

ACTS OF 2018 LEGISLATURE

Acts 612 - 697

ACT No. 612

SENATE BILL NO. 400

BY SENATOR HEWITT AND REPRESENTATIVE EDMONDS

AN ACT

To amend and reenact R.S. 3:2(C), R.S. 9:154.3, R.S. 15:572.8(H)(1) and the introductory paragraph of (2), and 921, R.S. 17:3138.4, R.S. 22:1071(D)(3)(b) and (c), and 1476(A)(2), R.S. 23:1170(A), 1172(A), 1172.1(C), 1172.2(D), 1178(D), 1291.1(C)(1) and (E), 1310.3(E), 1310.13, and 1514(D)(5), R.S. 24:653(N)(3), R.S. 30:2004(11), 2014(B), (D)(4)(a) and the introductory paragraph of (b), 2015(A), (B), the introductory paragraph of (C), the introductory paragraph of (D), and (E), 2035(B)(1), 2054(B)(8), 2109(A) and (C), 2192(B)(4), 2195(B), (C), and (E), 2195.2(A)(4), 2195.4(C)(1) and (2), 2195.5, 2205(A)(1), and 2552(A), (B), and (C), R.S. 32:202, 402.3(I), and 412(C)(2), R.S. 39:82(A), 91(B), 100.136, and 352, R.S. 40:1135.10, R.S. 46:1301(A)(1), R.S. 47:318(D), 463.48(D), 463.60(F), 463.148(E), 463.167(E), 6351(G), and 7019.2(B)(1), R.S. 49:259(D), 308.3(B)(7) and (D), and 308.5(B)(3) and (4), R.S. 51:2315, R.S. 56:10(B)(1)(b), 70.3, 70.4(A), 253(C)(2)(a), 278(A), 279(A), (C), (D)(1) and (3), 494(E)(5) and (F), 644(B), the introductory paragraph of (C), (D), and (E), Code of Criminal Procedure Article 895.1(F)(2), the introductory paragraph of (3), (b), and (e), Section 4(B) of Act No. 421 of the 2013 Regular Session of the Legislature, as amended by Section 4(B) of Act No. 822 of the 2014 Regular Session of the Legislature, the introductory paragraph of Section 7(A) and (B) of Act 41 of the 2006 First Extraordinary Session of the Legislature, to enact R.S. 30:2015(C)(8), and to repeal R.S. 11:544, R.S. 15:185.5, 572.8(N) and (S), R.S. 17:354, 3138.2, and 3138.3, and Subpart A-2 of Part IX-A of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3397.11, R.S. 27:392(C)(4), R.S. 30:2000.12 and 2551, R.S. 33:2740.18, R.S. 39:87.5, Subpart H of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.11, Subpart N of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.51, Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.122, Subpart Q-2 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.146, R.S. 39:1357, R.S. 40:16.2 and 1402, R.S. 46:290.1, 977.13, 2731, 2742(D), and 2901, R.S. 47:120.39 and 841.2, R.S. 49:214.6.7(D) and (E), R.S. 51:2211 through 2216, R.S. 56:14, 302.3(B)(5)(c), 305(H) and 633, Section 9 of Act No. 138 of the 2005 Regular Session of the Legislature as amended by Section 7 of Act 642 of the 2006 Regular Session of the Legislature, Sections (3)(D) and (6) of Act No. 41 of the 2006 First Extraordinary Session of the Legislature, Section 7 of Act No. 420 of the 2013 Regular Session of the Legislature, Section (4)(B)(1) of Act No. 421 of the 2013 Regular Session of the Legislature, as amended by Section (4)(B)(1) of Act No. 822 of the 2014 Regular Session of the Legislature, and Section (4)(B)(2) of Act No. 421 of the 2013 Regular Session of the Legislature, relative to certain funds in the state treasury; to provide for meeting dates of the Dedicated Fund Review Subcommittee of the Joint Legislative Committee on the Budget; to provide for the review of certain funds in the state treasury by the subcommittee; to provide for the powers, duties, functions, and responsibilities of the subcommittee, including the recommendation for the reclassification, elimination, and expenditure of certain funds in the treasury; to provide for the reclassification of funds in the treasury; to provide for the elimination of certain treasury funds and the creation of certain treasury accounts; to provide relative to monies deposited and credited into certain agency accounts in the state treasury; to provide for the classification and consideration of certain monies as fees and self-generated revenues; to provide that such fees and self-generated revenues shall be available for appropriation as recognized by the Revenue Estimating Conference; to provide for the retention of monies in certain agency accounts for future appropriation; to provide relative to monies deposited and credited to certain accounts in the state treasury; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The conversion of certain dedicated funds to special agency accounts in the state treasury contained herein, shall cause the special agency accounts to be classified as fees and self-generated revenues to be used only for the purposes of identifying the means of finance in the executive budget. The conversion of certain dedicated funds to special agency accounts shall not change the purpose for which the monies were dedicated unless the use of the monies is specifically amended herein. Unless specifically provided for in the statute establishing the agency account, all funds transferred to agency accounts shall not revert to the state general fund at the end of the fiscal year. The revenues in the accounts shall remain in the account. All monies in the accounts shall require an appropriation to be withdrawn from the account. No funds shall be transferred in or out of an account without an annual appropriation or favorable action of the Joint Legislative Committee on the Budget through a budget adjustment for the statutory purpose of those revenues.

Section 2. R.S. 3:2(C) is hereby amended and reenacted to read as follows:

§2. Creation, powers, and duties of Department of Agriculture and Forestry and the commissioner of agriculture and forestry

* * *

C. All funds derived from the sale of timber on state lands under this Section shall be

deposited in the state treasury. Monies derived from the sale of timber on state lands in the custody of the Louisiana Department of Health shall be deposited into the Louisiana Department of Health's Facility Support Fund as provided in R.S. 40:16.2 **state general fund**. The legislature shall annually appropriate to the Department of Agriculture and Forestry the costs incurred by that department under the provisions of this Section.

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Section 3. R.S. 9:154.3 is hereby amended and reenacted to read as follows:

§154.3. Crescent City Connection amnesty program; Crescent City Amnesty Refund Fund; disposition

A. Notwithstanding the provisions of R.S. 9:154 or any other provision of law to the contrary, the provisions of this Section shall apply to monies collected as a result of the amnesty program provided for in R.S. 47:7019.1 for those persons who failed to pay a toll to cross the Crescent City Connection Bridge, prior to January 1, 2013 **Crescent City Amnesty Refund Fund is hereby abolished and any monies remaining in the fund shall be transferred for the use of the Department of Transportation and Development**.

B. Notwithstanding the provisions of R.S. 48:1161.2(D)(c), and prior to appropriation of any monies to the New Orleans Regional Planning Commission, on July 1, 2014, one hundred twenty-eight thousand six hundred eighty-one dollars of monies on deposit in the Crescent City Transition Fund shall be deemed abandoned funds for the purposes of treatment as unclaimed property in accordance with the provisions of this Section.

