall be given, if applicable, to persons with deaf education certification or with early childhood education certification and experience working with children with hearing loss.

(3) A vacancy in the membership of the task force shall be filled in the same manner as the original appointment.

(4) The members of the task force shall elect a chairman.

(5) The members of the task force shall serve without compensation.

D. The state Department of Education and the Louisiana Department of Health shall provide staff support for the task force.

E. The state superintendent of education and the secretary of the Louisiana Department of Health shall jointly call the initial meeting no later than August 1, 2018, and thereafter the task force shall meet according to a schedule it establishes. A majority of the members of the task force shall constitute a quorum for the transaction of any and all business. The task force shall be domiciled in Baton Rouge but may hold public meetings elsewhere in the state.

F. The task force shall study and make recommendations relative to matters that shall include, but need not be limited to, developing the framework for assessing children who are deaf or hard of hearing as provided in Subsection B of this Section and selecting language developmental milestones from existing standardized norms. Such framework shall consider children with congenital or acquired hearing loss, unilateral and bilateral hearing loss, all degrees of hearing loss from minimal to profound, and all types of hearing loss. When conducting analysis and making recommendations relative to the framework, the task force shall be impartial with regard to the language and modalities used to teach children who are deaf or hard of hearing and shall do all of the following:

(1) Review and make recommendations relative to existing tools or assessments for educators to use to assess the language and literacy development of children who are deaf or hard of hearing. The tools or assessments shall be all of the following:

(a) Standardized, norm-referenced, and validated.

(b) Able to track such children's expressive and receptive language and cognitive abilities compared to peers who are not deaf or hard of hearing.

(c) Able to be used to establish or modify a child's Individualized Education Program or Individualized Family Service Plan.

(2) Determine how often the tools or assessments reviewed pursuant to Paragraph (1) of this

Subsection should be used for children from birth to age five.

(3) Identify language development milestones for children who are deaf or hard of hearing by consulting with professionals trained in the language development and education of such children. The milestones shall be all of the following:

(a) A resource for use by parents and educators to monitor and track such children's expressive and receptive language acquisition.

(b) Able to be used to ensure that such children meet developmental milestones toward English literacy.

(c) Evaluated by the use of existing formalized, evidence-based assessments.

(4) Identify procedures and methods for reporting language acquisition, assessment results, milestones, assessment tools used, and progress of such children to parents and to teachers and other professionals involved in their early intervention and education.

(5) Make recommendations relative to ensuring that state law and state and local policies are adequately addressing the language developmental needs of such children.

G. The task force shall submit a report to the House Committee on Education, the Senate Committee on Education, the House Committee on Health and Welfare, and the Senate Committee on Health and Welfare relative to the provisions of Subsection F of this Section and any other issues it deems appropriate, including any recommendations for related legislation, not later than February 1, 2019. The state Department of Education and the Louisiana Department of Health shall submit responses to this report to these committees not later than March 1, 2019.

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

§51. Transfer of boards, commissions, departments, and agencies to Department of Education; boards, commissions, and agencies within Department of Education

* * *

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

* * *

(6) The Language Equality and Acquisition for Deaf Kids (LEAD-K) Task Force (R.S. 17:1960.1).

* * *

Section 3. This Act shall be known and may be cited as the "Louisiana LEAD-K Act."

Section 4. R.S. 17:1960.1, R.S. 36:651(G)(6), and Section 3 of this Act are hereby repealed in their entirety.

Section 5.(A) Sections 1 through 3 and this Section of this Act shall become effective upon signature of this Act 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 this Act is vetoed by the governor and subsequently approved by the legislature, Sections 1 through 3 of this Act and this Section of this Act shall become effective on the day following such approval.

(B) Section 4 of this Act shall become effective on March 1, 2019.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 456

HOUSE BILL NO. 208
BY REPRESENTATIVE FALCONER
AN ACT

To amend and reenact R.S. 38:2225.2.4(A)(3) and (G)(6), relative to public contracts; to reduce the monetary threshold for the use of the construction management at risk project delivery method; to provide submission and notification guidelines; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2225.2.4(A)(3) and (G)(6) are hereby amended and reenacted to read as follows:

§2225.2.4. Construction management at risk; public entity

A.

* * *

(3) CMAR shall not be used for any project that is estimated to cost less than twenty-five million dollars, except for any project in the CMAR pilot program. A pilot program is hereby established that authorizes a public entity to use CMAR for only one project which is estimated to cost three million dollars or more, provided that the CMAR pilot program is limited to no more than ten projects on a first-come, first-served basis. Prior At least sixty days prior to proceeding to use CMAR for any project that is estimated to cost less than fifteen million dollars, a public entity shall submit a deliver written notification of the proposed CMAR pilot project by name and description of the project, together with the reason to use CMAR, to the House and Senate transportation, highways, and public works committees for review and approval.

* * *

G. After award and execution of the contract with the CMAR contractor, the following actions shall proceed:

* * *

(6) If the owner and the CMAR contractor are not able to agree upon constructability, construction phasing and sequencing, the GMP for the project, the maximum number of contract days to complete the project, and to reach a negotiated agreement, then the project shall be readvertised and publicly bid utilizing the design-bid-build delivery method, provided the CMAR contractor shall be prohibited from bidding on the project.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 457

HOUSE BILL NO. 315
BY REPRESENTATIVE CARPENTER AND SENATOR BARROW
AN ACT

To amend and reenact R.S. 13:5807 and to repeal R.S. 13:5807.2, relative to fees and costs; to provide relative to city marshal and constable services; to increase fees and costs; to provide for the use of such fees and costs; to provide relative to effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5807 is hereby amended and reenacted to read as follows:

§5807. Fees and costs

A. Constables and marshals, except in Orleans Parish and as provided by R.S. 13:5807.1, 5807.3, 5807.4, and 5807.5, shall be entitled to the following fees of office, and no more, in civil matters:

(1) For making service or attempted service and return of citation with or without petition on each defendant, ~~ten~~ thirty dollars.

(2) For making service or attempted service and return of supplemental or amended petition with or without accompanying citation, ~~ten~~ thirty dollars.

(3) For making service or attempted service of interrogatories and notice of cross interrogatories, ~~ten~~ thirty dollars.

(4) For making service or attempted service and return of garnishment under writ of fieri facias, ~~twenty-eight dollars and fifty cents~~ thirty dollars.

(5) For making service or attempted service and return of writ of attachment on each witness, ~~nine dollars and fifty cents~~ thirty dollars.

(6) For executing writ of sequestration, provisional seizures, or distringas, in each case, ~~twelve dollars and fifty cents~~ thirty dollars. For service of each notice to defendant and return thereon in connection with execution of any of the writs covered by this Paragraph, ~~ten~~ thirty dollars.

(7) For taking bond authorized by law, thirteen dollars and fifty cents.

(8) For making service or attempted service and return of notice of judgment, ~~ten~~ thirty dollars.

(9) For making service or attempted service and return of citation and petition of appeal and order, ~~ten~~ thirty dollars.

(10) For return of fieri facias, ~~ten~~ thirty dollars.

(11) For making service or attempted service and return of citations requiring personal service, ~~eleven dollars and fifty cents~~ thirty dollars, ~~to-wit:~~ specifically rule nisi, subpoena, subpoena duces tecum, judgment debtor.

(12) For keeping property when a keeper or guardian is required, the marshal or constable shall be allowed the actual amount paid the keeper appointed by him, but not to exceed sixty dollars for each eight hours of keeping; and in all cases in which property under seizure is of a nature requiring the constant attention of the marshal or constable, he may appoint one or more additional keepers for which allowance shall be made on the basis set forth above.

(13) For collecting money for execution of order of seizure and sale, six percent, with a minimum of twelve dollars and fifty cents on each execution of order of seizure and sale.

(14) For collecting money for execution of a writ, without either seizure or sale, six percent, with a minimum of twelve dollars and fifty cents on each execution or order of writ.

(15) For any services rendered or duties performed by the marshals or constables not otherwise herein specially provided for, they shall be entitled to a fee or commission to be determined by agreement with the parties in interest or fixed by the court by rule tried in a summary manner in term time or in vacation.

(16) For service and making return of any rule, order of court, or notice on any party to a suit or other proceeding, or after judgment rendered, where return of service is made by the constable or marshal, including service or notice of release of seizure, and other than those herein otherwise provided for, ~~ten dollars and fifty cents~~ thirty dollars for each service; for service of a judgment debtor rule, a fee of ~~eleven dollars and fifty cents~~ thirty dollars.

(17) For service of subpoena on each witness and making return thereof, ~~ten~~ thirty dollars.

(18) For service of attachment on a witness or for service on any person for contempt of court to be brought into court and for return thereon, ~~eleven dollars and fifty cents~~ thirty dollars.

(19) For service of citation and petition of appeal for each party on whom service is directed to be made and for making return thereof, ~~ten~~ thirty dollars.

(20) For making seizure under writ of fieri facias, making and serving notice of seizure on one party, and making a copy for recordation in the mortgage records when necessary or required and for returns thereon, for all, fourteen dollars and fifty cents. For service of each notice of seizure and return thereon in connection with execution of writ of fieri facias, ten dollars.

(21) For executing writ of arrest and making return thereon, ~~eleven dollars and fifty cents~~ thirty dollars.

(22) For serving writ of injunction, certiorari, mandamus, prohibition, or notice of demand and making return thereon, in each case ~~ten~~ thirty dollars.

(23) For executing writ of habeas corpus and making return thereon, to be charged in civil cases only, ~~eleven dollars and fifty cents~~ thirty dollars.

(24) For serving notice of seizure and sale on one party and making a copy for recordation in the mortgage records, when necessary or required, and for making return for all, ~~fourteen dollars and fifty cents~~ thirty dollars. For service of each additional notice of seizure and return, ~~ten~~ thirty dollars.

(25) For advertising sale under writ of fieri facias, seizure and sale, or other order of court, the rates established by the newspaper.

(26) For preparing advertisement for newspapers, for each one hundred words or part thereof, ~~eleven dollars and fifty cents~~ thirty dollars.

(27) For each deed of conveyance of immovable property, thirty-three dollars and fifty cents, in addition to the cost of registering the deed in the conveyance office and of recording it in the office of the clerk of the district court.

(28) For each proces verbal of the sale of movable or immovable property, sixteen dollars and fifty cents.

(29)(a) For executing writ of possession and writ of ejectment, ~~ten~~ thirty dollars.
(b)(i) For service of each notice to vacate on defendant or occupants, ~~ten~~ thirty dollars.
(ii) If the defendant or occupants do not vacate the premises named in the writ upon service of notice to vacate and the marshal or constable is required to do anything further to obtain possession, he shall be entitled to an additional fee of ~~ten dollars and fifty cents~~ thirty dollars.
(c) Nothing herein shall be construed to bar the marshals or constables from charging and collecting for the cost of labor and other costs and expenses actually paid or incurred by them in order to obtain possession of the premises described in the writ.
(30)(a) In all cases where the marshals or constables have in their possession for execution a writ of fieri facias, a writ of seizure and sale, or any conservatory or other writ, under which property is or may be seized:

(i) When there has been an adjudication which that is not completed as a result of instructions given by the plaintiff in writ or for any other reason.
(ii) When the plaintiff in writ receives cash or other consideration, or both, pursuant to judgment rendered in suit in which the writ issued, without the necessity of judicial sale.
(iii) When the suit in which the writ issued is discontinued by the plaintiff in writ.
(iv) When, at the request of the plaintiff in writ, the writ is recalled or dissolved or its further execution discontinued.
(v) When the parties in interest make an amicable settlement or compromise, or enter into any other agreement, under the terms of which the writ is recalled or dissolved or its further execution discontinued, the marshals or constables shall be entitled to receive a fee or commission as in the case of a sale.

(b) The fee or commission provided for in this Paragraph shall be due and payable under the circumstances above set forth even though there has only been a constructive seizure or where property seized under any of the writs hereinabove enumerated in this Paragraph has been released on bond.
(c) In a case where there has been an amicable settlement by compromise or otherwise but no judgment rendered, the fee or commission shall be due and payable in solido by all parties to the compromise agreement or settlement who may be proceeded against by the marshals or constables by rule to be tried in a summary manner in term time or in vacation.

B. ~~The fees specified in Subsection A of this Section which are less than ten dollars shall not apply to the marshal of the Pineville City Court, who shall be entitled to a minimum fee of office of ten dollars for each service rendered in civil matters. Sixty percent of the funds collected pursuant to Paragraph(A)(1) through (A)(12) and Paragraphs (A)(15) through (A)(30) of this Section shall be used to assist in funding the purchase or updating of necessary equipment and officer training to carry out the efficient performance of all duties imposed by law on constables and marshals. These funds shall be deposited into an equipment and training fund which shall be subject to and included in the constables' and marshals' annual audit. A copy of the audit shall be filed with the legislative auditor who shall make it available to the public.~~

Section 2. R.S. 13:5807.2 is hereby repealed in its entirety.
Section 3. In accordance with the provisions of R.S. 13:62, the increase in court costs or fees as provided for in this Act shall become effective if and when the Judicial Council provides a recommendation that such court costs or fees meet the applicable guidelines in its 2019 Report to the Louisiana Legislature.

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

ACT No. 458

HOUSE BILL NO. 488

BY REPRESENTATIVES AMEDEE, CARPENTER, JACKSON,
NANCY LANDRY, AND SMITH AND SENATOR BARROW
AN ACT

To amend and reenact R.S. 14:403(A)(4)(b) and to enact Children's Code Articles 502(1)(d) and 4(r), 603(2)(e), and (12)(t), and 606(A)(8), relative to mandatory reporting of crimes; to provide relative to the mandatory reporting of certain crimes of sexual abuse of a minor; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:403(A)(4)(b) is hereby amended and reenacted to read as follows:

§403. Abuse of children; reports; waiver of privilege

A.

* * *

(4)

* * *

(b) For purposes of this Paragraph, "sexual abuse" shall include but is not limited to the perpetration or attempted perpetration of R.S. 14:41, 42, 42.1, 43, 43.1, 43.2, 43.3, 43.4, 46.2, 46.3, 78, ~~78.1~~, 80, 81, 81.1, 81.2, 86, 89, or 89.1.

* * *

Section 2. Children's Code Articles 502(1)(d) and (4)(r), 603(2)(e), and (12)(t), and 606(A)(8) are hereby amended and reenacted to read as follows:

Art. 502. Definitions

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

(1) "Abuse" means any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

* * *

(d) Female genital mutilation as defined by R.S. 14:43.4.

* * *

(4) "Crime against the child" shall include the commission of or the attempted commission of any of the following crimes against the child as provided by federal or state statutes:

* * *

(r) Female genital mutilation.

* * *

Art. 603. Definitions

As used in this Title:

* * *

(2) "Abuse" means any one of the following acts which seriously endanger the physical, mental, or emotional health and safety of the child:

* * *

(e) Female genital mutilation as defined by R.S. 14:43.4.

* * *

(12) "Crime against the child" shall include the commission of or the attempted commission of any of the following crimes against the child as provided by federal or state statutes:

* * *

(t) Female genital mutilation.

* * *

Art. 606. Grounds; child in need of care

A. Allegations that a child is in need of care shall assert one or more of the following grounds:

* * *

(8) The child is a victim of female genital mutilation, as defined in R.S. 14:43.4, or is the sister of a child who has had the crime of female genital mutilation committed upon her.

* * *

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 459

HOUSE BILL NO. 670

BY REPRESENTATIVE NANCY LANDRY
AN ACT

To amend and reenact R.S. 17:4035.1(A)(introductory paragraph) and (E)(1), relative to public school choice; to require public school governing authorities to post on their websites and report to the state Department of Education relative to their policies on certain student transfers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:4035.1(A)(introductory paragraph) and (E)(1) are hereby amended and reenacted to read as follows:

§4035.1. Public School Choice

A. ~~Notwithstanding any provision of law to the contrary, beginning with the 2014-2015 school year, the~~ The parent or other legal guardian of any student may enroll his child in the public school of his choice, without regard to residence, school system geographic boundaries, or attendance zones, provided both of the following apply:

* * *

E.(1) The governing authority of each public elementary and secondary school shall work collaboratively and cooperatively to ensure compliance with the provisions of this Section and shall adopt a policy to govern student transfers authorized by this Section. Such policy shall be posted to the school governing authority's website no later than September 30, 2018, and reported to the state Department of Education no later than December 31, 2018.

* * *

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 460

HOUSE BILL NO. 678

BY REPRESENTATIVES TALBOT, AMEDEE, ANDERS, BERTHELOT, BILLIOT, BOUIE, TERRY BROWN, CARMODY, STEVE CARTER, COX, DAVIS, EDMONDS, FALCONER, FOIL, GISCLAIR, GLOVER, HAVARD, HAZEL, HODGES, HOWARD, HUNTER, JACKSON, JONES, NANCY LANDRY, LEGER, LYONS, MACK, MARCELLE, MARINO, GREGORY MILLER, PIERRE, POPE, RICHARD, SCHEXNAYDER, STAGNI, STOKES, AND THOMAS AND SENATORS ALARIO, ALLAIN, APPEL, BARROW, BISHOP, BOUDREAUX, CARTER, CHABERT, CLAITOR, COLOMB, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAFLEUR, LAMBERT, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRELL, MORRISH, PEACOCK, PERRY, PETERSON, PRICE, RISER, GARY SMITH, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT

To provide relative to state highways; to designate the proposed airport flyover roadway or ramp for the Louis Armstrong International Airport as the "Henry A. Smith, Jr. Memorial Road"; to designate Louisiana Highway 3139 (Earhart Expressway) as the "Francis E. 'Hank' Lauricella Memorial Expressway"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The proposed airport flyover road or ramp for the Louis Armstrong International Airport, shall be hereinafter known and designated as the "Henry A. Smith, Jr. Memorial Road".

Section 2. Louisiana Highway 3139 (Earhart Expressway) between its intersection with Louisiana Highway 3154 (Dickory Avenue) and its intersection with the parish line between Orleans and Jefferson Parishes is hereby designated as the "Francis E. 'Hank' Lauricella Memorial Expressway."

Section 3. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of the designation in Section 2 of this Act 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.

Section 4. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of the designation in Section 1 of this Act 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 one thousand six hundred eighty dollars per sign.

Section 5. Sections 1 and 4 of this Act shall take effect only as of the date of completion of construction of the proposed flyover road or ramp for the Louis Armstrong International Airport.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 461

HOUSE BILL NO. 690

BY REPRESENTATIVES STOKES, BILLIOT, BRASS, TERRY BROWN, CARPENTER, GARY CARTER, CHANEY, COX, CROMER, GISCLAIR, GLOVER, IVEY, JACKSON, JEFFERSON, JENKINS, LYONS, NORTON, PIERRE, SMITH, STAGNI, AND WHITE AND SENATORS ALARIO, APPEL, BARROW, CARTER, CORTEZ, ERDEY, GATTI, JOHNS, LAFLEUR, LUNEAU, MILKOVICH, MILLS, MIZELL, MORRELL, PERRY, PETERSON, PRICE, GARY SMITH, JOHN SMITH, THOMPSON, AND WALSWORTH
AN ACT

To enact R.S. 22:1077.1 and R.S. 46:975.1, relative to mandatory coverage for subsequent cancer screening services for individuals who received a bilateral mastectomy; to require health insurance coverage for cancer screening services for certain individuals; to require notice of coverage; to prohibit certain acts by health insurance issuers; to designate certain cancer screening services as Medicaid covered services; to provide for applicability; to provide for an effect date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1077.1 is hereby enacted to read as follows:

§1077.1. Required coverage for preventive cancer screening following a bilateral mastectomy

A. The legislature hereby finds that after women who are diagnosed with breast cancer finish active treatment, they may transition into a different system for long-term survivorship care. An often overlooked, but nonetheless important, component of follow-up care for cancer survivors is screening for new primary cancers.

B.(1) Any health benefit plan delivered or issued for delivery in this state shall include coverage for preventive cancer screening for a qualified covered person on no less than an annual basis.

(2) The coverage provided in this Section may be subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health benefit plan.

(3) Written notice of the availability of coverage pursuant to this Section shall be delivered to the insured or enrollee upon enrollment and annually thereafter as approved by the commissioner of insurance.

C.(1) Any health benefit plan offered by a health insurance issuer shall provide notice to each insured or enrollee under the plan regarding the coverage required by this Section in accordance with regulations adopted by the Department of Insurance.

(2) The notice shall be in writing and prominently positioned in any literature or correspondence made available or distributed by the plan or issuer and shall be transmitted in one of the following ways, whichever is earlier:

(a) In the next mailing made by the plan or issuer to the insured or enrollee.

(b) As part of any annual informational packet sent to the insured or enrollee.

D. A health benefit plan offered by a health insurance issuer shall not do any of the following:

(1) Deny to a patient eligibility, or continued eligibility, to enroll or to renew coverage under the terms of the plan, solely for the purpose of avoiding the requirements of this Section.

(2) Penalize or otherwise reduce or limit the reimbursement of an attending provider, or provide monetary or nonmonetary incentives to an attending provider, to induce the provider to provide care to an insured or enrollee in a manner inconsistent with this Section.

(3) Reduce or limit coverage benefits to a patient for the preventive services performed pursuant to this Section as determined in consultation with the attending physician and patient.

E. For purposes of this Section:

(1) "Health benefit plan" means any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract, or other agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type in this state, including a group insurance plan, a self-insurance plan, and the Office of Group Benefits programs. "Health benefit plan" shall not include a plan providing coverage for excepted benefits as defined in R.S. 22:1061, limited benefit health insurance plans, and short-term policies that have a term of less than twelve months.

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

(3) "Preventive cancer screening" means healthcare services necessary for the detection of cancer in an individual including but not limited to magnetic resonance imaging, ultrasound, or some combination of tests.

(4) "Qualified covered person" means an insured or enrollee who was previously diagnosed with breast cancer, completed treatment for the breast cancer, underwent a bilateral mastectomy, and was subsequently determined to be clear of cancer.

Section 2. R.S. 46:975.1 is hereby enacted to read as follows:

§975.1. Preventive cancer screening following a bilateral mastectomy; medical assistance program

A. The annual preventive cancer screening provided for in R.S. 22:1077.1 shall be a covered service in the medical assistance program.

B. For the purposes of this Section, "medical assistance program" means the medical assistance program provided for in Title XIX of the Social Security Act as administered by the Louisiana Department of Health.

Section 3(A). This Act shall become effective on January 1, 2019.

(B) This Act shall apply to any new policy, contract, program, or health coverage plan issued on and after January 1, 2019. Any policy, contract, or health coverage plan in effect prior to January 1, 2019, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2019.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 462

HOUSE BILL NO. 706

BY REPRESENTATIVE ZERINGUE

AN ACT

To amend and reenact R.S. 56:325.1(A)(3), relative to recreational saltwater finfish; to provide for possession limits of certain filleted saltwater finfish on board a vessel while on the water; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:325.1(A)(3) is hereby amended and reenacted to read as follows:

§325.1. Size and possession limits, recreational saltwater finfish; penalties

A.

* * *

(3)(a) A recreational saltwater fisherman in possession of a valid basic and saltwater license may possess twice the daily bag limit of red drum and spotted sea trout; however, no person shall be in possession of over the daily bag limit while fishing or while on the water, unless such recreational saltwater fisherman is aboard a trawler engaged in commercial fishing for a consecutive period of longer than twenty-five hours.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph and R.S. 56:325.2(A) and (B), a fisherman who holds and is in possession of a valid recreational fishing license and can demonstrate to the department's satisfaction use of a boat launch located south of U.S. Highway 90 and that the fisherman has been actively on the water or at a remote camp that can be accessed only by water for two days or more may possess up to the possession limit of filleted red drum, spotted sea trout, and Southern flounder. The filleted fish shall have sufficient skin remaining on the fillet to allow for identification of the species and shall be segregated by species into plastic bags or plastic containers that are marked by species to allow easy identification, the date caught, and the name and license number of the person who took the fish. The spotted sea trout filets shall be no less than ten inches in length and the red drum shall be no less than fourteen inches in length. The fish shall be in the possession only of the person who took the fish. However, no fisherman shall be actively fishing or engaged in fishing while in possession of more than the daily take limit.

* * *

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 463

HOUSE BILL NO. 724

(Substitute for House Bill No. 420 by Representative Dustin Miller)

BY REPRESENTATIVE DUSTIN MILLER

AN ACT

To enact R.S. 42:1123.2, relative to the Code of Governmental Ethics; to provide an exception to certain provisions of the code to allow a licensed physician to perform the duties of certain positions at the Louisiana Department of Health and to practice medicine outside of the performance of such duties; to require certain disclosure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123.2 is hereby enacted to read as follows:

§1123.2. Exception: certain positions at the Louisiana Department of Health

A.(1) The provisions of R.S. 42:1111(C), 1112, and 1113 shall not apply to an exempted physician in the performance of the functions and duties of a position listed in Subsection D of this Section or to the practice of medicine by the exempted physician outside of the performance of such functions and duties.

(2) The provisions of R.S. 42:1111(E) shall not apply to an exempted physician but only to the extent that the transaction with the Louisiana Department of Health is limited to and necessary for the physician's medical care of patients.

B. The provisions of R.S. 42:1121 shall not apply to a former exempted physician who served in the position described in Paragraph (D)(4) of this Section.

C. Prior to being employed by or contracting with the Louisiana Department of Health or an agency thereof to serve in a position listed in Subsection D of this Section, a licensed Louisiana physician shall disclose to the secretary of the Louisiana Department of Health any possible conflicts of interest that could arise in performing the functions and duties of the position, including outside employment and business interests. All such disclosures shall be written and shall be a public record.

D. For purposes of this Section, "exempted physician" means a licensed Louisiana physician who is employed by or who has contracted with the Louisiana Department of Health or an agency thereof to serve in any of the following positions:

(1) Assistant secretary for the office of public health.

(2) Medicaid medical director.

(3) Medical director of the office of behavioral health.

(4) Physician, Eastern Louisiana Mental Health System, competency restoration program.
(5) Cancer policy director.

E.(1) The compensation paid by the Louisiana Department of Health to each physician in a position listed in Subsection D of this Section shall be commensurate with the number of hours worked in such position by the physician.

(2) Each physician in a position listed in Paragraph (D)(1), (2), (3), or (5) of this Section shall be required to work full-time in the position.

F. The Louisiana Department of Health shall submit a quarterly report to the legislature containing the name of the physician in a position listed in Subsection D of this Section, the position, the number of hours worked by the physician during the previous quarter, and the amount of compensation received by the physician from the department during the previous quarter.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 464

HOUSE BILL NO. 769
BY REPRESENTATIVE HAVARD
AN ACT

To amend and reenact R.S. 14:402(G) and to enact R.S. 15:1352(A)(66), relative to contraband at penal institutions; to increase penalties for the crime which prohibits persons from introducing, possessing, or sending contraband into or from any state correctional institution or municipal or parish jail; to provide relative to the sentence imposed upon an offender who is incarcerated at the time of the offense; to provide relative to racketeering activity; to add the crime which prohibits persons from introducing, possessing, or sending contraband into or from any state correctional institution or municipal or parish jail to the definition of "racketeering activity"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:402(G) is hereby amended and reenacted to read as follows:

§402. Contraband defined; certain activities regarding contraband in penal institutions prohibited; penalty; disposition of seized contraband

* * *

G.(1) Whoever violates any provision of this Section shall be fined not less than two hundred fifty five hundred dollars and not more than two ten thousand dollars and shall be imprisoned with or without hard labor for not more than five ten years. Notwithstanding any other law to the contrary, whoever introduces contraband as defined in Paragraph (D)(1) of this Section, upon the grounds of any state correctional institution, or Paragraph (E)(5) of this Section, upon the grounds of any municipal or parish prison or jail, shall be punished in accordance with the penalties for the distribution of the controlled dangerous substance provided in R.S. 40:961 et seq.

(2) If the person who violates any provision of this Section is incarcerated in the state correctional institution or the municipal or parish prison or jail in which the contraband is introduced, possessed, or sent from, the sentence imposed pursuant to Paragraph (1) of this Subsection shall be served consecutively to the sentence the person was serving at the time the violation of this Section occurred.

(3) Any fine collected under the provisions of this Subsection shall be placed in a fund located within the division of probation and parole to be used solely for the purchase of reentry services provided to offenders by the division of probation and parole.

Section 2. R.S. 15:1352(A)(66) is hereby enacted to read as follows:

§1352. Definitions

A. As used in this Chapter, "racketeering activity" means committing, attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating another person to commit any crime that is punishable under the following provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform Controlled Dangerous Substances Law, or the Louisiana Securities Law:

* * *

(66) R.S. 14:402 (Certain activities regarding contraband in penal institutions prohibited)

* * *

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 465

HOUSE BILL NO. 819
BY REPRESENTATIVE BERTHELOT
AN ACT

To amend and reenact R.S. 38:2212.1(A)(1)(b) and to enact R.S. 38:2212.1(O), relative to bid submission for public contracts for materials and supplies of a certain value; to provide for additional methods of bid submission; to provide with respect to the purchase of working class animals by law enforcement and public safety agencies; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2212.1(A)(1)(b) is hereby amended and reenacted and R.S. 38:2212.1(O) is hereby enacted to read as follows:

§2212.1. Advertisement and letting to lowest responsible bidder; materials and supplies; exemptions

A.(1)

* * *

(b) However, purchases of ten thousand dollars or more, but less than thirty thousand dollars, shall be made by obtaining not less than three telephone or facsimile quotations: quotes by telephone, facsimile, email, or any other printable electronic form. If telephone

quotes are received, a written confirmation of the accepted offer offers shall be obtained and made a part of the purchase file. If quotations lower than the accepted quotation are received, the reasons for their rejection shall be recorded in the purchase file.

* * *

O. The provisions of this Section shall not apply to the purchase of animals trained to perform special tasks, including but not limited to narcotics detection, bomb detection, arson investigation, and rescue techniques by the following public entities:

(1) Any local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

(2) Any local public safety agency for the purpose of search and rescue services.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 466

SENATE BILL NO. 38
BY SENATORS BISHOP, BARROW AND CARTER AND REPRESENTATIVES BAGNERIS, CHAD BROWN, JIMMY HARRIS, JACKSON, MAGEE, MARINO, MUSCARELLO AND ZERINGUE

AN ACT

To enact Title V-A of the Code of Criminal Procedure, to be comprised of Articles 251 through 253, relative to eyewitness identifications; to provide procedures relative to law enforcement investigative procedures relating to eyewitness identifications of criminal suspects; to provide definitions; to provide relative to legislative intent; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Title V-A of the Code of Criminal Procedure, comprised of Articles 251 through 253, is hereby enacted to read as follows:

TITLE V-A. EYEWITNESS IDENTIFICATION PROCEDURES

Art. 251. Legislative intent

A. The legislature finds that police investigations are strengthened by the use of best practices for investigative procedures, which increase the ability of law enforcement to keep communities safe and apprehend those suspected of criminal activity, reduce erroneous eyewitness identifications, and enhance the reliability and objectivity of eyewitness identification.

B. The legislature further finds that policies and procedures to improve the accuracy of eyewitness identifications, such as those recommended by the Louisiana Sheriff's Executive Management Institute (LSEMI) and the Federal Bureau of Investigation, would help to ensure that the integrity of Louisiana criminal justice investigations is strengthened and enhanced so as to convict the guilty and protect the innocent.

Art. 252. Definitions

For purposes of this Title:

(1) "Administrator" means the person conducting the photo or live lineup.

(2) "Blind" means conducted in such a way that the administrator does not know the identity of the suspect.

(3) "Blinded" means conducted in such a way that the administrator may know who the suspect is, but does not know which lineup member is being viewed by the eyewitness.

(4) "Criminal justice entity" means any government agency or subunit thereof, or private agency that, through statutory authorization or a legal formal agreement with a governmental unit or agency, has the power of investigation, arrest, detention, prosecution, adjudication, treatment, supervision, rehabilitation, or release of persons suspected, charged, or convicted of a crime.

(5) "Eyewitness" means a person who observes another person at or near the scene of an offense.

(6) "Filler" means either a person or a photograph of a person who is not suspected of an offense but is included in an identification procedure.

(7) "Folder shuffle method" means a blinded procedure in which the suspect photos and nonsuspect or filler photos are each placed in separate folders for a total of six photographs and shuffled together along with four blank folders and handed to the eyewitness one at a time so that the administrator cannot see which photograph the eyewitness is viewing.

(8) "Live lineup" means an identification procedure in which a group of persons, including the suspected perpetrator of an offense and other persons not suspected of the offense, is displayed to an eyewitness for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

(9) "Photo lineup" means an identification procedure in which an array of photographs, including a photograph of the suspected perpetrator of an offense and additional photographs of other persons not suspected of the offense, is displayed to an eyewitness either in hard copy form or via computer or similar device for the purpose of determining whether the eyewitness identifies the suspect as the perpetrator.

(10) "Suspect" means a person believed by law enforcement to be the possible perpetrator of an offense.

Art. 253. Eyewitness identification procedures

A.(1) No later than January 30, 2019, any criminal justice entity conducting eyewitness identifications shall either adopt the LSEMI model policy or draft its own policy that minimally comports to key best practices as outlined in this Article.

(2) Each criminal justice entity that administers eyewitness identification procedures shall provide a copy of its written policies to the Louisiana Commission on Law Enforcement and Administration of Criminal Justice no later than March 1, 2019.

B. For any criminal justice entity that elects to draft its own policy on eyewitness identification procedures, these policies shall:

(1) Be based on all of the following:

(a) Credible field, academic, or laboratory research on eyewitness memory.

(b) Relevant policies, guidelines, and best practices designed to reduce erroneous eyewitness

identifications and to enhance the reliability and objectivity of eyewitness identifications.

(c) Other relevant information as appropriate.

(2) Include the following information regarding evidence-based practices:

(a) Procedures for selecting photograph and live lineup filler photographs or participants to ensure that the photographs or participants:

(i) Are consistent in appearance with the description of the alleged perpetrator.

(ii) Do not make the suspect noticeably stand out.

(b) Instructions given to a witness before conducting a photograph or live lineup identification procedure shall include a statement that the person who committed the offense may or may not be present in the procedure.

(c) Procedures for documenting and preserving the results of a photograph or live lineup identification procedure, including the documentation of witness statements, regardless of the outcome of the procedure.

(d) Procedures for administering a photograph or live lineup identification procedure to an illiterate person or a person with limited English language proficiency.

(e) For a live lineup identification procedure, if practicable, procedures for assigning an administrator who is unaware of which member of the live lineup is the suspect in the case or alternative procedures designed to prevent opportunities to influence the witness.

(f) For a photograph identification procedure, procedures for assigning an administrator who is capable of administering a photograph array in a blind manner or in a blinded manner consistent with other proven or supported best practices designed to prevent opportunities to influence the witness.

(g) Any other procedures or best practices supported by credible research or commonly accepted as a means to reduce erroneous eyewitness identifications and to enhance the objectivity and reliability of eyewitness identifications.

(3) Provide that a witness who makes an identification based on a photograph or live lineup identification procedure be asked immediately after the procedure to state, in the witness's own words, how confident the witness is in making the identification. A law enforcement agency shall document in accordance with Subsubparagraph (2)(c) of this Paragraph any statement made under this Subparagraph.

C. Not later than December thirty-first of each odd-numbered year, the institute shall review the model policy and training materials adopted under this article and shall modify the policy and materials as appropriate while maintaining the requirements outlined in Paragraph B of this Article.

D. Not later than December thirty-first of each even-numbered year, each law enforcement agency shall review its policy adopted under this Article and shall modify that policy as appropriate while maintaining the requirements outlined in Paragraph B of this Article.

E. Failure to conduct a photograph or live lineup identification procedure in substantial compliance with the model policy or any other policy adopted under this Article shall not bar the admission of eyewitness identification testimony.

F. A video record of identification procedures shall be made or, if a video record is not practicable, an audio record shall be made. If neither a video nor audio record are practicable, the reasons shall be documented in writing, and the lineup administrator shall make a full and complete written record of the lineup in accordance with Subsubparagraph (B)(2)(c) of this Article.

G. The written eyewitness identification procedures of a criminal justice entity shall be made available, in writing, to the public upon request.

H. Evidence of failure to comply with any of the provisions of this Article:

(1) May be considered by the district court in adjudicating motions to suppress an eyewitness identification.

(2) May be admissible in support of any claim of eyewitness misidentification, as long as the evidence is otherwise admissible.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 467

SENATE BILL NO. 102
BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 15:901(D)(1) and 906 and Children's Code Articles 116(introductory paragraph) and (24.2), 801, 897.1, 901(A), (B), (C)(introductory paragraph), (D)(introductory paragraph), (E), and (F), and 910(C), and to repeal Children's Code Article 901(G), relative to juvenile justice; to provide relative to disposition in delinquency cases; to provide relative to disposition after adjudication of certain felony-grade delinquent acts; to provide relative to modification of dispositions; to provide relative to parole for certain juveniles; to provide relative to the duration of dispositions; to provide relative to applicability; to provide for exceptions; to provide for technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:901(D)(1) and 906 are hereby amended and reenacted to read as follows:

§901. Juvenile reception and diagnostic center; establishment, commitment of juveniles, substance abuse inpatient program, order, report, fact of commitment

* * *

D.(1) Upon commitment to the Department of Public Safety and Corrections, the department shall have sole custody of the child and, except as provided for in Children's Code Article 897.1, shall determine the child's placement, care, and treatment, and the expenditures to be made therefor, through appropriate examinations, tests, or evaluations conducted under the supervision of the department. The department shall comply with Chapter 2 of Title VII-A and the provisions of Chapter 17 of Title VIII of the Children's Code for any modification of the original disposition when the adjudicated juvenile has been placed in the custody of the

department. The department shall not modify any disposition under Children's Code Article 897.1.

* * *

§906. Release from commitment

A.(H) Except as provided for in Children's Code Article 897.1, the Department of Public Safety and Corrections may recommend to the committing court the release of any juvenile committed to its care, who, in the opinion of the department, is ready to be returned to his own home, or to a substitute home. Such juvenile may be discharged by the court without supervision or may be placed under supervision until further orders of the court.

(2)B. Except as provided for in Subsection B of this Section, it **It** is hereby declared to be the public policy of this state that commitment of a juvenile to the care of the department is not punitive nor **is it** in anywise **way** to be construed as a penal sentence, but as a step in the total treatment process toward rehabilitation of the juvenile and that, therefore, the recommendations of the department should be given careful consideration by the court in determining what is to the best interest of the juvenile. If, after release from the care of the department, but while the juvenile is still under the supervision of the court, the court deems it advisable to return the juvenile to the care of the department, a recommitment order shall be furnished the department.

B-C. In cases governed by Children's Code Article 897.1, it is hereby declared to be the public policy of this state that commitment of a juvenile to the custody of the Department of Public Safety and Corrections for confinement in secure placement without benefit of parole, probation, suspension of imposition of sentence, or modification of sentence, is necessary and proper because for these very serious offenses the protection of society is the primary objective. **The goal of such confinement is rehabilitative, as rehabilitation furthers public safety.**

Section 2. Children's Code Articles 116(introductory paragraph) and (24.2), 801, 897.1, 901(A), (B), (C)(introductory paragraph), (D)(introductory paragraph), (E), and (F), and 910(C) are hereby amended and reenacted 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:

* * *

(24.2) "Secure placement" means a placement characterized by a range of moderate to high security level facilities that include construction, fixtures, and staff supervision designed to restrict the movements and activities of the residents, and to control, on a twenty-four-hour basis, the ability of the residents to enter and leave the premises, and which are intended for the treatment and rehabilitation of children who have been adjudicated delinquent. Secure placements shall include but are not limited to secure correctional centers for children and may include community-based secure detention facilities. However, no placement of a child to a community-based secure detention facility shall occur when a child has been adjudicated for the commission of a crime listed in Article 901(E) **897.1** unless notice of such placement is provided to the committing judge and the district attorney.

* * *

Art. 801. Purpose

The purpose of this Title is to accord due process to each child who is accused of having committed a delinquent act and, ~~except as provided for in Article 897.1, to insure~~ **ensure** that he shall receive, preferably in his own home, the care, guidance, and control that will be conducive to his welfare and the best interests of the state and that in those instances when he is removed from the control of his parents, the court shall secure for him care as nearly as possible equivalent to that which the parents should have given him.

* * *

Art. 897.1. Disposition after adjudication of certain felony-grade delinquent acts

A. After adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:30, first degree murder; **or** R.S. 14:30.1, second degree murder; ~~R.S. 14:42, aggravated or first degree rape; or R.S. 14:44, aggravated kidnapping,~~ the court shall commit the child who is fourteen years or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections to be confined in secure placement until the child attains the age of twenty-one years without benefit of parole, probation, suspension of imposition or execution of sentence, or modification of sentence.

B. After adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:42, first degree rape, or R.S. 14:44, aggravated kidnapping, the court shall commit the child who is fourteen years or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections to be confined in secure placement until the child attains the age of twenty-one years without benefit of probation or suspension of imposition or execution of sentence.

C. After adjudication of a felony-grade delinquent act based upon a violation of R.S. 14:64, armed robbery, the court shall commit the child who is fourteen years of age or older at the time of the commission of the offense to the custody of the Department of Public Safety and Corrections to be confined in secure placement for the length of the term imposed by the court at the disposition hearing without benefit of parole, probation, **or** suspension of imposition or execution of sentence, or modification of sentence.

D. Juveniles in secure care for an adjudication for a violation of R.S. 14:42 or R.S. 14:44 shall be eligible for modification after serving thirty-six months of the disposition. Juveniles in secure care for an adjudication for a violation of R.S. 14:64 shall be eligible for modification after serving thirty-six months of the disposition or, if the disposition is less than thirty-six months, two-thirds of the disposition.

E. A motion for modification of a disposition shall be filed pursuant to Article 910 et seq. and a contradictory hearing shall be set no sooner than thirty days from the date of notice to the district attorney. To grant a motion for modification of disposition, the court must find that the child poses a reduced risk to the community based on the following considerations:

(1) The most recent risk assessment conducted by the office of juvenile justice.

(2) The recommendation of the office of juvenile justice.

(3) A reentry plan that includes an appropriate placement to conduct supervision and achieve aftercare goals.

(4) Any additional evidence provided by the child, the state, or the office of juvenile justice.

~~E.F.~~ At least six months prior to the release of the child, the department shall prepare

an individualized and thorough transitional plan that identifies the techniques, programs, personnel, and facilities that will be used to assist the child in achieving a successful return to his family and the community. A copy of the transitional plan shall be mailed to the court that ordered the disposition of commitment.

G. The provisions of this Article shall apply to all children in the custody of the Department of Public Safety and Corrections, office of juvenile justice, on or after August 1, 2018.

Art. 901. Disposition guidelines; generally

A. ~~In~~ **Except as provided in Article 897.1,** in considering dispositional options, the court shall not remove a child from the custody of his parents unless his welfare or the safety and protection of the public cannot, in the opinion of the court, be adequately safeguarded without such removal.

B. ~~The~~ **Except as provided in Article 897.1,** the court should impose the least restrictive disposition authorized by Articles 897 through 900 of this Title which the court finds is consistent with the circumstances of the case, the needs of the child, and the best interest of society.

C. ~~Commitment~~ **Except as provided in Article 897.1,** commitment of the child to the custody of the Department of Public Safety and Corrections may be appropriate if any of the following exists:

D. ~~The~~ **Except as provided in Article 897.1,** the following grounds, while not controlling the discretion of the court, shall be accorded weight in its determination of suspension of the disposition or probation:

E. ~~The general disposition guidelines set forth in Paragraphs A through D of this Article do not apply when a child has been adjudicated a delinquent for the violation of R.S. 14:30, first degree murder; R.S. 14:30.1, second degree murder; R.S. 14:42, aggravated or first degree rape; R.S. 14:44, aggravated kidnapping; or R.S. 14:64, armed robbery in accordance with Article 897.1.~~

F. State agencies shall fully cooperate with any court which has authority with respect to the placement of a child in foster care for the purpose of locating a parent of the child. Such cooperation shall include making available all information obtained from the Federal Parent Locator Service.

~~G.~~ **F.** The court shall notify the child in writing of the expungement and sealing procedures set forth in Article 917 et seq.

Art. 910. Modification procedure; generally applicable

C. ~~When~~ **Except as provided in Article 897.1,** when the motion to modify seeks the imposition of less restrictive conditions, the court may modify a judgment without a contradictory hearing.

Section 3. Children's Code Article 901(G) is hereby repealed.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 468

SENATE BILL NO. 181

BY SENATORS MILKOVICH AND THOMPSON

AN ACT

To amend and reenact R.S. 14:87(D) and R.S. 40:1061(D) and to enact R.S. 14:87(E), (F), and (G), relative to the crime of abortion; to provide that an abortion cannot be performed after fifteen weeks following the date of conception; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:87(D) is hereby amended and reenacted and R.S. 14:87(E), (F), and (G) are hereby enacted to read as follows:

§87. Abortion

D.(1) As used in this Subsection:

(a) "Abortion" means the specific intent to kill an unborn child consistent with the provisions and exceptions of R.S. 40:1061.

(b) "Gestational age" means the age of an unborn child as calculated from the first day of the last menstrual period of the pregnant woman, as determined by the use of standard medical practices and techniques.

(2) It shall be unlawful for a physician to perform any of the acts described in Subsection A of this Section after fifteen weeks gestational age.

~~D.~~(1) Whoever commits the crime of abortion shall be imprisoned at hard labor for not less than one nor more than ten years and shall be fined not less than ten thousand dollars nor more than one hundred thousand dollars.

(2) This penalty shall not apply to the female who has an abortion.

F. The provisions of Subsection D of this Section shall become effective upon final decision of the United States Court of Appeals for the Fifth Circuit upholding the Act that originated as House Bill 1510 of the 2018 Regular Session of the Mississippi Legislature, which decision would thereby provide the authority for a state within the jurisdiction of that court of appeals to restrict abortion past fifteen weeks gestational age.

G. The provisions of Subsection D of this Section are hereby repealed, in favor of the provisions of R.S. 40:1061, immediately upon and to the extent that the United States Supreme Court upholds the authority of the states to prohibit elective abortions on demand or by the adoption of an amendment to the Constitution of the United States of America that would restore to the state of Louisiana the authority to prohibit elective abortions.

Section 2. R.S. 40:1061(D) is hereby amended and reenacted to read as follows:

§1061. Abortion; prohibition

D. Any **person in** violation of this Section shall be prosecuted pursuant to **the effective**

provisions of R.S. 14:87, and shall be subject to the penalties provided in R.S. 40:1061.29.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 469

SENATE BILL NO. 316

BY SENATORS JOHNS AND GARY SMITH AND REPRESENTATIVES
BAGNERIS, CARPENTER, MARCELLE AND NORTON

AN ACT

To amend and reenact R.S. 27:15(B)(8)(b), 44(4) and (14) through (25), 65(B)(15), and 66(B)(1), and to enact R.S. 27:44(26), 46, 65(B)(16), and 67, relative to the Louisiana Riverboat Economic Development and Gaming Control Act; to provide relative to the Louisiana Gaming Control Board; to provide relative to gaming activity locations; to provide relative to economic development plan applications for relocating gaming operations; to provide relative to requirements of a riverboat; to provide relative to designated gaming area; to provide for tournaments; to provide for limitations; to provide for definitions; to provide for rulemaking; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:15(B)(8)(b), 44(4) and (14) through (25), 65(B)(15), and 66(B)(1) are hereby amended and reenacted and R.S. 27:44(26), 46, 65(B)(16), and 67 are hereby enacted to read as follows:

§15. Board's authority; responsibilities

B. The board shall:

(8)(a)

(b) Promulgate rules and regulations in accordance with the Administrative Procedure Act as necessary for the administration and enforcement of R.S. 27:~~44(4) and (14), 67,~~ 94, 252, and 394.

§44. Definitions

(4) "Designated gaming area" means that portion of a riverboat in which gaming activities may be conducted. Such designated gaming area shall not exceed ~~sixty percent of the total square footage of the passenger access area of the vessel or thirty thousand square feet, whichever is lesser~~ **two thousand three hundred sixty-five gaming positions, subject to the rules and regulations of the board.**

(14) "Gaming position" means a gaming device seat or a space at a table game. Each gaming device seat shall be counted as one position and each space at a table game shall be counted as one position, subject to the rules and regulations of the board. The board shall specifically provide by rule for the counting of gaming positions for devices and games where seats and spaces are not readily countable.

~~(14)(15)~~ "License" or "gaming license" means a license or authorization to conduct gaming activities on a riverboat issued pursuant to the provisions of this Chapter.

~~(15)(16)~~ "Net gaming proceeds" means the total of all cash and property, including checks received by a licensee, whether collected or not, received by the licensee from gaming operations, less the total of all cash paid out as winnings to patrons.

~~(16)(17)~~ "Non-certificated vessel" means a riverboat vessel which does not hold a Certificate of Inspection issued by the United States Coast Guard. Such vessels may include those that formerly held a Certificate of Inspection issued by the United States Coast Guard and those for which the Coast Guard declines to issue a Certificate of Inspection.

~~(17)(18)~~ "Passenger" means a natural person who is present on a riverboat but has no part in the vessel's operation.

~~(18)(19)~~ "Permit" shall have the same meaning as that term defined in R.S. 27:3.

~~(19)(20)~~ "Permittee" shall have the same meaning as that term defined in R.S. 27:3.

~~(20)(21)~~ "Person" shall have the same meaning as that term defined in R.S. 27:3.

~~(21)(22)~~ "Racehorse wagering" means wagers placed on horse racing conducted under the pari-mutuel form of wagering at licensed racing facilities that is accepted by a licensed racehorse wagering operator under the provisions of this Chapter.

~~(22)(23)~~ "Racehorse wagering operator" means the licensed racing association whose facility is located closest to the licensed berth of the riverboat on which gaming activities are approved.

~~(23)(24)~~ "Riverboat" means a vessel **or facility** which:

(a) Carries a valid Certificate of Inspection issued by the United States Coast Guard with regard to the carriage of passengers on designated rivers or waterways within or contiguous to the boundaries of the state of Louisiana.

(b) Carries a valid Certificate of Inspection from the United States Coast Guard for the carriage of a minimum of six hundred passengers and crew.

(c) Has a minimum length of one hundred fifty feet.

(d) Is of such type and design so as to replicate as nearly as practicable historic Louisiana river borne steamboat passenger vessels of the nineteenth century era. It shall not, however, be a requirement that the vessel be ~~steam-propelled;~~

(i) Steam-propelled or maintain overnight facilities for its passengers.

(ii) Paddlewheel-driven or have an operable paddlewheel.

~~(e) Is paddlewheel-driven~~ **Is approved by the board and a portion of its designated gaming area is located within one thousand two hundred feet of a riverboat's licensed berth. Such facilities shall be inspected pursuant to R.S. 27:44.1(D)(1)(b).**

(24)(25) "Slot machine" means any mechanical, electrical, or other device, contrivance, or machine which, upon insertion of a coin, token, or similar object therein or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, may deliver or entitle the person playing or operating the machine to receive cash, premiums, merchandise, tokens, or anything of value, whether the payoff is made automatically from the machine or in any other manner.

(25)(26) "Supervisor" means the person in charge of the division.

§46. Quarterly reporting of professional services and employment information

A. (1) Each holder of a license as defined in R.S. 27:44(14) shall submit to the board, the Senate Committee on Judiciary B, and the House Committee on the Administration of Criminal Justice the report required by R.S. 27:21.1.

(2) The report shall also indicate if the entity providing a professional service is a Louisiana business, a female-owned business, or a minority-owned business.

B. In addition to the report required by Subsection A, each holder of a license as defined in R.S. 27:44(14) shall submit to the board, the Senate Committee on Judiciary B, and the House Committee on the Administration of Criminal Justice a report of the demographic information of their workforce, including but not limited to race, gender, and Louisiana residency.

C. The report required by this Section shall be submitted to the board and committees on a quarterly basis. The report shall be forwarded to the board and committees by certified mail no later than twenty days after the end of each quarter.

D. The report required by the provisions of this Section shall not be required to contain the amount of compensation paid to each business entity or employee.

E. The board may impose sanctions on the licensee for failure to submit to the board and committees the reports required by this Section.

F. The board shall adopt rules to implement the provisions of this Section. All rules shall be adopted pursuant to the provisions of the Administrative Procedure Act and R.S. 27:15(B)(8).

§65. Licenses to conduct gaming activities upon riverboats; limitations

B.

(15) Licensees may conduct no more than four tournaments per year in which the gaming positions utilized for tournament play are not considered part of the licensee's total number of gaming positions. A tournament conducted pursuant to this Paragraph shall be no more than fourteen days in length.

(16) In addition to the above, gaming must be conducted in accordance with all the terms of the license, the requirements set forth in this Chapter, and rules and regulations adopted by the division and the board.

§66. Gaming while a riverboat is docked in the parish of the official gaming establishment

B. Notwithstanding any provision in this Chapter to the contrary, the provisions of R.S. 27:65(B)(1)(c) and 66 shall apply to not more than one licensed riverboat at any time which must be located on Lake Pontchartrain in the parish of the official gaming establishment as defined in R.S. 27:203 and 205(26) if and only if:

(1) Such riverboat conducts gaming activities in an area not exceeding thirty thousand square feet in the aggregate **only in the designated gaming area**;

§67. Economic development relocation application; procedure; requirements

A. Notwithstanding any provision of law to the contrary, a licensee may submit an application to the board to relocate its gaming operations to a facility located within one thousand two hundred feet of the riverboat's licensed berth.

B. Such application must include the licensee's relocation plan, detailed capital improvement and reinvestment plan, and any other information required by the board. The board shall prescribe the form and manner of submission for the applications described in this Section.

C. All gaming operations shall be conducted in accordance with the terms of the license, the requirements of this Title, and rules and regulations adopted by the board.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 470

SENATE BILL NO. 499
BY SENATOR DONAHUE
AN ACT

To enact R.S. 24:513(A)(8), relative to the legislative auditor; to provide that the legislative auditor shall prepare a list of best practices; to provide that the list of best practices shall be available to local auditees preparing for an audit of their public funds; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:513(A)(8) is hereby enacted to read as follows:

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

A.

(8) The legislative auditor shall make available, including by posting on its website, a list of best practices in preparation for an audit of public funds. Best practices may include:

(a) Written policies and procedures in place addressing all financial and business functions, including but not limited to budgeting, purchasing, disbursements, receipts, payroll, personnel,

contracting, travel and expense reimbursements, ethics, debt service, disaster recovery, and credit, debit, or fuel cards, as applicable.

(b) Balance sheet and budget-to-actual comparisons for general fund and enterprise fund operations prepared and presented by the executive branch of the auditee to the legislative branch or governing body of the auditee at each scheduled meeting of the governing body.

(c) Bank reconciliations completed for all bank accounts within one month of each bank statement being available.

(d) Subsidiary ledgers reconciled to the general ledger at least quarterly.

(e) Bank deposits reconciled to the underlying receipts or equivalent documentation prior to deposit.

(f) Each credit card purchase supported by original receipts and including a description of its public purpose. Prior to payment, credit card statements reconciled to the supporting original receipt, approved by the signature of the elected official or employee who does not have access to the related credit card, and dated.

(g) Travel and expense reimbursements made in accordance with officially adopted per diem rates, or supported by an original receipt and include a description of the public purpose.

(h) Contractual payments made in accordance with the terms of the related written contract, as applicable.

(i) Compliance with annual training requirements under the Code of Governmental Ethics, if applicable to the local auditee, documented and maintained.

(j) A physical inventory of all fixed and movable property items conducted annually and reconciled to the recorded detailed listings of fixed and movable property.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 471

SENATE BILL NO. 502
BY SENATOR PERRY
AN ACT

To amend and reenact Civil Code Art. 3494(1), relative to prescription; to provide relative to liberative prescription for tuition fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Art. 3494(1) is hereby amended and reenacted to read as follows:

Art. 3494. Actions subject to a three-year prescription

The following actions are subject to a liberative prescription of three years:

(1) An action for the recovery of compensation for services rendered, including payment of salaries, wages, commissions, tuition fees, professional fees, fees and emoluments of public officials, freight, passage, money, lodging, and board;

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 472

SENATE BILL NO. 509
BY SENATOR MORRELL
AN ACT

To amend and reenact R.S. 33:9091.24(D)(1), relative to the University Neighborhood Security and Improvement District in Orleans Parish; to provide for its board of commissioners; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

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

§9091.24. University Neighborhood Security and Improvement District

D. Governance. (1) The district shall be governed by a ~~nine~~ **an eight**-member board of commissioners, referred to in this Section as the "board". The board shall be composed as follows:

(a) The president of the University Neighborhood Association, Inc., referred to in this Section as the "association".

(b) The board of directors of the association shall appoint three members, none of whom shall be the president of the University Neighborhood Association, Inc.

(c) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the association.

(d) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the association.

~~(e) The assessor of Orleans Parish shall appoint one member from a list of nominations submitted by the University Neighborhood Association, Inc.~~

~~(f) The mayor of the city of New Orleans shall appoint one member from a list of nominations submitted by the association.~~

~~(g)~~**(f)** The member of the governing authority of the city of New Orleans whose council district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the association.

* * *

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 473

SENATE BILL NO. 520
BY SENATOR WHITE
AN ACT

To authorize and provide for the transfer of certain state properties; to authorize the transfer of certain state properties in Tangipahoa Parish and St. Martin Parish; to provide for the property descriptions; to provide terms and conditions; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

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

Lots 1 and 2, Block B, Jones Island Realty Co. Subdivision in Section 4, Township 9 South, Range 8 East, G.L.D., Parish of Tangipahoa, Louisiana.

Section 2. The secretary of the Department of Transportation and Development is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title to the property described in Section 1, and as more specifically described in any such agreements entered into and documents executed by and between the secretary of the Department of Transportation and Development and Virgil Allen.

Section 3. The commissioner of the division of administration, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcels of state property in St. Martin Parish to Ciriaque Degeyter:

Property Description of a 1.61 Acre Tract of Land:

A certain parcel of ground, being a 1.61 acre Lot of Land, located in Section 11, Township 9 South, Range 7 East, Southwestern Land District, St. Martin Parish, Louisiana and being more particularly described as follows: Commencing at the Southeast corner of Section 11, Township 9 South, Range 7 East; thence North 00 minutes 09 minutes 52 seconds East a distance of 1,508.17'; thence North 54 degrees 54 minutes 57 seconds West a distance of 1907.29 to the Point of Beginning and being the Southeast Corner of a 1.61 Acre Lot; thence along the North Right of Way of Louisiana Highway 3177 the following course and distance, North 54 degrees 37 minutes 57 seconds West a distance of 183.32'; thence leaving said Highway Right of Way and going North 35 degrees 22 minutes 28 seconds East a distance of 391.28' to the Lake Meander Line of Butte La Rose Bay; thence along said Lake Meander Line the following courses and distances: South 02 degrees 43 minutes 29 seconds East a distance of 48.51'; thence South 15 degrees 28 minutes 10 seconds East a distance of 66.00'; thence South 40 degrees 29 minutes 33 seconds East a distance of 189.20'; thence leaving said Lake Meander Line and going South 52 degrees 25 minutes 23 seconds West a distance of 277.37' to the point of beginning.

This description is based on the property boundary survey and plat made by C. L. Jack Stelly, Professional Land Surveyor, dated March 25, 1997.

Property Description of a 0.58 Acre Tract of Land (State of Louisiana owning a one-third interest):

A certain parcel of ground, being a 0.58 acre Lot of Land, Located in Section 11, Township 9 South, Range 7 East, Southwestern Land District, St. Martin Parish, Louisiana and being more particularly described as follows: Commencing at the Southeast Corner of Section 11, Township 9 South, Range 7 East; thence North 00 degrees 09 minutes 52 seconds East a distance of 1508.17'; thence North 54 degrees 54 minutes 57 seconds West a distance of 1907.29'; thence North 52 degrees 25 minutes 23 seconds East a distance of 277.37' to the Point of Beginning being the Southeast Corner of a 0.58 Lot; thence North 40 degrees 29 minutes 33 seconds West a distance of 189.20'; thence North 15 degrees 28 minutes 10 seconds West a distance of 66.00'; thence North 02 degrees 43 minutes 29 seconds West a distance of 48.51' to the shoreline of Butte La Rose Bay; thence along the said shoreline of Butte La Rose Bay the following courses and distances: South 54 degrees 25 minutes 00 seconds East a distance of 161.20'; thence South 57 degrees 51 minutes 53 seconds East a distance of 144.66'; thence leaving said shoreline and going South 52 degrees 23 minutes 36 seconds West a distance of 40.76'; thence South 52 degrees 28 minutes 11 seconds a distance of 99.04' to the Point of Beginning.

This description is based on a property boundary survey and plat made by C. L. Jack Stelly, Professional Land Surveyor, dated March 25, 1997.

Section 4. The commissioner of the division of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease or delivery of title, excluding mineral rights, to the property described in Section 3 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of the division of administration and Ciriaque Degeyter in exchange of consideration proportionate to the appraised value of the property.

Section 5. The commissioner of the division of administration, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of state property in St. Martin Parish to Brian Keith Arsement:

That certain tract or parcel of state owned land identified as Campsite Lot 2, Butte LaRose Area, located in the dried lake bed of an unnamed lake in front of Section 11, and a portion of Lot 6, Section 11, Township 9 South, Range 7 East, Louisiana Meridian and more fully shown on the plat dated March 25, 1997 by C. L. Jack Stelly.

Section 6. The commissioner of the division of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease or delivery of title, excluding mineral rights, to the property described in Section 5 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of the division of administration and Brian Keith Arsement in exchange of consideration proportionate to the appraised value of the property.

Section 7. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 474

SENATE BILL NO. 524
BY SENATOR LONG
AN ACT

To amend and reenact R.S. 38:3097.4(D)(7) and to enact R.S. 38:2325(A)(16)(e) and 3097.4(D)(8), relative to the Sabine River Authority; to add certain requirements prior to entering into any contracts to sell water; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:3097.4(D)(7) is hereby amended and reenacted and R.S. 38:2325(A)(16)(e) and 3097.4(D)(8) are hereby enacted to read as follows:

§2325. Powers

A. Said authority shall have the power:

* * *
* * *

(16)

(e) The written concurrence of the Water Resources Commission shall be required for any contracts and other agreements which provide for the sale, utilization, distribution, or consumption, outside of the boundaries of the state of Louisiana, of the waters over which the authority has jurisdiction or control.

* * *
* * *

§3097.4. Water Resources Commission; membership; powers and responsibilities

D. The commission shall have the authority to do the following:

* * *
* * *

(7) Provide written concurrence to the Sabine River Authority prior to the authority's entering into any and all contracts and other agreements with any person which provide for the sale, conservation, storage, utilization, preservation, distribution, or consumption, outside of the boundaries of the state of Louisiana, of the waters over which the authority has jurisdiction or control.

(8) At their discretion, attend all public meetings called by the commissioner pursuant to his power and duties in this Chapter.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 475

SENATE BILL NO. 528
BY SENATOR LAFLEUR
AN ACT

To amend and reenact R.S. 37:1360.23(G) and 1360.31(C)(2), relative to physician assistants; to provide for supervising physician capacity; to provide for prescriptive authority eligibility; to provide for clinical hour requirements; to prohibit certain actions by the Louisiana State Board of Medical Examiners; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1360.23(G) and 1360.31(C)(2) are hereby amended and reenacted to read as follows:

§1360.23. Powers and duties of the board

* * *
* * *

G. A physician, approved by the board as a supervising physician, practicing in a private practice, group practice, partnership, professional medical corporation, or employed by a hospital or other health care organization or entity may be the primary supervising physician for up to four **eight** physician assistants. Physician assistants may be employed by a group practice or partnership of physicians or a professional medical corporation duly qualified under R.S. 12:901 et seq., as amended, or a hospital or other health care organization or entity, as long as such physician assistants are being supervised by a qualified supervising physician.

* * *
* * *

§1360.31. Services performed by physician assistants

* * *
* * *

C.(1)

~~(2)(a) A graduate physician assistant shall have at least five hundred clinical hours of training prior to application for prescriptive authority. A physician assistant shall meet all of the following qualifications to be eligible to apply for prescriptive authority:~~

(i) Have completed a minimum of five hundred clinical training hours prior to graduation from an approved physician assistant educational program.

(ii) Hold an active unrestricted license issued by the Louisiana State Board of Medical Examiners.

(iii) Be authorized to prescribe as delegated by the supervising physician.

(iv) Apply for a controlled dangerous substance license from the Louisiana Board of Pharmacy and register with the United States Drug Enforcement Agency, if delegated authority to prescribe schedule II, III, IV, or V drugs by the supervising physician.

(b) The board shall not impose any qualifications for a physician assistant's prescriptive authority, in addition to those set forth in this Paragraph, through administrative rulemaking.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 476

SENATE BILL NO. 546
BY SENATOR ERDEY
AN ACT

To amend and reenact R.S. 33:7723, relative to mosquito abatement districts; to provide for terms of members of the board of commissioners; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:7723 is hereby amended and reenacted to read as follows:

§7723. Board of commissioners; membership; qualifications and terms

A. When any such district is created, the parish governing authority creating it shall appoint a board of commissioners, composed of five members, to govern its affairs, and shall fix the domicile of the board at any point within the parish. The members of the board shall be qualified electors of the district, two of whom shall be appointed for terms of two years and three for terms of three years, dating from the date of the adoption of the ordinance creating the district. Thereafter, all appointments of the members shall be for terms of three years. Such boards shall serve without compensation, but the members shall be reimbursed for reasonable expenses incurred in connection with their official duties.

B. Notwithstanding Subsection A of this Section, the term of members appointed to the commission after the initial appointments may be up to five years as established by home rule charter or parish ordinance. If so authorized and the term is longer than the term of a member serving on January 1, 2018, the additional period of the longer term may be applied to consecutive terms of the member, as determined by the governing authority.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 477

SENATE BILL NO. 552
BY SENATOR CHABERT
AN ACT

To amend and reenact R.S. 33:4574.1.1(A)(17), relative to hotel occupancy taxes in Lafourche Parish; to authorize the Lafourche Parish Tourist Commission to levy additional hotel occupancy taxes; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4574.1.1(A)(17) is hereby amended and reenacted to read as follows:

§4574.1.1. Occupancy taxes levied by the commissions

A. For the purposes set forth in this Subsection or Paragraph (F)(3) of this Section, a commission created pursuant to R.S. 33:4574(B) is authorized to levy and collect a tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the jurisdiction of the commission. Such tax shall not exceed the following percentages of the rent or fee charged for such occupancy:

(17) Lafourche Parish Tourist Commission, ~~three~~ **four** percent.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 478

SENATE BILL NO. 562
(Substitute of Senate Bill No. 95 by Senator Boudreaux)
BY SENATOR BOUDREAUX
AN ACT

To enact R.S. 17:236.3, relative to public elementary and secondary schools; to provide relative to virtual schools; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:236.3 is hereby enacted to read as follows:

§236.3. **Virtual School; definition**

“Virtual school” means a public school, including a charter school, which has a unique site code assigned by the state Department of Education and which delivers all or a majority of the instruction provided through the internet or other electronic medium such that a student is not necessarily required to be at a specific location in order to receive instruction from a teacher. This does not preclude the ability of the school to include traditional classroom-based instruction or to host face-to-face meetings, including field trips, extracurricular activities, conferences between a

student, parents, and teachers, or other related activities or events. However, a school that delivers all or a majority of the instruction provided through the internet or other electronic medium and requires students to be in daily attendance at a specified location to receive such instruction shall not be considered a virtual school.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 479

SENATE BILL NO. 563
(Substitute of Senate Bill No. 84 by Senator Walsworth)
BY SENATORS WALSWORTH AND THOMPSON
AN ACT

To amend and reenact R.S. 14:93(D), relative to criminal justice; to provide relative to the penalty for cruelty to a juvenile; to provide for the age of victims; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:93(D) is hereby amended and reenacted to read as follows:

§93. Cruelty to juveniles

D.(1) Whoever commits the crime of cruelty to juveniles shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not more than ten years, or both.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, whoever commits the crime of cruelty to juveniles as defined in Paragraph (A)(1) of this Section when the victim is eight years old or younger shall be imprisoned at hard labor for not more than twenty years.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 480

SENATE BILL NO. 25
BY SENATOR MILLS
AN ACT

To amend and reenact R.S. 24:56(F), relative to prohibited conduct by state employees and agencies; to prohibit state employees and agencies from contracting for lobbying services; to provide for termination of authority for lobbying services contracts; to provide for the termination of existing lobbying services contracts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:56(F) is hereby amended and reenacted to read as follows:

§56. Prohibited conduct

F.(1) No state employee in his official capacity or on behalf of his employer **agency** shall lobby for or against any matter intended to have the effect of law pending before the legislature or any committee thereof. Nothing ~~herein~~ **in this Subsection** shall prohibit the dissemination of factual information relative to any such matter or the use of public meeting rooms or meeting facilities available to all citizens to lobby for or against any such matter.

(2) No state employee in his official capacity or on behalf of his agency shall enter into a contract with a lobbyist or a contract for lobbying services to lobby for or against any matter intended to have the effect of law pending before the legislature or any committee thereof. For purposes of this Paragraph, a contract shall include the following:

(a) An agreement to expend public funds for lobbyist or lobbying services entered into pursuant to the Louisiana Procurement Code, R.S. 39:1551 et seq.

(b) A memorandum of understanding, cooperative endeavor agreement, or other similar agreement with a lobbyist or for lobbying services.

(3) For purposes of this Subsection, “agency” or “agencies” shall mean any department, office, division, agency, commission, board, committee, or other organizational unit of a state government entity.

(4) The division of administration, office of state procurement, pursuant to the Louisiana Procurement Code, R.S. 39:1551 et seq., shall direct all state procurement officers to revoke procurement authority to all state government agencies with respect to contracts for professional lobbyists or lobbying services and shall terminate or direct to terminate all existing contracts between a state government agency and a lobbyist or other entity that includes a scope of work to provide lobbying services for a state government agency.

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 481

SENATE BILL NO. 91
BY SENATOR CLAITOR
AN ACT

To enact Civil Code Art. 2315.10, relative to civil liability for offenses and quasi offenses; to provide relative to hazing; to authorize exemplary damages for death caused by hazing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Art. 2315.10 is hereby enacted to read as follows:

Art. 2315.10. Liability for death caused by hazing; additional damages

In addition to general and special damages, exemplary damages may be awarded upon proof that the death on which the action is based was caused by a wanton and reckless disregard for the rights and safety of the victim through an act of hazing, as defined by R.S. 17:1801, regardless of whether the defendant was prosecuted for his acts.

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

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 482

SENATE BILL NO. 108
BY SENATOR JOHNS
AN ACT

To amend and reenact R.S. 40:1253.2(A)(1)(g) and (h) and (B) and to enact R.S. 40:1253.2(A)(3)(g)(v) through (vii), (C), and (D), relative to the Medicaid managed care annual report; to provide for report data; to provide for quarterly submission of certain data regarding Medicaid expansion population and services; to provide for quarterly submission of certain data regarding pharmacy benefit managers; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1253.2(A)(1)(g) and (h) and (B) are hereby amended and reenacted and R.S. 40:1253.2(A)(3)(g)(v) through (vii), (C), and (D) are hereby enacted to read as follows:

§1253.2. Medicaid managed care program; reporting

A. The Louisiana Department of Health shall submit an annual report concerning the Louisiana Medicaid managed care program and, if not included within that program, any managed care program providing dental benefits to Medicaid enrollees to the Senate ~~senate~~ and House ~~house~~ committees on health and welfare. The department shall submit the report by June thirtieth every year, and the applicable reporting period shall be for the previous state fiscal year except for those measures that require reporting of health outcomes which shall be reported for the calendar year prior to the current state fiscal year. The report shall include:

(1) Except when inapplicable due to the types of healthcare benefits administered by the particular managed care organization, the following information related to the managed care organizations contracted with the state to provide Medicaid-covered healthcare services to Medicaid enrollees:

* * *

(g)(i) The medical loss ratio of each managed care organization and the amount of any refund to the state for failure to maintain the required medical loss ratio.

(ii) **With respect to the monies comprising the managed care organization's medical loss ratio, the report shall include the following information:**

- (aa) **Total expenditures on patient care.**
- (bb) **Total expenditures on healthcare quality improvements.**
- (cc) **Total expenditures on healthcare information technology.**
- (dd) **Total expenditures on goods and services other than patient care, healthcare quality improvements, and healthcare information technology.**

(h) ~~A comparison of health outcomes, which includes but is not limited to the following, among each managed care organization:~~

- (i) ~~Adult asthma admission rate.~~
- (ii) ~~Congestive heart failure admission rate.~~
- (iii) ~~Uncontrolled diabetes admission rate.~~
- (iv) ~~Adult access to preventative/ambulatory health services.~~
- (v) ~~Breast cancer screening rate.~~
- (vi) ~~Well child visits.~~
- (vii) ~~Childhood immunization rates~~ **A copy of the annual external quality review technical report produced pursuant to 42 CFR 438.364.**

* * *

(3) The following information related to healthcare services provided by healthcare providers to Medicaid enrollees enrolled in each of the managed care organizations:

* * *

(g) The following information concerning pharmacy benefits delineated by each managed care organization and by month:

* * *

- (v) **The average and range of times for responding to prior authorization requests.**
- (vi) **The number of prior authorization requests denied, delineated by the reasons for denial.**
- (vii) **The number of claims denied after prior authorization was approved, delineated by the reasons for denial.**

B.(1) **The Louisiana Department of Health shall submit quarterly reports to the senate and house committees on health and welfare concerning the Medicaid expansion population and service utilization. The reports shall include all of the following:**

(a) **Medicaid expansion population data which shall include the following:**

(i) **Number of individuals enrolled in Medicaid for the reporting period who are eligible as part of the expansion population.**

(ii) **Number of individuals in the expansion population age nineteen to forty-nine and number of individuals age fifty to sixty-four.**

(iii) **Number of individuals in the expansion population in each age category with earned income.**

(iv) **Number of individuals in the expansion population in each age category assigned to a Medicaid managed care organization, identified by each individual managed care organization.**

(v) **The per-member per-month cost paid to each managed care organization to manage the care of the individuals in the expansion population assigned to their plan, identified by each individual managed care organization.**

(b) **Medicaid expansion population utilization data shall include the following:**

(i) **Comparison of individuals age nineteen to forty-nine, age fifty to sixty-four, and those who are covered by Medicaid who are not part of the expansion population utilizing the following services during the reporting period:**

- (aa) **Emergency department.**
- (bb) **Prescription drugs.**
- (cc) **Physician services.**
- (dd) **Hospital services.**
- (ee) **Nonemergency medical transportation.**

(ii) **Expenditures associated with each service for individuals in the expansion population age nineteen to forty-nine, age fifty to sixty-four, and those who are covered by Medicaid who are not part of the expansion population during the reporting period.**

(2) **The quarterly reports required in this Subsection shall be submitted on the twentieth day of July, October, January, and April of each year, to include the data required in this Subsection, identified by month for the prior three months, with a collective chart of all data submitted to be included in the annual report provided for in Subsection A of this Section.**

C.(1) **The Louisiana Department of Health shall submit quarterly reports to the senate and house committees on health and welfare encompassing the following data regarding the Medicaid managed care organizations' pharmacy benefit managers:**

- (a) **The name of each pharmacy benefit manager, identified as contracted or owned by the Medicaid managed care organization.**
- (b) **Whether the pharmacy benefit manager is a subsidiary of the parent company of the Medicaid managed care organization.**
- (c) **The total dollar amount paid to the pharmacy benefit manager by the Medicaid managed care organization as a transaction fee for each processed claim.**
- (d) **The total dollar amount of the Medicaid drug rebates and manufacturer discounts collected and retained by the Medicaid managed care organization and pharmacy benefit manager.**
- (e) **The total dollar amount of the Medicaid drug rebates and manufacturer discounts collected by the Medicaid managed care organization and pharmacy benefit manager and remitted to the Louisiana Department of Health.**
- (f) **The total dollar amount retained by the pharmacy benefit manager through spread pricing. For purposes of this Subparagraph, "spread pricing" means the actual amount paid as reimbursement to a pharmacist as compared to the amount the pharmacy benefit manager charged to and was reimbursed by the Medicaid managed care organization to identify the excess amount paid to the pharmacy benefit manager above what was paid to the pharmacist.**
- (g) **Identification of any other monies retained by the pharmacy benefit manager not otherwise provided for in this Subsection that are not reimbursed to pharmacists.**

(2) **The quarterly reports required in this Subsection shall be submitted on the twentieth day of July, October, January, and April of each year, to include the data required in this Subsection, identified by month for the prior three months, with a collective chart of all data submitted to be included in the annual report provided for in Subsection A of this Section.**

D. **To the greatest extent possible, the Louisiana Department of Health shall include in the report at least three years of historical data for each of the measures set forth in Subsection A of this Section.**

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

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 483

SENATE BILL NO. 130
BY SENATOR MILLS
AN ACT

To enact Subpart L of Part III of Chapter 17 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:1648, relative to Medicaid payments for pharmacy benefit manager services; to provide for managed care contracts; to provide for Medicaid managed care subcontracts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart L of Part III of Chapter 17 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:1648, is hereby enacted to read as follows:

SUBPART L. MEDICAID MANAGED CARE

§1648. Medicaid contracts or subcontracts for pharmacy benefit manager services

A. **Contracts for pharmacy benefit manager services, either directly with the Louisiana Department of Health or as a subcontractor or subsidiary of a managed care organization that has a contract with the Louisiana Department of Health, shall be awarded based only on the following provisions:**

- (1) **Any contract for pharmacy benefit manager services shall be limited to a transaction fee only, based on a set rate established by the Louisiana Department of Health to be paid to the pharmacy benefit manager for each Medicaid pharmacy claim processed.**
- (2) **No pharmacy benefit manager may retain any portion of state supplemental rebates or**

credits submitted to the state by any pharmaceutical manufacturer.

(3) No pharmacy benefit manager may retain any portion of "spread pricing". For purposes of this Section, "spread pricing" shall mean any amount charged or claimed by a pharmacy benefit manager to a managed care organization that is in excess of the amount paid to the pharmacy that filled the prescription.

B. Any Louisiana Department of Health contract in existence on August 1, 2018, with a pharmacy benefit manager or with a managed care organization that subcontracts or has a subsidiary pharmacy benefit manager may be amended to comply with the provisions of this Section. The department may terminate the contract with any managed care organization or pharmacy benefit manager who is not willing to amend their contract to comply with the provisions of this Section, and the provision of this service shall be opened for bid to other pharmacy benefit managers in accordance with the Louisiana Procurement Code, R.S. 39:1551 et seq.

C. After August 1, 2018, any subsequent requests for proposal issued by the Louisiana Department of Health for Medicaid managed care organization services that include the provision of pharmacy or pharmacy benefit manager services shall include the provisions of Subsection A of this Section.

D. No pharmacy benefit manager or Medicaid managed care organization that subcontracts or has a subsidiary pharmacy benefit manager shall deny any Louisiana licensed pharmacy or Louisiana licensed pharmacist the right to be a participating provider in the managed care organization or pharmacy benefit manager's provider network if the pharmacy or pharmacist meets all requirements of participation in the state Medicaid program.

E. The Louisiana Department of Health shall promulgate rules as may be necessary to comply with the provisions of this Section in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 484

SENATE BILL NO. 208
BY SENATOR HEWITT
AN ACT

To amend and reenact Code of Criminal Procedure Art. 312(G), relative to bail; to provide relative to the right to bail after conviction of an offense that is both a sex offense and a crime of violence; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 312(G) is hereby amended and reenacted to read as follows:

Art. 312. Right to bail before and after conviction

G.(1) After conviction of a capital offense, a defendant shall not be allowed bail.

(2)(a) After conviction of any crime punishable by imprisonment for twenty-five years or more that is both a sex offense and a crime of violence, there shall be a rebuttable presumption that the release of the person convicted will pose a danger to another person or the community and that there is a substantial risk that the person convicted might flee.

(b) For purposes of this Paragraph:

(i) "Sex offense" means any offense that requires registration and notification pursuant to R.S. 15:540 et seq.

(ii) "Crime of violence" means any offense defined or enumerated as a crime of violence in R.S. 14:2(B).

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

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 485

SENATE BILL NO. 236
BY SENATORS MORRELL, ALARIO, BARROW, CLAITOR,
CORTEZ, LUNEAU, MILLS, PETERSON AND TARVER
AN ACT

To amend and reenact R.S. 14:89(A)(1) and R.S. 15:541(24)(a) and to enact R.S. 14:89(E) and 89.3, relative to crime against nature; to create the crime of sexual abuse of an animal; to provide definitions; to provide penalties; to provide for conditions of parole for persons convicted of the crime; to require persons convicted of a second or subsequent offense of the crime to register and provide notification as a sex offender; to provide for intent regarding application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:89(A)(1) is hereby amended and reenacted and R.S. 14:89(E) and 89.3 are hereby enacted to read as follows:

§89. Crime against nature

A. Crime against nature is either of the following:

(1) The unnatural carnal copulation by a human being with another of the same sex or opposite sex or with an animal, except that anal sexual intercourse between two human beings shall not be deemed as a crime against nature when done under any of the circumstances described in R.S. 14:41, 42, 42.1, or 43. Emission is not necessary; and, when committed by a human being with another, the use of the genital organ of one of the offenders of whatever sex is sufficient to constitute the crime.

E. Nothing in the Act which originated as Senate Bill No. 236 of the 2018 Regular Session of the Legislature shall be construed to alleviate any person convicted or adjudicated delinquent of crime against nature (R.S. 14:89) from any requirement, obligation, or consequence imposed by law resulting from that conviction or adjudication including but not limited to any requirements regarding sex offender registration and notification, parental rights, probation, parole, sentencing, or any other requirement, obligation, or consequence imposed by law resulting from that conviction or adjudication.

§89.3. Sexual abuse of an animal

A. Sexual abuse of an animal is the knowing and intentional performance of any of the following:

- (1) Engaging in sexual contact with an animal.
- (2) Possessing, selling, transferring, purchasing, or otherwise obtaining an animal with the intent that it be subject to sexual contact.
- (3) Organizing, promoting, conducting, aiding or abetting, or participating in as an observer, any act involving sexual contact with an animal.
- (4) Causing, coercing, aiding, or abetting another person to engage in sexual contact with an animal.
- (5) Permitting sexual contact with an animal to be conducted on any premises under his charge or control.
- (6) Advertising, soliciting, offering, or accepting the offer of an animal with the intent that it be used for sexual contact.
- (7) Filming, distributing, or possessing pornographic images of a person and an animal engaged in any of the activities described in Paragraphs (1) through (6) of this Subsection.