C. Funds that are deemed abandoned funds pursuant to this Section shall be immediately transferred from the Crescent City Transition Fund by the state treasurer in his capacity as administrator of the Uniform Unclaimed Property Act. The state treasurer shall deposit these funds into the Crescent City Amnesty Refund Fund as provided in this Section, and shall provide for the return of such funds to their owners in accordance with the Uniform Unclaimed Property Act during the term set forth in R.S. 47:7019.2. The state treasurer shall further provide for the payment of all unexpended and unencumbered funds remaining in the Crescent City Amnesty Refund Fund as of July 1, 2015, in accordance with the provisions of this Section.

D.(1) There is hereby created the Crescent City Amnesty Refund Fund as a special fund in the state treasury, hereinafter referred to as the "fund". The source of monies for the fund shall be the monies transferred from the Crescent City Transition Fund as provided for in this Section.

(2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, an amount equal to that deposited into the state treasury from the foregoing sources shall be deposited in and credited to the fund. The monies in the fund shall be invested by the treasurer in the same manner as the state general fund, and interest earnings shall be deposited into the fund.

(3) All unexpended and unencumbered monies remaining in the fund on July 1, 2015, shall be appropriated as follows:

(a) An amount not to exceed thirty percent of the monies in the fund shall be appropriated to the Department of Transportation and Development for operational and maintenance costs for the New Orleans ferries, formerly operated by its Crescent City Connection Division.

(b) The balance of the monies in the fund as of July 1, 2015, shall be appropriated to the New Orleans Regional Planning Commission for lighting of the eastbank and westbank approaches to the Crescent City Connection Bridge, including General DeGaulle and the Westbank Expressway approach through ground level, improvements to ingress and egress points, lighting, maintenance, grass-cutting, and landscaping of the Westbank Expressway and its connecting arteries.

(4) The state treasurer shall be relieved of all liability which may arise with respect to such distribution of funds.

E. All data associated with monies deposited into the Crescent City Transition Fund that was collected by the Department of Transportation and Development pursuant to R.S. 47:7013.1 shall be transferred by such department to the state treasurer pursuant to this Section and shall be provided by such department to the Unclaimed Property Division in an electronic format as designated by such division.

F. For the purposes of this Section, holder requirements under R.S. 9:159 shall be deemed waived.

G. The state treasurer in his capacity as administrator of the Uniform Unclaimed Property Act may establish policies and procedures as necessary to implement the provisions of this Section.

H. All books, papers, and records transferred to the state treasurer pursuant to this Section shall be retained for a period of no less than five years following such transfer.

I. The provisions of this Section shall supersede and control to the extent of conflict with any other provision of law.

Section 4. R.S. 15:572.8(H)(1), the introductory paragraph of (2), and 921 are hereby amended and reenacted to read as follows:

§572.8. Compensation for wrongful conviction and imprisonment; petition process; compensation; proof; assignment of powers and duties

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H.(1) After a contradictory hearing with the attorney general, the court shall render a decision as soon as practical. If, from its findings of fact, the court determines that the petitioner is entitled to compensation because he is found to be factually innocent of the crime of which he was convicted, it shall determine the compensation due in accordance with the provisions of this Section, and it shall order payment to the petitioner from the **Innocence Compensation Fund** which shall be created specifically for the administration of awards under this Section **state general fund**.

(2) Compensation shall be calculated at a rate of twenty-five thousand dollars per year incarcerated not to exceed a maximum total amount of two hundred fifty thousand dollars for the physical harm and injury suffered by the petitioner to be paid at a rate of twenty-five thousand dollars annually. As compensation for the loss of life opportunities resulting from the time spent incarcerated, the court shall also review requests for payment and order payment, not to exceed eighty thousand dollars, which the court finds reasonable and appropriate from the **Innocence Compensation Fund state general fund** to:

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§921. Youthful Offender Management Fund **Account**; creation

A. All probation and parole supervision fees received by the Department of Public Safety and Corrections pursuant to Children's Code Articles 781.1 and 901.1 and any amounts appropriated by the legislature to the Youthful Offender Management Fund Account shall be deposited immediately upon receipt into the state treasury.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required by Subsection A of this Section shall be credited to the special fund agency account hereby created in the state treasury to be known as the "Youthful Offender Management Fund Account". The monies in this fund account shall be used solely as provided by Subsection C of this Section and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund account at the end of the fiscal year shall remain in such fund account. ~~All monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund, with interest earned on the investment of these monies credited to this fund following compliance with the requirements of Article VII, Section 9(B), relative to the Bond Security and Redemption Fund. Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.~~

C. The monies in the Youthful Offender Management Fund Account shall be used solely by the department to supplement appropriated funds for salaries and other category expenditures within the office of juvenile justice deemed necessary by the secretary of the department, and to defray cost of collection and disbursement of monetary assessments imposed as a condition of probation and parole, including reasonable attorney fees.

Section 5. R.S. 17:3138.4 is hereby amended and reenacted to read as follows:

§13138.4. Workforce and Innovation for a Stronger Economy Fund Strategic Planning Council

A. The "Workforce and Innovation for a Stronger Economy Fund", hereinafter referred to in this Section as the "fund", is hereby created within the state treasury as a special fund for the purpose of funding degree and certificate production and research priorities in high demand fields through programs offered by Louisiana's public postsecondary education institutions to meet the state's future workforce and innovation needs.

B. Monies in the fund shall be invested in the same manner as monies in the general fund. Interest earned on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

C. Subject to an annual appropriation by the legislature, each fiscal year the sum of forty million dollars shall be deposited into the fund. Monies in the fund shall be appropriated and administered as provided in this Section:

D.(1) Monies in the fund shall be appropriated to the Board of Regents to be distributed to and used by postsecondary education institutions in accordance with a statewide workforce demand and gap analysis to be developed as provided for in this Section:

(2) The funds distributed pursuant to this Section shall be used by the institution towards degree and certificate production pursuant to the workforce demand and gap analysis and research priorities according to implementation plans:

(3) Any funds distributed to any institution that remain unexpended or unobligated at the end of the fiscal year shall be available for use in the subsequent fiscal year by an institution pursuant to their implementation plan.

(4)(a) Funding shall be distributed by the Board of Regents only upon receipt of certification by the postsecondary education management board on behalf of the receiving public postsecondary education institution that a match of no less than twenty percent of the amount of funding to be distributed has been guaranteed by a private entity. Match certification shall be reported to the Joint Legislative Committee on the Budget within thirty days of the receipt. The certification shall detail the type of private match to be provided, which may include: cash; in-kind donations of technology, personnel, construction materials, facility modification, or tangible property; internships; scholarships; sponsorship of staff or faculty; or faculty endowment. The Workforce and Innovation for a Stronger Economy Fund Strategic Planning (WISE) Council may authorize a match for an institution in types other than those provided for in this Paragraph, upon request of the system president.

(b) In any fiscal year that the total appropriated funds from the sum of the state general fund and dedicated funds for higher education are below the appropriated funding in the prior fiscal year, the WISE Council may at its discretion, delay or waive requirements as set forth in Subparagraph (a) of this Paragraph:

E.(1) A Workforce and Innovation for a Stronger Economy Fund Strategic Planning Council, to be referred to as the "WISE Council", shall be established as an independent subcommittee of the Board of Regents and shall be comprised of the president-chancellor of Louisiana State University, the president of the Southern University System, the president of the University of Louisiana System, the president of the Louisiana Community and Technical College System, the commissioner of higher education, the secretary of the Department of Economic Development, the executive director of the Louisiana Workforce Commission, and the chairman of the Workforce Investment Council, or their successors.

(2)(a) The WISE Council shall develop a method for the distribution of monies in the fund in alignment with the statewide workforce demand and gap analysis and research priorities as provided in this Section. The methodology for the distribution shall be reevaluated no more than once every three years unless a majority of the WISE Council vote to reevaluate the methodology more often:

(b) The methodology of distribution shall be as follows:

(i) Eighty percent of funds distributed shall be based on degree and certificate production in fields required for four- or five-star jobs, as defined by the Louisiana Workforce Commission's Louisiana Star Jobs program or its successors and weighted by cost and a prioritization of high demand degree and certificate production based on data provided by the Department of Economic Development and the Louisiana Workforce Commission:

(ii) Twenty percent of funds distributed shall be based on federally funded research expenditures as defined by the National Science Foundation:

(iii) The WISE Council shall have the authority to adjust the percentage of the distributions by no more than ten percent relative to the distribution of funds between degree certification production in Item (i) of this Subparagraph and federally funded research expenditures in Item (ii) of this Subparagraph. However, in no event shall the distribution based on federally funded research expenditures be reduced below twenty percent:

(3) The WISE Council shall prepare a statewide workforce demand and gap analysis which

shall include:

(a) Statewide and regional degree and certificate production and research priorities based on an analysis of credential completion at all Louisiana postsecondary education institutions and workforce demand.

(b) A prioritization of high-demand degree and certificate production based on data provided by the Department of Economic Development and the Louisiana Workforce Commission.

~~(4)(3) The WISE Council and the Board of Regents shall review and approve the statewide workforce demand and gap analysis and research priorities.~~

~~(5)(4) The WISE Council shall review and approve implementation plans submitted by institutions. The implementation plans shall include at a minimum a plan for expenditure of monies and outcomes expected.~~

~~(6)(5) The system presidents shall report annually to the WISE Council on progress towards degree and certificate and research priorities in accordance with the implementation plans.~~

~~F.B. The statewide workforce demand and gap analysis, including any revisions to the analysis, distribution of funds; and implementation plans shall be posted on the Board of Regents' website.~~

~~G.C. The WISE Council may create policies and procedures for its own management but shall meet no less than two times per year.~~

~~H.D. The Board of Regents, on behalf of postsecondary education, shall provide annual reporting to the Senate Committee on Education, the Senate Committee on Finance, the House Committee on Education, and the House Committee on Appropriations. Such reports shall include the statewide workforce demand and gap analysis, including any revisions to the analysis, distribution of funds; and implementation plans.~~

~~I. The Board of Regents shall promulgate rules developed jointly and collaboratively by the commissioner of higher education and the system presidents for the administration of the fund. Prior to final adoption, the rules shall be approved by the WISE Council.~~

~~J. The fund is in addition to, and separate from, any monies appropriated or allocated to any postsecondary education management board. Allocations from this fund shall not be included in the Board of Regents' funding formula calculation, nor shall it supplant any state general fund allocations provided to institutions. The availability of the fund shall not in any way substitute, limit, or otherwise affect the allocation of any funds otherwise available to those institutions under state or federal laws.~~

~~K.E. All actions of the WISE Council and the implementation of this Section shall be subject to the approval of the Board of Regents.~~

Section 6. R.S. 22:1071(D)(3)(b) and (c) and 1476(A)(2) are hereby amended and reenacted to read as follows:

§1071. Enforcement provisions

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(3)

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(b) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to that deposited as required by Subparagraph (a) of this Paragraph shall be credited to a special fund agency account to be retained for future appropriation as provided in this Section hereby created in the state treasury to be known as the Administrative Fund Account of the Department of Insurance. The monies in this fund account shall be used solely as provided by Subparagraph (c) of this Paragraph and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund account at the end of the fiscal year shall remain in such fund. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund and interest earned on the investment of these monies shall be credited to this fund account. Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.

(c) The monies in the Administrative Fund Account of the Department of Insurance shall be used solely for the expenses in connection with the administration and enforcement of the provisions of this Subpart.

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§1476. Assessments against insurers; dedications

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(2) ~~An In every year, an amount equal to two and one-fourth hundredths of one percent of the gross direct premiums received in this state, in the preceding year; two and thirty-seven hundredths of one percent of the direct gross premiums received in this state, in the year 2001; and two and one-half hundredths of one percent of the direct gross premiums received in the state, in the year 2003 and every year thereafter by insurers doing business in this state and subject to this Subpart, less returned premiums shall be deposited by the commissioner of insurance with the state treasurer to be credited to a special fund agency account, created in the state treasury entitled the Municipal Fire and Police Civil Service Operating Fund Account, hereinafter to be known as the "fund account". Subject to an annual appropriation by the legislature pursuant to the provisions of R.S. 33:2480 and 2540, monies in the fund account shall be used solely to support the operations of the office of state examiner, Municipal Fire and Police Civil Service. Monies in the fund account shall be invested by the treasurer in the same manner as monies in the state general fund and interest earned on investment of these monies shall be credited to the state general fund. All unexpended and unencumbered monies in the fund account at the end of the fiscal year shall revert to the state general fund remain in the account. Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.~~

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Section 7. R.S. 23:1170(A), 1172(A), 1172.1(C), 1172.2(D), 1178(D), 1291.1(C)(1) and (E), 1310.3(E), 1310.13, and 1514(D)(5) are hereby amended and reenacted to read as follows:

§1170. Penalty for failure to secure workers' compensation insurance; assessment and collection

A. In addition to any other penalty prescribed by law, any employer who fails to secure compensation required by R.S. 23:1168 shall be liable for a civil penalty, to be assessed by the

workers' compensation judge, of not more than two hundred fifty dollars per employee for a first offense, and liable for a civil penalty of not more than five hundred dollars per employee for a second or subsequent offense; however, the maximum civil penalty for a first offense shall not exceed ten thousand dollars for all related series of violations. All civil penalties collected shall be deposited in the Office of Workers' Compensation Administrative Fund Account established in R.S. 23:1291.1(E).

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§1172. Criminal penalties

A. Any employer who willfully fails to provide security for compensation required by R.S. 23:1168 shall be subject to a fine of up to two hundred fifty dollars per day that the employer willfully failed to provide security for compensation or imprisonment with or without hard labor for not more than one year, or both such fine and imprisonment. All fines collected shall be deposited in the Office of Workers' Compensation Administrative Fund Account established in R.S. 23:1291.1(E).

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§1172.1. Willful misrepresentation by employer; aid or abet; criminal penalties; civil immunity

C. Whoever violates any provision of this Section shall be imprisoned, with or without hard labor, for not less than one year nor more than ten years, or fined up to two hundred fifty dollars per day that the employer willfully failed to provide security for compensation, or both. All fines collected shall be deposited in the Office of Workers' Compensation Administrative Fund Account established in R.S. 23:1291.1(E).

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§1172.2. Unlawful practices

D. Whoever violates any provision of this Section shall be imprisoned, with or without hard labor, for not less than one year nor more than ten years, or fined up to two hundred fifty dollars per day that such person's violation of any provision of this Section resulted in failure to properly provide security for compensation, or both. All fines collected shall be deposited in the Office of Workers' Compensation Administrative Fund Account established in R.S. 23:1291.1(E).