B. For purposes of this Section:

- (1) "Animal" means any nonhuman creature, whether alive or dead.
- (2) "Sexual contact" means:
 - (a) Any act committed for the purpose of sexual arousal or sexual gratification, abuse, or financial gain, between a person and an animal involving contact between the sex organs or anus of one and the mouth, sex organs, or anus of the other.
 - (b) The insertion, however slight, of any part of the body of a person or any object into the vaginal or anal opening of an animal, touching by a person of the sex organs or anus of an animal, or the insertion of any part of the animal's body into the vaginal or anal opening of the person.

C. This Section shall not apply to any of the following:

- (1) Accepted veterinary practices.
- (2) Artificial insemination of an animal for reproductive purposes.
- (3) Accepted animal husbandry practices, including grooming, raising, breeding, or assisting with the birthing process of animals or any other procedure that provides care for an animal.
- (4) Generally accepted practices related to the judging of breed conformation.

D.(1)(a) Except as provided in Subparagraph (b) of this Paragraph, whoever commits the offense of sexual abuse of an animal shall be fined not more than two thousand dollars, imprisoned, with or without hard labor, for not more than five years, or both.

(b) Whoever commits a second or subsequent offense of sexual abuse of an animal, shall be fined not less than five thousand dollars nor more than twenty-five thousand dollars, or imprisoned, with or without hard labor, for not more than ten years, or both.

(2) In addition to any other penalty imposed, a person convicted of violating this Section shall be ordered to:

- (a) Relinquish custody of all animals.
- (b) Not harbor, own, possess, or exercise control over any animal for any length of time deemed appropriate by the court, but not less than five years.
- (c) Not reside in any household where an animal is present; engage in an occupation, whether paid or unpaid, involving animals; or participate in a volunteer position at any establishment where animals are present, for any length of time deemed appropriate by the court, but not less than five years.
- (d) Undergo a psychological evaluation for sex offenders and participate in any recommended psychological treatment. Any costs associated with any evaluation or treatment ordered by the court shall be paid by the defendant.

(e) If the convicted person is not the owner, reimburse the owner for any expenses incurred for medical treatment or rehabilitation of the victimized animal.

(3) If a person convicted of the offense of sexual abuse of an animal is released on parole, the committee on parole shall require the person, as a condition of parole, to participate in a sex offender program as defined by R.S. 15:828(A)(2)(b).

E.(1) Any law enforcement officer investigating a violation of this Section may lawfully take possession of an animal that he has reason to believe has been victimized under this Section in order to protect the health or safety of the animal or the health or safety of others, and to obtain evidence of the offense.

(2) Any animal seized pursuant to this Section shall be promptly taken to a shelter facility or veterinary clinic to be examined by a veterinarian for evidence of sexual contact.

(3) With respect to an animal so seized and impounded, all provisions of R.S. 14:102.2 and R.S. 14:102.3 shall apply to the seizure, impoundment, and disposition of the animal.

F. Prosecution under this Section shall not preclude prosecution under any other applicable provision of law.

Section 2. R.S. 15:541(24)(a) is hereby amended and reenacted to read as follows:

§541. Definitions

For the purposes of this Chapter, the definitions of terms in this Section shall apply:

(24)(a) "Sex offense" means deferred adjudication, adjudication withheld, or conviction for the perpetration or attempted perpetration of or conspiracy to commit human trafficking when prosecuted under the provisions of R.S. 14:46.2(B)(2), R.S. 14:46.3 (trafficking of children for sexual purposes), R.S. 14:89 (crime against nature), R.S. 14:89.1 (aggravated crime against nature), R.S. 14:89.2(B)(3) (crime against nature by solicitation), R.S. 14:80 (felony carnal knowledge of a juvenile), R.S. 14:81 (indecent behavior with juveniles), R.S. 14:81.1 (pornography involving juveniles), R.S. 14:81.2 (molestation of a juvenile or a person with a physical or mental disability), R.S. 14:81.3 (computer-aided solicitation of a minor), R.S. 14:81.4 (prohibited sexual conduct between an educator and student), R.S. 14:82.1

(prostitution; persons under eighteen), R.S. 14:82.2(C)(4) and (5) (purchase of commercial sexual activity), R.S. 14:92(A)(7) (contributing to the delinquency of juveniles), R.S. 14:93.5 (sexual battery of persons with infirmities), R.S. 14:106(A)(5) (obscenity by solicitation of a person under the age of seventeen), R.S. 14:283 (video voyeurism), R.S. 14:41 (rape), R.S. 14:42 (aggravated or first degree rape), R.S. 14:42.1 (forcible or second degree rape), R.S. 14:43 (simple or third degree rape), R.S. 14:43.1 (sexual battery), R.S. 14:43.2 (second degree sexual battery), R.S. 14:43.3 (oral sexual battery), R.S. 14:43.5 (intentional exposure to AIDS virus), or a second or subsequent conviction of R.S. 14:283.1 (voyeurism), **or a second or subsequent conviction of R.S. 14:89.3 (sexual abuse of an animal)**, committed on or after June 18, 1992, or committed prior to June 18, 1992, if the person, as a result of the offense, is under the custody of the Department of Public Safety and Corrections on or after June 18, 1992. A conviction for any offense provided in this definition includes a conviction for the offense under the laws of another state, or military, territorial, foreign, tribal, or federal law which is equivalent to an offense provided for in this Chapter, unless the tribal court or foreign conviction was not obtained with sufficient safeguards for fundamental fairness and due process for the accused as provided by the federal guidelines adopted pursuant to the Adam Walsh Child Protection and Safety Act of 2006.

* * *

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

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 486

SENATE BILL NO. 312
BY SENATOR LAFLEUR
AN ACT

To amend and reenact R.S. 42:19.1, relative to notice of meetings; to provide for certain notice requirements for public meetings by political subdivisions considering the proposal of certain taxes or the calling of certain tax proposition elections; to remove certain exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:19.1 is hereby amended and reenacted to read as follows:

§19.1. Procedure for the ~~levy~~; **proposal**, increase, renewal, or continuation of a tax or for calling an election for such purposes by political subdivisions

A.(1)(a) Except as provided for in Subparagraph (b) **Paragraph (2)** of this Paragraph **Subsection**, in addition to any other requirements provided for in R.S. 42:19 or other provisions of law, public notice of the date, time, and place of any meeting at which a political subdivision as defined in Article VI, Section 44(2) of the Constitution of Louisiana intends to ~~levy~~ **propose** a new ad valorem property tax or sales and use tax, or increase or renew any existing ad valorem property tax or sales and use tax, or ~~and~~ **authorize** the calling of an election for submittal of such question to the voters of the political subdivision shall be published in the official journal of the political subdivision no more than sixty days nor less than ~~thirty~~ **twenty** days before such public meeting; shall be announced to the public during the course of a public meeting of such political subdivision no more than sixty days nor less than ~~thirty~~ **twenty** days before such public meeting; and notice of such meeting shall be written and hand delivered or transmitted by email to each voting member of any governing authority of a political subdivision that is required to approve such a measure previously adopted by another governing authority and to each state senator and representative in whose district all or a portion of the political subdivision is located, no more than sixty days nor less than ~~thirty~~ **twenty** days before such public meeting. Email delivery shall be made to the official email address of such voting members or legislators and to any other address provided in writing to the political subdivision by such a voting member or legislator. The inadvertent failure to notify a state senator or representative as required by this Subsection shall not constitute a violation of this Section; however, the knowing failure to notify a state senator or representative as required by this Subsection or the willful disregard of the requirement to notify a state senator or representative as required by this Subsection shall constitute a violation of this Chapter.

(b)(2) If at a meeting held in accordance with Subparagraph (a) **Paragraph (1)** of this Paragraph **Subsection** a political subdivision adopts such a measure, the provisions of this Section shall not apply to a subsequent meeting of such political subdivision if the only action taken at the subsequent meeting is one which results in a change to the previously adopted measure that reduces the rate or term of the tax in the measure and thereby reduces the total amount of tax that would be collected under the measure, or substantially reduces the cost to the political subdivision of any bond or debt obligation to be incurred by the political subdivision.

(2)(a)~~B.(1)~~ In the event of cancellation or postponement of a meeting at which consideration of or action upon a proposal to ~~levy~~; increase, renew, or continue any ad valorem or sales and use tax or ~~and~~ **authorize** the calling of an election for submittal of such questions to the voters of the political subdivision was scheduled, notice of the date, time, and place of any subsequent meeting to consider such proposal shall be published in the official journal of the political subdivision no less than ten days before such subsequent meeting.

(b)(2) However, in the event that consideration of or action upon any such proposal was postponed at the scheduled meeting, or any such proposal was considered at the scheduled meeting without action or vote, then any subsequent meeting to consider such proposal shall be subject to the requirements of Subparagraph (a) of this Paragraph ~~unless the date, time, and place of a subsequent meeting for consideration of such proposal is announced to the public during the course of such meeting~~ **Paragraph (1) of this Subsection**.

~~B. The provisions of this Section shall not apply to any consideration of or action upon a proposal to levy additional or increased ad valorem property tax millages on property without voter approval to which the provisions of R.S. 47:1705(B)(2)(c) and (d) apply.~~

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 487

SENATE BILL NO. 469
BY SENATOR WARD
AN ACT

To amend and reenact R.S. 32:1252(8) and (56) and R.S. 39:2182(E), and to enact R.S. 32:1252(73) and (74) and 1254(P) and R.S. 39:2182(F), relative to motor vehicles; to provide for definitions; to exempt the procurement or sale of certain towable equipment from licensure; to authorize acceptance by a public entity of a valid dealer's license within a certain time period; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1252(8) and (56) are hereby amended and reenacted and R.S. 32:1252(73) and (74) and 1254(P) are hereby enacted to read as follows:

§1252. Definitions

The following words, terms, and phrases, when used in this Chapter, shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

* * *

(8) "Converter" or "secondary manufacturer" means a person who prior to the retail sale of motor vehicles or trailers, assembles, installs, or affixes a body, cab, or special equipment to a chassis, or who substantially adds, subtracts from, or modifies a previously assembled or manufactured motor vehicle or trailer, **but does not include towable equipment as defined in this Chapter.**

* * *

(56) "Trailer" means every single vehicle without motive power designed for carrying property or passengers wholly on its own structure, drawn by a motor vehicle which carries no part of the weight and load of the trailer on its own wheels and having one or more load carrying axles. "Trailer" ~~includes but is not limited to~~ **including but not limited to** utility trailers, boat trailers, recreational trailers, semitrailers, livestock trailers, tow dollies, and dump trailers, **and excluding towable equipment as defined in this Chapter.**

* * *

(73) "Tow dolly" means a trailer equipped with one or more axles designed to connect to a tow bar on the rear of a motor vehicle that is used to tow another vehicle and is not a type of towable equipment as defined in this Chapter. **The front or rear wheels of the towed vehicle are secured to and rest upon the tow dolly.**

(74) "Towable equipment" means equipment that is permanently affixed to or integrated upon a trailer intended for use when the trailer is not traveling on a road and where its capability for road travel or transport of other property is incidental or secondary to the primary operational purpose of the equipment **including but not limited to towable signage, message boards, generators, lighting tower masts, speed monitoring and traffic cameras, air compressors, water pumps, crash attenuators, or road maintenance equipment such as a pothole patcher or a chipper brush.** "Towable equipment" ~~does not include portable facilities primarily intended for human or animal occupancy, hygiene, or similar accommodations, including but not limited to portable toilets, livestock trailers, and enclosed facilities for food service preparation and distribution.~~

* * *

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

* * *

P. Notwithstanding any provision of law to the contrary and the provisions of Subsection N of this Section, this Chapter shall not apply to the procurement or sale of towable equipment as defined in this Chapter.

Section 2. R.S. 39:2182(E) is hereby amended and reenacted and R.S. 39:2182(F) is hereby enacted to read as follows:

§2182. Prohibition of bids from or contracts with unlicensed dealers

* * *

E. Notwithstanding any provision of law to the contrary and the provisions of Subsections B and C of this Section, a public entity may accept a bid for the sale of vehicles submitted by a vehicle dealer who is licensed on the bid opening date even when a copy of the valid dealer's license is not enclosed with the original bid submission, provided that a copy of the dealer's valid license is received by the public entity not later than ten business days following the bid opening date.

F. If in the course of an audit or review by the legislative auditor, pursuant to the powers and duties in R.S. 24:513, a violation of this Section is found, the legislative auditor shall report such findings to the Louisiana Motor Vehicle Commission.

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 488

SENATE BILL NO. 496
BY SENATOR WARD
AN ACT

To enact Part VIII of Chapter 2 of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 48:771 through 780, relative to the Capital Area Road and Bridge District; to provide for the territorial jurisdiction of the district; to provide for the appointment and term of the board of commissioners; to provide for meetings of the board of commissioners and the officers thereof; to provide relative to the powers of the district; to authorize the district to levy special taxes, parcel fees, and sales taxes if approved by a majority of the voters in the district; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VIII of Chapter 2 of Title 48 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:771 through 780, is hereby enacted to read as follows:

PART VIII. CAPITAL AREA ROAD AND BRIDGE DISTRICT

§771. Creation of district; territorial jurisdiction

A. The Capitol Area Road and Bridge District is hereby created as a political subdivision of the state of Louisiana for the purpose of raising revenue to finance road and bridge projects to alleviate traffic congestion in the district. The district shall be comprised of all territories within the geographical boundaries of the parishes of East Baton Rouge, Ascension, Livingston, Iberville, and West Baton Rouge.

B. The creation of the district and the carrying out of its public purpose is in all respects public and governmental purposes for the improvement of the health, safety, welfare, comfort, and security of the people of the district, for whom the district will be performing a public obligation in the exercise of the powers conferred upon it by this Part.

§772. Definitions

As used in this Part, the following words, terms, and phrases shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

(1) "Bonds" means any bonds, notes, certificates, or other written contracts or instruments evidencing the obligation to repay borrowed money regardless of the designation thereof.

(2) "District" means the Capital Area Road and Bridge District created by this Part.

(3) "Road or bridge project" means a project undertaken pursuant to this Part for the construction, development, reconstruction, acquisition, extension, or improvement of works of capital improvements related to public roads, streets, highways, bridges, and associated drainage, the title to which shall be in the public.

§773. Appointment and term of board of commissioners

A. The management and control of the district shall be vested in a board of commissioners composed of seven members.

(1) The secretary of the Department of Transportation and Development or his designee.

(2) The president of each parish comprising the district or the president's designee.

(3) The governor shall appoint one resident of the district as a member who shall serve at the pleasure of governor.

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

A. At the first meeting of the board and annually thereafter, the members shall select a chairman and a secretary from the membership and such other officers as the board deems necessary. The board shall meet at least quarterly and the meetings shall be called by the chairman on his own notice or on request of any five members. A majority of the commissioners shall constitute a quorum to do business.

B. In case of the death, resignation, absence, inability, or failure to act of the chairman, the secretary shall call the board together and the board shall appoint one of their members to serve as acting chairman, and he shall perform all the duties of chairman.

C. The members of the board shall serve without compensation, except the compensation to which they may be individually entitled as a member or employee of their respective agency. A board member may be reimbursed for expenses actually incurred in the performance of his duties as a board member. A mileage allowance shall be fixed by the board.

D. The board of commissioners shall prescribe rules to govern its meetings.

§775. Powers of the district

A. The district is hereby declared to constitute 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. The district shall be subject to and may avail itself of any law relating to political subdivisions generally, including but not limited to the following:

(1) To sue and be sued.

(2) To adopt, use, and alter at will a corporate seal.

(3) To initiate or coordinate research, studies, and gathering of information on the road and bridge projects, including but not limited to the following:

(a) Engineering studies.

(b) Traffic flow and pattern studies.

(c) Environmental impact studies.

(d) Location of proposed routes.

(e) Economic development impacts and benefits.

(f) Utility relocation.

(g) Right-of-way acquisition.

(h) Project construction cost/benefit ratio studies.

(4) To be designated an official depository for information relating to and about the road and bridge projects. As such, it is empowered to receive and preserve all information gathered by other parties pertaining to the project.

(5) To receive money from any public or private body which may desire to appropriate or donate such funds to be used to defray the expenses of the district.

(6) To procure from the Department of Transportation and Development, with the consent of its secretary, or from outside service providers any service or portion of services necessary to fulfill the duties and obligations of the board or the district.

(7) To enter into contracts and agreements and execute all instruments necessary or convenient thereto for accomplishing the purposes of the district.

B.(1) In furtherance of these purposes, the commission is specifically authorized to apply for, receive, and accept from any state or federal agency, or local subdivision of this state, any grant or contribution of money, property, or other things of value to be held, used, and applied for purposes for which such grants and contributions may be made or for any other lawful purposes that the commission has expressly authorized in this Part.

(2) The commission is also specifically authorized to hire such accountants, attorneys, engineers, or other professional or scientific or other expert advisors as the commission in its discretion may deem necessary or advisable in order to carry out its mission. The professionals or scientific or other expert advisors shall be compensated by the commission from funds available to the commission pursuant to such agreement as may be entered into by the commission with the hired or trained professionals or scientific or other expert advisors. Neither the state nor any parish located within the boundaries of the district shall in any way be a party to any agreement executed under the provisions of this Paragraph, and neither the state nor any parish located within the boundaries of the district shall in any way be held responsible for payment of compensation under

the agreements entered into by the commission.

C. The district may create subdistricts as provided in this Subsection. The district shall publish notice of its intent to create a subdistrict in the official journal of the district. At least ten days after publication of such notice in the official journal of the district, the board shall conduct a public hearing on the question of creating such subdistrict. Thereafter, the board may designate one or more project areas within the boundaries of the district as a subdistrict of the district. Each subdistrict shall constitute a political subdivision of the state and shall be governed by the board. Each subdistrict shall have the same powers as the district and shall be given a name and designated as "Capital Area Road and Bridge Subdistrict No. ".

D.(1) With respect to the bridge constructed pursuant to this Part, the district shall have all authority granted to parishes to establish, impose, collect, and enforce tolls and issue revenue bonds secured by revenue from the tolls as provided in the Bridge Revenue Bond Law.

(2) The rate of the tolls provided for in this Subsection shall be fixed and adjusted in connection with any revenue bonds issued to provide a fund sufficient, with other revenue from the bridge, to pay for the following:

(a) The cost of maintaining, repairing, and operating the bridge.

(b) The principal of and the interest on such bonds as such becomes due and payable and creation of a reserve for these purposes.

E. The district may levy taxes, impose parcel fees, and incur debt as otherwise provided by this Part; however, no proposition authorizing taxes, fees, or bonds shall be submitted to the voters of the district or of any subdistrict that does not provide funding for a new Mississippi River Bridge, connectors from Interstate Highway 10 to the bridge on the west side of the Mississippi River, and the connection to and widening of Louisiana Highway 30.

F. The district may use revenue available to it to pay costs associated with road or bridge projects which costs may include the following:

(1) Costs of studies, surveys, development of plans and specifications, preparation, implementation and administration, personnel and professional services costs for architectural, engineering, legal, marketing, financial, planning, police, fire, public works or other services incurred by the district directly or on behalf of the district. No charges for professional services may be based on a percentage of tax revenues.

(2) Property acquisition and assembly costs, including but not limited to acquisition of land and other immovable or movable property or rights or interests therein, incurred by the district directly or on behalf of the district.

(3) On and off-site preparation costs, including but not limited to clearance of any area by demolition or removal of any existing buildings, structures, fixtures, utilities, and improvements and clearing and grading and including installation, repair, construction, reconstruction, or relocation of public streets, public utilities, and other public improvements incurred by the district directly or on behalf of the district.

(4) Costs of renovation, rehabilitation, relocation, repair, or remodeling of any existing buildings, improvements, and fixtures.

(5) Costs of construction of public improvements, including but not limited to buildings, structures, works, utilities, or fixtures, incurred by the district directly or on behalf of the district.

(6) Financing costs of the district, including but not limited to all necessary and incidental expenses related to the issuance of obligations, payment of any interest on any obligations which accrues during the estimated period of construction for which such obligations are issued and thereafter, and any reasonable reserves related to the issuance of such obligations.

§776. Advice and service of the Department of Transportation and Development

The district and the board of commissioners therefor shall have, with respect to all of the powers and functions prescribed by this Part, the advice and services of the Department of Transportation and Development. Within reason, it shall be the duty of the secretary of the Department of Transportation and Development to make available such department staff, expertise, and support as the commission may request.

§777. General compliance; enhancement

No provision of this Part 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 office holding and employment, public bidding for the purpose of supplies and materials, and the Code of Governmental Ethics. The district shall be permitted to use alternative competitive procurement and delivery methods for the award of any contracts for a major road and bridge project.

§778. Special taxes

A. Pursuant to Article VI, Section 30 of the Louisiana Constitution of 1974, the board of commissioners may levy an ad valorem tax or taxes for a term as determined by the board of commissioners, for the purpose of acquiring, constructing, improving, equipping, furnishing, maintaining, or operating any work of public improvement, including both movable and immovable property necessary in connection with road and bridge projects, which shall include a new Mississippi River bridge located within the boundaries of the district.

B. For the purpose of providing revenue to carry out the objects contemplated in this Part, the board of commissioners may levy on all property in the district, subject to taxation, an ad valorem tax not to exceed five mills on the dollar of its assessed valuation, as provided by Article VI, Section 19 of the Constitution of Louisiana. The tax may be levied only after the question of its levy has been submitted to the qualified electors of the district or subdistrict at an election held for that purpose and conducted in accordance with the Louisiana Election Code and the majority of those voting in each parish comprising the district or subdistrict have voted in favor of the levy of the tax.

C.(1) Subject to the approval of the State Bond Commission, the governing authority of the district shall have the authority to incur debt and issue revenue bonds for the purpose of constructing, acquiring, extending, or improving works of capital improvement related to roads and other similar public works, which shall include a new Mississippi River bridge located within the boundaries of the district.

(2) Such bonds shall be authorized and issued in accordance with the provisions of Part XIII of Chapter 4, Chapter 13, and Chapter 13-A, all of Title 39 of the Louisiana Revised Statutes of 1950. Such bonds shall be issued in the name of the district and shall not be general obligations of the district, Ascension Parish, East Baton Rouge Parish, Iberville Parish, Livingston Parish, West Baton Rouge Parish, or the state of Louisiana.

(3) Such bonds shall be issued by the commission of the district only after authorization by a majority of the electors of the district voting in an election held in accordance with the election

§779. Parcel fees

A. The district may levy and collect a parcel fee within the boundaries of the district which shall not exceed five hundred dollars per parcel per year. The parcel fee shall be imposed by resolution or ordinance of the board of commissioners of the district only after question of its imposition and its purpose, rate, and duration have been submitted to the qualified electors of the district or subdistrict at an election held for that purpose and conducted in accordance with the Louisiana Election Code and the majority of those voting in each parish comprising the district or subdistrict have voted in favor of the imposition of the parcel fee. The proceeds of such parcel fee shall be expended for road and bridge projects, which shall include a new Mississippi River bridge located within the boundaries of the district, as set forth in the proposition approved by the electors including the payment of any bonds of the district incurred for such purpose. Any parcel fee imposed pursuant to this Section shall be levied and collected and be due and owing annually. The fee may be carried on the tax rolls and collected at the same time as parish or municipal ad valorem taxes.

B.(1) If any parcel fee is not paid when due, the district shall proceed against the parcel for the collection of the amount of the fee unpaid and delinquent, any collection costs incurred by the district, plus interest at a rate not exceeding twelve percent on the unpaid amount of the parcel fee, and, in the event legal proceedings are necessary to effect collection, court costs and reasonable attorney fees. However, attorney fees shall be payable by the parcel owner only if demand by the district has been made on the parcel owner by registered or certified mail, and such parcel owner has failed to pay the amount due within ten days after such demand.

(2) A judgment obtained for nonpayment of a parcel fee, upon being recorded in the mortgage records of the parish, shall prime all other liens except those for taxes and prior recorded local or special assessments. If there are one or more property mortgages on such parcel, the district, prior to proceeding against such parcel for failure to pay a parcel fee, shall give notice to each mortgagee of the amount of the parcel fee due and owing on such parcel and that such parcel fee must be paid within twenty days after the mailing of the notice or proceedings will be commenced against the parcel. The notice shall be sent to each such mortgage holder by certified mail, return receipt requested, or be made by personal or domiciliary service on such mortgage holder. The district shall not commence such proceedings until at least twenty days after the certified mail return receipt for the notice is signed by the mortgagee.

(3) Alternatively, the lien authorized by this Section may be enforced by assessing the amount of the lien against the parcel as a tax against the property. The lien may be collected in the manner fixed for collection of taxes and shall be subject to the same civil penalties for delinquencies. After the district has incurred such costs and expenses as together with any amount of the parcel fee which remains unpaid and delinquent constitute the lien on the property, including any costs of court, attorney fees and interest, the governing authority may send an attested bill of such unpaid amount, costs, and expenses to the tax collector for the parish who shall add the amount of such bill to the next tax bill of the property owner. The lien shall prime all other liens or privileges against the property, except other tax liens, filed after the statement specified in this Section is filed with the recorder of mortgages, regardless of the date on which the lien is perfected.

§780. Sales taxes

(1) The district may, in accordance with the Subsection, levy and collect a sales and use tax not to exceed one percent within the district. The sales and use tax authorized by this Subsection shall be imposed by ordinance of the district and shall be levied upon the sale at retail, the use, lease or rental, consumption, and the storage for use or consumption of tangible personal property, and on sales of services, all as defined in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 in the district. The proceeds of the sales tax shall be expended for road and bridge projects, which shall include a new Mississippi River bridge located within the boundaries of the district. The tax may be levied only after the question of its levy has been submitted to the qualified electors of the district or subdistrict at an election held for that purpose and conducted in accordance with the Louisiana Election Code and the majority of those voting in each parish comprising the district or subdistrict have voted in favor of the levy of the tax.

(2) The tax shall be in addition to all other authorized sales and use taxes and shall be collected at the same time and in the same manner as set forth in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950. Any sales and use tax levied by the Capital City Road and Bridge District shall be excluded from the calculation of total sales and use taxes levied within an area for the purposes of R.S. 47:338.54.

(3) The tax shall be imposed and collected uniformly throughout the district.

(4) The commission may fund the sales tax revenues into bonds in the manner provided by Subpart F of Part III of Chapter 4 of Title 39 of the Louisiana Revised Statutes of 1950. Such bonds may be issued only after the question of their issuance has been submitted to the qualified electors of the district or subdistrict at an election held for that purpose and conducted in accordance with the Louisiana Election Code and the majority of those voting in each parish comprising the district or subdistrict have voted in favor of the issuance of the bonds. The question with respect to the funding of the sales tax revenues into bonds may be voted upon at the election held to authorize the imposition of the sales tax or may be submitted at a separate election held for such purpose. No proceeding, hearing, notice, or approval shall be required for the issuance of any bonds or any instrument as security therefor, except as provided by this Section or by the Constitution of Louisiana.

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

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

To enact R.S. 46:460.72 and 460.73, relative to Medicaid managed care organizations; to provide for provider notice requirements; to provide for plan payment accountability; to provide for payment to providers; to provide for obligations by the managed care organizations; to provide for prohibited claims for purposes of rate setting; to provide for authority of the attorney general; to provide for deposits into the Medical Assistance Programs Fraud Detection Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:460.72 and 460.73 are hereby enacted to read as follows:

§460.72. Medicaid managed care organization provider notice

A. Each Medicaid managed care organization shall comply with the following notice provisions regarding contracted provider status and ability to begin providing services and submitting claims for reimbursement:

(1) Any Medicaid managed care organization that contracts with or enrolls a provider into its provider network shall furnish written notice to the provider that informs the provider of the effective date of the contract and enrollment.

(2) Unless otherwise authorized by law, a provider shall not submit Medicaid reimbursement claims for any services provided prior to the effective date indicated in the written notice.

(3) The Medicaid managed care organization shall send the written notice required in this Subsection to the last mailing address and last email address submitted by the provider.

B. Each Medicaid managed care organization shall comply with the following notice provisions regarding contracted provider re-credentialing:

(1) Each Medicaid managed care organization shall provide a minimum of three written notices to a contracted provider with information regarding the re-credentialing process, including requirements and deadlines for compliance. The first notice shall be issued by the Medicaid managed care organization no later than six months prior to the expiration of the provider's current credentialing. The notice shall include the effective date of termination if the provider fails to meet the requirements and deadlines of the re-credentialing process.

(2) The Medicaid managed care organization shall send the written notices required in this Subsection to the last mailing address and last email address submitted by the provider.

(3) If the provider fails to timely submit all required documents and meet all re-credentialing requirements, the Medicaid managed care organization shall send a termination notice to the provider with an effective date of termination to be fifteen days after the date of the notice. The Medicaid managed care association shall send the termination notice via certified mail to the provider's last mailing address as submitted by the provider. The Medicaid managed care organization shall be responsible for paying any claims for services delivered prior to the termination date specified in the notice.

C. If a Medicaid managed care organization terminates a provider and removes a provider from its provider network for reasons other than failure to comply with the re-credentialing process set forth in Subsection C of this Section, the Medicaid managed care organization shall send written notice of the termination via certified mail to the last known mailing address submitted by the provider. The termination notice shall include the effective date of the termination. The termination date shall be fifteen days from the date of the notice if the termination is pursuant to R.S. 46:460.73(A). The termination shall be immediate if the termination is pursuant to R.S. 46:460.73(B) or due to the loss of required license.

D. A provider shall give written notice of any change in licensure or accreditation status to each Medicaid managed care organization with which it is contracted or enrolled in a provider network. The provider shall furnish such written notice to the Medicaid managed care organization within two business days of the provider's knowledge of the change.

§460.73. Medicaid managed care organization payment accountability

A.(1) Each Medicaid managed care organization shall be responsible for ensuring that any provider it contracts with or enrolls into its network has attained and satisfies all Medicaid provider enrollment, credentialing, and accreditation requirements and all other applicable state or federal requirements in order to receive reimbursement for providing services to Medicaid recipients. Any Medicaid managed care organization that contracts with or enrolls a provider into its provider network and fails to ensure proper compliance with Medicaid provider enrollment, credentialing, or accreditation requirements shall be liable for reimbursement to the provider for any services rendered to Medicaid recipients until such time as the deficiency is identified by the Medicaid managed care organization and notice is issued to the provider pursuant to R.S. 46:460.72. Reimbursement for any services provided during the fifteen-day remedy period after notice of the deficiency was identified by the Medicaid managed care organization, or during a longer period if allowed by the department, shall be withheld if the provider elects to continue providing services while the deficiency is under review. If the deficiency is remedied, the Medicaid managed care organization shall remit payment to the provider. If the deficiency is not remedied, nothing in this Subsection shall be construed to preclude the managed care organization from recouping funds from the provider for any period in which the provider was not properly enrolled, credentialed, or accredited.

(2) If a provider cannot remedy the deficiency within fifteen days and believes that the deficiency was caused by good faith reliance on misinformation by the managed care organization and the provider asserts that he acted without fault or fraudulent intent he may seek review of the matter by the department if he believes there is no deficiency or that because of his reliance on misinformation from the Medicaid managed care organization, he cannot remedy the deficiency within fifteen days, but that an exception should be made to allow him reasonable time to come into compliance so as to not disrupt patient care. The provider shall prove absence of fault or fraudulent intent by producing guidance, applications, or other written communication from the managed care organization that bears incorrect information, including whether the misinformation or guidance was contradictory to applicable Medicaid manuals, rules, or policies.

(3) The department shall review all materials and information submitted by the provider and shall review any information necessary that is in the custody of the Medicaid managed care organization to render a written decision within thirty days of the date of receipt for review submitted by the provider. If the department's decision is in favor of the provider, a reasonable time shall be afforded to the provider to remedy the deficiency caused by the misinformation

of the Medicaid managed care organization. During this time, the provider shall be allowed to provide services and submit claims for reimbursement. The written decision issued pursuant to this Paragraph shall be sent to the provider and the Medicaid managed care organization by certified mail.

(4) In addition to the managed care organization being responsible for payment to the provider, the department may impose penalties on the managed care organization in accordance with contract provisions or rules and regulations promulgated pursuant to the Administrative Procedure Act.

(5) If the department's decision is not in favor of the provider, the provider's contract shall be terminated immediately pursuant to the notice provided for in R.S. 46:460.72(C).

(6) If the department's decision is that the provider acted with fault or fraudulent intent, the provisions of Subsection B of this Section shall apply.

(7) The written decision by the department is the final administrative decision and no appeal or judicial review shall lie from this final administrative decision.

B.(1) Each Medicaid managed care organization shall be responsible for mitigating fraud, waste, and abuse of the funds it receives in the form of per-member per-month rates for the provision of services to its plan enrollees. Any Medicaid managed care organization that contracts with or enrolls a provider into the provider network and fails to mitigate fraud, waste, and abuse by a provider who acted with fault or fraudulent intent in securing a contract or submitting claims shall void all claims and previous encounters for the provider.

(2) Failure to execute the provisions of their responsibility to mitigate fraud, waste, and abuse shall not be considered a risk of the Medicaid managed care organization for purposes of calculating per-member per-month rates. All claims associated with fraud, waste, and abuse shall be voided. Voided claims shall not be used for purposes of rate setting or by the Medicaid managed care organization to seek an increase in rates or payments.

(3) The provisions of this Subsection do not preclude the Medicaid managed care organization from recouping and retaining improper payments and overpayments to a provider.

(4) In addition to the managed care organization being responsible for voiding all claims and encounters associated with fraud, waste, and abuse for any payments made to a provider, the department may impose penalties on the managed care organization in accordance with contract provisions or rules and regulations promulgated pursuant to the Administrative Procedure Act.

(5) The Medicaid managed care organization shall be liable to the department for any other costs, expenses, claims, or reimbursement incurred or expended by the department due to the provider's fault or fraudulent intent.

C. Each Medicaid managed care organization shall report every instance of suspected fraud, waste, or abuse to the department and the attorney general. In addition to the sanction and enforcement authority of the department pursuant to a properly executed contract or properly promulgated rule, the attorney general shall have the authority to investigate, enforce, impose sanctions upon, and seek recoveries from any Medicaid managed care organization pursuant to the provisions of this Section and the Medical Assistance Programs Integrity Law, R.S. 46:437.1 et seq. Recoupments shall be returned to the department. All other sanctions, penalties, civil monetary penalties, and additional recoveries or costs of investigations obtained by the attorney general shall be deposited into the Medical Assistance Programs Fraud Detection Fund, as established in R.S. 46:440.1. No Medicaid managed care organization or any officer, director, employee, representative, or agent thereof shall have any liability to the provider or any other person for reporting any suspected fraud to the department or to the attorney general as required by this Section.

D. Nothing in this Section shall be construed to prevent the department or the attorney general from enforcing and imposing penalties otherwise provided for in law or regulation.

E. The department shall promulgate rules and regulations necessary to implement the provisions of this Section in accordance with the Administrative Procedure Act.

F. Nothing in this Section shall be construed to supersede or conflict with the provisions of R.S. 46:460.62.

G. The provisions of this Section shall be subject to approval by the Centers for Medicare and Medicaid Services.

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 490

SENATE BILL NO. 557
BY SENATOR BISHOP
AN ACT

To enact R.S. 40:1667.10, relative to levee district police; to authorize the payment of extra compensation to certain levee district police officers from district funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1667.10 is hereby enacted to read as follows:

§1667.10. Extra compensation for commissioned full-time levee district police authorized

In addition to the compensation now paid to any levee district police officer, every levee district police officer who is a full-time employee, is paid a salary of not less than eight hundred dollars per month, has completed and passed a P.O.S.T.-certified training program as provided in R.S. 40:2405, and has completed or hereafter completes one year of service, may be paid extra compensation by the levee district by which they are employed with district funds in an amount up to but not greater than the amount authorized for harbor police officers, fireboat operators, and bridge police officers by law.

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 491

SENATE BILL NO. 184
BY SENATOR MARTINY
AN ACT

To amend and reenact R.S. 27:402(17), 405(A)(6) and (C)(2), and 416(C) and (D), relative to the Video Draw Poker Devices Control Law; to provide for the method of operation of video draw poker devices; to provide for qualified truck stops; to provide for fuel sales of qualified truck stops; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:402(17), 405(A)(6) and (C)(2), and 416(C) and (D) are hereby amended and reenacted to read as follows:

§402. Definitions

As used in this Chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

* * *

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

* * *

§405. Description and specifications of devices

A. Each video draw poker device shall:

* * *

(6) For card games, use a display with images of cards that closely resemble standard poker playing cards. **Additional displays that are only for entertainment purposes are permitted.**

* * *

C. Each video draw poker device shall offer the game of draw poker or such other card games as are approved by the division and have the following method of operation:

* * *

(2) The card games **Each hand** must utilize a deck of cards consisting of fifty-two standard playing cards, and up to two jokers may also be used. The deck must be shuffled by use of a random number generator to exchange each card in the deck with another randomly selected card.

* * *

§416. Qualified truck stop facilities; number of devices; fuel sales

* * *

C.(1) A qualified truck stop facility shall have a fuel facility that offers, in the regular course of business, fuel sales for individual vehicle consumption. The board may adopt rules to recognize alternative fuel sources to satisfy the requirement regarding fuel sales provided by this Chapter.

(2) Except as provided in R.S. 27:421 and Paragraph (2)(3) of this Subsection, the number of video draw poker devices placed at a qualified truck stop facility shall be based on the average monthly fuel sales calculated quarterly, using four sets of three calendar months, for the first year of operation and thereafter shall be based upon the average monthly fuel sales calculated annually, using a calendar year, as follows:

(a) One hundred thousand gallons of fuel - not more than fifty devices.

(b) Seventy-five thousand gallons of fuel - not more than forty devices.

(c) Fifty thousand gallons of fuel - not more than thirty-five devices.

(2)(3)(a) In addition to the requirements in Paragraph (1) of this Subsection, a **A** qualified truck stop facility, except a qualified truck stop facility located within a radius of twelve miles or less from the location of the official gaming establishment in Orleans Parish, **which that** complies or has complied with one of the fuel sales requirements of Paragraph (1)(2) of this Subsection for five consecutive years shall thereafter be permitted to retain the number of devices it operated during that same consecutive five-year period provided it continues to meet the fuel sales requirement set forth in Subparagraph (1)(c) of this Subsection.

(b) After ten years of operation as a qualified truck stop facility, the facility shall thereafter be permitted to retain the number of devices for which the facility qualified in the prior calendar year of operation, not to exceed forty devices, if the facility meets a minimum fuel sales requirement of not less than thirty thousand gallons per month. However, such qualified truck stop facility shall be required to comply with the provisions of Paragraph (1) of this Subsection.

(3) The board may adopt rules to recognize alternative fuel sources to satisfy the requirements regarding fuel sales provided by this Chapter.

D.(1) The fuel facility shall offer, in the regular course of business, fuel sales for individual vehicle consumption:

(2) Bulk sales or transfers shall not be used to calculate monthly averages. All fuel sales must correspond to state-accepted daily sales reports which correspond to monthly state sales tax reports and shall be verified by fuel tickets from the truck stop facility.

(3)(2) To be considered a fuel facility at a qualified truck stop facility for the purpose of licensing that qualified truck stop to operate video draw poker devices, the fuel facility shall not be subject to the fuel sales requirements provided for in Subpart E of Part VIII of Chapter I of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:421 through 427, and the requirements of Chapter 13 of Title 51 of the Louisiana Revised Statutes of 1950.

(4)(3) The provisions of this Subsection provide for the fuel sales requirements for the purpose of licensing criteria for the operation of video draw poker devices at a qualified truck stop facility.

(5)(4) The provisions of this Subsection shall not be construed to repeal, limit, or supercede any requirements for the sale of fuel by fuel facilities as otherwise provided for by law.

(6)(5) The provisions of this Subsection shall not be construed to repeal, limit, or supercede the authority of the office of the attorney general to enforce the Unfair Trade Practices or Consumer Protection Law or the authority of any district attorney to prosecute violations of

Subpart E of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:421 through 427.

Approved by the Governor, May 29, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 492

HOUSE BILL NO. 14

BY REPRESENTATIVE SMITH AND SENATORS ALARIO, APPEL, BARROW, BOUDREAUX, CARTER, CORTEZ, DONAHUE, FANNIN, GATTI, HEWITT, JOHNS, LAFLEUR, MILKOVICH, MILLS, MIZELL, MORRELL, MORRISH, PEACOCK, PERRY, PETERSON, PRICE, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT

To amend and reenact R.S. 11:710(A)(3) and (4) and (F)(3), relative to the reemployment of retirees of the Teachers' Retirement System of Louisiana in positions covered by the system; to provide for the reemployment of pre-kindergarten teachers, interpreters, educational transliterators, and certified educators of the deaf or hard of hearing in critical shortage positions; to provide for an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:710(A)(3) and (4) and (F)(3) are hereby amended and reenacted to read as follows:

§710. Employment of retirees

A. Definitions.

As used in this Section, the following words and phrases shall have the following meanings, unless a different meaning is clearly required by the context:

* * *

(3) "Critical shortage" means any situation where there exists a shortage of certified teachers in a certain subject area or a shortage of certified speech therapists, speech pathologists, audiologists, educational diagnosticians, school social workers, school counselors, or school psychologists, in which the employer has advertised and posted notice of positions to be filled and has received fewer than three certified applicants as further provided in Subsection F of this Section.

(4) "Reemployment-eligible critical shortage position" or "critical shortage position" means any of the following:

(a) A position for a full-time or part-time classroom teacher who teaches any student in kindergarten pre-kindergarten through twelfth grade in a school where a critical shortage exists.

(b) A position for a full-time certified speech therapist, speech pathologist, audiologist, educational diagnostician, school social worker, school counselor, or school psychologist, interpreter, educational transliterator, or educator of the deaf or hard of hearing whose position of employment requires a valid Louisiana ancillary certificate approved and issued by the state Department of Education in a school district where a critical shortage exists.