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§1178. Cost containment meeting; incentive discount

D. Any eligible employer who has been given notice of a cost containment meeting, and fails to attend shall be fined an amount ~~equaling~~ **equaling** two percent of the Louisiana workers' compensation premium for the succeeding policy year. The fine shall be payable to the executive director of the commission and shall be remitted to the state treasurer for deposit in the Office of Workers' Compensation Administrative Fund Account.

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§1291.1. Annual reports; assessment; collection

C.(1) The director of the office of workers' compensation administration shall provide by regulation for the collection of the amounts assessed against each insurer and employer. Collection of funds under the provisions of this Subsection shall be accomplished by the office of workers' compensation administration, the amount collected to be determined by the director. Such amounts shall be paid into the Office of Workers' Compensation Administrative Fund Account within thirty days from the date that notice is served upon such insurer or employer.

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E. There is hereby created and established in the state treasury a special ~~fund~~ **agency account**, which shall be designated as the "Office of Worker's Compensation Administrative Fund Account". The ~~fund~~ **agency account** shall be maintained as a separate account in the treasury for the sole purpose of funding the administrative expenses of the office of worker's compensation administration of the Louisiana Workforce Commission as set forth in R.S. 23:1291 et seq. Funds shall be withdrawn therefrom only pursuant to legislative appropriation and shall be subject to budgetary control as provided by law. All remaining and unencumbered balances at the end of any fiscal year shall remain to the credit of the ~~fund~~ **agency account** and shall be used solely for the purpose stated in this Section. **Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.**

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§1310.3. Initiation of claims; voluntary mediation; procedure

E. If any party fails to appear at a mediation conference ordered by the judge or requested by the parties after proper notice, the workers' compensation judge upon request of a party may fine the delinquent party an amount not to exceed five hundred dollars, which shall be payable to the Office of Workers' Compensation Administrative Fund Account. In addition, the workers' compensation judge may assess against the party failing to attend costs and reasonable attorney fees incurred by any other party in connection with the conference. The penalties provided for in this Subsection shall be assessed by the workers' compensation judge only after a contradictory hearing which shall be held prior to the hearing on the merits of the dispute.

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§1310.13. Expenses of director; penalties imposed by Act; payment into special state treasury fund

All penalties imposed by the Worker's Compensation Act, except those specifically payable to claimants, or as otherwise specifically provided by law, shall be deposited into the Office of Worker's Compensation Administrative Fund Account and used in those amounts appropriated by the legislature as provided for in R.S. 23:1291.1(E).

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§1514. Worker training fund; purpose; training programs; eligibility criteria; program administration

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(5) The administrator may annually set aside an amount up to ten percent of the amount

appropriated to the fund by the state legislature for preemployment training in any year in which the legislature appropriates funds for training equal to or exceeding those funds appropriated in the previous year to the Rapid Response Fund created by R.S. 51:2361 or to the Louisiana Economic Development Fund created by R.S. 51:2315 **to be used exclusively for the Louisiana FastStart Program**. All preemployment training shall require an employer matching contribution of not more than fifty percent, and job placement outcomes at wage rates commensurate with training, as determined by the administrator pursuant to duly promulgated rules and regulations.

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Section 8. R.S. 24:653(N)(3) is hereby amended and reenacted to read as follows:

§653. Duties and functions

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(3) No later than September 1, 2017, and every two years ~~year~~ thereafter, the committee shall provide for the dedicated fund review subcommittee.

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Section 9. R.S. 30:2004(11), 2014(B), (D)(4)(a) and the introductory paragraph of (b), 2015(A), (B), the introductory paragraph of (C), the introductory paragraph of (D), and (E), 2035(B)(1), 2054(B)(8), 2109(A) and (C), 2192(B)(4), 2195(B), (C), and (E), 2195.2(A)(4), 2195.4(C)(1) and (2), 2195.5, 2205(A)(1), and 2552(A), (B), and (C) are hereby amended and reenacted and R.S. 30:2015(C)(8) is hereby enacted to read as follows:

§2004. Definitions

The following terms as used in this Subtitle, unless the context otherwise requires or unless redefined by a particular Chapter hereof, shall have the following meanings:

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(11) "Response ~~fund~~ **account**" means the Environmental Trust Fund Account created in R.S. 30:2015.

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§2014. Permits, licenses, registrations, variances, and fees

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B. In order to provide for adequate permitting, monitoring, investigation, administration, and other activities required for the maintenance of a healthful and safe environment, an initial fee and an annual monitoring and maintenance fee shall be charged for all permits, licenses, registrations, or variances authorized by this Subtitle. These fees shall be determined, except as otherwise provided in this Subtitle relative to maximum amounts of fees, using a formula developed by rules to be based upon a cost equal to the cost of the annual maintenance, permitting, monitoring, investigation, administration, and other activities required therewith, including any effects the volume of emissions or effluents may have on such activities. Any such formula or fees shall be adopted by the department by rule in accordance with the Administrative Procedure Act, R.S. 49:950 et seq. Funds generated from these fees shall be deposited in the Environmental Trust Fund Account as provided in R.S. 30:2015.

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* * *

(4)(a) In accordance with the provisions of Article VII, Section 2.1 of the Constitution of Louisiana, and notwithstanding any other provision of law, the Department of Environmental Quality may modify any fee that is in effect on June 30, 2002, is authorized by this Title, and is required to be deposited into the Environmental Trust Fund Account. Such a modification may increase the rate in effect on June 30, 2002, over the two-year fiscal period beginning July 1, 2002, as follows: the department may increase any such fee by a maximum of twenty percent, effective on or after July 1, 2002, and by a maximum of ten percent above the rate in effect on June 30, 2003, effective on or after July 1, 2003. Within ninety days of the promulgation and adoption of any regulation necessary to implement the fees herein, the Department of Environmental Quality shall submit a written report to the Joint Legislative Committee on the Budget for its approval which details the proposed use for the fee increase, efforts to decrease the processing time for permits, efforts to increase the number of inspections conducted at regulated facilities, enforcement activities, and efforts to increase the collection of fines imposed by the Department of Environmental Quality.

(b) Notwithstanding any other provision of law to the contrary, the Department of Environmental Quality may increase the following fees from the amounts in effect on March 14, 2015, as authorized by this Title or any rule or regulation promulgated pursuant thereto, and is required to be deposited into the Environmental Trust Fund Account as follows:

* * *

§2015. Environmental Trust Fund Account

A. In order to fulfill the constitutional mandate of Article IX of the Louisiana Constitution to protect, conserve, and replenish the natural resources of the state, the legislature hereby declares that sufficient funds shall be available to the Department of Environmental Quality to fulfill that mandate. It is the intent of this Section to insure that all funds generated by the department are used to fulfill and carry out its powers, duties, and functions as provided by law.

B. There is hereby established a ~~fund~~ **agency account** in the state treasury to be known as the "Environmental Trust Fund Account", hereafter referred to as the "trust fund account", into which the state treasurer shall each fiscal year deposit the revenues received from those sources provided for by Subsection C of this Section and other sources as provided for by law after those revenues have been deposited in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer, prior to placing such funds in the state general fund, shall pay into the trust fund account an amount equal to the revenue generated from collection from those sources provided for by Subsection C of this Section and other sources as provided for by law. No expenditures shall be made from the trust fund account unless first appropriated by the legislature. ~~The monies in the trust fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned on money from the fund and invested by the state treasurer shall be credited to the Environmental Trust Fund. All unexpended and unencumbered monies in the account at the end of the fiscal year shall remain in the account and be available for expenditure in the next fiscal~~

year. Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.

C. The Environmental Trust Fund Account shall consist of all revenues generated from the following sources:

* * *

(8) All remaining and unencumbered balances of the Environmental Trust Fund.

D. The monies in the Environmental Trust Fund Account shall be used for the following purposes:

* * *

E. In any cases where monies from the trust fund account are expended, the attorney general shall institute a civil action to recover from the responsible persons all such monies expended from the trust fund account. If the secretary requests that the attorney general institute a civil action to recover monies expended from the trust fund account and the attorney general declines to institute such action or does not respond within sixty days of such request and agree to institute a civil action, an attorney from the department may, with the concurrence of the attorney general, institute a civil action to recover monies expended from the trust fund account. Any monies so recovered shall be paid into the trust fund account.

* * *

§2035. Environmental Emergency Response Training Program

* * *

B.(1) The chief of each eligible agency including any municipality or parish may apply to the department for allocation of funds from the Environmental Trust Fund Account to provide or secure the training authorized by this Section.

* * *

§2054. Air quality control; secretary of environmental quality; powers and duties

* * *

B. The secretary shall have the following powers and duties:

* * *

(8) To establish and implement a program for the control and abatement of motor vehicle emissions in accordance with R.S. 30:2060 and other applicable state and federal laws, particularly the Clean Air Act as amended, but not to exceed the requirements provided in such act unless specifically authorized. Such program shall be applicable only in parishes and municipalities as necessary to comply with the requirements of the federal Clean Air Act or regulations promulgated by the United States Environmental Protection Agency. If such program includes the periodic inspection of motor vehicles, the frequency of performing such inspections shall be as allowed by federal law or regulations or by agreements with federal agencies. During each calendar year, the secretary may exempt vehicles of that model year and vehicles from prior model years from on-board diagnostic (OBD II) testing. The fees due the department for this program pursuant to R.S. 32:1306(C)(3) shall be deposited into the Environmental Trust Fund Account. ~~The inspection and maintenance of motor vehicles as required by this Paragraph shall begin on January 1, 2000.~~

* * *

§2109. Nuclear power facilities; emergency planning; findings

A. The legislature finds and declares that it is necessary that the secretary of environmental quality be empowered upon a declaration of a state of disaster emergency, as provided for in Subsection C of this Section, and which is related to a source of radiation, to enter into contracts and agreements necessary to perform duties assigned under any radiological response plan and to expend funds from the Environmental Trust Fund Account for such purposes, according to the provisions of R.S. 30:2015.

* * *

C. Upon a declaration of a state of disaster emergency pursuant to and in accordance with ~~R.S. 29:705 or R.S. 29:706~~ **Chapter 6 of Title 29 of the Louisiana Revised Statutes of 1950** related to a source of radiation, the secretary of the Department of Environmental Quality is authorized to enter into any contracts or agreements necessary to perform any duty or function required of the secretary in any radiological response plan. The secretary is authorized to expend funds from the Environmental Trust Fund Account in the performance of such duties in accordance with the provisions of R.S. 30:2015.

* * *

§2192. Treatment, storage, and disposal facilities

* * *

B. The regulations at a minimum shall require:

* * *

(4) A surety bond in favor of the state, a certificate of public liability insurance, payments into the Environmental Trust Fund Account, other financial assurance, or any combination thereof, sufficient to assure financial responsibility for damages resulting from accidents or negligence, when corrective action is required or as specified in the permit, and to assure closure and post-closure care, said assurance to be consistent with the degree and duration of risks associated with the treatment, storage, or disposal of the type of hazardous waste handled.

* * *

§2195. Motor Fuels Underground Storage Tank Trust Fund

* * *

B. There is hereby established a special custodial trust fund in the state treasury to be known as the Motor Fuel Underground Storage Tank Trust Fund, hereafter referred to as the "Tank Trust Fund", into which the state treasurer shall, each fiscal year, deposit the revenues received from the collection of the fees as established in R.S. 30:2195.3(A)(1)(a) and (B). The secretary is authorized pursuant to Article VII, Section 9(A) of the Constitution of Louisiana and R.S. 30:2031 to enter into an agreement with a private legal entity to receive and administer the Tank Trust Fund for the purpose of providing financial responsibility for underground motor fuel storage tanks. On an annual basis, all owners of registered tanks shall remit to the department a tank registration fee of sixty dollars for each tank. The revenue from the tank registration fees shall be deposited directly into the Environmental Trust Fund Account as provided by R.S. 30:2015 and utilized for underground storage tank activities only, and any deviation from the aforesaid shall be documented and reported to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality. Revenues received from annual maintenance and monitoring fees, other than those established in R.S. 30:2195.3(B), shall be deposited into the Environmental Trust Fund Account. The

department shall promulgate rules and regulations for the implementation of this Section in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

C. Monies so deposited in the Environmental Trust Fund Account shall be used to defray the cost to the state of administering the underground storage tank program and the cost of investigation, testing, containment, control, and cleanup of releases from underground storage tanks containing regulated substances. Only monies recovered pursuant to R.S. 30:2195.2(A)(2) and deposited in the Tank Trust Fund may be used for the loans authorized by R.S. 30:2195.12(E). These monies shall also be used to provide money or services as the state share of matching funds for federal grants involving underground storage tanks. At the end of each fiscal year, all monies that were deposited into the Environmental Trust Fund Account from the fees established in R.S. 30:2195.3(A)(1)(a) and (B) which remain unspent, including all accrued interest, shall be transferred to the Tank Trust Fund.

* * *

E. Annually, the department shall prepare a report for the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality of all disbursements of monies from the Tank Trust Fund and the Environmental Trust Fund Account. The report shall include all loans made from the Tank Trust Fund, the number of sites actively seeking reimbursement from the Tank Trust Fund as of June thirtieth of each year, the number of sites deemed eligible for the Tank Trust Fund during the previous fiscal year, and the number of sites that have been granted "No Further Action", and the department has received the last application for reimbursement during the previous fiscal year. Regarding disbursements from the Tank Trust Fund as provided by R.S. 30:2195.2, the report shall include a list of all reimbursements, all pending reimbursements, the date the application was made for reimbursement, and the date reimbursement was made by the department. The report shall be delivered to the respective legislative committees no later than March first of each year.

* * *

§2195.2. Uses of the Tank Trust Fund

A. The department shall administer the Tank Trust Fund and shall make disbursements from the fund for all necessary and appropriate expenditures. Pursuant to the authorization in R.S. 30:2195, the secretary of the Department of Environmental Quality shall use the Tank Trust Fund as follows:

* * *

(4) The Environmental Trust Fund Account may be used to reimburse or pay for any costs associated with the review of applications for reimbursement from the trust, legal fees associated with the collection of costs from parties who are not eligible participants, audits of the Tank Trust Fund and bulk operators, and accounting and reporting of the uses of the trust. The Environmental Trust Fund Account will also reimburse the Department of Environmental Quality for costs associated with administering the underground storage tank program in accordance with R.S. 30:2195(C) up to the amount appropriated pursuant to R.S. 30:2195(B).