* * *

F.

* * *

(3) On an annual basis, the employing school board for a retiree who returns to active service in a position defined in Subparagraph (A)(4)(b) of this Section shall certify to the Board of Elementary and Secondary Education and the board of trustees of this system that a critical shortage of speech therapists, speech pathologists, audiologists, educational diagnosticians, school social workers, school counselors, or school psychologists exists for the position in the school district.

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

Section 3. This Act shall become effective on July 1, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 493

HOUSE BILL NO. 365

BY REPRESENTATIVE JORDAN

AN ACT

To amend and reenact Code of Criminal Procedure Article 782(A), relative to jury trials in felony cases; to provide relative to jury concurrence; to provide for contingent effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 782(A) is hereby amended and reenacted to read as follows:

Art. 782. Number of jurors composing jury; number which must concur; waiver

A. Cases A case in which punishment may be capital shall be tried by a jury of twelve jurors, all of whom must concur to render a verdict. Cases A case for an offense committed prior to January 1, 2019, in which punishment is necessarily confinement at hard labor shall be tried by a jury composed of twelve jurors, ten of whom must concur to render a verdict. A case for an offense committed on or after January 1, 2019, in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. Cases A case in which the punishment may be confinement at hard labor shall be tried by a jury composed of six jurors, all of whom must concur to render

a verdict.

* * *

Section 2. This Act shall take effect and become operative on January 1, 2019, if and when the proposed amendment of Article I, Section 17(A) of the Constitution of Louisiana contained in the Act which originated as House Bill No. 354 of this 2018 Regular Session of the Legislature or the Act which originated as Senate Bill No. 243 of this 2018 Regular Session of the Legislature is adopted at a statewide election and becomes effective.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 494

HOUSE BILL NO. 460

BY REPRESENTATIVES STOKES, AMEDEE, ANDERS, ARMES, BAGLEY, BAGNERIS, BILLIOT, BOUIE, BRASS, CHADBROWN, TERRY BROWN, CARPENTER, GARY CARTER, CHANEY, CONNICK, COX, CROMER, DAVIS, FRANKLIN, GISCLAIR, GLOVER, JIMMY HARRIS, HILFERTY, HILL, HOFFMANN, HOLLIS, HORTON, HUNTER, HUVAL, IVEY, JACKSON, JAMES, JEFFERSON, JENKINS, JONES, JORDAN, LEGER, LYONS, MARCELLE, MARINO, GREGORY MILLER, MORENO, JAY MORRIS, NORTON, PIERRE, REYNOLDS, SEABAUGH, SMITH, STAGNI, TALBOT, THOMAS, WHITE, WRIGHT, AND ZERINGUE AND SENATORS ALARIO, ALLAIN, APPEL, BARROW, BISHOP, BOUDREAUX, CARTER, CHABERT, DONAHUE, ERDEY, HEWITT, JOHNS, LAFLEUR, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, PEACOCK, PETERSON, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT

To amend and reenact R.S. 22:1028(A)(2)(introductory paragraph) and (4) and (D), R.S. 40:1105.13(B), and R.S. 46:975(B)(introductory paragraph), (C)(1), and (D), to enact R.S. 46:975(E) and 975.1, and to repeal R.S. 22:1028(B)(3), relative to mandatory coverage for breast cancer screening services; to define minimum mammography examination for health plan benefits; to define digital breast tomosynthesis; to define mammography examination for state cancer control and prevention programs; to designate certain breast cancer screening services as Medicaid covered services; to repeal outdated provisions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1028(A)(2)(introductory paragraph) and (4) and (D) are hereby amended and reenacted to read as follows:

§1028. Early screening and detection requirements; examination; coverage

A.

* * *

(2) In this Subsection, "minimum mammography examination" means mammographic examinations, including but not limited to digital breast tomosynthesis, performed no less frequently than the following schedule provides:

* * *

(4) This Subsection shall apply to any new policy, contract, program, or health coverage plan issued on or after January 1, 1992. Any policy, contract, or health coverage plan in effect prior to January 1, 1992, shall convert to conform to the provisions of this Subsection on or before the renewal date but in no event later than January 1, 1993. In this Subsection, "digital breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

* * *

D. For the purposes of this Section, effective July 1, 1998, a health coverage plan shall include the Office of Group Benefits office of group benefits programs.

* * *

Section 2. R.S. 40:1105.13(B) is hereby amended and reenacted to read as follows:

§1105.13. Breast Cancer Control Program

* * *

B.(1) In this Section, "mammography examination" means mammographic examinations, including but not limited to digital breast tomosynthesis, performed routinely according to age requirements as set forth by department regulations, or performed no less frequently than required by a treating physician.

(2) In this Section, "digital breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

* * *

Section 3. R.S. 46:975(B)(introductory paragraph), (C)(1), and (D) are hereby amended and reenacted and R.S. 46:975(E) and 975.1 are hereby enacted to read as follows:

§975. Women's cancer prevention program

* * *

B. In this Section, "minimum mammography examination" means mammographic examinations, including but not limited to digital breast tomosynthesis, performed no less frequently than the following schedule provides:

* * *

C.(1) In this Section, "minimum mammography examination" means an examination, including but not limited to digital breast tomosynthesis, performed routinely according to age requirements as set forth by department regulations, or performed no less frequently than required by the treating physician.

* * *

D. In this Section, "digital breast tomosynthesis" means a radiologic procedure that involves the acquisition of projection images over the stationary breast to produce cross-sectional digital three-dimensional images of the breast.

E. The department shall adopt all regulations deemed necessary in order to effectuate the provisions of this Section.

§975.1. Mammography; medical assistance program

A. The minimum mammography examination for women age forty or older as provided for in R.S. 22:1028 shall be a covered service in the medical assistance program.

B. For the purposes of this Section, "medical assistance program" means the medical assistance program provided for in Title XIX of the Social Security Act as administered by the Louisiana Department of Health.

Section 4. R.S. 22:1028(B)(3) is hereby repealed in its entirety.

Section 5(A). This Act shall become effective on January 1, 2019.

(B) This Act shall apply to any new policy, contract, program, or health coverage plan issued on and after January 1, 2019. Any policy, contract, or health coverage plan in effect prior to January 1, 2019, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2019.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 495

HOUSE BILL NO. 474

BY REPRESENTATIVES SMITH, GARY CARTER, GAINES, HUNTER, JACKSON, AND ZERINGUE AND SENATORS ALARIO, APPEL, BISHOP, BOUDREAUX, CHABERT, CLAITOR, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAMBERT, LUNEAU, MARTINY, MILKOVICH, MILLS, PEACOCK, PRICE, RISER, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, AND WHITE

AN ACT

To amend and reenact R.S. 40:2405.8(E) and to enact R.S. 40:2405.8(F) and (G), relative to peace officer training requirements; to provide for the creation of domestic violence training modules; to provide for the creation of a communication training plan; to provide relative to communication tools; to provide for the promulgation of rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2405.8(E) is hereby amended and reenacted and R.S. 40:2405.8 (F) and (G) are hereby enacted to read as follows:

§2405.8. Additional peace officer training requirements

E.(1) The council shall develop a domestic violence awareness training program in a series of modules to include all of the following:

- (a) Dynamics of domestic violence.
- (b) Predominant aggressor determination.
- (c) Neurobiology of trauma and its implications for victim communication.
- (d) Strangulation response and investigation methods.
- (e) Evidence-based investigation methods.
- (f) Protection order enforcement and the Louisiana Protective Order Registry.
- (g) Applicable state and federal domestic violence laws.

(2) On and after July 1, 2018, each peace officer, as defined in R.S. 40:2402(3)(a), shall complete a domestic violence awareness training program as provided by the council.

F.(1) The council, in collaboration with the community, shall develop a communication training plan. The plan shall incorporate officer techniques for face-to-face communications with hard of hearing or deaf persons. The training shall cover the following topics:

- (a) Recognition of deaf or hard of hearing individuals.
- (b) Communication tips including but not limited to the following:
 - (i) Review of the ADA publication, "Communicating with People Who Are Deaf or Hard of Hearing: ADA Guide for Law Enforcement Officer".
 - (ii) Training with communication cards or other forms of assistance technology for law enforcement officers interacting with deaf or hard of hearing individuals.
 - (c) Information regarding how to access interpreters, TTY, and relay services.
 - (d) Rights of deaf and hard of hearing individuals, including interrogations.
 - (e) Applicable state and federal laws.

(2) On and after January 1, 2019, each peace officer, as defined in R.S. 40:2402(3)(a), shall complete an interactive training module as provided by the council on communicating with deaf and hard of hearing individuals.

(3) The council shall approve communication cards developed by any public or private entity, including nongovernmental advocacy groups, that specializes in working with deaf and hard of hearing individuals for the use by law enforcement officers. The communication cards should be made available in all law enforcement agency headquarters and substations. Additionally, all officers shall have communication cards available in patrol vehicles.

E-G.(1) The council shall promulgate rules and regulations in accordance with the Administrative Procedure Act, subject to the oversight of the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary B, for the implementation of a homicide investigator training program no later than July 1, 2016.

(2)(a) The council shall promulgate rules and regulations in accordance with the Administrative Procedure Act, subject to the oversight of the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary B, for the implementation of a sexual assault awareness training program as provided in R.S. 17:1805(H) no later than October 1, 2015.

(b) The council shall promulgate rules and regulations in accordance with the Administrative Procedure Act, subject to the oversight of the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary B, for the implementation of a sexual assault awareness training program for peace officers as defined in R.S. 40:2402(3)(a) as provided in Paragraph (C)(3) of this Section no later than January 1, 2017.

(3)(a) The council shall promulgate rules in accordance with the Administrative Procedure Act for implementation of the following training programs for peace officers as provided in Subsections E and F of this Section:

- (i) Domestic violence awareness training.
- (ii) Communication with deaf or hard of hearing individuals.

(b) The council shall create and maintain a list of peace officers who have successfully completed the domestic violence awareness training and the training on communication with deaf or hard of hearing individuals.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 496

HOUSE BILL NO. 627

BY REPRESENTATIVES LYONS, ARMES, BAGNERIS, BILLIOT, BOUIE, BRASS, CHAD BROWN, CARPENTER, GARY CARTER, COX, FALCONER, GAINES, GLOVER, HALL, JIMMY HARRIS, HUNTER, JACKSON, JAMES, JEFFERSON, JENKINS, JORDAN, TERRY LANDRY, LEGER, MARINO, NORTON, PIERRE, AND SMITH

AN ACT

To amend and reenact R.S. 40:1046(A)(2) and (H)(2)(c) and to enact R.S. 40:1046(H)(2) (c) as amended and reenacted by Section 2 of Act No. 96 of the 2016 Regular Session of the Legislature of Louisiana, relative to health conditions for which a recommendation or prescription of medical marijuana is authorized; to authorize the recommendation or prescription for medical marijuana in treating certain conditions associated with autism spectrum disorder; to provide for enactment of certain provisions upon reclassification of marijuana by the United States Drug Enforcement Administration; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1046(A)(2) and (H)(2)(c) are hereby amended and reenacted to read as follows:

§1046. Recommendation of marijuana for therapeutic use; rules and regulations; Louisiana Board of Pharmacy and the adoption of rules and regulations relating to the dispensing of recommended marijuana for therapeutic use; the Department of Agriculture and Forestry and the licensure of a production facility

A.

* * *

(2)(a) For purposes of this Subsection, "debilitating medical condition" means ~~cancer, positive status for human immunodeficiency virus, acquired immune deficiency syndrome, cachexia or wasting syndrome, seizure disorders, epilepsy, spasticity, Crohn's disease, muscular dystrophy, or multiple sclerosis; any of the following:~~

- (i) Cancer.
- (ii) Positive status for human immunodeficiency virus.
- (iii) Acquired immune deficiency syndrome.
- (iv) Cachexia or wasting syndrome.
- (v) Seizure disorders.
- (vi) Epilepsy.
- (vii) Spasticity.
- (viii) Crohn's disease.
- (ix) Muscular dystrophy.
- (x) Multiple sclerosis.

(xi) Any of the following conditions associated with autism spectrum disorder:

- (aa) Repetitive or self-stimulatory behavior of such severity that the physical health of the person with autism is jeopardized.
- (bb) Avoidance of others or inability to communicate of such severity that the physical health of the person with autism is jeopardized.
- (cc) Self-injuring behavior.
- (dd) Physically aggressive or destructive behavior.

(b) No physician shall recommend medical marijuana for treatment of any condition associated with autism spectrum disorder for a patient who is under the age of eighteen unless the physician complies with the provisions of this Section and consults with a pediatric subspecialist.

(c) If the United States Food and Drug Administration approves the use of medical marijuana in the same form provided for in this Part for any debilitating medical condition specifically identified in this Paragraph, that medical condition shall no longer be covered by the provisions of this Part.

(e)(d) If the United States Food and Drug Administration approves the use of medical marijuana in a form or derivative different than provided for in this Part for any debilitating medical condition specifically identified in this Paragraph, the disease state shall remain covered by the provisions of this Part. The patient shall first be treated by the approved form or derivative of medical marijuana through utilization of step therapy or fail first protocols. If, after use of the United States Food and Drug Administration approved form or derivative of medical marijuana, the physician determines that the preferred treatment required under step therapy or fail first protocol has been ineffective in the treatment of the patient's debilitating medical condition, he may recommend the form of medical marijuana provided for in this Part for use by the patient as medically necessary.

* * *

H.

* * *

(2)

* * *

(c) The Louisiana State University Agricultural Center or the Southern University Agricultural Center may conduct research on marijuana for therapeutic use if the center is licensed as a production facility pursuant to this Section. Effective January 1, 2020, and annually thereafter, the Louisiana State University Agricultural Center and the Southern University Agricultural Center shall submit a report to the Senate and House committees on health and welfare, to include data and outcomes of the research conducted pursuant to this Paragraph.

* * *

Section 2. R.S. 40:1046(A)(2) as amended and reenacted by Section 2 of Act No. 96 of the 2016 Regular Session of the Legislature of Louisiana is hereby amended and reenacted and R.S. 40:1046(H)(2)(c) is hereby enacted to read as follows:

§1046. Prescription of marijuana for therapeutic use; rules and regulations; Louisiana Board of Pharmacy and the adoption of rules and regulations relating to the dispensing of prescribed marijuana for therapeutic use; the Department of Agriculture and Forestry and the licensure of a production facility

A.

* * *

(2)(a) For purposes of this Subsection, “debilitating medical condition” means any of the following:

- (i) ~~cancer~~; Cancer.
- (ii) ~~positive status for human immunodeficiency virus~~; Positive status for human immunodeficiency virus.
- (iii) ~~acquired immune deficiency syndrome~~; Acquired immune deficiency syndrome.
- (iv) ~~eachexia or wasting syndrome~~; Cachexia or wasting syndrome.
- (v) ~~seizure disorders~~; Seizure disorders.
- (vi) ~~epilepsy~~; Epilepsy.
- (vii) ~~spasticity~~; Spasticity.
- (viii) ~~Crohn’s disease~~; Crohn’s disease.
- (ix) ~~muscular dystrophy~~; or Muscular dystrophy.
- (x) ~~multiple sclerosis~~; Multiple sclerosis.
- (xi) Any of the following conditions associated with autism spectrum disorder:
 - (aa) Repetitive or self-stimulatory behavior of such severity that the physical health of the person with autism is jeopardized.
 - (bb) Avoidance of others or inability to communicate of such severity that the physical health of the person with autism is jeopardized.
 - (cc) Self-injuring behavior.
 - (dd) Physically aggressive or destructive behavior.
- (b) No physician shall prescribe medical marijuana for treatment of any condition associated with autism spectrum disorder for a patient who is under the age of eighteen unless the physician complies with the provisions of this Section and consults with a pediatric subspecialist.

(b)(c) If the United States Food and Drug Administration approves the use of medical marijuana in the same form provided for in this Part for any debilitating medical condition specifically identified in this Paragraph, that medical condition shall no longer be covered by the provisions of this Part.

(c)(d) If the United States Food and Drug Administration approves the use of medical marijuana in a form or derivative different than provided for in this Part for any debilitating medical condition specifically identified in this Paragraph, the disease state shall remain covered by the provisions of this Part. The patient shall first be treated by the approved form or derivative of medical marijuana through utilization of step therapy or fail first protocols. If, after use of the United States Food and Drug Administration approved form or derivative of medical marijuana, the physician determines that the preferred treatment required under step therapy or fail first protocol has been ineffective in the treatment of the patient’s debilitating medical condition, he may prescribe the form of medical marijuana provided for in this Part for use by the patient as medically necessary.

* * *

H.

* * *

(2)

* * *

(c) The Louisiana State University Agricultural Center or the Southern University Agricultural Center may conduct research on marijuana for therapeutic use if the center is licensed as a production facility pursuant to this Section. Effective January 1, 2020, and annually thereafter, the Louisiana State University Agricultural Center and the Southern University Agricultural Center shall submit a report to the Senate and House committees on health and welfare, to include data and outcomes of the research conducted pursuant to this Paragraph.

* * *

Section 3. This Section and Section 1 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for 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 Section and Section 1 of this Act shall become effective on the day following such approval.

Section 4. This Section and Section 2 of this Act shall become effective and operative if and upon the date when the United States Drug Enforcement Administration reclassifies marijuana from a Schedule I drug to a Schedule II drug under the authority of the Controlled Substances Act, 21 U.S.C. 801 et seq.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 497

HOUSE BILL NO. 818

BY REPRESENTATIVE HILFERTY AND SENATOR BARROW
AN ACT

To amend and reenact R.S. 44:4.1(B)(26) and to enact R.S. 36:259(I)(1) and R.S. 40:2018.5, relative to maternal and child health; to establish the Healthy Moms, Healthy Babies Advisory Council; to provide for placement of the council within the executive branch of government; to provide for the composition and duties of the council; to provide for duties of the Louisiana Department of Health with respect to the council; to provide for a public records exception; to provide for a termination date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:259(I)(1) is hereby enacted to read as follows:

§259. Transfer of agencies and functions to Louisiana Department of Health

* * *

I. The following agencies, as defined in R.S. 36:3, are placed within the Louisiana Department of Health and shall exercise and perform their powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:802:
(1) The Healthy Moms, Healthy Babies Advisory Council (R.S. 40:2018.5)

* * *

Section 2. R.S. 40:2018.5 is hereby enacted to read as follows:

§2018.5. Healthy Moms, Healthy Babies Advisory Council creation; legislative findings; composition, purpose, and duties of the council; termination

A. The legislature hereby finds and declares that research indicates maternal mortality, severe maternal morbidity, and unexpected outcomes of pregnancy and birth resulting in significant health consequences are rising in the United States; and that these outcomes occur more frequently in Louisiana than in other states.

B.(1) The legislature hereby creates within the Louisiana Department of Health the Healthy Moms, Healthy Babies Advisory Council, referred to hereafter in this Section as the “council”, for the purpose of working with existing state entities focused on maternal death and severe maternal morbidity.

(2) The council shall address racial and ethnic disparities in maternal health outcomes and incorporate a community-engaged, equity-focused lens into current programs and campaigns which seek to prevent maternal mortality and severe maternal morbidity, and shall promote safe and equitable care for every mother and every birth in this state.

(3) The council shall be composed of the following members:

- (a) The secretary of the Louisiana Department of Health or his designee.
- (b) The assistant secretary of the office of public health of the Louisiana Department of Health or his designee.
- (c) The executive director of the office on women’s policy within the office of the governor or his designee.
- (d) One member of the House of Representatives appointed by the speaker of the House of Representatives.
- (e) One member of the Senate appointed by the president of the Senate.
- (f) Two representatives of community-based organizations that work to prevent maternal mortality appointed by the governor.
- (g) One representative of the American College of Obstetricians and Gynecologists appointed by the governor.
- (h) One representative of the March of Dimes, Louisiana Chapter.
- (i) One representative of an organization providing doula services or community-based support services for women giving birth in Louisiana appointed by the governor.
- (j) One representative of the Commission on Perinatal Care and Prevention of Infant Mortality appointed by the secretary of the Louisiana Department of Health.
- (k) One representative of the Louisiana State Coroners Association appointed by the president of the Senate.

(l) One representative of a community-based organization providing substance abuse counseling appointed by the president of the Senate.

(m) One representative of the Louisiana Hospital Association appointed by the speaker of the House of Representatives.

(n) One representative of a community-based organization advocating against domestic violence appointed by the speaker of the House of Representatives.

- (o) Two at-large representatives appointed by the governor.
- (4) The council shall elect from among its members a chairperson.
- (5) Members of the council shall serve without compensation.

C.(1) The council shall hold quarterly public meetings unless otherwise provided by vote of the council or by order of the chairperson.

(2) The council may establish subcommittees and appoint persons to those bodies, including persons who are not council members, as it deems necessary and appropriate to accomplish its goals.

(3) The Louisiana Department of Health shall provide staff support to the council.

D. The council shall perform all of the following tasks:

- (1) Evaluate functions and activities of existing groups focused on maternal mortality in order to collaborate with and engage stakeholders.
- (2) Support and contextualize reporting of maternal outcomes data disaggregated by race and ethnicity where possible.
- (3) Incorporate an ongoing community advisory process into existing state committees and collaboratives that generate data, recommendations, and proposals for health system changes relevant to maternal mortality and morbidity, prioritizing representation from organizations led by members of affected, historically marginalized communities.
- (4) Establish guidelines for specific data components relevant to birth equity to be included in state and agency reports on maternal mortality and morbidity, including a plan for timely dissemination of reports on maternal mortality, morbidity, and related disparities to legislators, healthcare organizations, and other key stakeholders.
- (5) Make recommendations on further policy options to ensure that the state establishes ongoing public health monitoring and activated response to eliminate cases of and disparities in maternal mortality and morbidity.
- (6) Issue a report of its findings and recommendations to the Commission on Perinatal Care and Prevention of Infant Mortality, the governor, the speaker of the House of Representatives, and the president of the Senate. Subject to the conditions of Subparagraph (7)(b) of this Subsection, the report may include any recommendations for legislation that the council deems necessary and appropriate.

(7)(a) Issue research findings, reports, and recommendations for legislation at the discretion of the council.

(b) The council may issue a recommendation for legislation only if approved by a two-thirds vote of council members present and voting.

E.(1) Notwithstanding any other provision of law to the contrary, the council may request that the Louisiana Department of Health produce or provide data to inform the work of the council. All such data shall be confidential and shall not be available for subpoena, nor shall such information be disclosed, discoverable, or compelled to be produced in any civil, criminal,

administrative, or other proceeding nor shall such records be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason.

(2) Nothing in this Subsection shall prohibit the publishing of statistical compilations relating to maternal mortality or morbidity which do not identify individual cases or individual physicians, hospitals, clinics, or other healthcare providers.

F. This Section shall terminate on March 31, 2021.

Section 3. R.S. 44:4.1(B)(26) 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:

* * *

(26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 1007, 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1133.8, 1171.4, 1203.4, 1231.4, 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019, 2020, 2106, 2138, 2532, 2845.1

* * *

Section 4. The secretary of the Louisiana Department of Health shall take such actions as are necessary to ensure that the initial convening of the Healthy Moms, Healthy Babies Advisory Council created by Section 1 of this Act occurs on or before October 1, 2018.

Section 5. The Healthy Moms, Healthy Babies Advisory Council shall issue the report required by R.S. 40:2018.5(D)(6), as enacted by Section 1 of this Act, on or before February 1, 2020.

Section 6. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 498

HOUSE BILL NO. 891

(Substitute for House Bill No. 338 by Representative Hoffmann)

BY REPRESENTATIVES HOFFMANN, ABRAHAM, AMEDEE, BACALA, BAGLEY, BAGNERIS, BARRAS, BERTHELOT, BILLIOT, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, STEVE CARTER, CHANEY, CONNICK, COUSSAN, COX, CREWS, CROMER, DANAHAY, DAVIS, DEVILLIER, DWIGHT, EDMONDS, EMERSON, FALCONER, GAROFALO, GISCLAIR, GUINN, HENSGENS, HILFERTY, HODGES, HORTON, HOWARD, IVEY, JACKSON, JOHNSON, NANCY LANDRY, LEBAS, MAGEE, MIGUEZ, PIERRE, POPE, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SIMON, STAGNI, STOKES, THOMAS, WHITE, WRIGHT, AND ZERINGUE AND SENATORS ERDEY, MILLS, AND THOMPSON

AN ACT

To amend and reenact R.S. 36:21(B) and R.S. 40:1061.6(A)(2) and 2175.4(B), relative to a prohibition on public funding for entities that perform abortions; to provide for applicability of and exceptions to the prohibition; to provide relative to the validity of outpatient abortion facility licenses; to provide for legislative findings; to provide for the redesignation of certain statutes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:21(B) is hereby amended and reenacted to read as follows:

§21. Public funding for abortion providers; prohibition

* * *

B.(1) ~~No institution, board, commission, department, agency, official, or employee of the state, or of any local political subdivision thereof, shall contract with, award any grant to, or otherwise bestow any funding upon, an entity or organization that performs abortions, or that contracts with an entity or organization that performs abortions, in this state. The prohibition provided in this Section shall apply to state funds, federal funds, and any other funds that may be used for purposes of contracting for services, providing reimbursements, or grant issuance. The Louisiana Department of Health shall not enter into any provider agreement for medical assistance program funding, as defined in R.S. 46:437.3, with any healthcare provider, entity, or organization that does any of the following:~~

(a) Performs abortions in this state.

(b) Provides its own facilities where reimbursable medical assistance program services are performed for the use of another healthcare provider, entity, or organization for the purpose of performing abortions in this state.

(c) Hires or retains another healthcare provider, entity, or organization for the purpose of performing abortions in this state.

(d) Provides reimbursable medical assistance program services in the same physical facility as a licensed outpatient abortion facility.

(2)(a) The prohibition provided in this Section shall apply to state funds, federal funds, and any other public funds administered by the Louisiana Department of Health through a medical assistance program provider agreement. In the instance that a state or federal funding grant is denied to a healthcare provider, entity, or organization under this Section, such grant shall be redirected to qualified providers in the same geographical region as the healthcare provider, entity, or organization that was disqualified from such grant.

(b) For purposes of this Paragraph, “medical assistance program” and “provider agreement” shall have the meaning ascribed in R.S. 46:437.3.

(3) The prohibition provided in this Section shall not be construed to prohibit provision of public protections, such as fire, police, or emergency medical services, public utilities, or other such services to any entity or organization in the same manner as provided to the general public.

(4) The prohibition in this Section shall not be construed to restrict funding to an entity that may perform be engaged in performing the following types of abortions, exclusively, provided such abortions are performed in accordance with applicable state and federal laws:

(a) An abortion which is medically necessary to prevent the death of the mother.

(b) An abortion in a case when the mother is a victim of rape or incest.

(c) An abortion performed when the pregnancy is diagnosed as medically futile. For purposes of this Subparagraph, “medically futile” means that, in reasonable medical judgment, the unborn child has a profound and irremediable congenital or chromosomal anomaly that is incompatible with sustaining life after birth. This diagnosis shall be a medical judgment certified in the pregnant woman’s medical record by a reasonably prudent physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved.

Section 2. R.S. 40:1061.6(A)(2) and 2175.4(B) are hereby amended and reenacted to read as follows:

§1061.6. Use of public funds

A.

* * *

(2)(a) ~~As more specifically provided in R.S. 49:200.51, No institution, board, commission, department, agency, official, or employee of the state, or of any local political subdivision thereof, shall contract with, award any grant to, or otherwise bestow any funding upon, an entity or organization that performs abortions, or that contracts with an entity or organization that performs abortions, in this state, as more specifically provided in Chapter 1-A of Title 36 of the Louisiana Revised Statutes of 1950; the Louisiana Department of Health shall not enter into any provider agreement for medical assistance program funding, as defined in R.S. 46:437.3, with any healthcare provider, entity, or organization that does any of the following:~~

(i) Performs abortions in this state.

(ii) Provides its own facilities where reimbursable medical assistance program services are performed for the use of another healthcare provider, entity, or organization for the purpose of performing abortions in this state.

(iii) Hires or retains another healthcare provider, entity, or organization for the purpose of performing abortions in this state.

(iv) Provides reimbursable medical assistance program services in the same physical facility as a licensed outpatient abortion facility.

(b)(i) The prohibitions provided in this Subsection shall apply to state funds, federal funds, and any other public funds administered by the Louisiana Department of Health through a medical assistance program provider agreement, but shall not be construed to prohibit provision of public protections, such as fire, police, or emergency medical services, public utilities, or other such services to any entity or organization in the same manner as provided to the general public.

(ii) For purposes of this Subparagraph, “medical assistance program” and “provider agreement” shall have the meaning ascribed in R.S. 46:437.3.

* * *

§2175.4. License required

* * *

B. A license issued to an outpatient abortion facility is valid for only one location that shall be physically and financially separate from any facility where publicly funded medical assistance program services are provided, in accordance with R.S. 49:200.51.

* * *

Section 3.(A) The legislature hereby finds and declares all of the following:

(i) Abortion providers that operate in the same facility with publicly funded medical providers create a high risk of misappropriation of public funds that could be used to directly or indirectly subsidize abortion, in violation of the longstanding policy of this state to prohibit the public funding of abortion-related services.

(ii) This Act is necessary pursuant to the intent and purpose of the Medical Assistance Programs Integrity Law, R.S. 46:437.1 et seq., “to combat and prevent fraud and abuse” in light of the fungible nature of medical assistance program funding granted under circumstances where there is no practicable method to verify the strict segregation from subsidizing the overhead costs of abortion-related activities.

(iii) It is the longstanding policy of this state to “express a preference for childbirth over abortion”, *Planned Parenthood v. Casey*, 505 U.S. 833, 883 (1992); see also R.S. 40:1061.8., because, as the U.S. Supreme Court has made clear, abortion is a “unique act”, *Casey*, 505 U.S. at 852, that is “inherently different from other medical procedures”, *Harris v. McRae*, 448 U.S. 297, 325 (1980), because in abortion “the fetus will be killed”. *Gonzales v. Carhart*, 550 U.S. 124, 159 (2007). The procedure is also unique because of the impact of the abortion on the woman herself. *Id.* at 159 (“Whether to have an abortion requires a difficult and painful moral decision which some women come to regret”).

(iv) It is a well-established principle recognized by the United States Supreme Court that government need not be neutral between abortion providers and other medical providers in the context of governmental decisions regarding the use of public funds. See *Harris v. McRae*, 448 U.S. 297, 316 (1980) (“... it simply does not follow that a woman’s freedom of choice carries with it a constitutional entitlement to the financial resources to avail herself of the full range of protected choices”).

(B) Based on these findings, it is the purpose and intent of the legislature to set reasonable standards for the fiscal integrity qualifications of medical assistance program providers in accordance with federal and state laws, rules, and regulations concerning appropriation and expenditure of public funding.

Section 4. Any provision of this Act held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, shall be construed so as to give it the maximum effect permitted by law, unless such holding is one of utter invalidity or unenforceability, in which event such provision shall be deemed severable in accordance with R.S. 24:175, and shall not affect the remainder hereof or the application of such provision to other persons not similarly situated or to other dissimilar circumstances.

Section 5. The Louisiana State Law Institute is hereby directed to redesignate Chapter 1-A of Title 36 of the Louisiana Revised Statutes of 1950, comprised of R.S. 36:21, as amended by Section 1 of this Act, as Chapter 1-A of Title 49 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 49:200.51, and to retain the heading of the Chapter.

Section 6. This Act shall become effective thirty days after the date upon which an Act of Congress or administrative action by the Centers for Medicare and Medicaid Services or other federal regulation authorizes this state to condition funding provided through medical assistance program provider agreements to a potential recipient based upon the provider's status as an abortion provider as specified in this Act.

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

ACT No. 499

HOUSE BILL NO. 35
BY REPRESENTATIVES DEVILLIER AND JIMMY HARRIS
AN ACT

To amend and reenact R.S. 30:2531.1(D)(1) and (2), relative to littering; to provide for penalties for gross littering; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2531.1(D)(1) and (2) are hereby amended and reenacted to read as follows:
§2531.1. Gross littering prohibited; criminal penalties; indemnification

* * *

D.(1) Whoever violates the provisions of this Section shall, upon first conviction, be fined nine hundred dollars and sentenced to serve sixteen hours of community service in a litter abatement work program as approved by the court and may be imprisoned for not more than thirty days.

(2) Upon second conviction, an offender shall be fined not less than two thousand dollars nor more than five thousand dollars and sentenced to serve twenty-four hours of community service in a litter abatement work program as approved by the court and may be imprisoned for not more than thirty days.

* * *

Approved by the Governor, May 25, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 500

HOUSE BILL NO. 47
BY REPRESENTATIVE BISHOP
AN ACT

To amend and reenact R.S. 30:961(E), relative to cooperative endeavor agreements for the withdrawal of surface water; to extend the time for entering cooperative endeavor agreements for withdrawal of surface water; to provide for terms, conditions, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:961(E) is hereby amended and reenacted to read as follows:
§961. Cooperative endeavor agreements; withdrawal of surface water; intent

* * *

E.(1) A cooperative endeavor agreement to withdraw running surface water, or an assignment of such, entered into pursuant to the provisions of this Chapter shall have an initial term not to exceed two years. No new cooperative endeavor agreement shall be entered into for which an application was received by the department after December 31, 2018 2020; however, except as otherwise provided in this Subsection, existing agreements may be renewed in two-year increments but shall terminate no later than December 31, 2020 2028.

(2) A person or entity who has entered into a cooperative endeavor agreement to withdraw running surface waters or has obtained an assignment of such, may terminate such agreement after December 31, 2018 2020. In order to be effective, the person or entity seeking to terminate shall provide written notice by certified mail to the secretary at least thirty days prior to termination.

* * *

Approved by the Governor, May 25, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 501

HOUSE BILL NO. 139
BY REPRESENTATIVE HOFFMANN
AN ACT

To amend and reenact R.S. 45:844.31(B)(2), relative to prohibitions against telephonic solicitations during a declared state of emergency; to expressly provide an exception with respect to certain telephonic solicitations for blood products for patient transfusion; to provide technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 45:844.31(B)(2) is hereby amended and reenacted to read as follows:
§844.31. Telemarketing activities; ~~prohibited prohibitions; exceptions~~

* * *

B. For purposes of this Chapter:

* * *

(2)(a) "Telephonic solicitation" means any voice or data communication made by a telephonic solicitor to a residential telephonic subscriber for any of the following purposes:
purpose of

(i) encouraging ~~Encouraging~~ a sale or rental of or investment in property, consumer goods, or services; ~~or for the purpose of~~;
(ii) encouraging ~~Encouraging~~ an extension of credit for property, consumer goods, or

services; ~~or for the purpose of~~.

(iii) ~~obtaining~~ Obtaining information that will or may be used for the direct solicitation of a sale or rental of or investment in property, consumer goods, or services or an extension of credit for such purposes; ~~or for~~.

(iv) ~~the solicitation~~ Soliciting of a contribution to a charitable organization; ~~except for the American Red Cross.~~

(b) ~~Notwithstanding any other provision of law to the contrary, the provisions of this Chapter shall not apply to either of the following:~~

(i) ~~The American Red Cross.~~

(ii) ~~Louisiana-based community blood centers with nonprofit status under Section 501(c)(3) of the Internal Revenue Code collecting voluntarily donated blood products for patient transfusion.~~

* * *

Approved by the Governor, May 25, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 502

HOUSE BILL NO. 221
BY REPRESENTATIVE MACK
AN ACT

To amend and reenact R.S. 40:2405.4(A) and (C), relative to peace officers; to provide relative to the submission of DNA samples; to provide relative to the storage of DNA samples; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2405.4(A) and (C) are hereby amended and reenacted to read as follows:
§2405.4. Additional requirements of peace officers

A. Notwithstanding any provision of law to the contrary, any person being hired as a peace officer with a law enforcement agency on or after August 15, 2003, shall provide the law enforcement agency with a sample of his DNA material and fingerprint prior to the commencement of the discharge of his duties. ~~The law enforcement agency shall submit the DNA material to the appropriate criminal laboratory for testing.~~ The law enforcement agency shall also conduct a criminal background check of any peace officer it employs after August 15, 2003.

* * *

C. Any person hired as a peace officer with a law enforcement agency on or after August 15, 2003, shall have his DNA ~~tested by the taking of a biological sample collected and the biological sample stored.~~ A person currently employed as a peace officer may authorize that his DNA be tested by the taking of a biological sample.

* * *

Approved by the Governor, May 25, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 503

HOUSE BILL NO. 292
BY REPRESENTATIVES AMEDEE, BACALA, BAGNERIS, TERRY BROWN, STEVE CARTER, COUSSAN, CREWS, DEVILLIER, EDMONDS, GUINN, LANCE HARRIS, HODGES, HOFFMANN, HORTON, JACKSON, JONES, JORDAN, LEBAS, MIGUEZ, JAY MORRIS, NORTON, RICHARD, STOKES, THOMAS, AND WRIGHT
AN ACT

To enact R.S. 15:284, relative to criminal trial procedure; to require the use of facility dogs in certain circumstances; to authorize the court to allow facility dogs in other circumstances; to provide notice to the court regarding the use of facility dogs; to provide for jury instructions; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:284 is hereby enacted to read as follows:

§284. Facility dogs; use in court; procedure

A. The court shall allow a witness who is either under eighteen years of age or who has a developmental disability as defined in R.S. 28:451.2 to have a facility dog, if available, accompany them while testifying in court.

B. The court may allow any witness who does not meet the criteria provided for in Subsection A of this Section to have a facility dog, if available, accompany them while testifying in court.

C. A party seeking the use of a facility dog must file a notice with the court that includes the certification of the dog, the name of the person or entity who certified the dog, and evidence that the dog is insured.

D. To ensure that the presence of a facility dog does not influence the jury or is not a reflection on the truthfulness of any testimony that is offered by the victim or witness, the court shall instruct the jury on the role of the facility dog and that the facility dog is a trained animal.

E. For the purposes of this Section, "facility dog" means a dog that is certified and a graduate of an assistance dog organization that is accredited by Assistance Dogs International or a similar internationally recognized organization whose main purpose is to grant accreditation to assistance dog organizations based on standards of excellence in all areas of assistance dog acquisition, training, and placement. A "facility dog" is one that is specially trained to provide emotional support to witnesses testifying in judicial proceedings without causing a distraction during the proceedings.

Approved by the Governor, May 25, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 504

HOUSE BILL NO. 312
BY REPRESENTATIVE ABRAHAM
AN ACT

To amend and reenact R.S. 51:940.1(B), relative to standards and procedures for the Department of Economic Development or the office of entertainment industry development; to provide for requirements for state certification of certain motion picture productions; to prohibit final certification of certain expenditures under certain circumstances; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:940.1(B) is hereby amended and reenacted to read as follows:

§940.1. Motion picture investor; prohibition on certification for pornographic materials

B. In addition to all other program requirements, prior to final certification of production expenditures for a state-certified production, the motion picture production company shall submit to the Department of Economic Development, office of entertainment industry development, a statement declaring that it is not required to maintain records for the certified production pursuant to 18 U.S.C. 2257. ~~The Department of Economic Development shall not issue final certification of production expenditures to any state-certified production required to maintain records pursuant to 18 U.S.C. 2257.~~

Section 2. The provisions of this Act shall apply to applications for initial certification for state-certified productions submitted on and after July 1, 2018.

Section 3. This Act shall become effective on July 1, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 505

HOUSE BILL NO. 401
BY REPRESENTATIVE HAVARD
AN ACT

To enact R.S. 13:5554(G)(7), relative to sheriffs; to provide relative to retiree health benefits; to provide for the payment of group insurance premiums for the sheriff and sheriff deputies of East Feliciana Parish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554(G)(7) is hereby enacted to read as follows:

§5554. Group insurance; kinds; amounts; subrogation

G.