* * *

§2195.4. Procedures for disbursements from the Tank Trust Fund

* * *

C.(1) For any month during which the collection of fees assessed pursuant to R.S. 30:2195.3 is suspended, the treasurer shall transfer an amount equal to twenty percent of the average monthly fee amount collected according to the schedule specified in R.S. 30:2195.3(A)(1) from the trust into the Environmental Trust Fund Account for use as provided by R.S. 30:2195.3(A)(9) **30:2015**.

(2) If the secretary determines that the funds deposited on a monthly basis into the Environmental Trust Fund Account pursuant to R.S. 30:2195(B) are insufficient relative to the legislatively approved fiscal appropriation for the department during a given year, the secretary may order the treasurer to transfer from the Tank Trust Fund to the Environmental Trust Fund Account only that amount necessary to reach the authorized ceiling.

§2195.5. Audits

An annual independent audit of the Tank Trust Fund shall be conducted. Such funds as are necessary to perform the audit shall be authorized from the Tank Trust Fund. The secretary shall authorize funding from the Environmental Trust Fund Account, R.S. 30:2015, for the purpose of auditing bulk operators regarding the remittance of motor fuel delivery fees.

* * *

§2205. Hazardous Waste Site Cleanup Fund

A.(1) All sums recovered through judgments, settlements, assessments of civil or criminal penalties, funds recovered by suit or settlement from potentially responsible parties for active or abandoned site remediation or cleanup, or otherwise under this Subtitle, or other applicable law, each fiscal year for violation of this Subtitle, shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. After a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer, prior to placing such remaining funds in the state general fund, shall pay into a special fund, which is hereby created in the state treasury and designated as the "Hazardous Waste Site Cleanup Fund", all of those funds generated by the hazardous waste tax under the provisions of Chapter 7-A of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 and the sums recovered through all judgments, settlements, assessments of civil or criminal penalties, fees and oversight costs received from potentially responsible parties for the department's work in overseeing of assessment and remediation at inactive or abandoned sites, funds recovered by suit or settlement from potentially responsible parties for active or abandoned site remediation or cleanup, or otherwise, for violation of this Subtitle, except as provided in R.S. 30:2025 and 2198; however, the balance in the fund shall not exceed six million dollars at any time and upon the accumulation of six million dollars in the fund, the treasurer shall pay all remaining sums provided for in this Subsection into the Environmental Trust Fund Account, R.S. 30:2015.

* * *

~~§2552. Brownfields Cleanup Revolving Loan Fund Program; authority~~ **Authority** to make loans and grants; incur debt; tax exemption

A. Any political subdivision, public trust, quasi governmental organization, or eligible nonprofit or private entity, ~~except as provided in R.S. 30:2551(C)~~ **other than a responsible person**, is hereby authorized to make loans from and incur debt payable to the department in accordance with the provisions of this Section. The making of a loan ~~from the Brownfields Cleanup Revolving Loan Fund~~ and the issuance of debt evidencing such loan by any political

subdivision, eligible nonprofit organization, or eligible private entity shall be approved by the State Bond Commission. This Section shall not be deemed to be the exclusive authority under which a political subdivision, eligible nonprofit organization, or eligible private entity may borrow money from or incur indebtedness to the department. ~~The department shall aggressively pursue leveraging of all funds to the maximum amount allowable by law.~~

B. All bonds, notes, or other evidence of indebtedness of any political subdivision, public trust, quasi governmental organization, or eligible nonprofit or private entity issued to represent a loan from the department ~~or the fund~~ shall be authorized and issued pursuant to a resolution of the governing authority of such entity, which resolution shall prescribe the form and details thereof, including the terms, security for, manner of execution, repayment schedule, and redemption features thereof, and such resolution may provide that an officer of such entity may execute in connection with such obligation any related contract, including but not limited to a credit enhancement device, indenture of trust, loan agreement, pledge agreement, or other agreement or contract needed to accomplish the purposes for which ~~said the~~ evidence of indebtedness is given, in substantially the form attached to said resolution, but which final executed credit enhancement device, indenture of trust, loan agreement, pledge, or other contract or agreement may contain such changes, additions, and deletions as shall in the sole opinion of the executing officer be appropriate under the circumstances. Any such resolution shall include a statement as to the maximum principal amount of any such obligation, the maximum interest rate to be incurred or borne by ~~said the~~ obligation or guaranteed by ~~said the~~ obligation, the maximum redemption premium, if any, and the maximum term in years for such obligation, guarantee, or pledge.

C. Notwithstanding any other provision of law to the contrary, a political subdivision, public trust, quasi governmental organization, or eligible nonprofit entity, upon entering into a loan ~~in accordance with the fund as provided in R.S. 30:2551,~~ may dedicate and pledge a portion of any revenues it has available to it, including but not limited to revenues from the general revenue fund, sales taxes, assessments, or property taxes of the political subdivision, for a term not exceeding twenty years from the date of project completion for repayment of the principal of, interest on, and any premium, administrative fee, or other fee, or cost imposed by the department in connection with such loan.

* * *
Section 10. R.S. 32:202, 402.3(I), and 412(C)(2) are hereby amended and reenacted to read as follows:

§202. Louisiana Bicycle and Pedestrian Safety Fund Account

A. There is hereby created, as a special fund ~~account~~ in the state treasury, the Louisiana Bicycle and Pedestrian Safety Fund ~~Account~~, hereinafter ~~to be~~ referred to as the “~~fund~~” ~~account~~. The source of monies for the ~~fund account~~ shall be that portion of the monies derived from fees imposed and dedicated to the ~~fund account~~ pursuant to the provisions of R.S. 47:463.148, and grants, gifts, and donations and any other monies received by the state for the purposes of bicycle and pedestrian safety and which are appropriated to the ~~fund account~~.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, an amount equal to that deposited into the state treasury from the foregoing sources shall be deposited in and credited to the ~~fund~~. ~~The monies in the fund shall be invested by the treasurer in the same manner as the state general fund, and interest earnings shall be deposited into the fund. All unexpended and unencumbered monies remaining in the fund at the end of each fiscal year shall remain in the fund a special agency account. Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.~~

C. Monies in the ~~fund account~~ shall be subject to annual appropriation by the legislature for use by the Department of Transportation and Development. The monies in the ~~fund account~~ shall be allocated and disbursed by the secretary of the Department of Transportation and Development and used solely for bicycle and pedestrian safety.

* * *
§402.3. Motorcycle Safety, Awareness, and Operator Training Program; fund account

I. The Motorcycle Safety, Awareness, and Operator Training Program ~~Fund Account~~, provided for in R.S. 32:412(C)(2) shall continue to fund the operator training, instructor training, and motorcycle safety and awareness programs under the operation of the Department of Public Safety and Corrections.

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

C.

* * *
(2) Notwithstanding any provisions of law to the contrary and subject to the exceptions contained in Article VII, Section 9(A) of the Constitution of Louisiana, the amount of seven dollars and fifty cents from the fee for a motorcycle or motor scooter endorsement to a basic license, or the amount of three dollars from the fee if the motorcycle endorsement for any person is to a license that is valid for only less than six years shall be credited to the Bond Security and Redemption Fund. After a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal years, the treasurer shall pay an amount equal to the fees paid into the Bond Security and Redemption Fund pursuant to this Paragraph into a special ~~fund agency account~~ which is hereby created in the state treasury and designated as the “Motorcycle Safety, Awareness, and Operator Training Program ~~Fund Account~~”, hereinafter ~~to be~~ referred to as the “~~fund account~~”. The monies credited to the ~~fund account~~ shall be used solely for operator training, instructor training, and motorcycle safety and awareness programs. Any unexpended and unencumbered monies remaining to the credit of the ~~fund account~~ on June thirtieth of each year, after all appropriations of the preceding fiscal year have been made, shall revert to the state general fund. The monies in the ~~fund account~~ shall be expended solely from year to year as appropriated by the legislature for the purposes of motorcycle safety and awareness and operator training. Any amounts earned through investment of the monies in the ~~fund account~~ shall revert to the state general fund. **Funding deposited into the account shall be considered fees**

and self-generated revenues and shall be available for annual appropriations by the legislature.

* * *
Section 11. R.S. 39:82(A) and 352 are hereby amended and reenacted to read as follows:

§82. Remission of cash balances to the state treasurer; authorized withdrawals of state monies after the close of the fiscal year; reports

A. All cash balances occurring from appropriations made by legislative act or by the Interim Emergency Board regardless of date of passage to any state agency for which no bona fide liability exists on the last day of each fiscal year shall be remitted to the state treasurer by the fifteenth day following the last day of the fiscal year. Any appropriations including those made by the Interim Emergency Board of the preceding fiscal year remaining at the end of the fiscal year against which bona fide liabilities existed as of the last day of the fiscal year may be withdrawn from the state treasury during the forty-five day period after the last day of the fiscal year only as such liabilities come due for payment. ~~Prior to placing monies associated with such unexpended appropriations into the state general fund, the state treasurer shall transfer all cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for professional, personal, and consulting service contracts not approved by the Joint Legislative Committee on the Budget as provided in R.S. 39:1590 and remaining at the end of each fiscal year for deposit in and credit to the Higher Education Financing Fund as are necessary to satisfy the requirements of R.S. 39:100.146, and then shall make deposits to the Payments Towards the UAL Fund as are necessary to satisfy the requirements of R.S. 39:100.11.~~

* * *
§352. Cancellation of unexpended portions of appropriations; exceptions

Whenever any specific appropriation is made to meet any item of expenditure which occurs annually by provision of law or for contingent expense, and any portion of it remains unexpended at the end of the year for which the specific appropriation was made, after all legal claims against it for the year have been paid, the commissioner of administration shall cancel any balance of the appropriation, and each succeeding year he shall open a new account for the appropriation which may be made for that particular year, without carrying forward any unexpended balance of appropriation made for any previous year. This provision shall not apply to appropriations made to pay the debt of the state, principal and interest. ~~Prior to placing monies associated with such unexpended appropriations into the state general fund, the state treasurer shall transfer all cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for professional, personal, and consulting service contracts not approved by the Joint Legislative Committee on the Budget as provided in R.S. 39:1590 remaining at the end of each fiscal year for deposit in and credit to the Higher Education Financing Fund as are necessary to satisfy the requirements of R.S. 39:100.146 and then shall make deposits to the Payments Towards the UAL Fund as are necessary to satisfy the requirements of R.S. 39:100.11.~~

* * *
Section 12. R.S. 39:91(B) and 100.136 are hereby amended and reenacted to read as follows:

* * *
§91. Deepwater Horizon Economic Damages Collection Fund

B. All economic damages proceeds from the DWH litigation in excess of the first two hundred million dollars deposited in the Fiscal Year 2015-2016 Deficit Elimination Fund shall be deposited by the treasurer as follows:

- (1) Forty-five percent of each such receipt of economic damages proceeds to the Budget Stabilization Fund until that fund reaches the amount statutorily mandated by R.S. 39:94.
- (2) Forty-five percent of each such receipt of economic damages proceeds to the Medicaid Trust Fund for the Elderly provided for in R.S. 46:2691 until an amount not to exceed seven hundred million dollars has been deposited into such fund.
- (3) ~~Ten percent~~ **The balance** of each such receipt of economic damages proceeds to the Health Trust Fund provided for in R.S. 46:2731 until an amount not to exceed thirty million dollars has been deposited into such fund **state general fund**.

* * *
§100.136. Specialized Educational Institutions Support **Unfunded Accrued Liability** Fund

A. There is hereby established in the state treasury a special fund to be known as the “~~Unfunded Accrued Liability and Specialized Educational Institutions Support Fund~~”, hereinafter referred to as “~~fund~~”. ~~The fund shall be composed of two accounts: the UAL Account and the Specialized Educational Institutions Account. The source of monies for the fund shall be those state revenues deposited into the fund pursuant to the requirements of R.S. 47:6351. Monies in the fund shall be invested in the same manner as those in the state general fund. Monies remaining in the fund at the end of the fiscal year shall be deposited into the UAL Account remain in the fund.~~

B. Monies in the fund shall be available for appropriation exclusively for (†) payments against the unfunded accrued liability of the public retirement systems which are in addition to any payments required for the annual amortization of the unfunded accrued liability of the public retirement systems, as required by Article X, Section 29(E)(2)(c) of the Constitution of Louisiana; however, any such payments to the public retirement systems shall not be used, directly or indirectly, to fund cost-of-living increases for such systems ~~and (2) the support of operations of the Louisiana Cancer Research Center of L.S.U. Health Sciences Center in New Orleans/Tulane Health Sciences Center, the Feist-Weiller Cancer Center of LSU Health Sciences Center – Shreveport, the Pennington Biomedical Research Center, the Louisiana State University Agricultural Center, and the Southern University Agricultural Research and Extension Center. Monies appropriated from the fund shall not be used in any fiscal year to displace, replace, or supplant state general fund support for these agencies.~~

C. (†) Appropriations from the Specialized Educational Institutions Account in any fiscal year shall be allocated as provided in this Paragraph; however, in the event that the amount available for appropriation in any fiscal year is insufficient to provide for such allocations, the amounts allocated shall be reduced proportionately.

(a) Five Million Dollars for the Louisiana Cancer Research Center of L.S.U. Health Sciences Center in New Orleans/Tulane Health Sciences Center.

(b) Five Million Dollars for the Feist-Weiller Cancer Center of LSU Health Sciences Center – Shreveport.

- (c) Ten Million Dollars for the Louisiana State University Agricultural Center;
- (d) Five Million Dollars for the Pennington Biomedical Research Center;
- (e) Five Million Dollars for the Southern University Agricultural Research and Extension Center;

(2) Appropriations from the UAL Account shall be exclusively for additional payments against the unfunded accrued liability of the public retirement systems as provided in Subsection B of this Section.