(7)(a) ~~The provisions of Paragraph (1) of this Subsection, as applicable to the sheriff's office of East Feliciana Parish, shall apply to sheriffs and deputy sheriffs who were hired prior to July 1, 2018, who meet the eligibility requirements and have the requisite creditable service pursuant to Paragraph (1) of this Subsection.~~

(b) ~~Notwithstanding the provisions of Subsection D of this Section, the sheriff of East Feliciana Parish shall pay out of the sheriff's general fund the premium cost of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance contracted for under the provisions of this Section shall be paid for any retired sheriff and sheriff deputy who is hired on or after July 1, 2018, as follows:~~

(i) ~~Fifty percent of the premium cost of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance from any sheriff and sheriff deputy who retires from the East Feliciana Parish Sheriff's Office with fifteen years of creditable service, is at least fifty-five years of age, and is entitled to receive benefits from the Sheriffs' Pension and Relief Fund.~~

(ii) ~~Seventy-five percent of the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance for any sheriff and sheriff deputy who retires from the East Feliciana Parish Sheriff's Office with twenty years of creditable service, is at least fifty-five years of age, and is entitled to receive benefits from the Sheriffs' Pension and Relief Fund.~~

(iii) ~~One hundred percent of the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance for any sheriff and sheriff deputy who retires from East Feliciana Parish Sheriff's Office with twenty-five years of service, is at least fifty-five years of age, and is entitled to receive benefits from the Sheriffs' Pension and Relief Fund.~~

(iv) ~~One hundred percent of the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance for any sheriff and sheriff deputy who retires from East Feliciana Parish Sheriff's Office with thirty years of creditable service and is entitled to receive benefits from the Sheriffs' Pension and Relief Fund.~~

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 506

HOUSE BILL NO. 427
BY REPRESENTATIVE MACK
AN ACT

To amend and reenact R.S. 32:663(B), relative to testing methods used by the Department of Public Safety and Corrections; to provide for changes to the testing methods used by the

Department of Public Safety and Corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:663(B) is hereby amended and reenacted to read as follows:

§663. Approval of testing methods by Department of Public Safety and Corrections

B. ~~The Department of Public Safety and Corrections may use an individual's current certification to a nationally or internationally recognized certification body or a laboratory's certification by one or more of the following professional organizations current accreditation to an accreditation program based on the international standard, ISO/IEC 17025, with an accreditation scope that includes toxicology or blood alcohol, in its determination of the qualifications and competence of individuals or laboratories as required by Subsection A of this Section prior to the issuance of a permit. The certification by the following professional organizations may be considered in issuing such permits:~~

(1) ~~College of American Pathologists (CAP);~~

(2) ~~American Board of Forensic Toxicology (ABFT);~~

(3) ~~Forensic Quality Services (FQS);~~

(4) ~~American Society of Crime Laboratory Directors/Laboratory Accreditation Board (ASCLD/LAB);~~

(5) ~~American Association for Laboratory Accreditation (A2LA);~~

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 507

HOUSE BILL NO. 495
BY REPRESENTATIVE HAZEL
AN ACT

To amend and reenact R.S. 40:1379.1.4(B)(1) and (6) and to enact R.S. 40:1379.1.4(D), relative to the carrying of concealed weapons by qualified retired law enforcement officers; to provide relative to the necessary qualifications for a qualified retired law enforcement officer; to require the chief law enforcement officer issue retired law enforcement officers identification for the purposes of carrying concealed weapons; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.1.4(B)(1) and (6) are hereby amended and reenacted and R.S. 40:1379.1.4(D) is hereby enacted to read as follows:

§1379.1.4. Carrying of concealed firearms by qualified retired law enforcement officers

B. As used in this Section, the term "qualified retired law enforcement officer" means an individual who meets all of the following:

(1) Separated from service in good standing from a law enforcement agency as a qualified law enforcement officer. For purposes of this Section, an officer is in "good standing" unless the officer is the subject of an internal investigation for which the presumptive penalty, if the investigation is disposed of as "sustained", is termination.

(6)(a) Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental or physical health and as a result of this finding will not be issued the photographic identification as described in Subsection C of this Section; or

(b) Has not entered into an agreement with the agency from which the individual separated from service in which that individual acknowledged he or she was not qualified under this Section for reasons relating to mental or physical health and for those reasons did not receive or accept the photographic identification as described in Subsection C of this Section.

D. The sheriff or chief law enforcement officer shall issue identification required by the provisions of this Section to each individual who meets the qualifications set forth in Subsection B of this Section.

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 508

HOUSE BILL NO. 537
BY REPRESENTATIVE MARINO
AN ACT

To amend and reenact R.S. 15:574.6.1(A) and Code of Criminal Procedure Articles 893(B)(1)(introductory paragraph) and (b)(iii) and (iv) and (G) and 895.6(A) and to enact Code of Criminal Procedure Article 893(B)(1)(b)(v), (vi), and (vii), relative to participation in specialty court programs; to authorize probation for persons convicted of certain offenses to allow for participation in a specialty court program upon approval by the district attorney and under certain circumstances; to provide relative to the circumstances under which the sentence of a fourth conviction for a noncapital felony may be suspended; to provide relative to the duration of probation when a defendant is placed in a specialty court program; to prohibit specialty court program participants from earning compliance credits toward a term of probation or parole; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 893(B)(1)(introductory paragraph) and (b)(iii) and (iv) and (G) and 895.6(A) are hereby amended and reenacted and Code of Criminal Procedure Article 893(B)(1)(b)(v), (vi), and (vii) are hereby enacted to read as follows:

Art. 893. Suspension and deferral of sentence and probation in felony cases

B.(1) 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 a noncapital felony or after a third or 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:

(b) The court orders the defendant to do any of the following:

(iii) Enter and complete a mental health court program established pursuant to R.S. 13:5351 et seq.

(iv) Enter and complete a Veterans Court program established pursuant to R.S. 13:5361 et seq.

(v) Enter and complete a reentry court program established pursuant to R.S. 13:5401.

(vi) Reside for a minimum period of one year in a facility which conforms to the Judicial Agency Referral Residential Facility Regulatory Act, R.S. 40:2851 et seq.

(vii) Enter and complete the Swift and Certain Probation Pilot Program established pursuant to R.S. 13:5371 et seq.

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.(1) Every Except as provided in Subparagraph (2) of this Paragraph, 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.

(2) A defendant who is ordered by the court to enter and complete a specialty court program is not eligible to receive earned compliance credits pursuant to the provisions of this Article. For purposes of this Article, "specialty court program" includes any of the following: 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.

Section 2. R.S. 15:574.6.1(A) is hereby amended and reenacted to read as follows:

§574.6.1. Compliance credits; parole

A.(1) Every Except as provided in Paragraph (2) of this Subsection, 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.

(2) A defendant who as a condition of his release on parole is required to enter and complete a reentry court program established pursuant to R.S. 13:5401 is not eligible to receive earned compliance credits pursuant to the provisions of this Section.

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 509

HOUSE BILL NO. 688
BY REPRESENTATIVE LYONS
AN ACT

To amend and reenact Chapter 20 of Subtitle II of Title 30 of the Louisiana Revised States of 1950 comprised of R.S. 30:2501 through 2521, the heading of Part I of Chapter 21 of Subtitle II of Title 30 of the Louisiana Revised Statutes of 1950, R.S. 30:2531(C)(4), R.S. 47:463.43(Section Heading), and R.S. 56:10(B)(15) and to repeal R.S. 30:2521 through 2530, 2537 through 2543, and 2546(D) and R.S. 36:239(B)(6), relative to environmental education and litter reduction; to provide relative to the powers, duties, functions, and responsibilities of the Department of Wildlife and Fisheries relative to environmental education and litter reduction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 20 of Subtitle II of Title 30 of the Louisiana Revised States of 1950 comprised of R.S. 30:2501 through 2521, the heading of Part I of Chapter 21 of Subtitle II of Title 30 of the Louisiana Revised Statutes of 1950, and R.S. 30:2531(C)(4) are hereby amended and reenacted to read as follows:

CHAPTER 20. LOUISIANA ENVIRONMENTAL EDUCATION AND LITTER
REDUCTION ACT

§2501. Title

This Chapter may be cited as the "Louisiana Environmental Education and Litter Reduction Act".

§2502. Legislative findings

A. It is in the public interest that a comprehensive and balanced environmental education initiative be undertaken that will result in environmentally literate citizens who will effectively and constructively solve existing environmental problems, prevent new ones, and maintain a sustainable environment for future generations. The appropriate audiences for environmental education include formal education, business, government, nonprofit organizations, and citizens.

B. Characteristics of an environmentally literate citizenry must include:

(1) An understanding of the right of every person to own, control, use, enjoy, and dispose of private property, subject only to reasonable regulation.

(2) An understanding that the Louisiana Constitution requires the use of a balancing process in environmental protection decisions in which environmental costs and benefits must be given full and careful consideration along with economic, social, and other factors.

(3) Ecological literacy, including a basic understanding of ecological principles and concepts and their application, the cause and effect relationship between human health and the environment, and the economics of that relationship.

(4) Civic literacy, including a basic understanding of the decision making processes of governments, business, and other social, political, and economic institutions impinging upon environmental issues.

(5) Mathematical, technological, and scientific literacy, including an understanding of the basic concepts of mathematics and science to evaluate environmental problems and make sound decisions regarding their resolution.

(6) Personal and social action skills, including developing and using skills such as problem solving, risk analysis, and integrating diverse perspectives to understand and contribute to decision-making processes.

(7) Attitudes, including the expression of care for other humans, present and future, and for other components of the environment. These attitudes also affect understanding of ecology and civic responsibility.

(8) Motivation for action, including the commitment to act for a healthy environment based on one's attitudes, knowledge, and skills.

C. The legislature declares that it is the intent of this Chapter to create a balanced statewide environmental education program for the purpose of identifying the needs and setting priorities for environmental education within the state.

§2503. Louisiana Environmental Education Commission; creation; membership; duties

A.(1) There is hereby created, within the Department of Wildlife and Fisheries, the Louisiana Environmental Education Commission, hereinafter referred to as the "commission".

(2) The commission shall consist of the secretary of the Department of Wildlife and Fisheries or his designee, the state superintendent of education or his designee, the secretary of the Department of Environmental Quality or his designee, the secretary of the Department of Natural Resources or his designee, the secretary of the Louisiana Department of Health or his designee, the commissioner of the Department of Agriculture and Forestry or his designee, the chancellor of the Louisiana State University Agricultural Center or his designee, the chancellor of Southern University Agricultural and Mechanical College or his designee, and the following members appointed by the governor:

(a) One member of the Board of Regents or his designee.

(b) Two members representing environmental advocacy organizations.

(c) Two members representing the industrial community.

(d) One member representing the small business community.

(e) One member representing local governments.

(f) One member of the Board of Elementary and Secondary Education.

(g) One member who is a professional environmental scientist.

(h) Seven environmental educators, one from each congressional district and the remaining environmental educator or educators from the state at large, to be recommended by the president of the Louisiana Environmental Educators Association.

(i) One member of the Louisiana Science Teachers' Association.

(j) The secretary of the Department of Culture, Recreation and Tourism or his designee.

B. The initial term of the members of the commission shall be staggered in one, two, or three-year increments. After the initial term, all future terms shall be for three years. Annually, in December of each year, the commission shall elect a chairman and vice chairman whose terms shall commence on the following January first and end on December thirty-first.

C. The commission shall:

(1) Develop, review, approve, and transmit a plan for environmental education to the governor, the legislature, and the public.

(2) Advise and assist the secretary of the Department of Wildlife and Fisheries, the governor, the legislature, the secretary of the Department of Environmental Quality, and other state agencies, including university extension services, conservation and environmental organizations, community action groups, and nature and environmental centers on policies and practices needed to provide environmental education.

(3) Serve as a forum for the discussion and study of problems that affect the environment and environmental education.

(4) Assist and obtain information from various sources to coordinate the environmental education programs of federal and state agencies.

§2522. §2504. Definitions

As used in this Part, the following words have the meanings ascribed to them unless the context requires otherwise:

(1) "Commission" means the Louisiana Litter Reduction and Public Action Environmental Education Commission.

(2) "Department" means the Department of Environmental Quality Wildlife and Fisheries.

(3) "Dispose" means to throw, discard, place, deposit, discharge, burn, dump, drop, eject, or allow the escape of a substance.

(4) "Litter" means all waste material except as provided and defined in R.S. 30:2173(2), including but not limited to disposable packages, containers, sand, gravel, rubbish, cans, bottles, refuse, garbage, trash, cigarettes, cigarette butts, cigars, cigarillos, cigar or cigarillo tips, debris, dead animals, furniture or appliances, automotive parts including but not limited to tires and engines, trailers, boats and boating accessories, tools and equipment, and building materials, roofing nails, or other discarded materials of any kind and description. While being

used for or distributed in accordance with their intended uses, litter shall not include political pamphlets, handbills, religious tracts and newspapers, and other similar printed materials, the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of Louisiana. Litter shall not include agricultural products that are being transported from the harvest or collection site to a processing or market site if reasonable measures are taken to prevent the agricultural product from leaving the transporting vehicle. Litter shall also not include recyclable cardboard being transported in compressed bundles to processing facilities. "Agricultural product" as used in this definition means all crops, livestock, poultry, and forestry, and all aquacultural, floracultural, horticultural, silvicultural, and viticultural products.

(5) "Local governing authority" means the governing authority of the parish or the governing authority of the municipality in which the littering offense was committed.

(6) "Public or private property" means the right-of-way of any road or highway, levee, any body of water or watercourse or the shores or beaches thereof, any park, playground, building, refuge, or conservation or recreation area, and residential or farm properties, timberlands, or forests.

(7) "Section" means the environmental education and litter reduction and public action section located within and acting through the Department of Environmental Quality Wildlife and Fisheries.

~~§2524. §2505. Donations and grants; Louisiana Litter Abatement Grant Program~~

A. The section is hereby authorized to accept, administer, and make use of federal, state, and any local and private appropriations, any public and private grants and donations, and, when it is deemed appropriate and feasible, to accept nonmonetary funding in the form of services or equipment for use in connection with any of the programs or purposes of this Part.

B.(1) The Louisiana Litter Abatement Grant Program is hereby created within the section for the purpose of supporting community-based litter abatement programs.

(2) Grants through the program shall be made available to local governments and nonprofit organizations. Funding through the grant program shall be subject to the availability of funds and shall be awarded on a comparative basis to be determined by the section.

(3) The monies awarded through the grants shall be used to further the administration and execution of the Keep Louisiana Beautiful Program. Allowable uses of grant funding shall include but not be limited to the following:

(a) Keep America Beautiful fees.

(b) Keep America Beautiful pre-certification training, education curriculums, and workshops.

(c) Law enforcement seminars.

(d) Litter surveys.

(e) Projects, services, activities, and operational costs of litter abatement programs.

(f) Materials and services for program development and training.

(g) Direct expenditures for materials that can facilitate litter reduction, recycling, waste reduction, reuse, and general solid waste management programs.

(h) Minimal advertising, public relations, and promotional materials necessary for publicity and promotion of program activities.

(i) Salary of the program coordinator and staff.

(4) Each successful applicant shall supplement grant funds with a twenty-five percent match from other sources. All matching funds must be available to the program after the date of the grant award, and funds spent prior to the grant award shall not be considered in fulfillment of the match requirement.

~~(5) The department, in cooperation with the section, shall promulgate rules and regulations to implement this Subsection which shall include but not be limited to program submission and program administration requirements.~~

~~§2525. Litter reduction and public action section; §2506. Environmental Education and Litter Reduction Section; staff; powers and duties; cooperation; funding~~

A. There is hereby created, within the Department of Wildlife and Fisheries, office of wildlife, the environmental education and litter reduction section which shall, ~~under the direction of its coordinator~~, assist the commission and perform responsibilities relative to education and litter control as provided for in this Chapter. Insofar as funds are appropriated, ~~additional staff shall be allowed~~ may be employed under the direction and control of the secretary and in accordance with policies of the department.

B. The section shall implement the provisions of this Part relative to environmental education, including the following:

(1) ~~To administer~~ Administer and implement environmental education programs on behalf of the commission.

(2) ~~Review the status of and design plans for environmental education in the state regularly at the direction and with the assistance of the commission.~~

(3) ~~To implement~~ Implement, administer and evaluate a grants programs benefiting K-12 students, graduate researchers, professional development, and other initiatives supporting environmental education.

(3) (4) ~~To promote~~ Promote and aid in the establishment and assessment of elementary and secondary school environmental education programs through cooperation with the Department of Education and the Board of Elementary and Secondary Education.

(4) (5) ~~To promote~~ Promote and aid in the development of pre-service and in-service environmental education programs for environmental educators, formal and non-formal, through cooperation with the Board of Regents and the state's colleges and universities.

(5) (6) ~~To cooperate~~ Cooperate with state and federal agencies and the private sector in developing, promoting, conducting, and evaluating programs of environmental education.

(6) (7) ~~To function~~ Function as an environmental education clearinghouse by doing the following:

(a) Reviewing and recommending environmental education materials

(b) Establishing an electronic capacity to disseminate databases of environmental education information, formal and non-formal, and to network with interstate and federal programs.

(c) Cooperating with state and federal agencies and organizations in the development and distribution of an environmental education newsletter.

(7) (8) ~~To promote~~ Promote the development of cooperative environmental education initiatives with the private sector.

(8) (9) ~~To initiate~~ Initiate, develop, implement, assess, and market non-formal environmental education programs; facilitate, encourage, and support multi-school district cooperative

efforts to determine the need for, develop, and assess environmental education curricula, promote state government and private sector policy that is consistent with the environmental education strategic plan established; and coordinate non-formal environmental education with elementary, secondary, and postsecondary environmental education programs.

(9) (10) ~~To coordinate~~ Coordinate environmental education conferences to assist in the dissemination, development, and achievement of the state's environmental education goals.

(10) C. The section shall ~~perform and have~~ implement responsibilities the provisions of this Part relative to litter control awareness, including the following: as provided for in sections 2522, 2524, 2525 beginning with C., 2530, 2537-2541, 2547, 2548

(1) Develop and implement publicity, educational, and motivational campaigns to build and sustain public awareness of litter and of the unacceptability of littering and to create a litterless ethic.

(2) Serve as the coordinating agency between various government and private organizations seeking to aid in litter control and reduction and recycling efforts.

(3) Assist local governments in the adoption and revision of ordinances aimed at litter control and reduction.

(4) Encourage, organize, and coordinate voluntary campaigns seeking to focus the attention of the public on programs to control and reduce litter and increase public awareness.

(5) Provide encouragement of and increased funds for litter cleanup and collection, litter prevention, and cleanup equipment.

(6) Promote litter abatement and control and encourage recycling.

(7) Promote public awareness and education.

(8) Assist local governments, industries, and other organizations which aid in anti-litter efforts.

(9) Cooperate with local governments to accomplish coordination of local anti-litter efforts.

(10) Encourage, organize, and coordinate voluntary local anti-litter campaigns seeking to focus the attention and participation of the public on the laws of this state enacted to control and remove litter and to provide for the recycling of trash materials.

(11) Investigate the availability of and apply for funds from any private or public source to be used for the purposes of this Part.

(12) Exchange information directly with judges, district and municipal attorneys, Louisiana state police, and local law enforcement officers on enforcement mechanics and offer technical assistance.

(13) Award grants and provide financial assistance on a local level in accordance with rules adopted pursuant to this Part in order to achieve the purposes of this Part and award certificates of achievement for litter abatement.

(14) Investigate methods, and monitor effectiveness of this Part and of techniques in the control of litter and develop, encourage, and coordinate litter control within the state.

(15) Provide an annual report to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources giving details regarding the success of the section's efforts to comply with the above duties or any other duties required of it by law.

(16) Approve and disburse financial assistance to any local government or nonprofit organization which, in written application, seeks such assistance to implement a local litter prevention or abatement program.

~~§2529. §2507. Removal of litter; responsibility~~

The duty to remove litter from receptacles placed at ~~publicly-owned~~ publicly owned parks, beaches, campgrounds, trailer parks, roadside parks, and other property shall remain with those state and local agencies performing litter removal within their respective jurisdictions. The duty to remove litter from litter receptacles placed on private property which is used by the public shall remain with the owner.

~~§2530. §2508. Anti-litter campaign; industrial and civic cooperation requested~~

In order to aid in the statewide anti-litter campaign authorized by this Part, ~~the commission and the section shall~~ may solicit the assistance and active cooperation of industry and private civic organizations which are active in anti-litter efforts with the ~~commission and the section or a local government as approved under authority of this Part so that additional effect may be given to the campaign to eradicate litter within the state.~~

~~§2537. §2509. Adopt-a-beach program~~

In order to fulfill the obligations and responsibilities assigned to it under R.S. 30:2521, the section shall may develop a program to be known as "adopt-a-beach", whereby an industry or a private civic organization may adopt one mile of Louisiana beach for the sole purpose of controlling litter along that section of beach. Included in the responsibilities of any industry or private civic organization which chooses to participate in the program shall be the following:

(1) Development of a functional plan to influence and encourage the public to improve the appearance of the adopted section of beach.

(2) A general ~~clean-up~~ clean-up of the area at least twice a year.

(3) Assistance to the section in securing media coverage for the program.

~~§2538. §2510. Trash-bash program Community improvement program~~

In order to fulfill the obligations and responsibilities assigned to it under R.S. 30:2521, the section shall ~~develop~~ may coordinate a community improvement program known as "trash bash program", whereby an annual ~~coordinated~~ cleanup shall may be conducted during the spring Easter weekend encouraging local groups to clean streets, alleys, public areas, adopted roads and beaches, and state and parish highways in surrounding areas. Beautification programs shall may be conducted along with the ~~trash-bash program~~ clean up programs at schools, public buildings and grounds, median areas, entrances to subdivisions, commercial areas, and other similar areas. Graffiti removal and excess signage removal programs shall may be held simultaneously.

~~§2539. §2511. Beach sweep program~~

In order to fulfill the obligations and responsibilities assigned to it ~~under R.S. 30:2521~~, the section shall ~~may~~ develop a program known as "propose and encourage beach sweep program" programs whereby an annual coordinated cleanup shall cleanups may be conducted ~~of on~~ the state's ~~seventy-six miles of~~ beaches. The beach sweep program shall be conducted in September along with the other gulf states, and shall may consist of removing debris and trash while conducting data collection to ~~ascertain sources of~~ on marine debris.

~~§2540. §2512. Inland water cleanup~~

In order to fulfill the obligations and responsibilities assigned to it ~~under R.S. 30:2521~~, the

section shall develop a program known as “may promote and encourage inland water cleanup” cleanups whereby a waterway cleanup shall may be conducted annually by local groups to clean rivers, bayous, lakes, streams, and other waterways encouraging beautification through proper waste disposal and handling and placement of litter receptacles at parking lots and dock sites bordering waterway entrances and exits removal of litter and debris.

~~§2544. §2513. Boaters’ and fishermen’s pledge~~
In order to fulfill the obligations and responsibilities assigned to it ~~under R.S. 30:2521,~~ the section shall ~~develop~~ may promote and encourage a program known as “boaters’ and fishermen’s pledge” whereby the program shall may be conducted asking sportsmen to sign a commitment to bring trash and debris generated in their vehicle or boat back home or to proper disposal receptacles.

~~§2547. §2514. Adopt-a-byway program~~
A. In order to fulfill the obligations and responsibilities assigned to it ~~under R.S. 30:2521,~~ the section shall ~~develop~~ promote and encourage a program to be known as “adopt-a-byway”, whereby an organization which owns, uses, or leases property adjacent to a parish maintained road may adopt a section of such road for the sole purpose of controlling litter along that section. Included in the responsibilities of any organization which chooses to participate in the program shall may be the following:

- (1) Development of a functional plan to influence and encourage the public to improve the appearance of the adopted section of the road.
- (2) A general cleanup of the area at least twice a year.
- (3) Assistance to the section in securing media coverage for the program.

B. Any parish or municipality which develops an “adopt-a-byway” program shall coordinate the adoption of rules governing the program with the section.

C. Any parish or municipality which develops an “adopt-a-byway” program may use funds received from the collection of fines provided for under the provisions of R.S. 30:2532(A) to place a sign upon a portion of a road identifying the organization which has adopted such portion of the road.

~~(R.S. 30:2548(C) D.~~ The Department of Transportation and Development may promulgate rules and regulations to implement the provisions of this Section regarding the placement, construction, and maintenance of the signs provided for in this Section.

~~§2548. §2515. Adopt a Water Body program~~
A. In order to fulfill the obligations and responsibilities assigned to it ~~under R.S. 30:2521,~~ the section shall ~~develop~~ may promote and encourage a program to be known as “Adopt a Water Body”, whereby a business or a private civic organization may adopt a portion of a public bayou, stream, creek, river, or lake for the sole purpose of controlling litter. Included in the responsibilities of any business or private civic organization which chooses to participate in the program shall ~~be the following~~ may be as follows:

- (1) Development of a functional plan to influence and encourage the public to improve the appearance of the adopted portion of a public water body.
- (2) A general cleanup of the area at least twice a year.
- (3) Assistance to the section in securing media coverage for the program.

B. Any organization which adopts a portion of a public bayou, stream, creek, river, or lake may place a sign identifying the organization on an interstate highway or state highway within two hundred feet of the adopted water body upon approval of the Department of Transportation and Development. Such a sign may also be placed on the bank of the adopted water body with the approval of the riparian landowner.

* * *

CHAPTER 21. STATEWIDE BEAUTIFICATION
PART I. LOUISIANA LITTER REDUCTION AND
PUBLIC ACTION COMMISSION VIOLATIONS AND PENALTIES

§2531. Intentional littering prohibited; criminal penalties; simple littering prohibited; civil penalties; special court costs

C. Whoever violates the provisions of this Section shall pay special court costs of one hundred dollars in lieu of other costs of court and the special court costs shall be disbursed as follows:

- (4) Twenty-five dollars shall be paid to the state treasury for credit to the ~~Keep Louisiana Beautiful Fund~~ Litter Abatement and Education Account.

Section 2. R.S. 47:463.43(Section Heading) is hereby amended and reenacted to read as follows:

~~§463.43. Special license plates; environmental education division and litter reduction section~~

Section 3. R.S. 56:10(B)(15) is hereby amended and reenacted to read as follows:

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

B.

(15)(a) There is hereby created within the Conservation Fund a special account known as the “litter abatement and education account” which shall consist of donations collected from the sale of the environmental education license plate provided for in R.S. 47:463.43; revenue received by the Conservation Fund from the Department of Public Safety and Corrections, office of motor vehicles as provided in R.S. 32:412; revenue received by the Conservation Fund from fines for violations of the provisions of Part I of Chapter 21 of Subtitle II of Title 30 as provided in R.S. 30:2531 and 2532; funds from public or private donations and any other source which may specify deposit to this account; and any remaining balance in the Louisiana Environmental Education Fund as of August 15, 2011. The revenues shall be subject to the same requirements as provided for other revenues placed in the Conservation Fund in Paragraph (1) of this Subsection. ~~The funds in this account shall be used solely for litter abatement and enforcement; public service announcements; develop, review, approve, and implement a plan for statewide environmental education; for the training of operators of vehicles regarding littering; to finance local littering enforcement activities in order to~~

promote public safety, order, and general welfare by making the streets, roads, rivers, streams, bayous, lakes, waterways, and highways of Louisiana clean, safe, and free of debris, litter, and other material falling from or being thrown from vehicles; and to award grants to nonprofit organizations and public agencies for the development, dissemination, and assessment of such education programs:

- (b) The funds in this account shall be used solely for the following:
 - (i) To develop, review, approve, and implement a plan for statewide environmental education.
 - (ii) To provide for environmental education grant programs in the state.
 - (iii) To develop an environmental education curriculum framework.
 - (iv) To develop guidelines for incorporating environmental education into teacher education requirements.
 - (v) To develop environmental education teacher professional development.
 - (vi) To provide for formal environmental education.
 - (vii) To provide for litter abatement and enforcement.
 - (viii) To support community-based litter abatement programs.
 - (ix) To develop, disseminate, and assess litter education and awareness programs and materials.

* * *

Section 4. R.S. 30:2521 through 2530, 2537 through 2543, 2546(D) are hereby repealed in their entirety.

Section 5. R.S. 36:239(B)(6) is hereby repealed in its entirety.

Section 6. The Louisiana Law Institute is hereby directed to re-designate R.S. 30:2505 through 2510 to be R.S. 30:2516 through 2521.

Approved by the Governor, May 25, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 510

HOUSE BILL NO. 806
BY REPRESENTATIVE JOHNSON
AN ACT

To enact R.S. 33:4715.3, relative to the construction and operation of courtroom and related facilities in certain parishes; to create a special district for such purpose; to provide for governance, jurisdiction, powers, and functions of the district; to provide for its authority to levy taxes and incur debt; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:4715.3 is hereby enacted to read as follows:

§4715.3. Parish justice center district; certain parishes
A.(1) There is hereby created within any parish having a population of not less than forty-one thousand five hundred people and not more than forty-five thousand people as determined by the most recent federal decennial census a body politic and corporate which shall be known as the parish justice center district, hereafter in this Section referred to as the “district”. The district shall have boundaries coterminous with the parish. The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

(2) The purposes of the district are to locate, build, operate, and maintain courtroom facilities for the judicial district that encompasses the district, hereafter in this Section referred to as the “judicial district”, including all matters relating to incurring debt and financing such activities as approved by the voters, all as more specifically prescribed by this Section. Such courtroom facilities shall include offices for judges and support staff, jury rooms, accommodations for the public, and other facilities deemed appropriate for administration of justice by the governing authority of the district.

B. The district shall be governed by a board of commissioners consisting of the elected judges of the judicial district.

C. The district, acting through its board of commissioners, shall have all powers necessary or convenient to effectuate the purposes of the district, including but not limited to the following:

- (1) To sue and be sued.
- (2) To adopt, use, and alter at will a corporate seal.
- (3) To receive and expend funds collected pursuant to and in accordance with this Section.
- (4)(a) To acquire and develop property to be used as a justice center.
- (b) To develop plans for and to construct a justice center.
- (c) To operate and maintain the justice center.
- (5) To acquire, purchase, lease as lessee, and hold and use any property, movable or immovable, corporeal or incorporeal, or any interest therein necessary or desirable for carrying out the purposes of the district, and to sell, lease as lessor, transfer, and dispose of any property or interest therein at any time acquired by it.
- (6) To exercise the authority granted to political subdivisions by R.S. 33:4715.1. Public facilities of the district are hereby deemed to be public facilities for purposes of such authority.
- (7) To enter into contracts with any public or private entity in carrying out its corporate objectives, including but not limited to contracts for construction or acquisition of property and facilities incident to the purposes of the district.
- (8) To enter into agreements with any persons, corporations, associations, or other entities, including public corporations, political subdivisions, the United States government and agencies thereof, the state of Louisiana or any of its agencies, or any combination thereof, for the operation or use of properties and facilities of the district.
- (9) To adopt bylaws for the management and regulation of its affairs and for the regulation and control of its facilities, programs, and activities.
- (10) To accept gifts, grants, and donations of property and money. Title to immovable property acquired shall reside with the district.
- (11) To govern, manage, and direct the justice center; to lay out, regulate, improve, and beautify the same; to pass ordinances for the regulation and governance thereof; to appoint and employ such architects, engineers, surveyors, clerks, and others as may be necessary and to prescribe and define their respective duties and authority and the amount of their compensation; and generally to do all things in regard to the powers granted pursuant to this Section.

(12) To purchase items and supplies as may be necessary or convenient in performing the functions of the district.

(13) To contract with, employ, and fix the compensation and terms of employment of attorneys, clerks, or any other agents or employees.

(14) To perform or have performed any other function or activity necessary for the achievement of the purpose of the district.

D.(1) The board of commissioners may, subject to the provisions of this Subsection and other applicable provisions of law, levy ad valorem taxes within the district.

(2) The board of commissioners may, subject to the provisions of this Subsection and other applicable provisions of law, levy sales and use taxes. Any such tax shall be in addition to all other sales and use taxes authorized by law and shall be excluded when calculating the combined rate of sales and use taxes levied in the parish pursuant to Article VI, Section 29(B) of the Constitution of Louisiana including but not limited to sales and use taxes authorized by R.S. 47:338.54. Such tax shall be levied upon the sale at retail, the use, lease or rental, the consumption, and the storage for use or consumption, of tangible personal property, and on sales of services, all as defined in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, R.S. 47:301 et seq., in the district. Sales and use taxes shall be collected at the same time and in the same manner as set forth in R.S. 47:301 through 316.

(3)(a) No tax may be levied pursuant to Paragraph (1) or (2) of this Subsection unless the levy is authorized by a majority of the electors of the district who vote at an election held for that purpose in accordance with the Louisiana Election Code.

(b) A tax proposition submitted to the voters shall state the rate, duration, and purpose of the tax as requested by duly adopted resolution of the governing authority of the district. The rate, duration, and use of any tax shall be as so stated in the proposition authorizing its levy.

(4)(a) The board of commissioners may, subject to the provisions of this Subsection and other applicable provisions of law, incur debt and fund tax revenues into bonds in the manner provided by Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950.

(b) Any proposition submitted to the voters for the issuance of bonds secured by sales and use taxes shall state the amount of bonds to be issued, and the district governing authority shall not issue such bonds in an amount exceeding the stated amount.

(5) The district may, on its own initiative, call a special election to submit to the qualified electors of the district a proposition or propositions authorizing the levy of a tax or the issuance of bonds or both.

(6) The district, through the board, may also seek any additional sources of funding, specifically including grants, from both public or private entities to accomplish the purposes of the district.

E. The governing authority of the district shall exercise the authority granted in this Section to the extent that sufficient revenues are authorized by the voters of the district, and the parish governing authority shall not exercise any authority which conflicts with such exercise of authority by the district. To the extent that voters do not authorize the district to acquire sufficient revenues for the exercise of the authority granted in this Section, the parish governing authority may, as it deems appropriate, exercise its own authority, as otherwise provided by law, to provide for the acquisition, construction, renovation, operation, or maintenance of the parish courthouse.

F. The district shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 511

HOUSE BILL NO. 840

BY REPRESENTATIVE JIMMY HARRIS

AN ACT

To enact R.S. 47:350(E), relative to occupational licenses; to provide relative to the application for an occupational license; to prohibit the issuance of any such license under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:350(E) is hereby enacted to read as follows:

§350. Application for licenses

* * *

E. No license required by this Chapter shall be issued to any applicant who intends to sell used tires unless the applicant submits, along with his application, the necessary permits from the Department of Environmental Quality verifying that the applicant is authorized to sell used tires within the applicable jurisdiction.

Approved by the Governor, May 25, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 512

HOUSE BILL NO. 270

BY REPRESENTATIVE FOIL

AN ACT

To enact R.S. 44:4(55), relative to public records; to exempt specified personally identifiable information related to violations of student codes of conduct and other policies of postsecondary education institutions and management boards from the Public Records Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:4(55) is hereby enacted to read as follows:

§4. Applicability

This Chapter shall not apply:

* * *

(55) To personally identifiable information of any person who reports a violation of a student code of conduct or other policy intended for the safety of students or employees of a postsecondary education institution, personally identifiable information of any reported witness to the reported violation, and, if the reported violation involves violence or abuse, personally identifiable information of any person who may be a victim of violence or abuse directly related to the reported violation if such information is in the custody or control of the postsecondary education institution or management board and was received in accordance with adopted, written policies applicable to the postsecondary education institution and the students and employees of the postsecondary education institution, unless access to the information is specifically required by other provisions of law of this state or by federal law or is ordered by a court under rules of discovery.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 513

HOUSE BILL NO. 684

BY REPRESENTATIVES ABRAMSON AND STAGNI

AN ACT

To amend and reenact the title of Chapter 21-A of Title 33 of the Louisiana Revised Statutes of 1950 and R.S. 33:7631 and 7634, relative to local tax incentives; to provide relative to tax rebates, credits, and other incentives for donations to local infrastructure projects; to provide relative to qualified donations; to authorize incentives for donations for other local purposes; to remove limitations on such incentives; to provide relative to procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The title of Chapter 21-A of Title 33 of the Louisiana Revised Statutes of 1950 and R.S. 33:7631 and 7634, are hereby amended and reenacted to read as follows:

**CHAPTER 21-A. COOPERATIVE LOCAL GOVERNMENT
INFRASTRUCTURE LAW INCENTIVES**

§7631. Short title

This Chapter shall be known and may be cited as the “Cooperative Local Government Infrastructure Incentives Act”.

* * *

§7634. Tax rebates, tax credits, or other incentives for donations to local governments

A. Tax rebates, tax credits, or other tax incentives, all hereafter in this Section referred to as incentives, shall may be allowed for qualified donations made to a local governmental entity for a qualified project or use subject to the following limitations:

(1) A participating donor shall submit to the chief financial officer designated by the local governmental entity a written report reasonably documenting the cash, equipment, goods, or services donated pursuant to a cooperative endeavor agreement for a qualified project or use, including supporting documentation as may be deemed necessary by that officer. Prior to the approval of tax rebates, tax credits, or other incentives for a qualified donation under the cooperative endeavor agreement, the officer shall verify the value of the qualified donation.

(2) The local governmental entity may approve a tax rebate, tax credit, or other incentive incentives to the donor for the verified qualified donation in an amount equal to one-half of the value of the cash, equipment, goods, or services donated, or five hundred thousand dollars, whichever is less. The total amount of the tax rebates, tax credits, or other incentives which may be received by any donor in any fiscal year shall not exceed five hundred thousand dollars as determined by the governing authority of the local governmental entity receiving the donation.

B.(1) The term “qualified donation” shall mean a donation made to a participating local governmental entity to assist in the construction, operation, use, or maintenance of a qualified project or use as determined by the governing authority of that local governmental entity. The donation may be in the form of cash, or the donation of equipment, goods, or services.

(2) The term “qualified project or use” shall mean a project for the construction or major improvement or repair of infrastructure or use as determined by a participating local governmental entity.

(3) The term “incentives” may be applied only to revenue or resources of the local governmental entity.

C. The local governmental entity shall promulgate such ordinances, rules, and regulations as may be deemed necessary to carry out the purposes of this Chapter.

D. The provisions of this Chapter shall apply to verified qualified donations made after July 1, 2014.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 514

SENATE BILL NO. 33

BY SENATORS COLOMB AND BARROW

AN ACT

To enact R.S. 49:149.33, relative to the names of state buildings; to name the Willie F. Hawkins Emergency Care Center; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:149.33 is hereby enacted to read as follows:

§149.33. Willie F. Hawkins Emergency Care Center

The state building situated in the city of Baton Rouge, having the municipal address of 5439 Airline Highway, and generally known as the LSU Health North Clinic and Urgent Care facility, is hereby named and shall hereafter be known as the Willie F. Hawkins Emergency Care Center.

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

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 515

SENATE BILL NO. 40
BY SENATOR MILLS
AN ACT

To amend and reenact R.S. 36:259, 801.1(A), the introductory paragraph of 802, and 803(A) (1), R.S. 37:753(B), (C)(4), and (J), 832(A)(2) and (B)(2), 915, 916(B), 962(B) and (C), 1042, 1104(A) and (B)(1), 1172(A), 1174(B), 1263(C), 1515(A)(1), 2102, 2353(A)(1), (2), and (3), the introductory paragraph of 2359(B), the introductory paragraph of 2403(B), 2455(B)(1), (4), and (5), 2654(A), the introductory paragraph of 2704(A), (A)(5), (B), and (C), 2802, 3061(A)(1)(a) and (2)(c), 3084(A), the introductory paragraph of (B)(1), (B)(2), (C), (D), and (G), 3201(B)(1)(d) and (2), (C), and (D), the introductory paragraph of 3389(B), (B)(5), (C), (E), and (G), 3444(A) through (C), 3463(A) and (B), 3554(A) and (B), and 3703(B), (C), and (D), and the heading of R.S. 40:5.11, to enact R.S. 36:629(S) and R.S. 37:23.1, 753(C) (5), 914(B)(3), 962(D), 2403(B)(6), (G), and (H), 3061(A)(1)(d) and (D), 3084(B)(1)(e), and 3389(B)(6), and to repeal R.S. 37:3389(A) and (D) and R.S. 40:5.11(C) through (F), relative to the health profession licensing boards created within the Louisiana Department of Health; to provide for consumer membership on each of the boards; to provide for consumer member qualifications; to provide for the rights of the consumer member; to provide for the transfer of the Board of Veterinary Medicine to the Louisiana Department of Agriculture and Forestry; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:259, 801.1(A), the introductory paragraph of 802, and 803(A)(1) are hereby amended and reenacted and R.S. 36:629(S) is hereby enacted to read as follows:

§259. Transfer of agencies and functions to Louisiana Department of Health

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

- (1) Greenwell Springs Hospital (Greenwell Springs)
- (9) Southeast Louisiana State Hospital (Mandeville)
- (10) Eastern Louisiana Mental Health System (Jackson)
- (11) Jonesboro Charity Hospital (Jonesboro)
- (12) Central Louisiana State Hospital (Pineville)
- (13) Pincrest Supports and Services Center (R.S. 28:22.8(A)(1); R.S. 28:451.4)
- (14) North Lake Supports and Services Center (R.S. 28:22.8(A)(9))

(16) The behavioral health facilities located in New Orleans, Baton Rouge, Shreveport, Monroe, Lake Charles, Alexandria, Lafayette, Metairie, Hammond, Natchitoches, Ruston, Chalmette, Houma, Harvey, Marksville, Bogalusa, Pineville, Many, New Roads, Covington, Crowley, Donaldsonville, Plaquemine, Raceland, Leesville, Norco, Mandeville, Ville Platte, Patterson, Tallulah, Columbia, Oakdale, and any other state-owned or state-operated facilities as may be hereinafter established (R.S. 28:22.5)

- (21) Northwest Supports and Services Center (R.S. 28:22.8(A)(6))
- (23) Villa Feliciana Medical Complex (R.S. 28:22.7; R.S. 40:2002.4; R.S. 40:2142).

D. The following agencies, as defined in R.S. 36:3, are placed within the Louisiana Department of Health and shall perform and exercise their powers, duties, functions, and responsibilities as otherwise provided by law:

- (1) Louisiana state office of rural health (R.S. 40:2195.1)
- (3) Louisiana State Child Death Review Panel (R.S. 40:2019)
- (4) Marriage and Family Therapy Advisory Committee (R.S. 37:1104) (Established by the Louisiana Licensed Professional Counselors Board of Examiners).
- (5) Nursing Home Emergency Preparedness Review Committee (R.S. 40:2009.25)
- (6) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.)
- (7) Louisiana Birth Defects Surveillance System Advisory Board (R.S. 40:31.41 et seq.)
- (8) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et seq.)
- (9) Health Data Panel (R.S. 40:1173.1 et seq.)
- (10) The Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee (R.S. 40:4.13).

E. The following agencies, as defined in R.S. 36:3, are transferred to and hereafter shall be within the Louisiana Department of Health, as provided in R.S. 36:803:

- (1) Louisiana State Board of Nursing (R.S. 37:911 et seq.)
- (2) Louisiana State Board of Dentistry (R.S. 37:751 et seq.)
- (3) Louisiana State Board of Social Work Examiners (R.S. 37:2701 et seq.)
- (4) Louisiana State Board of Optometry Examiners (R.S. 37:1041 et seq.)
- (5) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101 et seq.)
- (6) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961 et seq.)
- (7) Louisiana Board of Chiropractic Examiners (R.S. 37:2801 et seq.)
- (8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S. 37:611 et seq.; R.S. 37:1261 et seq.)
- (9) Louisiana State Board of Embalmers and Funeral Directors (R.S. 37:831 et seq.)
- (10) State Board of Examiners of Psychologists (R.S. 37:2351 et seq.)
- (11) Louisiana Board of Examiners for Speech-Language Pathology and Audiology (R.S. 37:2650 et seq.)
- (12) Louisiana Board of Veterinary Medicine (R.S. 37:1511 et seq.)
- (13) Board of Examiners for Nursing Facility Administrators (R.S. 37:2501 et seq.)
- (14) Louisiana Board of Pharmacy (R.S. 37:1161 et seq.; R.S. 51:521 et seq.)
- (16) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441 et seq.)
- (17) Radiologic Technology Board of Examiners (R.S. 37:3200 et seq.)
- (20) Louisiana Physical Therapy Board (R.S. 37:2401 et seq.)
- (21) The Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of

Examiners (R.S. 37:3441 et seq.)

(23) The Addictive Disorder Regulatory Authority (R.S. 37:3389).

(25) Louisiana Behavior Analyst Board (R.S. 37:3701 et seq.)

F. The following agencies, as defined in R.S. 36:3, previously abolished by the Executive Reorganization Act, and their powers, duties, functions, and responsibilities are transferred to the secretary of the Louisiana Department of Health and shall be exercised and performed as provided in Part IV of Chapter 22 of this Title:

(1) Louisiana Health and Human Resources Administration (R.S. 46:1751-46:1767, and generally Chapters 1 and 11 of Title 40 and all of Title 46 of the Louisiana Revised Statutes of 1950, except R.S. 46:1601-46:1608) to the extent that the cited provisions provide with respect to agencies or functions placed in or transferred to the Louisiana Department of Health.

(9) Louisiana State Board of Health and the Louisiana Department of Health and all its subsidiary boards (Such provisions of Title 40 of the Louisiana Revised Statutes of 1950 as are applicable to the abolished board and department)

(10) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et seq.)

(16) Anatomical Board (R.S. 17:2271 et seq.)

(18) Board of Commissioners of the South Louisiana Health Services District (R.S. 28:241 et seq.)

(20) Nursing Home Advisory Committee (R.S. 40:2009.1)

(21) Hospital Licensing Council (R.S. 40:2108)

G. The State Board of Electrolysis Examiners (R.S. 37:3051 et seq.) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:803.

H. The Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et seq.) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:802.

I. The following agencies, as defined in R.S. 36:3, are placed within the Louisiana Department of Health and shall exercise and perform their powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:802:

(3) Commission on Perinatal Care and Prevention of Infant Mortality (R.S. 40:2018)

(5) Water Supply and Sewerage Systems Certification Committee (R.S. 40:1281.1 et seq.)

J.(1) The Louisiana Emergency Response Network Board (R.S. 40:2841 et seq.) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with R.S. 36:801.1.

(2) The Louisiana Emergency Response Network Board shall be a separate budget unit within the Louisiana Department of Health.

K. The Medicaid Pharmaceutical and Therapeutics Committee (R.S. 46:153.3) is placed within the Louisiana Department of Health and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

L.(1) The Louisiana Developmental Disabilities Council (R.S. 28:750 et seq.) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1. The council shall have full appointing authority for all personnel purposes.

(2) The regional and state advisory councils for the community and family support system (R.S. 28:824(J)) are placed within the Louisiana Department of Health and shall exercise and perform their powers, duties, functions, and responsibilities as provided by or pursuant to law.

M. Repealed by Acts 2013, No. 184, §2(B), eff. August 1, 2013.

N. The advisory council for the program of early identification of deaf or hard-of-hearing infants (R.S. 46:2261 et seq.) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities as provided by or pursuant to law.

O. The Louisiana Commission on Addictive Disorders (R.S. 46:2500 et seq.) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:914.

P. The Physician Assistants Advisory Committee (R.S. 37:1270.1) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:914.

Q. The Louisiana State Board of Examiners in Dietetics and Nutrition (R.S. 37:3081 et seq.) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with R.S. 36:803.

S. The Louisiana Commission for the Deaf (R.S. 46:2351 et seq.) is hereby placed within the Louisiana Department of Health and shall perform and exercise its powers, duties, functions, and responsibilities as provided for agencies transferred as provided in R.S. 36:802.

T. The Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board (R.S. 46:2631 et seq.) is hereby placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:901 et seq.

U. The Louisiana Access to Better Care Medicaid Insurance Demonstration Project Oversight Board (R.S. 46:160.1 et seq.) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of Part III of Chapter 22 of this Title.

W. The Louisiana Board of Drug and Device Distributors (R.S. 37:3461 et seq.) shall be placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:803.

BB. The following agencies, as defined in R.S. 36:3, are placed within the Louisiana Department of Health and shall perform and exercise their powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the

provisions of R.S. 36:914:

(1) Respiratory Care Advisory Committee (R.S. 37:3356 et seq.)

(2) The Louisiana Advisory Committee on Populations and Geographic Regions With Excessive Cancer Rates (R.S. 40:1105.12).

(3) The Fluoridation Advisory Board (R.S. 40:5.11(C)-(F)).

CC. The Louisiana Board of Massage Therapy (R.S. 37:3551 et seq.) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with R.S. 36:803.

DD. The Clinical Laboratory Personnel Committee (R.S. 37:1311 et seq.) is placed within the Louisiana Department of Health under the jurisdiction of the Louisiana State Board of Medical Examiners and shall perform and exercise its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with R.S. 36:919.2.

EE. The Louisiana Licensed Professional Counselors Board of Examiners (R.S. 37:1101 et seq.) is hereby placed within the Louisiana Department of Health and shall perform and exercise its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:803.

FF. The Medical Education Commission (R.S. 17:1519.12) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of Part III of Chapter 22 of this Title.

GG. The Louisiana Emergency Medical Services Certification Commission (R.S. 40:1131 et seq.) is placed within the Louisiana Department of Health and shall perform and exercise its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with R.S. 36:919.4.

MM. The Louisiana Medical Disclosure Panel (R.S. 40:1157.2) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:802.

NN. The Louisiana Sickle Cell Commission (R.S. 40:2018.3) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities as provided by or pursuant to law.

OO. The Louisiana Obesity Prevention and Management Commission (R.S. 40:2018.4) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities as provided by or pursuant to law.

A. The following agencies, as defined in R.S. 36:3, are transferred to and hereafter shall be within the Louisiana Department of Health, as provided in R.S. 36:803:

- (1) Louisiana State Board of Dentistry (R.S. 37:751 et seq.).
 - (2) Louisiana State Board of Embalmers and Funeral Directors (R.S. 37:831 et seq.).
 - (3) Louisiana State Board of Nursing (R.S. 37:911 et seq.).
 - (4) Louisiana State Board of Practical Nurse Examiners (R.S. 37:961 et seq.).
 - (5) Louisiana State Board of Optometry Examiners (R.S. 37:1041 et seq.).
 - (6) Louisiana Licensed Professional Counselors Board of Examiners (R.S. 37:1101 et seq.).
 - (7) Louisiana Board of Pharmacy (R.S. 37:1161 et seq.; R.S. 51:521 et seq.).
 - (8) Louisiana State Board of Medical Examiners (R.S. 12:914; R.S. 37:611 et seq.; R.S. 37:1261 et seq.).
 - (9) Louisiana State Board of Examiners for Sanitarians (R.S. 37:2101 et seq.).
 - (10) State Board of Examiners of Psychologists (R.S. 37:2351 et seq.).
 - (11) Louisiana Physical Therapy Board (R.S. 37:2401 et seq.).
 - (12) Louisiana Board for Hearing Aid Dealers (R.S. 37:2441 et seq.).
 - (13) Board of Examiners for Nursing Facility Administrators (R.S. 37:2501 et seq.).
 - (14) Louisiana Board of Examiners for Speech-Language Pathology and Audiology (R.S. 37:2650 et seq.).
 - (15) Louisiana State Board of Social Work Examiners (R.S. 37:2701 et seq.).
 - (16) Louisiana Board of Chiropractic Examiners (R.S. 37:2801 et seq.).
 - (17) State Board of Electrolysis Examiners (R.S. 37:3051 et seq.).
 - (18) Louisiana State Board of Examiners in Dietetics and Nutrition (R.S. 37:3081 et seq.).
 - (19) Radiologic Technology Board of Examiners (R.S. 37:3200 et seq.).
 - (20) Addictive Disorder Regulatory Authority (R.S. 37:3389).
 - (21) Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners (R.S. 37:3441 et seq.).
 - (22) Louisiana Board of Drug and Device Distributors (R.S. 37:3461 et seq.).
 - (23) Louisiana Board of Massage Therapy (R.S. 37:3551 et seq.).
 - (24) Louisiana Behavior Analyst Board (R.S. 37:3701 et seq.).
- B. The following agencies, as defined in R.S. 36:3, are placed within the Louisiana Department of Health and shall perform and exercise their powers, duties, functions, and responsibilities as otherwise provided by law:
- (1) Louisiana state office of rural health (R.S. 40:2195.1).
 - (2) Louisiana State Child Death Review Panel (R.S. 40:2019).
 - (3) Marriage and Family Therapy Advisory Committee (R.S. 37:1104) (Established by the Louisiana Licensed Professional Counselors Board of Examiners).
 - (4) Nursing Home Emergency Preparedness Review Committee (R.S. 40:2009.25).
 - (5) Advisory Committee on Polysomnography (R.S. 37:2861 et seq.).
 - (6) Louisiana Birth Defects Surveillance System Advisory Board (R.S. 40:31.41 et seq.).
 - (7) Prescription Monitoring Program Advisory Council (R.S. 40:1001 et seq.).
 - (8) Health Data Panel (R.S. 40:1173.1 et seq.).
 - (9) Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee (R.S. 40:4.13).
 - (10) Medicaid Pharmaceutical and Therapeutics Committee (R.S. 46:153.3).
 - (11) The advisory council for the program of early identification of deaf or hard of hearing infants (R.S. 46:2261 et seq.).
 - (12) Louisiana Obesity Prevention and Management Commission (R.S. 40:2018.4).
 - (13) Louisiana Sickle Cell Commission (R.S. 40:2018.3).
 - (14) Physician Assistants Advisory Committee (R.S. 37:1270.1).
 - (15) Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et seq.).

(16) Commission on Perinatal Care and Prevention of Infant Mortality (R.S. 40:2018).

(17) Water Supply and Sewerage Systems Certification Committee (R.S. 40:1281.1 et seq.).

(18) Louisiana Commission for the Deaf (R.S. 46:2351 et seq.).

(19) Louisiana Medical Disclosure Panel (R.S. 40:1157.2).

(20) Respiratory Care Advisory Committee (R.S. 37:3356 et seq.).

(21) Louisiana Advisory Committee on Populations and Geographic Regions With Excessive Cancer Rates (R.S. 40:1105.12).

(22) Medical Education Commission (R.S. 17:1519.12).

(23) Louisiana Access to Better Care Medicaid Insurance Demonstration Project Oversight Board (R.S. 46:160.1 et seq.).

(24)(a) Louisiana Emergency Response Network Board (R.S. 40:2841 et seq.).

(b) The Louisiana Emergency Response Network Board shall be a separate budget unit within the Louisiana Department of Health.

(25)(a) Louisiana Developmental Disabilities Council (R.S. 28:750 et seq.). The council shall have full appointing authority for all personnel purposes.

(b) The regional and state advisory councils for the Community and Family Support System (R.S. 28:824(J)).

(26) Anatomical Board (R.S. 17:2271 et seq.).

(27) Board of Commissioners of the South Louisiana Health Services District (R.S. 28:241 et seq.).

(28) Nursing Home Advisory Committee (R.S. 40:2009.1).

(29) Hospital Licensing Council (R.S. 40:2108).

(30) Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board (R.S. 46:2631 et seq.).

(31) Clinical Laboratory Personnel Committee (R.S. 37:1311 et seq.).

(32) Louisiana Emergency Medical Services Certification Commission (R.S. 40:1131 et seq.).

(33) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et seq.).

(34) Louisiana State Board of Health and the Louisiana Department of Health and all its subsidiary boards (Such provisions of Title 40 of the Louisiana Revised Statutes of 1950 as are applicable to the abolished board and department).

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

(1) Eastern Louisiana Mental Health System (Jackson).

(2) Central Louisiana State Hospital (Pineville).

(3) Pinecrest Supports and Services Center (R.S. 28:22.8(A)(1); R.S. 28:451.4).

(4) North Lake Supports and Services Center (R.S. 28:22.8(A)(3); R.S. 28:451.4).

(5) The behavioral health facilities located in New Orleans, Baton Rouge, Shreveport, Monroe, Lake Charles, Alexandria, Lafayette, Metairie, Hammond, Natchitoches, Ruston, Chalmette, Houma, Harvey, Marksville, Bogalusa, Pineville, Many, New Roads, Covington, Crowley, Donaldsonville, Plaquemine, Raceland, Leesville, Norco, Mandeville, Ville Platte, Patterson, Tallulah, Columbia, Oakdale, and any other state-owned or state-operated facilities as may be hereinafter established (R.S. 28:22.5).

(6) Northwest Supports and Services Center (R.S. 28:22.8(A)(2); R.S. 28:451.4).

(7) Villa Feliciana Medical Complex (R.S. 28:22.7; R.S. 40:2002.4; R.S. 40:2142).

* * *

§629. Transfer of boards, commissions, departments, and agencies to the Department of Agriculture and Forestry

* * *

(S) The Board of Veterinary Medicine (R.S. 37:1511 et seq.) is hereby transferred to and placed within the Department of Agriculture and Forestry as provided in R.S. 36:803.

* * *

§801.1. Transfer; retention of all functions

A. The agencies transferred by the provisions of R.S. 36:4(B)(1)(dd) and (18) and (D), 4.1(C) and (G), 53(H) and (J), 209(R), 259(F)(B)(24), 409(N), 509(O), 651(D), and 725(A) shall continue to be comprised and selected as provided by law.

* * *

§802. Transfer; retention of policymaking and rulemaking functions

The agencies transferred by the provisions of R.S. 36:209(Q) and (Y), 259(MM)(B)(19), 309(B), 409(C), 459(B), 610(B), 629(I), and 769(C) shall continue to be composed and selected as provided by law, and each shall continue to exercise all of the powers, duties, functions, and responsibilities provided or authorized for each by the constitution or laws which are in the nature of policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and also shall continue to exercise all advisory powers, duties, functions, and responsibilities provided by law. Such powers, duties, functions, and responsibilities shall be exercised independently of the secretary and any assistant secretary, except that:

* * *

§803. Transfer; licensing agencies

A.(1) Each of the agencies transferred by the provisions of R.S. 36:4.1(D), R.S. 36:209(D), R.S. 36:259(E)(A), R.S. 36:309(D), R.S. 36:409(D), and R.S. 36:509(C), all of which are charged by law with the responsibility for the regulation, examination, certification, and licensing of persons in this state, and the enforcement of the laws relating thereto, shall continue to be composed and selected as provided by law, and each shall continue to exercise all of the powers, duties, functions, and responsibilities provided or authorized for each by the constitution or laws which are in the nature of policymaking, rulemaking, certification, licensing, regulation, enforcement, or adjudication and also shall continue to exercise all advisory powers, duties, functions, and responsibilities provided by law.

* * *

Section 2. R.S. 37:753(B), (C)(4), and (J), 832(A)(2) and (B)(2), 915, 916(B), 962(B) and (C), 1042, 1104(A) and (B)(1), 1172(A), 1174(B), 1263(C), 1515(A)(1), 2102, 2353(A)(1), (2), and (3), the introductory paragraph of 2359(B), the introductory paragraph of 2403(B), 2455(B) (1), (4), and (5), 2654(A), the introductory paragraph of 2704(A), (A)(5), (B), and (C), 2802, 3061(A)(1)(a) and (2)(c), 3084(A), the introductory paragraph of (B)(1), (B)(2), (C), (D), and (G), 3201(B)(1)(d) and (2), (C), and (D), the introductory paragraph of 3389(B), (B)(5), (C), (E), and (G), 3444(A) through (C), 3463(A) and (B), 3554(A) and (B), and 3703(B), (C), and (D) are hereby amended and reenacted and R.S. 37:23.1, 753(C)(5), 914(B)(3), 962(D), 2403(B) (6), (G), and (H), 3061(A)(1)(d) and (D), 3084(B)(1)(e), and 3389(B)(6) are hereby enacted to

read as follows:

§23.1. Licenses, permits, or certificates for individuals with an ADA-recognized disorder
Any board or commission created and provided for within this Title may develop a process to issue a license, permit, or certificate outside the national examination for those individuals with a disorder which is recognized by the Americans with Disabilities Act.

§753. Louisiana State Board of Dentistry; appointment of members; term of office; vacancies; nominating meetings; quorum; domicile

B. The board shall be composed of such **fifteen members to include one consumer, thirteen** qualified and licensed dentists as provided in Subsection C **of this Section**, and one qualified and licensed dental hygienist.

C. Each member of the board shall be appointed by the governor as follows:

(4)(a) The consumer member shall be selected from the state at large and appointed by the governor. The consumer member of the board shall possess all of the following qualifications:

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

(ii) Has attained the age of majority.

(iii) Shall not have ever been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(iv) Has never been convicted of a felony.

(v) Shall not have nor shall ever have had a material financial interest in the healthcare profession.
(b) The consumer member shall be a full voting member of the board with all rights and privileges conferred on board members, except that the consumer member shall not participate in the grading of individual examinations.

(5) In the event the governor declares a state of emergency, all nominating procedures may be delayed for a period of not longer than one hundred eighty days from the date the emergency was first declared by the governor.

J. Each member of the board shall be actively engaged in the practice of dentistry or the practice of dental hygiene at the time of appointment, **except for the consumer member.**

§832. Louisiana State Board of Embalmers and Funeral Directors; appointments; terms of office

A.
(2) The board shall consist of nine members to be appointed by the governor, subject to Senate confirmation, as further provided in Subsection B of this Section. All members of the board shall serve at the pleasure of the governor for terms of four years. **The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.**

~~(2)(a) The board shall also include one member, appointed by the governor, who shall be sixty years of age or over and who shall serve as a representative of the elderly consumers of Louisiana. The elderly member shall not be actively engaged in nor shall he be retired from the occupation, profession, or industry of funeral directors or embalmers. The elderly member shall be a full voting member of the board, except that the elderly member shall not participate in the grading of individual examinations: **consumer member who shall be selected from the state at large and appointed by the governor. The consumer member of the board shall possess all of the following qualifications:**~~

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

~~**(ii) Has attained the age of majority.**~~

~~**(iii) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).**~~

~~**(iv) Has never been convicted of a felony.**~~

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

~~**(b) The consumer member shall be a full voting member of the board, except that the consumer member shall not participate in the grading of individual examinations.**~~

§914. Louisiana State Board of Nursing; appointment of members; term of office; vacancy; officers; compensation

B.
(3) The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

§915. Removal of board members

Any member may be removed from the board by the governor or a majority vote of the board after notice and a hearing by the board wherein grounds for removal have been established; ~~and the removal is recommended by the Louisiana State Nurses Association.~~ Grounds for removal shall include but not be limited to incompetence, neglect of duty, or unprofessional or dishonorable conduct.

§916. Qualifications of board members

B.**(1) Each consumer member of the board shall possess all of the following qualifications:**

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

~~**(2)(b) Has attained the age of majority.**~~

~~**(3)(c) Has never engaged in any activity directly related to the practice of professional nursing. Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).**~~

~~**(4)(d) Has never been convicted of a felony.**~~

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

~~**(2) The consumer member shall be a full voting member of the board with all rights and**~~

privileges conferred on board members, except that the consumer member shall not participate in the grading of individual examinations.

§962. Louisiana State Board of Practical Nurse Examiners; method of appointment

B. Six members of the board shall be practical nurses, two shall be registered nurses, **one shall be a consumer**, and five ~~four~~ shall be licensed physicians.

C. The appointment of members of the board shall be made from a list, containing twice the number of eligibles to be appointed, submitted to the governor by the Louisiana State Medical Society where the appointee shall be a licensed physician, by the Louisiana Federation of Licensed Practical Nurses, Inc., for one of the practical nurses, by the Licensed Practical Nurses of Louisiana, Inc., for one of the practical nurses, by the Louisiana Nursing Home Association, for one practical nurse, by the Louisiana Hospital Association, for one practical nurse, or by the Louisiana State Nurses Association where the appointee shall be a registered nurse. **The consumer member may apply directly to the office of the governor. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.**

D.(1) The consumer member shall be selected from the state at large and appointed by the governor. The consumer member of the board shall possess all of the following qualifications:

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

(b) Has attained the age of majority.

(c) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(d) Has never been convicted of a felony.

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

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

§1042. Louisiana State Board of Optometry Examiners; appointment; terms of members; protected action and communication

A. The Louisiana State Board of Optometry Examiners is created within the Louisiana Department of Health and is subject to the provisions of R.S. 36:803. This board shall consist of five members who shall be licensed optometrists and shall have practiced optometry in this state for seven years **and one consumer member.**

B. Each **licensed optometrist** member of the board shall be appointed by the governor from a list of three names submitted to him by the board. **The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.** For the purpose of preparing the list of three names, the board shall conduct an annual meeting on a date in June set by the board annually, at which all optometrists licensed under the laws of Louisiana shall have the right to attend, nominate and vote. The board shall have the authority to regulate and prescribe the place and hour of the meeting, the method of nomination, and the manner of voting. Each optometrist in attendance shall have the right to vote for those persons duly nominated and no cumulative or proxy voting shall be permitted. Each optometrist voting must vote for three nominees in order for his ballot to be valid, and any ballot indicating votes for more or less than three nominees shall be null and void. The three persons receiving the greatest number of votes of those in attendance at the meeting shall be the three persons whose names shall be submitted to the governor for appointment to the board. At least thirty days prior to the meeting the board shall mail notices to each optometrist licensed under the laws of Louisiana at the address shown in his current registration notifying each optometrist of the exact date, place and hour of the meeting, the purpose of the meeting and of his right to attend and vote. **The consumer member may apply directly to the office of the governor.**

C.(1) The consumer member shall be selected from the state at large and appointed by the governor. The consumer member of the board shall possess all of the following qualifications:

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

(b) Has attained the age of majority.

(c) Shall not have ever been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(d) Has never been convicted of a felony.

(e) Shall not have nor shall ever have had a material financial interest in the healthcare profession.

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

D. Each appointment by the governor shall be subject to Senate confirmation. The term of each member shall be five years, but vacancies occurring during the term of a member shall be filled for the unexpired term by an optometrist possessing the qualifications for board membership, nominated by the remaining members of the board and appointed by the governor from that nomination. **A vacancy in the consumer position shall be filled with another consumer.**

~~**D.E.**~~ There shall be no liability on the part of and no action for damages against **any of the following persons:**

(1) Any member of the board, or its agents or employees, for any action undertaken or performed by such person within the scope of the duties, powers, and functions of the board or such examining committee as provided for in this Chapter when such person is acting without malice and in the reasonable belief that the action taken by him is warranted; ~~or.~~

(2) Any person providing information to the board, its agents or employees, whether a witness, or otherwise, unless such information is false and the person providing it knew that such information was false.

~~**E.E.**~~ In any suit brought against the board, its employees or agents, or any person or entity providing information to the board, when the defendant substantially prevails in such suit, the court shall, at the conclusion of the action, award to the defendant and assess against the claimant the cost of defending the suit attributable to such claim, including reasonable attorney fees, if the claim, or the claimant's conduct during the litigation of the claim, was either frivolous, unreasonable, without foundation, or in bad faith. For the purpose of this Subsection, a defendant shall not be considered to have substantially prevailed when the claimant obtains an award for damages or permanent injunctive or declaratory relief.

* * *
§1104. Louisiana Licensed Professional Counselors Board of Examiners

A. There is hereby created in the Louisiana Department of Health the Louisiana Licensed Professional Counselors Board of Examiners, hereafter referred to as the "board", consisting of eleven members who shall be residents of the state of Louisiana. Each term shall be for four years. Seven appointments to the board, including one ~~individual~~ **consumer** from the public at large, shall be made by the governor from a list of qualified candidates submitted by the executive board of the Louisiana Counseling Association. **The consumer member may also apply directly to the office of the governor.** Four appointments to the board shall be made by the governor from a list of qualified candidates submitted by the executive board of the Louisiana Association for Marriage and Family Therapy. Each appointment by the governor shall be submitted to the Senate for confirmation. **The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.**

B.(1)(a) The membership of the board shall consist of three licensed professional counselors, three educators who are licensed professional counselors and whose function is the training of mental health counselors in accredited programs, four licensed marriage and family therapists, and one ~~individual~~ **consumer** from the public at large. The professional membership of the board shall be licensed under this Chapter. The board shall perform such duties and exercise such powers as this Chapter prescribes and confers upon it. No member of the board shall be liable in any civil action for any act performed in good faith in the execution of his duties under this Chapter.

(b)(i) **The consumer member shall be appointed from the state at large and appointed by the governor, subject to confirmation by the Senate. The consumer member of the board shall possess all of the following qualifications:**

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

(bb) **Has attained the age of majority.**

(cc) **Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).**

(dd) **Has never been convicted of a felony.**

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

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

* * *
§1172. Membership

A. The board shall consist of seventeen members appointed by the governor, including two licensed pharmacists from each of the pharmacy districts as provided in R.S. 37:1173 and one representative of the consumers of Louisiana from the state at-large who possess the qualifications specified in R.S. 37:1174. **The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.**

* * *
§1174. Qualifications

B.(1) The consumer member of the board shall be a resident of this state who has attained the age of majority and shall not have nor shall ever have had material financial interest in the providing of pharmacy services or who has engaged in any activity directly related to the practice of pharmacy. The consumer representative shall not have been convicted of a felony. **possess all of the following qualifications:**

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

(b) **Has attained the age of majority.**

(c) **Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).**

(d) **Has never been convicted of a felony.**

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

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

* * *
§1263. Louisiana State Board of Medical Examiners; membership; qualifications; appointment; removal; terms

C.(1) Each physician member of the board shall at the time of appointment:

(1)(a) Be a resident of this state for not less than six months.

(2)(b) Be currently licensed and in good standing to engage in the practice of medicine in this state.

(3)(c) Be actively engaged in the practice of medicine in this state.

(4)(d) Have five years of experience in the practice of medicine in this state after licensure.

(5)(e) Have not been convicted of a felony.

(6)(f) Have not been placed on probation by the board.

(2)(a) **The consumer member of the board shall possess all of the following qualifications:**

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

(ii) **Has attained the age of majority.**

(iii) **Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).**

(iv) **Has never been convicted of a felony.**

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

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

* * *
§1515. Board of Veterinary Medicine; terms; compensation; removal

A.(1) There is created within the Louisiana Department of Health **Agriculture and Forestry** a board to be known as the Louisiana Board of Veterinary Medicine which is subject to the

provisions of R.S. 36:803.

* * *
§2102. Board of Examiners; creation; domicile; membership; terms of office

A.(1) The Louisiana State Board of Examiners for Sanitarians is hereby created within the Louisiana Department of Health and is subject to the provisions of R.S. 36:803. Its domicile shall be in the city of New Orleans, Louisiana. The board shall consist of seven members, three of whom shall be respectively the dean of the College of Arts and Sciences of Louisiana State University and Agricultural and Mechanical College; the dean of the College of Arts and Sciences of Tulane University of Louisiana; and the assistant secretary, office of public health of the Louisiana Department of Health; ~~and four,~~ **three** of whom shall be ~~duly recognized licensed practicing sanitarians,~~ **and one consumer member, all of whom shall be** appointed by the governor **and confirmed by the Senate. The consumer member may also apply directly to the office of the governor.**

(2) **The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.**

(3)(a) **The consumer member shall be selected from the state at large. The consumer member of the board shall possess all of the following qualifications:**

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

(ii) **Has attained the age of majority.**

(iii) **Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).**

(iv) **Has never been convicted of a felony.**

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

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

B. The four sanitarians of the original board shall be appointed to terms beginning with the effective date of this Chapter, as follows: one member for one year, one member for two years, one member for three years, and one member for four years. Thereafter each sanitarian **Each member** appointed to the board shall be appointed and serve for a term of four years.

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

A.(1) There is hereby created within the Louisiana Department of Health a Louisiana State Board of Examiners of Psychologists which shall be subject to the provisions of R.S. 36:803. The board shall consist of ~~five~~ **six** members who are citizens of the United States, residents of the state of Louisiana, and appointed by the governor **to be comprised of five psychologists and one consumer.**

(2) Upon expiration of the three-year terms of the members in office on September 1, 1987, and except for the transition set forth below, ~~the~~ **The** governor shall appoint members for terms of five years. **Each appointment by the governor shall be subject to Senate confirmation.** For the two vacancies occurring July 1, 1988, one member shall be appointed for a three-year term and one member for a four-year term; for the vacancy occurring July 1, 1989, the member shall be appointed for a four-year term; and for the two vacancies occurring July 1, 1990, one member shall be appointed for a four-year term and one member for a five-year term. A board member shall not be eligible to succeed himself. All **psychologist** appointments shall be from a list provided by the Louisiana Psychological Association. The list shall report the results of an election in which persons qualified for board membership may nominate themselves and in which licensed members of the Louisiana Psychological Association and other persons licensed under this Chapter are entitled to one vote for each vacancy on the board. **The consumer member may apply directly to the office of the governor. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.**

(3)(a) Each **psychologist** board member shall be a citizen of the United States, resident of the state of Louisiana, shall have rendered service, teaching, training, or research in psychology for at least five years, shall have held a doctoral degree in psychology from a school or college as defined in this Chapter for a period of five years, and shall be licensed under this Chapter for a minimum of five years.

(b)(i) **The consumer member shall be selected from the state at large and shall possess all of the following qualifications:**

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

(bb) **Has attained the age of majority.**

(cc) **Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).**

(dd) **Has never been convicted of a felony.**

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

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

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

B. The board shall have the power and duty to suspend, place on probation, require remediation for a specified time, revoke any license to practice psychology, any provisional license to practice psychology, or any license to practice as a specialist in school psychology issued by the board, or take any other action specified in the rules and regulations whenever the board, by affirmative vote of at least four ~~members~~ **members** of its ~~five~~ **members** **a five-member hearing panel**, shall find by a preponderance of the evidence that a psychologist, provisional licensed psychologist, or specialist in school psychology has engaged in any of the following acts or offenses:

* * *
§2403. Physical therapy board; composition

B. The board shall consist of ~~seven~~ **eight** members who shall be appointed by the governor as follows:

* * *

(6) One member shall be a consumer selected from the state at large. The consumer member may also apply directly to the office of the governor.

G.(1) The consumer member shall be selected from the state at large and possess all of the following qualifications:

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

(b) Has attained the age of majority.

(c) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(d) Has never been convicted of a felony.

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

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

H. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

* * *

§2455. Louisiana Board for Hearing Aid Dealers; composition; districts

B.(1) The board shall be composed of nine members. Seven members shall be hearing aid dealers, the eighth shall be the state health officer or his representative, and the ninth member shall be sixty years of age or over and shall serve as a representative of the elderly consumers of Louisiana. The seven hearing aid dealers shall be appointed in the following manner. The Louisiana Society of Hearing Aid Specialists, chartered by the state, shall submit to the governor names of not less than fourteen qualified hearing aid dealers, who shall be actively engaged in the selling and fitting of hearing aids. **The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.**

(4) From this list the governor shall appoint seven members of the board, two from District I, and one from each of the other five districts. Of the seven hearing aid dealer members of the board, one shall be appointed to serve a term of four years, two shall be appointed to serve for a term of three years, two shall be appointed to serve for a term of two years, and two shall be appointed to serve for a term of one year. Each member so appointed shall serve for the term of his appointment, and thereafter until his successor has been appointed by the governor. After the original board member has been appointed by the governor, as hereinabove set forth, each of the successor hearing aid dealer board members **Each member** shall be appointed for a term of four years. All terms provided in this Paragraph shall begin on January 1, 1969. In the event of a vacancy on the board, the governor shall appoint a new hearing aid dealer board member to serve out the unexpired term. The members of the board shall annually designate one such member to serve as chairman and another member to serve as secretary-treasurer. No hearing aid dealer member of the board may be reappointed to the board until at least one year after the expiration of his second term of office.

(5)(a) The elderly **consumer** representative shall be appointed by the governor and the appointment shall be subject to Senate confirmation. The elderly **consumer** representative shall serve at the pleasure of the governor and any vacancy shall be filled by a gubernatorial appointment. ~~The elderly representative shall not be actively engaged in or retired from the occupation, profession, or industry of hearing aids. The elderly member shall be a full voting member of the board, except that the elderly representative shall not participate in the grading of individual examinations.~~ **The elderly consumer member shall be selected from the state at large and shall possess all of the following qualifications:**

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

(ii) Has attained the age of majority.

(iii) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(iv) Has never been convicted of a felony.

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

(b) The elderly consumer member shall be a full voting member of the board, except that the consumer member shall not participate in the grading of individual examinations.

* * *

§2654. Board of examiners; creation; membership; appointment; terms; chair; quorum; domicile

A.(1) The Louisiana Board of Examiners for Speech-Language Pathology and Audiology is hereby created within the Louisiana Department of Health and is subject to the provisions of R.S. 36:803. The board shall consist of seven persons who are residents of this state, and who, except for the **public consumer** member, have been engaged in providing service, or in teaching, or research in speech-language pathology or audiology for at least five years prior to appointment and who are licensed speech-language pathologists or audiologists under this Chapter. At least three of the members shall be practicing audiologists, one of whom shall be a dispensing audiologist, at least three shall be practicing speech-language pathologists, one of whom shall be currently employed in a public school setting, and one shall be a **public consumer** member.

(1) No public member shall:

(a) Have ever actively engaged in the practice of speech-language pathology or audiology.

(b) Be employed by, own, or participate in the management of an agency or business entity that sells, manufactures, or distributes health care supplies or equipment or provides health care services.

(c) Have a financial interest in the practice or business of speech-language pathology or audiology.

(d) Be an elected official.

(e) Be a family member or spouse of a licensed speech-language pathologist or audiologist.

(2) The public member shall be an individual or a family member or spouse of an individual with a communication disorder.

(2)(a) The consumer member of the board shall possess all of the following qualifications:

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

(ii) Has attained the age of majority.

(iii) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(iv) Has never been convicted of a felony.

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

(vi) Be an individual or a family member or spouse of an individual with a communication disorder.

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

* * *

§2704. Board of Social Work Examiners

A. There is hereby created a Louisiana State Board of Social Work Examiners within the Louisiana Department of Health. The board shall be subject to the provisions of R.S. 36:803. It shall consist of seven members **to include six social workers and one consumer member** who are citizens of the United States and residents of the state of Louisiana. The members shall be appointed by the governor, subject to Senate confirmation. All appointees shall be selected from one list compiled by all statewide social work membership organizations that have written bylaws and meet all state and federal laws, and the Louisiana Chapter of the National Association of Social Workers shall be responsible for the coordination of this process. **The consumer member may apply directly to the office of the governor. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.** All appointees shall serve no more than two consecutive full terms. The completion of an unexpired portion of a full term shall not constitute a full term for purposes of this Section. The board shall consist of the following members:

* * *

(5) One **public consumer** member.

B. Each board member, with the exception of the **public consumer** member, shall be a person who holds a current, valid license or registration issued pursuant to this Chapter **and shall be a citizen of the United States and resident of the state of Louisiana.** At all times the board shall consist of at least three members who are engaged primarily in rendering direct services in social work and at least one member who is engaged primarily in social work education or a practice specialty other than clinical.

C. No public member shall be currently an elected official, and no member shall be or have been any of the following:

(1) Actively engaged in the practice of social work or be the spouse of a social worker.

(2) Engaged in the practice of psychology, psychiatry, or a member of a mental health profession, or the spouse of a member of a mental health profession.

(3) Employed or own an agency or business entity that provides social, health, or mental health care or substance abuse services.

(1) The consumer member of the board shall be selected from the state at large and shall possess all of the following qualifications:

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

(b) Has attained the age of majority.

(c) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(d) Has never been convicted of a felony.

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

(f) Shall not be an elected official.

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

* * *

§2802. Board of chiropractic examiners

A.(1) The Louisiana Board of Chiropractic Examiners is hereby created within the Louisiana Department of Health and is subject to the provisions of R.S. 36:803. The board shall be composed of seven members who shall be appointed by the governor, **subject to confirmation by the Senate.** All seven **Six** members shall be chiropractors licensed under the provisions of this Chapter, who have been continuously engaged in the practice of chiropractic in this state for at least five years, **and one member shall be a consumer;** however, the initial members required to be chiropractors shall be persons who are eligible to be licensed under the provisions of this Chapter.

(2) The initial members shall be appointed within thirty days after July 31, 1974, to serve for terms of one, two, three, and four years, as designated by the governor at the time of appointment. Thereafter, the terms of members shall be four years each or until the successor of each member takes office. **The consumer member of the board shall be selected from the state at large and shall possess all of the following qualifications:**

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

(b) Has attained the age of majority.

(c) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(d) Has never been convicted of a felony.

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

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

B. Every chiropractor appointed to the board after the initial appointments shall be a licensed chiropractor under the provisions of this Chapter.

C. Any vacancy occurring in the membership of the board, except by expiration of the term, shall be filled for the unexpired term in the manner provided in Subsection A of this section.

D. The governor may remove any member for misconduct, incompetence or neglect of duty, after he has given the member a written statement of the charges against him and has

afforded him an opportunity to be heard.

E.D. The governor shall issue each member a certificate of appointment. Within thirty days after the date of his appointment and before commencing the discharge of his duties, each member shall subscribe to the oath for public officials, which shall be deposited with the secretary of state as provided by law.

F.E. Each member of the board shall receive compensation fixed by the board at not more than fifty dollars per day for each day in attendance upon its sessions. Each member of the board shall be reimbursed for his actual travel, clerical and incidental expenses necessarily incurred while engaged in the discharge of his official duties. Such compensation and expenses shall be paid out of the moneys monies credited to the board as provided by R.S. 37:2809(B).

G.F. A board member's seat shall be recognized as vacant after the member is absent from three consecutive official board meetings without reason if recommended to the governor by a vote of two-thirds of the members of the board to consider the removal of such absent board member from the board.

* * *

§3061. Board of Electrolysis Examiners

A.(1)(a) The State Board of Electrolysis Examiners shall be composed of five six members, all to be appointed by the governor to serve at his pleasure.

* * *

(d) One consumer who shall be selected from the state at large. The consumer member may apply directly to the office of the governor.

(2) * * *

(c) Each appointment by the governor shall be submitted to the Senate for confirmation. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

* * *

D.(1) The consumer member of the board shall possess all of the following qualifications:

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

(b) Has attained the age of majority.

(c) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(d) Has never been convicted of a felony.

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

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

* * *

§3084. Louisiana State Board of Examiners in Dietetics and Nutrition; membership, terms, and vacancies; officers; meetings; quorum; compensation

A. The Louisiana State Board of Examiners in Dietetics and Nutrition, hereinafter referred to as the "board", is hereby created within the Louisiana Department of Health, subject to the provisions of R.S. 36:803.

B.(1) The board shall be composed of the following seven eight members, all appointed by the governor and subject to Senate confirmation:

* * *

(e) One consumer who shall be selected from the state at large. The consumer member may apply directly to the office of the governor.

(2) The initial members of the board shall be appointed by the governor not later than sixty days after the effective date of this Chapter from lists of names submitted by the designated associations not later than thirty days after the effective date of this Chapter. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

C.(1) Board members who are dietitians or nutritionists shall be residents of the state who have been actively practicing an unrestricted license to practice in the field of dietetics/nutrition dietetics or nutrition or a related field for not less than five years. Board The registered nurse and physician board members shall have an unrestricted license to practice their respective professions, where applicable. The registered dietitians/nutritionists initially appointed to the board must be eligible for licensure pursuant to the provisions of this Chapter; thereafter, dietitians/nutritionists appointed to the board must be licensed pursuant to the provisions of this Chapter.

(2)(a) The consumer member of the board shall possess all of the following qualifications:

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

(ii) Has attained the age of majority.

(iii) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(iv) Has never been convicted of a felony.

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

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

D. Two of the dietitian/nutritionist members of the board shall be appointed for initial terms of two years and two of the dietitian/nutritionist members for three years, as designated by the governor at the time of the appointment. The nursing member, the member appointed from names submitted by the commissioner of Agriculture and Forestry, and the physician each shall be appointed for an initial term of one year. Thereafter, each Each member shall be appointed for a term of three years.

* * *

G. Within thirty days after the appointment of its initial members, the board shall hold a meeting for the purpose of organization and shall elect from its membership a chairman, a vice chairman, and a secretary-treasurer. Officers The board shall annually elect a chairman, a vice chairman, and a secretary-treasurer who shall be elected each serve for terms of one year, or until the successor of each is elected. Thereafter, the board shall annually and in like manner elect its officers.

* * *

§3201. Radiologic Technology Board of Examiners; method of appointment; qualifications

of members

* * *

B.(1) The board shall consist of eleven members appointed by the governor of whom:

(d) One shall be a radiological physicist consumer member selected from the state at large.

(2) Each appointment by the governor shall be submitted to the Senate for confirmation. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

C. Board Radiological members of the board shall be licensed pursuant to the provisions of this Chapter and shall be residents of the state who have been actively practicing in their fields for not less than five years.

~~D.(1) The radiologic technologists initially appointed to the board must be eligible for licensure pursuant to the provisions of this Chapter; thereafter, radiologic technologists appointed to the board must be licensed pursuant to the provisions of this Chapter. The consumer member of the board shall possess all of the following qualifications:~~

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

~~(b) Has attained the age of majority.~~

~~(c) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).~~

~~(d) Has never been convicted of a felony.~~

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

~~(2) The consumer member shall be a full voting member of the board with all rights and privileges conferred on board members, except that the consumer member shall not participate in the grading of individual examinations.~~

* * *

§3389. Transition; Addictive Disorder Regulatory Authority

B. The Addictive Disorder Regulatory Authority (ADRA) is hereby created within the Louisiana Department of Health to exercise all regulatory jurisdiction over the credentialing and practice of addiction counselors and prevention professionals, persons holding specialty certifications issued by the board, paraprofessionals authorized by this Chapter, and those in training to become addiction counselors and prevention professionals. The ADRA shall be governed by a board of directors, hereinafter referred to as the "board", consisting of seven voting members and one nonvoting member, all of whom shall be appointed by the governor, subject to Senate confirmation, as follows:

* * *

(5) ~~Four~~ Three voting members from a list of ~~twelve~~ nine names divided into ~~four~~ three groups of three names each submitted by the Louisiana Association of Substance Abuse Counselors and Trainers, Inc.

(6) One voting member who is a consumer selected from the state at large.

C. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity. Members of the board shall serve three-year terms ~~except that in making the initial appointments, the governor shall appoint two voting members for a one-year term, three voting members for a two-year term, and two voting members for a three-year term. The nonvoting member shall serve an initial term of three years. Members appointed to fill vacancies caused by death, resignation, or removal shall serve the unexpired terms of their predecessors.~~

* * *

E. Members of the board shall elect a chairman and such other officers as it deems necessary to carry out the duties and functions of the board. The ADRA may employ persons necessary to carry out the provisions of this Chapter and may fix their compensation. The ADRA shall employ at least three persons: an executive director, an assistant director, and an administrative assistant. ~~The Louisiana Department of Health, office of behavioral health, shall be responsible for providing staff for the ADRA until June 30, 2009. From July 1, 2009, and thereafter the board of the ADRA shall resume full responsibility for providing staff for the ADRA. Employees of the board shall be eligible to participate in the state group benefits plan and in the state retirement system.~~

* * *

~~G.(1) It is the intent of the legislature that the board exercise all regulatory jurisdiction over the credentialing and practice of addiction counselors and prevention professionals, persons holding specialty certifications issued by the board, paraprofessionals authorized by this Chapter, and those in training to become addiction counselors and prevention professionals.~~

~~The consumer member of the board shall possess all of the following qualifications:~~

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

~~(b) Has attained the age of majority.~~

~~(c) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).~~

~~(d) Has never been convicted of a felony.~~

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

~~(2) The consumer member shall be a full voting member of the board with all rights and privileges conferred on board members, except that the consumer member shall not participate in the grading of individual examinations.~~

* * *

§3444. Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners

A. There is hereby created in the Louisiana Department of Health the Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners, referred to in this Chapter as the "board", consisting of five members; who shall be residents of the state of Louisiana. The members shall be appointed by the governor from a list of qualified candidates supplied by the Louisiana International Association of Rehabilitation Professionals, as specified in this Section within sixty days after July 14, 1988 to serve the following terms: one member for a term of two years, two members for terms of three years, and two members for terms of four years. Thereafter, each Professionals-Louisiana. The consumer members may apply directly to the office of the governor. Each term shall be for four years. Each appointment by the governor shall be submitted to the Senate for confirmation. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

B.(1) The membership of the board shall consist of three ~~four~~ licensed professional vocational rehabilitation counselors and two individuals ~~one consumer~~ from the public at large. The original professional membership of the board shall be qualified to be licensed under this Chapter, except that the initial professional members shall be persons who have rendered rehabilitation counseling for at least three years. Within thirty days after July 14, 1988, the executive committee of the Louisiana Association for Rehabilitation Professionals shall submit to the governor a list of qualified candidates for the board. The board shall perform such duties and exercise such powers as this Chapter prescribes and confers upon it. No member of the board shall be individually liable for any act or omission resulting in damage or injury arising out of the exercise of his judgment in the formation and implementation of policy while acting as a member of the board, provided he was acting in good faith and within the scope of his official functions and duties, unless the damage or injury was caused by his willful or wanton misconduct.

(2)(a) The consumer member shall be selected from the state at large and shall possess all of the following qualifications:

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

(ii) Has attained the age of majority.

(iii) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(iv) Has never been convicted of a felony.

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

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

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

* * *

§3463. Board; appointments; terms; removal; compensation; officers

A. The Louisiana Board of Drug and Device Distributors is hereby created within the Louisiana Department of Health and is subject to the provisions of R.S. 36:803. The board shall administer the provisions of this Chapter. It shall be composed of eight members, five ~~four~~ of whom shall be licensed distributors, two of whom shall be actively engaged in the pharmaceutical manufacturing industry, and one of whom shall be actively engaged in the medical device industry, ~~and one consumer~~. **Each member shall be appointed by the governor, subject to Senate confirmation.**

B.(1) The governor shall appoint, subject to Senate confirmation, members to the board from a list containing the names of five persons, submitted by the Louisiana Association of Wholesale Drug Distributors and from a list containing the names of two persons, submitted by the Pharmaceutical Research and Manufacturers of America. **The consumer member may apply directly to the office of the governor.** In the event of the death or resignation of any member of the board, the governor shall appoint his successor in the manner of the original appointment for the remainder of the unexpired term. **The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.**

(2)(a) The consumer member shall be selected from the state at large and appointed by the governor, subject to confirmation by the Senate. The consumer member of the board shall possess all of the following qualifications:

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

(ii) Has attained the age of majority.

(iii) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(iv) Has never been convicted of a felony.

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

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

* * *

§3554. Louisiana Board of Massage Therapy; creation, membership, qualifications, terms, vacancies, officers, meetings, reimbursement, liability

A.(1) The Louisiana Board of Massage Therapy is hereby created within the Louisiana Department of Health **subject to the provisions of R.S. 36:803**. It shall be composed of seven members appointed by the governor, **subject to Senate confirmation**. Five of the members shall be appointed from a list of nominees submitted to the governor by professional massage therapy and bodywork associations. From the list of association nominees, three of the persons appointed shall be licensed massage therapists. Two ~~lay~~ ~~consumer~~ members shall be appointed from the list of nominees, both of whom shall be consumers who have never been nor are currently a licensed massage therapist in the state. **The consumer members may also apply directly to the office of the governor.** Two additional licensed massage therapists shall be appointed to the board from a general list of names which are submitted for consideration by other interested sources or individuals.

(2) The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

(3)(a) All massage therapists appointed to the board by the governor shall be licensed and in good standing under this Chapter. The massage therapist appointees shall have practiced massage therapy for at least three years.

(b)(i) The consumer members shall be selected from the state at large. The consumer members of the board shall possess all of the following qualifications:

(aa) Are citizens of the United States and have been residents of Louisiana for at least one year immediately prior to appointment.

(bb) Have attained the age of majority.

(cc) Have never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall either member have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(dd) Have never been convicted of a felony.

(ee) Do not have and have never had a material financial interest in the healthcare profession.

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

B. All members of the board shall serve two-year terms. No member shall serve more than three consecutive terms. For the purposes of staggering the board member terms, the governor shall appoint to the board three massage therapists and one lay member in odd-numbered years and two massage therapists and one lay member in even-numbered years.

§3703. Louisiana Behavior Analyst Board

* * *

B.(1) The board shall consist of five ~~be comprised of seven members to include six~~ behavior analysts ~~and one consumer member~~ who shall be appointed by the governor from a list of nominees submitted by the Louisiana Behavior Analysis Association, and who shall be confirmed by the Senate.

(2)(a) The five behavior analysts shall become licensed once this Chapter becomes effective. The consumer member of the board shall possess all of the following qualifications:

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

(ii) Has attained the age of majority.

(iii) Has never been licensed by any of the licensing boards identified in R.S. 36:259(A), nor shall he have a spouse who has ever been licensed by a board identified in R.S. 36:259(A).

(iv) Has never been convicted of a felony.

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

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

(3) The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity. Members of the board shall serve at the pleasure of the governor. A vacancy in an unexpired term shall be filled in the manner of the original appointment.

(4)(a) The first two appointments to the initial board shall each serve a term of four years, and such positions on the board shall be four-year terms.

(b) The third and fourth appointments to the initial board shall each serve a term of three years, and such positions on the board shall be three-year terms.

(c) The fifth appointment to the initial board shall serve a term of five years, and such position on the board shall be a five-year term.

(5) If there is a vacancy, the appointment to complete the term shall follow the same process to appoint members to the board.

(6) No member of the board shall serve more than two consecutive complete terms on the board.

(7) The State Board of Examiners of Psychologists shall appoint a member to serve as an ex officio, nonvoting member of the board.

C. The board shall convene its first meeting no later than October 1, 2013. At this meeting ~~Annually~~, the board shall elect from among its membership a chairman and vice chairman.

D. A majority of the members of the board shall constitute a quorum for the transaction of all business. The ex officio member shall not be considered for the purpose of establishing a quorum.

* * *

Section 3. The heading of R.S. 40:5.11 is hereby amended and reenacted to read as follows:
§5.11. Water fluoridation program; Fluoridation Advisory Board

* * *

Section 4. R.S. 37:3389(A) and (D) and R.S. 40:5.11(C) through (F) are hereby repealed in their entirety.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 516

SENATE BILL NO. 76
BY SENATOR BOUDREAUX
AN ACT

To amend and reenact R.S. 14:402.1(A), relative to the taking of contraband to hospitals; to provide relative to controlled dangerous substances in a hospital; to provide relative to the taking of firearms or certain other instrumentalities into a hospital; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:402.1(A) is hereby amended and reenacted to read as follows:

§402.1. Taking of contraband to state-owned hospitals unlawful; penalty

A. It shall be unlawful for any person to introduce or attempt to introduce into or upon the grounds or buildings of any state-owned and administered hospital or related facility, except through regular channels as authorized by the administrator of the hospital, any of the following articles which are hereby declared contraband for the purposes of this Part Section, namely: Any intoxicating beverage or beverage which causes or may cause an intoxicating effect; any narcotic or hypnotic or exciting drug of whatever kind or nature including nasal inhalators of any variety; sleeping pills or barbiturates of any variety that create or may create a hypnotic effect if taken internally **controlled dangerous substance that has not been prescribed or recommended in accordance with the Uniform Controlled Dangerous Substances Law at R.S.**

40:961 et seq.; and any firearm or other instrumentality customarily considered a dangerous weapon **possessed by a person who is prohibited from possessing the firearm or instrumentality pursuant to state or federal law.**

* * *

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 517

**SENATE BILL NO. 107
BY SENATOR MORRISH
AN ACT**

To enact R.S. 17:24.4(L), relative to student assessments; to require the state Department of Education to provide student assessment results for the standards-based assessments in English language arts and mathematics to public school governing authorities; to require each public school governing authority to disperse such results to teachers; to provide that such results include specified information; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:24.4(L) is hereby enacted to read as follows:

§24.4. Louisiana Competency-Based Education Program; statewide standards for required subjects; Louisiana Educational Assessment Program; parish or city school board comprehensive pupil progression plans; waivers

* * *

L.(1) The state Department of Education shall provide the assessment results for each student who is administered the standards-based assessments in English language arts and mathematics to each public school governing authority by not later than June thirtieth each year, except for any year in which a new assessment or significant adjustments to an existing assessment are required in order to align content standards or due to actions taken by the state board, the state division of administration, or the legislature.

(2) The state Department of Education shall provide the results in a format that is easy to read, clear, and understandable and the results shall contain but shall not be limited to the following:

(a) The scale score achieved by the student. "Scale score" means the score achieved by the student on a particular form of a test that would be equivalent to all other forms of the test given for that subject and grade level in that year and in previous years.

(b) The raw score achieved by the student. "Raw score" means the number of total points earned by the student on the test.

(c) Student performance on categories and subcategories within a given subject.

(d) Longitudinal information, if available, on the student's progress in each subject area based on previous statewide standards-based assessment data.

(3) The school governing authority shall disperse the assessment results for each student to the student's teacher of record for the school year that the assessment was given and the student's teacher of record for the upcoming school year.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 518

**SENATE BILL NO. 120
BY SENATOR PERRY
AN ACT**

To enact R.S. 13:5554(II), relative to payment of certain premium costs of retired sheriffs and retired deputy sheriffs; to provide relative to payment of certain premium costs for retired sheriffs and retired deputy sheriffs of the Vermilion Parish Sheriff's Office; to provide for eligibility for payment of premium costs; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§5554. Group insurance; kinds; amounts; subrogation

* * *

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

(1) Fifty percent of the premium costs of group hospital, surgical, dental, and medical expense and the first ten thousand dollars of life insurance if the sheriff or deputy sheriff has at least fifteen years of full-time continuous and creditable service with the Vermilion Parish Sheriff's Office and is at least fifty-five years of age and is retiring from active service with the Vermilion Parish Sheriff's Office. A sheriff or deputy sheriff's creditable days of full-time service shall be determined by the Louisiana Sheriff's Pension and Relief Fund.

(2) One hundred percent of the premium costs of group hospital, surgical, dental, and medical expense insurance and the first ten thousand dollars of life insurance if the sheriff or deputy sheriff has at least thirty years of full-time continuous and creditable service with the Vermilion Parish Sheriff's Office, regardless of age. A sheriff or deputy sheriff's creditable days of full-time service shall be determined by the Louisiana Sheriffs' Pension and Relief Fund.

(3) The provisions of this Subsection shall apply only to sheriffs and deputy sheriffs hired by the Vermilion Parish Sheriff's Office on or after July 1, 2018.

(4) The provisions of Paragraph (G)(1) of this Section shall apply to sheriffs and deputy sheriffs hired by the Vermilion Parish Sheriff's Office prior to July 1, 2018.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 519

**SENATE BILL NO. 121
BY SENATOR PERRY
AN ACT**

To enact R.S. 42:1123(44), relative to an exception to the Code of Governmental Ethics; to provide for an exception to certain prohibitions of pharmacists as public servants; to provide an exception to allow a pharmacist to serve on a certain hospital service district; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(44) is hereby enacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

* * *

(44) A licensed pharmacist who is a member of a board of commissioners for any hospital service district authorized by Chapter 10 of Title 46 of the Louisiana Revised Statutes of 1950 located within a parish which has a population of one hundred twenty-five thousand or less from contracting with the hospital over which the board exercises jurisdiction, from subcontracting with another provider who contracts with such hospital or pharmacy, or from owning an interest in an entity that contracts with such hospital. However, such licensed pharmacist shall recuse himself from participating in any transaction before the board relating to any contracts entered into by him, or by a provider with which he subcontracts, or by any entity in which he owns an interest.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 520

**SENATE BILL NO. 123
BY SENATOR PERRY
AN ACT**

To amend and reenact R.S. 13:1878, relative to city courts; to provide for courts with two divisions; to provide for division declaration; to provide for determining the chief judge; to provide for the duties of the chief judge; to provide for the term of the chief judge; to provide for technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1878 is hereby amended and reenacted to read as follows:

§1878. ~~Courts having more than one division; declaration~~ **Declaration** of candidates for office; ~~seniority determination of chief judge~~

A. Where a city court is composed of ~~two or more~~ **than two** divisions, a candidate for nomination and election to the office of judge of the city court, at the time of filing his declaration as a candidate, shall designate the division of the court for which he is a candidate. The judge oldest in point of continuous service shall be the ~~presiding~~ **chief** judge, except that when they have served continuously the same length of time, the judge oldest in years shall be the ~~presiding~~ **chief** judge.

B.(1) Where a city court is composed of two divisions, a candidate for nomination and election to the office of judge of the city court, at the time of filing his declaration as a candidate, shall designate the division of the court for which he is a candidate.

(2) The city court shall have a chief judge.

(a) If not selected by agreement, the chief judge shall be the judge having the longest continuous service as a judge of that city court or, if both are equal in such service, then the judge having the longest continuous service as a judge regardless of the court. In the event both judges are new or have equal continuous service as a judge, then the chief judge shall be the judge having the most years as a licensed attorney in the state of Louisiana or, if both have the same number of years, the judge oldest in age.

(b) The chief judge shall preside over meetings en banc, appoint committees, certify all documents on behalf of the court en banc, prepare the agenda for en banc meetings, represent the court in ceremonial functions, oversee all financial planning and reporting, perform duties as delegated by the court en banc, and exercise supervision of administrative functions including but not limited to the appointment of the clerk of court, deputy clerks of court, and court reporters.

(c) The chief judge shall remain in such position until his resignation or retirement. The court en banc may designate a procedure by local rule for the other judge of the city court to act as temporary chief judge if the chief judge is unable to perform his duties due to physical or medical incapacity.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 521

**SENATE BILL NO. 132
BY SENATOR MORRELL
AN ACT**

To amend and reenact R.S. 47:6103, relative to the administration of the school readiness tax credit program; to provide relative to rulemaking procedures pursuant to the school readiness tax credit program; to provide relative to the oversight committees for school

readiness tax credit program rules; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6103 is hereby amended and reenacted to read as follows:

§6103. Implementation

A.(1) The department, in consultation with the Department of Revenue, shall promulgate rules and regulations **necessary** for the purpose of developing and implementing the provisions of this Chapter in accordance with the provisions of the Administrative Procedure Act.

(2) The department is authorized to use the emergency rulemaking process for the first set of rules developing and implementing this Chapter. Prior to adoption of the emergency rule, the department shall provide written notification that it intends to publish such rule in the Louisiana Register and the rule shall be subject to approval by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means. However, if such committees do not take action on the rule within sixty days of publication in the Louisiana Register, the rule shall become effective.

(3) Any promulgated rule which is first applicable to any calendar year shall be finally adopted prior to December first of the preceding calendar year.

B. Rules promulgated pursuant to the provisions of this Chapter shall be subject to oversight by the Senate Committee on Education, the House Committee on Education, the Senate Committee on Revenue and Fiscal Affairs, and the House Committee on Ways and Means. Each committee's oversight shall be in accordance with the Administrative Procedure Act. In addition to the approval of oversight committees provided for in the Administrative Procedure Act, such rule also shall be approved by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means.

C. The department, in collaboration with the State Board of Elementary and Secondary Education, shall make recommendations for legislation no later than January 1, 2015, to align the tax credits provided for in this Chapter with the Early Childhood Care and Education Network, which promotes kindergarten readiness in eligible early childhood learning centers and which evaluates eligible centers utilizing the letter grade system adopted through rules promulgated by the State Board of Elementary and Secondary Education for determining the success of an eligible center.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 522

SENATE BILL NO. 152
BY SENATOR MORRISH
AN ACT

To enact R.S. 17:10.1(H), relative to school and district accountability; to provide relative to information to be provided with the annual release of school and district performance scores and letter grades; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:10.1(H) is hereby enacted to read as follows:

§10.1. School and district accountability system; purpose; responsibilities of state board

* * *

H.(1) For the 2017-2018 school year, the state board shall publish the school and district performance scores and letter grades calculated pursuant to the rules in effect for the reporting of results for the 2016-2017 school year and those calculated pursuant to the current rules in effect for the reporting of results for the 2017-2018 school year. The performance scores and letter grades derived from using both methodologies shall be displayed side by side to facilitate easy comparison.

(2) For the 2018-2019 school year and beyond, whenever the state board makes any significant change in the criteria, methodology, or manner of calculating and determining the school and district performance scores and letter grades that could result in a significant number of schools or districts experiencing a change in letter grade, the board shall consider whether to publish the performance score and letter grade that would have been calculated and reported, had the change not been implemented.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 523

SENATE BILL NO. 178
BY SENATOR WALSWORTH
AN ACT

To enact R.S. 14:95.9(C)(8), relative to wearing or possessing body armor on school property; to allow students to carry or wear a backpack with bullet resistant material; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.9(C)(8) is hereby enacted to read as follows:

§95.9. Wearing or possessing body armor, by a student or nonstudent on school property, at school-sponsored functions, or in firearm-free zones; **exceptions**

* * *

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

* * *

(8) A student wearing, carrying, or possessing a backpack on school property or a school bus that has bullet-resistant metal or other material intended to provide protection from weapons or

bodily injury.

* * *

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 524

SENATE BILL NO. 203
BY SENATOR PEACOCK
AN ACT

To enact Part II of Chapter 29 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:2425, relative to the Physical Therapy Licensure Compact; to provide for enactment of the model language required to participate in the compact; to designate Chapter 29 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:2401 through 2424, "PART I. PHYSICAL THERAPISTS"; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The provisions of Chapter 29 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:2401 through 2424, are hereby designated "PART I. PHYSICAL THERAPISTS".

Section 2. Part II of Chapter 29 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:2425, is hereby enacted to read as follows:

PART II. PHYSICAL THERAPY LICENSURE COMPACT

§2425. Physical Therapy Licensure Compact; adoption

The Physical Therapy Licensure Compact is hereby recognized and enacted into law and entered into by this state with all states legally joining therein in the form substantially as follows:

SECTION 1. PURPOSE

The purpose of this compact is to facilitate interstate practice of physical therapy with the goal of improving public access to physical therapy services. The practice of physical therapy occurs in the state where the patient/client is located at the time of the patient/client encounter. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

This compact is designed to achieve the following objectives:

- (1) Increase public access to physical therapy services by providing for the mutual recognition of other member state licenses.**
- (2) Enhance the states' ability to protect the public's health and safety.**
- (3) Encourage the cooperation of member states in regulating multi-state physical therapy practice.**
- (4) Support spouses of relocating military members.**
- (5) Enhance the exchange of licensure, investigative, and disciplinary information between member states.**
- (6) Allow a remote state to hold a provider of services with a compact privilege in that state accountable to that state's practice standards.**

SECTION 2. DEFINITIONS

As used in this compact, and except as otherwise provided, the following definitions shall apply:

- (1) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211.**
- (2) "Adverse action" means disciplinary action taken by a physical therapy licensing board based upon misconduct, unacceptable performance, or a combination of both.**
- (3) "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a physical therapy licensing board. This includes but is not limited to substance abuse issues.**
- (4) "Compact privilege" means the authorization granted by a remote state to allow a licensee from another member state to practice as a physical therapist or work as a physical therapist assistant in the remote state under its laws and rules. The practice of physical therapy occurs in the member state where the patient/client is located at the time of the patient/client encounter.**
- (5) "Continuing competence" means a requirement, as a condition of license renewal, to provide evidence of participation in, and/or completion of, educational and professional activities relevant to practice or area of work.**
- (6) "Data system" means a repository of information about licensees, including examination, licensure, investigative, compact privilege, and adverse action.**
- (7) "Encumbered license" means a license that a physical therapy licensing board has limited in any way.**
- (8) "Executive board" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.**
- (9) "Home state" means the member state that is the licensee's primary state of residence.**
- (10) "Investigative information" means information, records, and documents received or generated by a physical therapy licensing board pursuant to an investigation.**
- (11) "Jurisprudence requirement" means the assessment of an individual's knowledge of the laws and rules governing the practice of physical therapy in a state.**
- (12) "Licensee" means an individual who currently holds an authorization from the state to practice as a physical therapist or to work as a physical therapist assistant.**
- (13) "Member state" means a state that has enacted the compact.**
- (14) "Party state" means any member state in which a licensee holds a current license or compact privilege or is applying for a license or compact privilege.**
- (15) "Physical therapist" means an individual who is licensed by a state to practice physical therapy.**
- (16) "Physical therapist assistant" means an individual who is licensed/certified by a state and**

who assists the physical therapist in selected components of physical therapy.

(17) "Physical therapy", "physical therapy practice", and "the practice of physical therapy" mean the care and services provided by or under the direction and supervision of a licensed physical therapist.

(18) "Physical Therapy Compact Commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.

(19) "Physical therapy licensing board" or "licensing board" means the agency of a state that is responsible for the licensing and regulation of physical therapists and physical therapist assistants.

(20) "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the compact privilege.

(21) "Rule" means a regulation, principle, or directive promulgated by the commission that has the force of law.

(22) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of physical therapy.

SECTION 3. STATE PARTICIPATION IN THE COMPACT

A. To participate in the compact, a state must:

(1) Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules.

(2) Have a mechanism in place for receiving and investigating complaints about licensees.

(3) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee.

(4) Fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions in accordance with Section 3(B).

(5) Comply with the rules of the commission.

(6) Utilize a recognized national examination as a requirement for licensure pursuant to the rules of the commission.

(7) Have continuing competence requirements as a condition for license renewal.

B. Upon adoption of this statute, the member state shall have the authority to obtain biometric-based information from each physical therapy licensure applicant and submit this information to the Federal Bureau of Investigation for a criminal background check in accordance with 28 U.S.C. §534 and 42 U.S.C. §14616.

C. A member state shall grant the compact privilege to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

D. Member states may charge a fee for granting a compact privilege.

SECTION 4. COMPACT PRIVILEGE

A. To exercise the compact privilege under the terms and provisions of the compact, the licensee shall:

(1) Hold a license in the home state.

(2) Have no encumbrance on any state license.

(3) Be eligible for a compact privilege in any member state in accordance with Sections 4(D), (G), and (H).

(4) Have not had any adverse action against any license or compact privilege within the previous two years.

(5) Notify the commission that the licensee is seeking the compact privilege within a remote state(s).

(6) Pay any applicable fees, including any state fee, for the compact privilege.

(7) Meet any jurisprudence requirements established by the remote state(s) in which the licensee is seeking a compact privilege.

(8) Report to the commission adverse action taken by any nonmember state within thirty days from the date the adverse action is taken.

B. The compact privilege is valid until the expiration date of the home license. The licensee must comply with the requirements of Section 4(A) to maintain the compact privilege in the remote state.

C. A licensee providing physical therapy in a remote state under the compact privilege shall function within the laws and regulations of the remote state.

D. A licensee providing physical therapy in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's compact privilege in the remote state for a specific period of time, impose fines, and/or take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a compact privilege in any state until the specific time for removal has passed and all fines are paid.

E. If a home state license is encumbered, the licensee shall lose the compact privilege in any remote state until the following occur:

(1) The home state license is no longer encumbered.

(2) Two years have elapsed from the date of the adverse action.

F. Once an encumbered license in the home state is restored to good standing, the licensee must meet the requirements of Section 4(A) to obtain a compact privilege in any remote state.

G. If a licensee's compact privilege in any remote state is removed, the individual shall lose the compact privilege in any remote state until the following occur:

(1) The specific period of time for which the compact privilege was removed has ended.

(2) All fines have been paid.

(3) Two years have elapsed from the date of the adverse action.

H. Once the requirements of Section 4(G) have been met, the licensee must meet the requirements in Section 4(A) to obtain a compact privilege in a remote state.

SECTION 5. ACTIVE DUTY MILITARY PERSONNEL OR THEIR SPOUSES

A licensee who is active duty military or is the spouse of an individual who is active duty military may designate one of the following as the home state:

A. Home of record.

B. Permanent change of station (PCS).

C. State of current residence if it is different than the PCS state or home of record.

SECTION 6. ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against a license issued by the home state.

B. A home state may take adverse action based on the investigative information of a member

state.

C. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require licensees who enter any alternative programs in lieu of discipline to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

D. Any member state may investigate actual or alleged violations of the statutes and rules authorizing the practice of physical therapy in any other member state in which a physical therapist or physical therapist assistant holds a license or compact privilege.

E. A remote state shall have the authority to:

(1) Take adverse actions as set forth in Section 4(D) against a licensee's compact privilege in the state.

(2) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, and the production of evidence. Subpoenas issued by a physical therapy licensing board in a party state for the attendance and testimony of witnesses, and/or the production of evidence from another party state, shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located.

(3) If otherwise permitted by state law, recover from the licensee the costs of investigations and disposition of cases resulting from any adverse action taken against that licensee.

F. Joint Investigations

(1) In addition to the authority granted to a member state by its respective physical therapy practice act or other applicable state law, a member state may participate with other member states in joint investigations of licensees.

(2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

SECTION 7. ESTABLISHMENT OF THE PHYSICAL THERAPY COMPACT COMMISSION

A. The compact member states hereby create and establish a joint public agency known as the Physical Therapy Compact Commission:

(1) The commission is an instrumentality of the compact states.

(2) Venue is proper and judicial proceedings by or against the commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(3) Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, voting, and meetings

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be a current member of the licensing board, who is a physical therapist, physical therapist assistant, public member, or the board administrator.

(3) Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed.

(4) The member state board shall fill any vacancy occurring in the commission.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

C. The commission shall have the following powers and duties:

(1) Establish the fiscal year of the commission.

(2) Establish bylaws.

(3) Maintain its financial records in accordance with the bylaws.

(4) Meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(5) Promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states.

(6) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state physical therapy licensing board to sue or be sued under applicable law shall not be affected.

(7) Purchase and maintain insurance and bonds.

(8) Borrow, accept, or contract for services of personnel, including but not limited to employees of a member state.

(9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety and/or conflict of interest.

(11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety.

(12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed.

(13) Establish a budget and make expenditures.

(14) Borrow money.

(15) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other

interested persons as may be designated in this compact and the bylaws.

(16) Provide and receive information from, and cooperate with, law enforcement agencies.

(17) Establish and elect an executive board.

(18) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of physical therapy licensure and practice.

D. The executive board

The executive board shall have the power to act on behalf of the commission according to the terms of this compact.

(1) The executive board shall be comprised of nine members:

(a) Seven voting members who are elected by the commission from the current membership of the commission.

(b) One ex-officio, nonvoting member from the recognized national physical therapy professional association.

(c) One ex-officio, nonvoting member from the recognized membership organization of the physical therapy licensing boards.

(2) The ex-officio members will be selected by their respective organizations.

(3) The commission may remove any member of the executive board as provided in bylaws.

(4) The executive board shall meet at least annually.

(5) The executive board shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the compact privilege.

(b) Ensure compact administration services are appropriately provided, contractual or otherwise.

(c) Prepare and recommend the budget.

(d) Maintain financial records on behalf of the commission.

(e) Monitor compact compliance of member states and provide compliance reports to the commission.

(f) Establish additional committees as necessary.

(g) Other duties as provided in rules or bylaws.

E. Meetings of the commission

(1) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section (9).

(2) The commission or the executive board or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive board or other committees of the commission must discuss:

(a) Noncompliance of a member state with its obligations under the compact.

(b) The employment, compensation, discipline or other matters, practices or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.

(c) Current, threatened, or reasonably anticipated litigation.

(d) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

(e) Accusing any person of a crime or formally censuring any person.

(f) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

(g) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(h) Disclosure of investigative records compiled for law enforcement purposes.

(i) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact.

(j) Matters specifically exempted from disclosure by federal or member state statute.

(3) If a meeting, or portion of a meeting, is closed pursuant to this provision, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(4) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

F. Financing of the commission

(1) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(2) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(3) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(4) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(5) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

G. Qualified immunity, defense, and indemnification

(1) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties or responsibilities; provided that nothing in this paragraph shall be construed

to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

(2) The commission shall defend any member, officer, executive director, employee or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(3) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 8. DATA SYSTEM

A. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including:

(1) Identifying information.

(2) Licensure data.

(3) Adverse actions against a license or compact privilege.

(4) Nonconfidential information related to alternative program participation.

(5) Any denial of application for licensure, and the reason(s) for such denial.

(6) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

C. Investigative information pertaining to a licensee in any member state will only be available to other party states.

D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state will be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

SECTION 9. RULEMAKING

A. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

D. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking:

(1) On the website of the commission or other publicly accessible platform.

(2) On the website of each member state physical therapy licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

E. The notice of proposed rulemaking shall include:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon.

(2) The text of the proposed rule or amendment and the reason for the proposed rule.

(3) A request for comments on the proposed rule from any interested person.

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

(1) At least twenty-five persons;

(2) A state or federal governmental subdivision or agency; or

(3) An association having at least twenty-five members.

H. If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(1) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing not less than five business days before the scheduled date of the hearing.

(2) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(3) All hearings will be recorded. A copy of the recording will be made available on request.

(4) Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this Section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

J. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

K. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

L. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this Section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

- (1) Meet an imminent threat to public health, safety, or welfare;
- (2) Prevent a loss of commission or member state funds;
- (3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
- (4) Protect public health and safety.

M. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

SECTION 10. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding, and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

B. Default, technical assistance, and termination

(1) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall:

(a) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, and/or any other action to be taken by the commission; and

(b) Provide remedial training and specific technical assistance regarding the default.

(2) If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

(3) Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

(4) A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

(5) The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

(6) The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

C. Dispute resolution

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

SECTION 11. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR PHYSICAL THERAPY PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary to the

implementation and administration of the compact.

B. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

(1) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(2) Withdrawal shall not affect the continuing requirement of the withdrawing state's physical therapy licensing board to comply with the investigative and adverse action reporting requirements of this Act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any physical therapy licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 12. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any party state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any party state, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 525

SENATE BILL NO. 237
BY SENATOR MORRELL
AN ACT

To enact R.S. 47:1679, relative to requirements for paid preparers; to require paid preparers to sign returns, reports, claims for refund, and other claims and to provide identifying information; to provide for penalties; to provide for a maximum annual penalty; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1679 is hereby enacted to read as follows:

§1679. Paid preparers; required information on returns, reports, claims for refund, and other claims

A.(1) Any return, report, claim for refund, or other claim prepared by a paid preparer shall be signed by the preparer and shall bear the preparer's preparer tax identification number, federal employer identification number, or Louisiana Department of Revenue account number.

(2)(a) Any person who is a paid preparer with respect to any return, report, claim for refund, or other claim who fails to sign the return, report, claim for refund, or other claim or provide one of the identification numbers required by this Section shall pay a penalty of fifty dollars for each failure to sign and for each failure to provide one of the required identification numbers unless it can be shown that the failure was due to reasonable cause.

(b) The penalty that may be imposed on a paid preparer pursuant to this Section for returns, reports, claims for refund, and other claims filed during any calendar year shall not exceed twenty-five thousand dollars.

(c) The penalty provided for by this Section shall be an obligation to be assessed, collected, and enforced against the paid preparer in the same manner as if it were a tax due.

B. This Section shall apply to any return, report, claim for refund, or other claim prepared by a paid preparer as follows:

(1) For income taxes, all taxable periods ending on or after June 30, 2018, and filed on or after January 1, 2019.

(2) For corporation franchise tax, all taxable periods ending on or after June 30, 2018, and filed on or after June 30, 2019.

(3) For taxes other than income and corporation franchise taxes, all taxable periods beginning on or after July 1, 2018.

(4) For any return, report, claim, or other filing not included in Paragraphs (1) through (3) of this Subsection, all filed on or after January 1, 2019.

C.(1) For purposes of this Section, the term "paid preparer" shall mean any of the following:

(a) Any person who prepares, for compensation, any return, report, claim for refund, or other claim that is filed with the secretary of the Department of Revenue.

(b) Any person who owns or operates a business, the primary activity of which is the preparation for compensation of any return, report, claim for refund, or other claim that is filed with the secretary of the Department of Revenue, and employs one or more persons in such business.

(c) Any person who prepares a substantial portion of a return, report, claim for refund, or other claim that is filed with the secretary of the Department of Revenue and does not sign as the preparer, but rather has the taxpayer sign as if the return, report, claim for refund, or other claim were self-prepared.

(2) Nothing in this Subsection shall be construed to include in the definition of "paid preparer" either of the following:

(a) Any employee who prepares a return, report, claim for refund, or other claim for the employer by whom he is regularly and continuously employed.

(b) An attorney or other tax advisor whose association with a return, report, claim for refund, or other claim is limited to that of rendering advice to a taxpayer or preparer and was not otherwise involved in preparing the return, report, claim for refund, or other claim for which advice was rendered.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 526

SENATE BILL NO. 238
BY SENATOR MORRELL
AN ACT

To enact R.S. 47:1574.2, relative to tax administration; to authorize the secretary of revenue to bring suit to enjoin preparers who engage in certain conduct; to provide a list of the conduct that may be enjoined; to authorize the enjoining of preparers who engage in prohibited conduct from preparing returns for this state; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1574.2 is hereby enacted to read as follows:

§1574.2. Suit to enjoin certain preparers

A. In a court of competent jurisdiction, the secretary may commence suit to enjoin any preparer from further engaging in any conduct described in Subsection B of this Section or from further action as a preparer.

B. In any action under Subsection A of this Section, the court may enjoin the preparer from further engaging in any conduct specified in this Subsection if the court finds that injunctive relief is appropriate to prevent the recurrence of this conduct. The court may enjoin conduct when a preparer has done any of the following:

(1) Prepared any return, report, claim for refund, or other claim that includes a substantial understatement of a taxpayer's liability due to a frivolous or fraudulent position. For purposes of this Section, the following terms shall have the following meanings:

(a) "Substantial understatement" means a case in which the understatement of the amount of tax payable or the overstatement of the amount of tax creditable or refundable exceeds the greater of ten percent of the tax required to be shown for the taxable period on the return, report, claim for refund, or other claim or one thousand dollars.

(b) "Frivolous position" means any position that is knowingly advanced in bad faith, is patently improper, reflects a desire to delay or impede the administration of Louisiana tax laws by using unreasonable, baseless, unsubstantiated or questionable facts or is identified by the Internal Revenue Service as frivolous.

(c) "Fraudulent position" means any position taken with the intent to evade taxes or that is a willful attempt to defraud or evade taxes that are due.

(2) Prepared any return, report, claim for refund, or other claim that includes an understatement of a taxpayer's liability due to willful or reckless conduct. For purposes of this Section, "willful or reckless conduct" shall have the same meaning as provided by Section 6694 of the Internal Revenue Code.

(3) Negotiated a check issued to a taxpayer by the Department of Revenue without the permission of the taxpayer.

(4) Engaged in any conduct subject to any criminal penalty provided in Title 47 of the Louisiana Revised Statutes of 1950.

(5) Engaged in any other fraudulent or deceptive conduct that substantially interferes with the proper administration of the tax laws of the state of Louisiana.

C.(1) If the court finds that a preparer has engaged in any conduct described in Subsection B of this Section and that an injunction prohibiting the conduct would not be sufficient to prevent the person's interference with the proper administration of the tax laws of Louisiana, the court may enjoin the person from acting as a preparer in the state of Louisiana.

(2) The fact that the person has been enjoined from preparing tax returns or claims for refund for the United States or any other state, in the five years preceding the petition for an injunction shall establish a prima facie case for an injunction to be issued pursuant to this Section. For purposes of this Section, "state" shall mean a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession subject to the jurisdiction of the United States.

D.(1) For purposes of this Section, the term "preparer" shall mean any of the following:

(a) Any person who prepares any return, report, claim for refund, or other claim that is filed with the secretary of the Department of Revenue.

(b) Any person who owns or operates a business, the primary activity of which is the preparation of any return, report, claim for refund, or other claim that is filed with the secretary of the Department of Revenue, and employs one or more persons in such business.

(c) Any person who prepares a substantial portion of a return, report, claim for refund, or other claim that is filed with the secretary of the Department of Revenue and does not sign as the preparer, but rather has the taxpayer sign as if the return, report, claim for refund, or other claim were self-prepared.

(2) Nothing in this Subsection shall be construed to include in the definition of "preparer" either of the following:

(a) Any employee who prepares a return, report, claim for refund, or other claim for the employer by whom he is regularly and continuously employed.

(b) An attorney or other tax advisor whose association with a return, report, claim for refund, or other claim is limited to that of rendering advice to a taxpayer or preparer and was not otherwise involved in preparing the return, report, claim for refund, or other claim for which advice was rendered.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 527

SENATE BILL NO. 239
BY SENATOR MORRELL
AN ACT

To enact R.S. 47:1574.2, relative to tax administration; to authorize the Department of Revenue to refuse to register or issue or to revoke a sales tax clearance to a reorganized business when the intent of the reorganization is to evade trust fund taxes; to provide for definitions; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1574.2 is hereby enacted to read as follows:

§1574.2. Business reorganization to evade taxation; refusal to register a taxpayer or issue resale certificate

A. The secretary may refuse to register or issue or may revoke a state sales tax resale certificate to a business that has reorganized if the purpose of the reorganization is to evade the payment of sales and use taxes or withholding taxes when the taxes have been collected but not remitted to the department.

B. Definitions. As used in this Section:

(1) "Evade" means the deliberate failure to pay tax, interest, and penalty that the taxpayer knows are due.

(2) "Reorganization" means any of the following:

(a) The transfer of a majority of the assets of one business to another business, where any of the persons having an interest in the ownership or management in the former business maintain an ownership or management interest in the new business, either directly or indirectly.

(b) A mere change in identity or form of ownership.

(c) A mere continuation of the former business based on significant shared features including ownership, personnel, assets, or general business activity.

C. The new business resulting from the reorganization for the purpose of evading the payment of sales and use taxes or withholding taxes when the taxes have been collected but not remitted to the department is not entitled to be registered or to receive a resale certificate from the secretary until all sales, use, and withholding taxes, penalties, and interest due have been paid in full.

D. A reorganization with the purpose of evading state sales and use or withholding tax collected but not remitted to the department shall subject the owner of the business to a penalty of five thousand dollars. This penalty shall be in addition to any other tax, interest, and penalties for which the business or the owner of the business may be liable.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 528

SENATE BILL NO. 265
BY SENATOR MORRELL
AN ACT

To enact R.S. 40:1734(C), relative to building codes; to provide relative to access and use of public buildings; to provide for certain offenses and penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1734(C) is hereby enacted to read as follows:

§1734. Accessibility features required of new public buildings or facilities; private buildings or facilities; dwelling units; courthouses

* * *

C.(1) Any courthouse, except as provided for in Paragraph (5) of this Subsection, shall be made accessible pursuant to ADA Standards subject only to the limitations or exceptions provided for therein. Any multistory courthouse shall have at least one-half of all of its elevators in proper working service at all times and shall be made accessible in accordance with the ADA Standards and rules promulgated by the state fire marshal pursuant to the Administrative Procedure Act.

(2) The owner of the multistory courthouse shall contact the elevator repair company within twenty-four hours of the time the elevator became inoperable and no elevator shall remain out of service for repairs and maintenance for more than twenty-one consecutive days from the day the elevator become inoperable, unless the state fire marshal determines that extenuating circumstances necessitate that the elevator remain out of service for a longer period of time. In such an instance, the state fire marshal shall extend the time period and shall notify the owner of the deadline for compliance with this Paragraph.

(3) Failure to comply with Paragraphs (1) and (2) of this Subsection shall be considered a "de facto admission of fault" under the ADA Standards.

(4) The natural or juridical person who owns the building is responsible for the maintenance of the elevator. In addition to the penalties provided in R.S. 40:1743, any building owner who violates or fails to comply with the provisions of this Subsection shall be subject to a fine of two thousand five hundred dollars per day which shall be paid by the natural or juridical person who owns the building and is responsible for maintenance of the elevator.

(5) The provisions of this Subsection shall not apply to any building no longer occupied for the public or private sessions of a court, with its various offices. This includes but is not limited to historical courthouses no longer used for judicial proceedings and museums.

(6) This Subsection shall only apply to a courthouse that contains two or more elevators.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 529

SENATE BILL NO. 293
BY SENATOR BARROW
AN ACT

To amend and reenact the introductory paragraph of R.S. 37:2151(A), (A)(4) and (8), 2152(A)(2)(d), and 2154(C) and to enact R.S. 37:2151(A)(11) and 2153(E)(6), relative to the powers and duties of the State Licensing Board for Contractors; to provide relative to board membership; to provide for a quarterly report to be submitted to the legislature; to provide for procedures; to provide for quorum requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 37:2151(A), (A)(4) and (8), 2152(A)(2)(d), and 2154(C) are hereby amended and reenacted and R.S. 37:2151(A)(11) and 2153(E)(6) are hereby enacted to read as follows:

§2151. State licensing board for contractors; membership; qualifications; tenure; vacancies

A. There is hereby created the State Licensing Board for Contractors within the office of the governor that shall consist of ~~fifteen~~ **nineteen** members appointed by the governor as hereinafter set forth and who shall serve without compensation and shall possess the following qualifications:

* * *

(4) At least ~~four~~ **six** members shall have had the greater part of their experience as a licensed contractor in the fields of building or industrial construction, or both fields.

* * *

(8) At least ~~two~~ **three** members shall be from and represent the public at large and ~~neither~~ shall ~~not~~ **earn his** ~~their~~ livelihood in a construction-related industry.

* * *

(11) There shall be one member from the National Association for the Advancement of Colored People.

* * *

§2152. Initial appointments; oaths; panel of names; domicile; officer; bond

A. Each member of the board shall serve at the pleasure of the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. Each member shall take and file with the secretary of state the constitutional oath of office before entering upon the discharge of his duties. Any member appointed to fill a vacancy occurring prior to the expiration of the term of his predecessor shall be appointed for the remainder of the unexpired term from among residents of the same congressional district as that of the member whose office was vacated. However, if there are no qualified applicants from the congressional district of the member whose office was vacated, the governor shall appoint a qualified applicant from any congressional district to fill the vacancy. In making the appointments provided for in this Section, the governor shall appoint at least one person who is nominated by the National Association for the Advancement of Colored People, and at least one person who is nominated by the Louisiana Business League.

* * *

(2) Original appointments to the board and appointment to fill any vacancies that may occur to fill that qualification of board membership who is experienced in the field of building construction shall be made by the governor as follows:

* * *

(d) The governor shall appoint one board member from the list submitted pursuant to Subparagraph (a) **of this Paragraph**, one board member from the list submitted pursuant to Subparagraph (b) **of this Paragraph**, and ~~two~~ **four** board members from the list submitted pursuant to Subparagraph (c) **of this Paragraph**, to fill that class of board members who are experienced in the fields of building or industrial construction, or both.

* * *

§2153. Powers of the board

* * *

E. In addition to any other duties and powers granted by this Chapter, the board shall:

* * *

(6) Beginning on July 1, 2018, and each quarter thereafter, submit to the presiding officer of each house of the legislature, by electronic or other means, a report that contains all of the following information for the previous quarter:

(a) A list of licensees whose license has been suspended or revoked.

(b) A list of any licensees whose license was reinstated.

* * *

§2154. Meetings; compensation; quorum; license application and issuance procedure

* * *

C. ~~Eight~~ **Ten** members of the board shall constitute a quorum for the conduct of business.

* * *

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 530

SENATE BILL NO. 341
BY SENATOR DONAHUE
AN ACT

To amend and reenact R.S. 24:513(D)(4), relative to performance audits; to provide for the duties of the legislative auditor; to provide for performance audits of statutory dedications which include a fee for service; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:513(D)(4) is hereby amended and reenacted to read as follows:

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

* * *

D.

* * *

(4)(a) He shall conduct performance audits, program evaluations, and other studies as are needed to enable the legislature and its committees to evaluate the efficiency, effectiveness, and operation of state programs and activities.

(b) The legislative auditor shall conduct a performance audit on each statutory dedication that includes a fee for service at least once every four years to determine if the fees are adequate to cover the costs associated with the service.

* * *

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 531

SENATE BILL NO. 360
BY SENATOR DONAHUE
AN ACT

To amend and reenact R.S. 24:513(J)(1)(c)(v)(aa), relative to the powers and duties of the legislative auditor; to provide relative to the frequency of enhanced audits required of certain local auditees with at least three consecutive years of enhanced audits with no audit findings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:513(J)(1)(c)(v)(aa) is hereby amended and reenacted to read as follows:

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

* * *

J.(1)

* * *

(c)

* * *

(v)(aa) To provide enhanced additional oversight by the legislative auditor, in any parish having a population of not less than two hundred twenty-five thousand and not more than two hundred fifty thousand according to the latest federal decennial census, the legislative auditor shall establish the criteria for procedures which shall be performed in addition to annual reporting requirements required by this Section for entities with revenues of more than seventy-five thousand dollars per fiscal year. **After three consecutive years of no findings resulting from the submission of the additional information, the qualifying entities shall only be required to comply with the provisions of this Subitem triennially in lieu of annually.**

* * *

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 532

SENATE BILL NO. 411
BY SENATOR WHITE
AN ACT

To amend and reenact Code of Criminal Procedure Art. 655(A), the introductory paragraph of R.S. 13:753(A), the introductory paragraph of (B), (B)(1), and (C), R.S. 14:95.1(A) and (C), and R.S. 28:57(A), and to enact R.S. 13:753(F) and R.S. 28:57(J), relative to persons found not guilty by reason of insanity; to provide relative to insanity proceedings; to provide relative to the discharge or release on probation of a defendant found not guilty by reason of insanity; to require the unanimous recommendation of a three-member panel before the court can release the defendant from a mental institution; to prohibit persons found not guilty by reason of insanity from possessing firearms or carrying a concealed weapon; to provide relative to the procedure by which the person's firearm rights may be restored under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 655(A) is hereby amended and reenacted to read as follows:

Art. 655. Application for discharge or release on probation; review panel

A.(1) When the superintendent of a mental institution is of the opinion that a person committed pursuant to Article 654 can be discharged or can be released on probation, without danger to others or to himself, he shall recommend the discharge or release of the person in a report to a review panel comprised of the person's treating physician, the clinical director of the facility to which the person is committed, and a physician, **medical psychologist**, or psychologist who served on the sanity commission which recommended commitment of the person. If any member of the panel is unable to serve, a physician, **medical psychologist**, or a psychologist engaged in the practice of clinical or counseling psychology with at least three years' experience in the field of mental health shall be appointed by the remaining members.

(2) The panel shall review all reports received promptly. After review, the panel shall make a recommendation to the court by which the person was committed as to the person's mental condition and whether he can be discharged, conditionally or unconditionally, or placed on probation, without being a danger to others or himself. If the review panel recommends to the court that the person be discharged, conditionally or unconditionally, or placed on probation, the court shall conduct a contradictory hearing following notice to the district attorney.

(3) A recommendation that the person be discharged or released on probation shall require a unanimous vote of the panel.

(4) The panel shall render specific findings of fact in support of its recommendation.

* * *

Section 2. The introductory paragraph of R.S. 13:753(A), the introductory paragraph of (B), (B)(1), and (C) are hereby amended and reenacted and R.S. 13:753(F) is hereby enacted to read as follows:

§753. Reporting of information to Louisiana Supreme Court for NICS database; possession of a firearm

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

* * *

B. Effective January 1, 2017, each **Each** city and parish clerk of court shall report to the Louisiana Supreme Court for reporting to the National Instant Criminal Background Check System database the name and other identifying information of any adult who is prohibited from possessing a firearm pursuant to the laws of this state or 18 U.S.C. 922(d)(4), (g)(4), (8), and (9), by reason of a conviction or adjudication in a court of that district for any of the following:

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

* * *

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

* * *

F. A person who has been adjudicated as a mental defective or committed to a mental institution and is therefore, pursuant to federal law, prohibited from receiving or possessing a firearm or ammunition or, pursuant to state law, is ineligible to possess a firearm or obtain a concealed handgun permit, may petition the court for restoration of firearm rights pursuant to R.S. 28:57.

Section 3. R.S. 14:95.1(A) and (C) are hereby amended and reenacted to read as follows:
§95.1. Possession of firearm or carrying concealed weapon by a person convicted of certain felonies

A. It is unlawful for any person who has been convicted of, **or has been found not guilty by reason of insanity for**, a crime of violence as defined in R.S. 14:2(B) which is a felony or simple burglary, burglary of a pharmacy, burglary of an inhabited dwelling, unauthorized entry of an inhabited dwelling, felony illegal use of weapons or dangerous instrumentalities, manufacture or possession of a delayed action incendiary device, manufacture or possession of a bomb, or possession of a firearm while in the possession of or during the sale or distribution of a controlled dangerous substance, or any violation of the Uniform Controlled Dangerous Substances Law which is a felony, or any crime which is defined as a sex offense in R.S. 15:541, or any crime defined as an attempt to commit one of the above-enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be one of the above-enumerated crimes, to possess a firearm or carry a concealed weapon.

* * *

C. The provisions of this Section prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of, **or who have been found not guilty by reason of insanity for**, certain felonies shall not apply to any person who has not been convicted of, **or who has not been found not guilty by reason of insanity for**, any felony for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence, **or discharge from a mental institution by a court of competent jurisdiction.**

Section 4. R.S. 28:57(A) is hereby amended and reenacted and R.S. 28:57(J) is hereby enacted to read as follows:

§57. Petition for restoration of right to possess a firearm and to apply for permit for concealed handgun; procedures

A. **(1) Except as provided in Paragraph (2) of this Subsection, a** person who is prohibited from possessing a firearm or is ineligible to be issued a concealed handgun permit pursuant to the provisions of 18 U.S.C. 922(d)(4) and (g)(4) or of R.S. 40:1379.3(C)(13) because of an adjudication or commitment that occurred under the laws of this state may, upon release from involuntary commitment, file a civil petition seeking a judgment ordering the removal of that prohibition.

(2) A person found not guilty by reason of insanity of any felony may file a civil petition seeking a judgment ordering the removal of the prohibition described in Paragraph (1) of this Subsection provided that at least ten years have passed since the person was discharged from probation or custody, or discharged from a mental institution, by a court of competent jurisdiction.

* * *

J. This provisions of this Section shall not apply to:

(1) A person on conditional release or conditional discharge pursuant to Code of Criminal Procedure Article 657.1 or 658.

(2) A person who has been convicted or found not guilty by reason of insanity of any felony enumerated in R.S. 14:95.1 in the ten years prior to the filing of a petition under this Section.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 533

SENATE BILL NO. 412
BY SENATOR WHITE
AN ACT

To amend and reenact R.S. 32:808(A)(1), relative to salvage pools; to provide with respect to sales of motor vehicles in salvage pools; to provide with respect to persons authorized to be

record keepers; to provide for review of records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:808(A)(1) is hereby amended and reenacted to read as follows:

§808. Salvage pools; record keepers

A.(1) The owner, manager, **employee**, or person in charge of a salvage pool or salvage disposal sale shall keep a register of all sales of motor vehicles for three years from the date of sale, showing the make, model, year, body style, vehicle identification number, odometer reading, and the name and address of the seller and buyer. **The register shall be made available when requested by the commission within a reasonable period of time.**

* * *

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 534

SENATE BILL NO. 419
BY SENATOR PETERSON
AN ACT

To amend and reenact R.S. 34:1(A)(3) and R.S. 42:1112(D) and 1120.4(A) and to repeal R.S. 42:1120.1, relative to the Board of Commissioners of the Port of New Orleans; to repeal recusal provisions for members of the Board of Commissioners of the Port of New Orleans; to provide relative to membership; to provide for certain terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:1(A)(3) is hereby amended and reenacted to read as follows:

§1. Continuation; qualifications; appointments; terms; vacancies

A. Membership; qualifications; vacancies.

* * *

(3) All members shall be experienced in the commerce or industry, or both, of the port area, and shall otherwise possess the qualifications prescribed by law. Notwithstanding any prohibition contained in Part II of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950, individuals employed in the maritime industry may serve as members hereunder **a member appointed prior to August 1, 2018, employed in the maritime industry may serve as a member as provided in this Paragraph. The provisions of Title 42 of the Louisiana Revised Statutes of 1950 in effect on the date of the appointment of a member appointed prior to August 1, 2018, shall apply to that member for the term of that member.** The present members **appointed prior to August 1, 2018**, seven in number, shall continue to serve on the board for the duration of their respective terms, **and shall remain subject to the provisions of Title 42 of the Louisiana Revised Statutes of 1950 in effect on the date of that member's appointment. A member appointed on or after August 1, 2018, employed in the maritime industry may serve as a member as provided in this Paragraph, subject to the provisions of Title 42 of the Louisiana Revised Statutes of 1950.**

Section 2. R.S. 42:1112(D) and 1120.4(A) are hereby amended and reenacted to read as follows:

§1112. Participation in certain transactions involving the governmental entity

* * *

D. No appointed member of any board or commission, except as otherwise provided in R.S. 42:1120.1 or 1120.4, shall participate or be interested in any transaction involving the agency when a violation of this Part would result.

* * *

§1120.4. Recusal from voting; certain appointed members of boards and commissions

A. Except for any member of a board or commission specifically provided for in R.S. 42:1120.1, if **if** any appointed member of a board or commission in the discharge of a duty or responsibility of his office or position, would be required to vote on a matter which vote would be a violation of R.S. 42:1112, he shall recuse himself from voting.

Section 3. R.S. 42:1120.1 is hereby repealed in its entirety.

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 535

SENATE BILL NO. 457
BY SENATOR WALSWORTH
AN ACT

To amend and reenact R.S. 18:1300.2(C)(1) and 1300.5(A), relative to elections; to provide for information relative to recall petitions; to require further identification of the chairman and vice chairman of the recall; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1300.2(C)(1) and 1300.5(A) are hereby amended and reenacted to read as follows:

§1300.2. Petition for recall election; campaign finance disclosure

* * *

C.(1) Prior to the entering of any signatures on a petition, the chairman designated to represent the petitioners shall file with the secretary of state a copy of the recall petition which will be used **and copies of a picture identification that contain the name and signature of the chairman and vice chairman, respectively, or copies of current utility bills, bank statements, government checks, paychecks, or other government documents that show the name and address of the chairman and vice chairman, respectively, and upon** Upon receipt of the recall petition, the secretary of state shall endorse thereon the fact and the date of filing. A copy shall be transmitted by the secretary of state to the registrar of voters for each parish in which the recall election is to be held. The chairman shall list on the petition every parish **which that** is wholly

or partially within the voting area in which where the recall election is to be held. The petition shall be deemed **considered** filed when it is received in the office of the secretary of state, or at the time it is postmarked by the United States Postal Service or is received on a return receipt request form, if it is subsequently received in the office of the secretary of state.

§1300.5. Chairman and vice chairman designated in petition; petition designated as a public record

A. The recall petition shall designate a chairman to act for the signers of the petition in all matters, and a vice chairman to act on order of the chairman or in case of the death, disability, absence, or resignation of the chairman. The petition shall include the full name, **signature**, and residence address of the chairman and the vice chairman. The chairman and vice chairman each shall be a qualified voter in the voting area from which the public official whose recall is being sought is elected.

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

Approved by the Governor, May 23, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 536

HOUSE BILL NO. 51
BY REPRESENTATIVE LEBAS
AN ACT

To enact R.S. 42:66(E), relative to dual officeholding and employment; to provide an exception to allow a certified public accountant to hold an office on a school board and employment with a sheriff; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:66(E) is hereby enacted to read as follows:

§66. Exemptions

E. Nothing in this Part shall be construed to prohibit a certified public accountant who is a member of a school board in any parish having a population of less than fifty-thousand according to the latest federal decennial census from holding employment with a sheriff to provide financial or accounting services.

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

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 537

HOUSE BILL NO. 84
BY REPRESENTATIVE HAVARD
AN ACT

To amend and reenact R.S. 15:832.1(A)(1), relative to work by inmates at penal or correctional facilities; to authorize the use of inmates for certain construction projects at administrative buildings or other facilities that provide management and support services to penal or correctional facilities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:832.1(A)(1) is hereby amended and reenacted to read as follows:

§832.1. Work by inmates; construction, renovation, custodial, maintenance, or repairs; exemptions

A.(1) Notwithstanding any other provision of law to the contrary, the governor, upon determining that it is appropriate and in furtherance of the rehabilitation and training of inmates, may, by executive order, authorize the use of inmates of a penal or correctional facility owned by the state of Louisiana for necessary labor in connection with a particular capital construction project on the grounds of the facility or other grounds and facilities within the state capitol complex, when the estimated cost of the project or work, exclusive of labor costs, does not exceed two hundred thousand dollars for any new construction, or when the project involves renovation, maintenance, repair, or remodeling work on the grounds of the facility. Additionally the governor may authorize by executive order the use of inmates to perform custodial services on state grounds and buildings. For purposes of this Section, "penal or correctional facility" shall mean any location at which inmates are housed on a permanent basis and any administrative building or facility which provides management or support services to the penal or correctional facility, including the headquarters of the Department of Public Safety and Corrections.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 538

HOUSE BILL NO. 85
BY REPRESENTATIVES JAMES AND JIMMY HARRIS
AN ACT

To enact R.S. 42:1124.2.1(D)(1)(b)(vii), relative to financial disclosure requirements of members of boards and commissions; to provide for definitions; to provide an exception for members of certain boards and commissions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1124.2.1(D)(1)(b)(vii) is hereby enacted to read as follows:

§1124.2.1. Financial disclosure; members of boards and commissions

D. For the purposes of this Section, the following words shall have the following meanings:

(1)

(b) "Board or commission" shall not mean:

(vii) Any board or commission that is the governing authority of a special district established by Chapter 29 of Title 33 of the Louisiana Revised Statutes of 1950 or pursuant to Chapter 30-A of Title 33 of the Louisiana Revised Statutes of 1950 for the purpose of improvement or beautification of the district or promoting and adding to the security of district residents, provided that the boundaries of the special district are not coterminous with the boundaries of a parish or municipality and provided that the board or commission does not have the authority to collect, expend, disperse, or invest more than five hundred thousand dollars of funds in a fiscal year.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 539

HOUSE BILL NO. 96
BY REPRESENTATIVE RICHARD
AN ACT

To enact R.S. 47:338.54.1, relative to sales and use taxes levied in Lafourche Parish; to provide relative to the authority of Sales Tax District No. 4 of Lafourche Parish to levy a tax subject to approval by the voters; to provide relative to applicability of combined rate limitations; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:338.54.1 is hereby enacted to read as follows:

§338.54.1. Sales and use rate tax limits; Lafourche Parish

The governing authority of Lafourche Parish Sales Tax District No. 4 may reinstate the levy of the full rate of a sales and use tax that was approved by the voters on September 27, 1986, if the tax increase is approved by a majority of the voters of the district who vote on a proposition authorizing the increase. If after July 1, 2018, Lafourche Parish Sales Tax District No. 4 reinstates the levy of the full rate of a sales and use tax approved by the voters of the district on September 27, 1986, the incremental change in the tax rate from the rate levied on July 1, 2018, is not subject to the combined rate limitation in R.S. 47:338.54 and shall not limit in any respect the taxing authority granted to any other political subdivision prior to July 1, 2018.

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

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 540

HOUSE BILL NO. 138
BY REPRESENTATIVE HAVARD
AN ACT

To amend and reenact R.S. 15:825.2(A), relative to the appointment of special agents; to provide relative to the authority of the secretary of the Department of Public Safety and Corrections to appoint special agents; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:825.2(A) is hereby amended and reenacted to read as follows:

§825.2. Special agents; appointment; carrying weapons

A. The secretary of the Louisiana Department of Public Safety and Corrections shall be authorized at his discretion to appoint special agents. These agents shall be appointed from permanent status employees or full-time employees who have attained the rank of sergeant or Probation and Parole Officer 1, and may carry weapons exposed or concealed while in the performance of their duties in the same manner as law enforcement officers.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 541

HOUSE BILL NO. 142
BY REPRESENTATIVE LYONS
AN ACT

To amend and reenact R.S. 30:2418(I)(1), relative to waste tires; to provide for fees levied on certain tires; to increase the fee on certain tires for a certain period of time; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2418(I)(1) is hereby amended and reenacted to read as follows:
§2418. Waste tires

* * *

I.(1)(a) The fee on tires authorized to be levied pursuant to R.S. 30:2413(A)(8) shall not exceed the following:

(i) ~~Beginning October 1, 2018, through July 31, 2022, two dollars and twenty-five cents per passenger/light truck/small farm service tire. Beginning on August 1, 2022,~~ two dollars per passenger/light truck/small farm service tire;

(ii) ~~five~~ Five dollars per medium truck tire;

(iii) ~~and ten~~ Ten dollars per off-road tire.

(b) The secretary may provide for exemptions from the fees levied on the sale of tires pursuant to this Chapter in the regulations provided for in Subsection H of this Section for the sale of tires sold at wholesale and certain tires which are de minimis in nature, including but not limited to lawn mower tires, bicycle tires, and golf cart tires. After June 1, 2004, the secretary may provide for the exemption of certain tire sales from the fee which tires were not previously exempted only through the department's rulemaking authority, including legislative oversight as provided in R.S. 30:2413(A)(8).

* * *

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 542

HOUSE BILL NO. 253
BY REPRESENTATIVE CONNICK
AN ACT

To enact R.S. 15:529.1(K), relative to the habitual offender law; to provide relative to the application of the habitual offender law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:529.1(K) is 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

* * *

K.(1) Except as provided in Paragraph (2) of this Subsection, notwithstanding any provision of law to the contrary, the court shall apply the provisions of this Section that were in effect on the date that the defendant's instant offense was committed.

(2) The provisions of Subsection C of this Section as amended by Act Nos. 257 and 282 of the 2017 Regular Session of the Legislature, which provides for the amount of time that must elapse between the current and prior offense for the provisions of this Section to apply, shall apply to any bill of information filed pursuant to the provisions of this Section on or after November 1, 2017, accusing the person of a previous conviction.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 543

HOUSE BILL NO. 286
BY REPRESENTATIVE MACK
AN ACT

To amend and reenact R.S. 32:398(F), relative to accident reports; to provide for an increase in accident report fees; to provide for a modification of the report type; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:398(F) is hereby amended and reenacted to read as follows:

§398. Accident reports; when and to whom made; information aid; fees for copies; fees for accident photographs

* * *

F.(1) The state police, any local police department, or any sheriff's office shall provide copies of crash reports to any interested person upon request and may charge a fee, not to exceed the sum of five dollars per report that does not exceed two pages, and ~~seven dollars and fifty cents not to exceed twenty dollars, inclusive of all service fees and other charges,~~ per report that exceeds two pages.

(2) If the state police establishes a lesser charge for electronic copies of crash reports, then a local police department or sheriff's office shall charge the amount established by state police for any electronic copies of crash reports provided pursuant to this Subsection.

* * *

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 544

HOUSE BILL NO. 316
BY REPRESENTATIVE GARY CARTER
AN ACT

To amend and reenact R.S. 39:94(C)(3) and (4) and to enact R.S. 39:73(D) and 94(A)(5) and (C)(5), relative to the Budget Stabilization Fund; to provide for uses of the fund; to provide for limits on the use of the fund; to provide for the incorporation of the fund into the official forecast; to provide for expenditure of the monies incorporated into the official forecast; to provide for certain limitations and requirements; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:94(C)(3) and (4) are hereby amended and reenacted and R.S. 39:73(D) and 94(A)(5) and (C)(5) are hereby enacted to read as follows:

§73. Allotments to govern expenditures; transfers of allotments

* * *

(D) An increase in revenues not to exceed an amount equal to the Budget Stabilization Fund incorporated into the official forecast as a result of state costs incurred from a federally declared disaster shall be available for allotment and expenditure by an agency on approval of an increase in the appropriation by the commissioner of administration and the Joint Legislative Committee on the Budget. The amount available to each state agency shall be equal to the amount specified in the resolution or ballot used for the required consent of the elected members of each house to use the Budget Stabilization Fund, but shall not exceed the amount of costs incurred by the state agency as a result of the disaster.

* * *

§94. Budget Stabilization Fund

A. There is hereby created in the state treasury a special fund to be designated as the Budget Stabilization Fund, hereafter referred to in this Section as the "fund", which shall consist of all money deposited into the fund in accordance with Article VII, Section 10.3 of the Constitution of Louisiana. Money shall be deposited in the fund as follows:

* * *

(5) Monies received by the state from the federal government for the reimbursement of costs associated with a federally declared disaster, not to exceed the amount of costs appropriated out of the fund for the same disaster pursuant to Paragraph (C)(3) of this Section.

* * *

C. The money in the fund shall not be available for appropriation except under the following conditions:

* * *

(3)(a) If there is a disaster in the state that is declared a disaster by the federal government, the Revenue Estimating Conference shall incorporate a specified amount of the fund into the official forecast for the year in which the costs are incurred pursuant to a concurrent resolution adopted by a favorable vote of two-thirds of the elected members of each house.

(b) If the legislature is not in session, the two-thirds consent requirement shall be obtained as provided in R.S. 39:87.

(c) The resolution or ballot used for the required consent of the elected members of each house shall specify the amount of the fund that will be available for allotment and expenditure by each agency. The amount specified to be received by an agency shall not exceed the costs incurred by the agency related to the declared disaster.

(d) The amount of the fund that may be incorporated into the official forecast for the year in which the state costs of the disaster are incurred shall not exceed either of the following:

(i) The state costs incurred with the disaster.

(ii) One-third of the fund balance, determined in accordance with R.S. 39:95, at the beginning of the current fiscal year.

(3)(4) In no event shall the amount included in the official forecast for the ensuing fiscal year pursuant to Paragraph (1) of this Subsection, plus the amount included in the official forecast in the current fiscal year pursuant to Paragraph (2) of this Subsection, plus the amount included in the official forecast if there is a declared disaster pursuant to Paragraph (3) of this Subsection, exceed one-third of the fund balance, determined in accordance with R.S. 39:95, at the beginning of the current fiscal year.

(4)(5)(a) No appropriation or deposit to the fund shall be made if such appropriation or deposit would cause the balance in the fund to exceed four percent of total state revenue receipts for the previous fiscal year. For the purposes of this Section, total state revenue receipts shall not include any monies received by the state from the Federal Emergency Management Agency or other sources providing disaster relief assistance.

(b) Notwithstanding any provision of this Section to the contrary, except pursuant to a specific appropriation by the legislature, Paragraph (A)(1) of this Section, or the annual deposit required by Paragraph (A)(3) of this Section, no appropriation or deposit to the fund shall be made in the same fiscal year as an appropriation, use or withdrawal is made from the fund or until such time as the official forecast exceeds the actual collections of state general fund (direct) revenue for Fiscal Year 2008. The provisions of this Subparagraph shall be null, void, and of no effect on July 1, 2017.

Section 2. This Act shall take effect and become operative if and when the proposed amendment of Article VII of the Constitution of Louisiana contained in the Act which originated as House Bill No. 309 of this 2018 Regular Session of the Legislature is adopted at a statewide election and becomes effective.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 545

HOUSE BILL NO. 346
BY REPRESENTATIVE HILFERTY
AN ACT

To repeal R.S. 42:1123(43), to remove an exception to the Code of Governmental Ethics which allows a person to be employed by a board when the person has served as a member of the board as designee of a mayor of a municipality with a population of three hundred thousand or more.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(43) is hereby repealed in its entirety.

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

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 546

HOUSE BILL NO. 351
BY REPRESENTATIVE JENKINS AND SENATOR BISHOP
AN ACT

To amend and reenact R.S. 18:1333(A), (B), (C)(2), and (D), relative to the nursing home early voting program; to provide relative to the requirements for eligibility to participate in the program; to provide relative to the requirements for making application to participate in the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1333(A), (B), (C)(2), and (D) are hereby amended and reenacted to read as follows:

§1333. Nursing home early voting program; voting by persons residing in a nursing home

A. For purposes of this Section, the term "nursing home" shall have the meaning ascribed to it in R.S. 40:2009.2(H)(3) and, with respect to a person with a physical disability who resides in a hospital for an extended period of time by reason of a physical disability that makes it improbable that he will be able to vote in person at the polls on election day or during early voting, the term also shall mean a hospital. "Nursing home" for the purpose of this Section shall also mean a veterans' home, operated by the state or federal government, where a person, with a physical disability who is unable to vote in person at the polls or during early voting because of a physical disability, resides.

B. A qualified voter who resides in a nursing home within the parish in which he is entitled to vote and who is unable to vote in person at the polls on election day or during early voting as otherwise provided by this Code due to a physical disability may vote early as provided in this Section during the period extending at least one week prior to the beginning day for early voting through the last day for early voting established by R.S. 18:1309.

C. The following voters shall be eligible to vote pursuant to this Section:

(2) A voter who is a resident of a nursing home who provides to the registrar of voters ~~current proof of disability from a physician along with a certification from the physician voter~~ which indicates that by reason of the voter's disability the voter is a resident of the nursing home ~~unable to appear in person to vote either during early voting or at the polling place on election day.~~

D.(1) A voter qualified to vote under this Section shall make application in writing to vote pursuant to this Section to the registrar of voters ~~by letter~~. An application to vote as provided in this Section shall be submitted to and received by the registrar of voters at least thirty days prior to the election. Such ~~request~~ application may be submitted by mail, commercial carrier, or hand delivery. The ~~request~~ application shall be submitted over the voter's signature or mark if the voter is unable to sign his name, signed by the registrar, deputy registrar, or one witness; provide the name of the voter and the address of the nursing home; and if qualified pursuant to Paragraph (C)(2) of this Section, provide ~~current proof of disability from a physician along with a certification from the physician voter~~ which indicates that by reason of the voter's disability the voter is a resident of the nursing home ~~unable to appear in person to vote either during early voting or at the polling place on election day.~~

(2) Upon receipt of a valid request, the request shall serve as an application to vote pursuant to this Section. ~~The~~ An application to vote in the nursing home early voting program as provided in that satisfies the requirements of this Section shall remain valid indefinitely unless the voter submits a written request to the registrar to be removed from the program or the voter no longer resides in the nursing home listed in his application. However, if the voter has become a resident of a different nursing home in the parish and has notified the registrar of voters in writing of the change of nursing home address, his application shall remain valid.

Section 2. This Act shall become effective January 1, 2019.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 547

HOUSE BILL NO. 387
BY REPRESENTATIVE EDMONDS
AN ACT

To amend and reenact R.S. 17:406.9(B)(introductory paragraph) and (2)(introductory paragraph) and (a) and to enact R.S. 17:406.9(B)(2)(e) through (h) and (10) through (13) and 3996(B)(45), relative to the rights of parents of public school children; to provide for the disclosure of certain student records to parents; to provide for parental notification; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:406.9(B)(introductory paragraph) and (2)(introductory paragraph) and (a) are hereby amended and reenacted and 17:406.9(B)(2)(e) through (h) and (10) through (13) and 3996(B)(45) are hereby enacted to read as follows:

§406.9. Parents' Bill of Rights for Public Schools

B. Parents of public school children who have not reached the age of majority shall have all of the following rights:

(2) To inspect their child's school records, and to receive a copy of their child's records within ten business days of submitting a written request, either electronically or on paper. Parents shall not be required to appear in person for the purposes of requesting or validating a request for their child's school records. There shall be no charge for a parent to receive such records electronically. Any charges for a paper copy of such records shall be reasonable and set forth in the official rules and regulations of the school governing authority. School records shall include including all of the following:

(a) Academic records, including but not limited to results of interim or benchmark assessments.

(e) Records of discipline.

(f) Records of attendance.

(g) Records associated with a child's screening for learning challenges, exceptionalities, plans for an Individualized Education Program, or Individual Accommodation Plan.

(h) Any other student-specific file, document, or other materials that are maintained by the school.

(10) To receive from the school the annual school calendar, no later than thirty days prior to the beginning of the school year, and to be notified in writing as soon as feasible of any revisions to such calendar. Such calendar shall be posted to the school's website and shall include, at a minimum, student attendance days and any event that requires parent or student attendance outside of normal school days or hours.

(11) To receive in writing each year or to view on the school's website a comprehensive listing of any required fee and its purpose and use and a description of how economic hardships may be addressed.

(12) To receive in writing each year or to view on the school's website a description of the school's required uniform for students.

(13) To be informed if their child's academic performance is such that it could threaten the child's ability to be promoted to the next grade level and to be offered an in-person meeting with the child's classroom teacher and school leader to discuss any resources or strategies available to support and encourage the child's academic improvement.

§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:

(45) Parents' Bill of Rights for Public Schools, R.S. 17:406.9.

Approved by the Governor, May 28, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 548

HOUSE BILL NO. 388
BY REPRESENTATIVES HODGES AND FOIL
AN ACT

To amend and reenact R.S. 9:2793.8, R.S. 29:733(C)(Article 6), and R.S. 33:4712.18(A)(3), and to enact R.S. 29:735.4 and R.S. 42:1102(18)(b)(iii), relative to emergency preparedness and disaster management; to provide relative to the Emergency Management Assistance Compact; to provide for a registry of volunteers for disaster or emergency response; to provide for credentials of volunteers; to provide for definitions; to provide for background checks; to provide a limitation of liability for volunteers; to provide for applicability; to provide limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2793.8 is hereby amended and reenacted to read as follows:

§2793.8. ~~Gratuitous services~~ Services rendered by National Voluntary Organizations Active in Disaster and other volunteers; limitation of liability

A. The National Voluntary Organizations Active in Disaster or its member organizations or any officer, employee, or volunteer thereof, who gratuitously renders any evacuation assistance or services of any kind to other persons in advance of a hurricane or tropical storm declared

by the United States National Oceanic and Atmospheric Administration's National Weather Service or who gratuitously renders any disaster relief or recovery services following a declared state of emergency, shall not be liable to any person for any injury, death, loss, civil penalty, or damage as a result of any act or omission in rendering assistance, relief, or recovery services or as a result of any act or failure to act or failure to provide or arrange for further services, unless the damage or injury was caused by gross negligence or willful and wanton misconduct.

B. Other volunteers who render any disaster relief or recovery services following a declared state of emergency shall not be liable to any person for any injury, death, loss, civil penalty, or damage as a result of any act or omission in rendering assistance, relief, or recovery services or as a result of any act or failure to act or failure to provide or arrange for further services, unless the damage or injury was caused by gross negligence or willful and wanton misconduct and in accordance with R.S. 29:735.3.1.

Section 2. R.S. 29:733(C)(Article 6) is hereby amended and reenacted and R.S. 29:735.4 is hereby enacted to read as follows:

§733. Emergency Management Assistance Compact
* * *

C. The state of Louisiana hereby agrees:
* * *

Article 6. Officers or employees of a party state, to include political subdivisions, ~~and~~ local governments, ~~private entities contracted with the state or local government, and registered and credentialed volunteer organizations~~ 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, and registered and credentialed volunteer organizations rendering aid in another state pursuant to this 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.
* * *

§735.4. Registry of disaster volunteers; credentialing

A.(1) The Governor's Office of Homeland Security and Emergency Preparedness may establish a registry of volunteers pursuant to the provisions of this Section. Volunteers included in the registry may be deployed by either the Governor's Office of Homeland Security and Emergency Preparedness or the parish office of homeland security and emergency preparedness.

(2) The Governor's Office of Homeland Security and Emergency Preparedness may provide credentials for volunteers including the issuance of an identification card or badge identifying the person as a volunteer. The credentialing requirements may differ depending upon the type of volunteer work being provided and shall include, at a minimum, a check on the state sex offender and child predator registry pursuant to R.S. 15:542.1.5 and the Dru Sjodin National Sex Offender public website. Depending upon the mission of the volunteer, the volunteer may be required to submit a copy of the results of a federal and state background check. Whether or not a federal and state background check is required will be expressly identified in the memorandum of understanding between the volunteer agency and the deploying office of homeland security and determined on the basis of public safety. If a federal and state background check is required, the volunteer must be fingerprinted and fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation (FBI) for a national criminal history record check. FBI records may be used to screen the background of an applicant. All records in the state repository shall be released to include arrests, convictions, and expunged information. The costs of background checks shall be borne either by the volunteer or its affiliated volunteer agency.

(3) For purposes of this Section, the term "volunteer" shall mean an individual who donates labor through a nonprofit organization that is registered and approved by the state as a private, nonprofit, tax-exempt organization pursuant to 26 U.S.C. 501(c).

B. Volunteers registered and credentialed by the Governor's Office of Homeland Security and Emergency Preparedness or a parish office of homeland security and emergency preparedness:

(1) Shall be treated as unpaid agents of the state or parish when they are in the course and scope of their deployment by the Governor's Office of Homeland Security and Emergency Preparedness or a parish office of homeland security and emergency preparedness.

(2) Shall make every effort when deployed to coordinate with local officials.

(3) May share and receive state and parish commodities at the discretion of the director of the Governor's Office of Homeland Security and Emergency Preparedness pursuant to R.S. 29:726 and R.S. 33:4712.18.

C. Volunteers in this Section shall not be considered public employees and thus shall not be subject to the provisions of Title 42.

D. The Governor's Office of Homeland Security and Emergency Preparedness may promulgate rules pursuant to the Administrative Procedure Act to implement the provisions of this Section.

Section 3. R.S. 33:4712.18(A)(3) is hereby amended and reenacted to read as follows:

§4712.18. Sharing of equipment between public entities

A.
* * *

(3)(a) When an emergency situation is declared and public entities need to share equipment, the provisions of Paragraph (1) of this Subsection are not required, provided the public entities share the equipment in good faith relative to the emergency situation.

(b) The Governor's Office of Homeland Security and Emergency Preparedness may coordinate the sharing of equipment between the public and private entities in order to meet the needs of an emergency or disaster pursuant to R.S. 29:724.
* * *

Section 4. R.S. 42:1102(18)(b)(iii) is hereby enacted to read as follows:

§1102. Definitions

Unless the context clearly indicates otherwise, the following words and terms, when used in this Chapter, shall have the following meanings:

(18)
* * *

(b) However, "public employee" shall not mean a person whose public service is limited to the following:

* * *
(iii) Volunteering as described in R.S. 29:735.3.1(A).
* * *

Approved by the Governor, May 28, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 549

HOUSE BILL NO. 389

BY REPRESENTATIVES GARY CARTER, AMEDEE, BAGLEY, BAGNERIS, BOUIE, CHAD BROWN, COX, DUPLESSIS, FALCONER, HODGES, HOLLIS, HORTON, HOWARD, JAMES, LEBAS, LYONS, MACK, MARCELLE, JAY MORRIS, PEARSON, PIERRE, REYNOLDS, RICHARD, SMITH, THIBAUT, AND WRIGHT AND SENATORS ALARIO, CARTER, MILLS, MORRELL, PEACOCK, GARY SMITH, THOMPSON, AND WALSWORTH

AN ACT

To amend and reenact R.S. 14:93.5(B) and (D), relative to sexual battery of persons with infirmities; to provide relative to the crime of sexual battery of persons with infirmities; to increase the penalties for the crime of sexual battery of persons with infirmities; to provide penalties for the crime when the victim is the resident of a nursing home or residential facility and the offender is an employee of such facility; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:93.5(B) and (D) are hereby amended and reenacted to read as follows:

§93.5. Sexual battery of persons with infirmities
* * *

B. For purposes of this Section, "sexual acts" mean either of the following:

(1) The touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body of the offender; or

(2) The touching of the anus or genitals of the offender by the victim using any instrumentality or any part of the body of the victim.
* * *

D.(1) Whoever Except as provided in Paragraph (2) of this Subsection, whoever commits the crime of sexual battery of persons with infirmities shall be punished by imprisonment, with or without hard labor, for not more than ten twenty years.

(2) If the victim is a resident of a nursing home, facility for persons with intellectual disabilities, mental health facility, hospital, or other residential facility and the offender is an employee of such home or facility, the offender shall be punished by imprisonment, with or without hard labor, for not more than twenty-five years.

Approved by the Governor, May 28, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State