Section 13. R.S. 40:1135.10 is hereby amended and reenacted to read as follows:

§1135.10. Emergency medical technician fund account

A. There is hereby established a special fund account in the state treasury to be known as the Emergency Medical Technician Fund Account, hereafter referred to as “fund account”, which shall consist of monies generated by the fees collected from the purchase of prestige license plates for certified emergency medical technicians as provided in R.S. 47:463.47. In addition, the legislature may make annual appropriations to the fund account for the purposes set forth in this Section.

B. All monies collected pursuant to R.S. 47:463.47 shall be deposited in the Bond Security and Redemption Fund as required by Article VII, Section 9(B) of the Constitution of Louisiana and thereafter shall be credited to the fund a special agency account. Funding deposited into the account shall be considered fees and self-generated revenues and shall be available for annual appropriations by the legislature.

C. The monies in the fund account shall be appropriated to the Louisiana Department of Health solely for purchasing equipment for the testing of applicants for certification as an emergency medical technician and to cover other testing-related costs. All unexpended and unencumbered monies remaining in the fund account at the close of each fiscal year shall remain in the fund account. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. All interest earned from the investment of monies in the fund shall be deposited and remain to the credit of the fund.

Section 14. R.S. 46:1301(A)(1) is hereby amended and reenacted to read as follows:

§1301. Services to autistic persons; center of excellence for autism spectrum disorder; responsibility

A. The Louisiana Department of Health shall be responsible for providing services to autistic persons, with the exception of those delineated by Part I of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950 and provided for by the Department of Education or the local school board or otherwise mandated by law to be provided by the Department of Education or the local school board. The Louisiana Department of Health shall be responsible for:

(1) The establishment of a center of excellence for autism spectrum disorder within the office for citizens with developmental disabilities. This center may be operated by the office through formal agreements with the Department of Education and other appropriate public and private agencies including but not limited to Louisiana State University Health Sciences Center-New Orleans, Louisiana State University Health Sciences Center-Shreveport, and St. Mary’s Residential Training School in Alexandria, or others. ~~Upon the creation of a special fund by the legislature, the center is empowered to receive by gift, grant, donation, or otherwise any sum of money, property, aid, or assistance from any person, firm, or corporation.~~ This center should be the core of activities providing services to autistic citizens including but not limited to early diagnosis and intervention and individualized programs involving school, home, and community throughout the life span of autistic citizens. The center shall give assistance to private and public agencies providing services to autistic citizens and their families. The center shall become a resource and training facility for educators and others charged with educating autistic citizens. The center, as well as any facilities constructed as a part of the center upon the appropriation of funds, shall be located in Caddo Parish.

Section 15. R.S. 47:318(D), 463.48(D), 463.60(F), 463.148(E), 463.167(E), 6351(G), and 7019.2(B)(1) are hereby amended and reenacted to read as follows:

§318. Disposition of collections

D. After satisfying the requirements of Subsection B of this Section, the remaining portion of the amount determined pursuant to Subsection A of this Section shall be deposited in the Louisiana Economic Development Fund created by R.S. 51:2315 dedicated exclusively to the Louisiana FastStart Program.

§463.48. Special prestige license plates; emergency medical technicians

D. The department shall collect the fee for the special license plates and forward twenty-four dollars to the state treasurer for deposit into the Emergency Medical Technician Fund Account created by the provisions of R.S. ~~40:1236-5~~ 40:1135.10. The remaining portion of the fee shall be retained by the department to offset administrative costs.

§463.60. Special prestige license plates; “Animal Friendly” prestige license plate; animal population control; Pet Overpopulation Fund

F. Any veterinarian licensed in this state, veterinary hospital, or organization qualified as a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended, may apply for grants from the state general fund, on an application approved by the Pet Overpopulation Advisory Council. Grants shall be distributed solely for purposes of providing low-cost pet sterilizations by licensed veterinarians.

§463.148. Special prestige license plate; “Share the Road”

E. The monies received from the additional twenty-five-dollar fee shall be deposited into the Louisiana Bicycle and Pedestrian Safety Fund Account, R.S. 32:202, for use by the Department of Transportation and Development for the sole purpose of promoting bicycle and pedestrian safety.

§463.167. Special prestige license plates; “Hunters for the Hungry Louisiana”

E. The annual royalty fee collected by the department shall be forwarded to the Wildlife and Fisheries Conservation Fund special account known as the “Hunters for the Hungry Escrow Account”. No more than ten percent of the monies in the escrow account shall be used for administrative costs. The balance shall be used solely by Hunters for the Hungry Louisiana to pay for the processing and distribution of meats, when such meats shall be used by a nonprofit entity or charitable organization in food or meal distribution at no cost to an individual pursuant to R.S. 56:644.

§6351. Rebates; contracts for certain state sales and use tax rebates

G. Disposition of collections resulting from new taxable sales.

The state sales tax revenues generated as a result of the activities of purchasing companies pursuant to this Section which are deposited into the state general fund shall thereafter be disbursed during each fiscal year in the following order of priority:

(1) The payment of rebates to procurement processing companies by the secretary of the Department of Revenue in accordance with the provisions of a contract, which payments shall be made from current sales tax collections pursuant to Paragraph (D)(1) of this Section.

(2) Retention by the department of amounts necessary to provide for the expenses of the department pursuant to the provisions of Subsection F of this Section.

~~(3) Of the monies remaining after satisfaction of the requirements of Paragraphs (1) and (2) of this Subsection as determined by the secretary pursuant to Subsection H of this Section, the state treasurer is hereby authorized and directed to transfer the amount of thirty million dollars, or as much thereof as is available, from the state general fund to the Unfunded Accrued Liability and Specialized Educational Institutions Support Fund-Specialized Educational Institutions Account, which is established pursuant to R.S. 39:100.136. Each fiscal year, the transfer shall occur as soon as is practicable, upon notification by the secretary of the Department of Revenue that revenues sufficient to provide for this distribution have been deposited into the treasury.~~

~~(4) Of the monies remaining after satisfaction of the requirements of Paragraphs (1) through (3) and (2) of this Subsection as determined by the secretary pursuant to Subsection H of this Section, the state treasurer is hereby authorized and directed to transfer from the state general fund to the Unfunded Accrued Liability and Specialized Educational Institutions Support Fund-UAL Account Fund an amount equal to ten percent of the total remaining state sales tax revenues collected in and attributable to that fiscal year as a result of the activities of purchasing companies. The transfer shall occur no later than August tenth of each year.~~

§7019.2. Collection of tolls, fees, and charges on Crescent City Connection Bridge; amnesty program; refunds

B.(1) The state treasurer, as administrator of the Uniform Unclaimed Property Act, shall establish a program to refund monies collected during the amnesty period for a toll violation from any person who satisfies one of the circumstances provided in Subsection A of this Section and who contacts the state treasurer for a refund and provides the state treasurer with sufficient proof of the payment made that satisfied the circumstances of Subsection A of this Section. ~~Any refund payment shall be made by the treasurer from the Crescent City Amnesty Refund Fund as provided in R.S. 9:154.3.~~

Section 16. R.S. 49:259(D), 308.3(B)(7) and (D), and 308.5(B)(3) and (4) are hereby amended and reenacted to read as follows:

§259. Department of Justice Legal Support Fund

D. Notwithstanding the provisions of Subsection A of this Section, no proceeds shall be deposited into the fund from court-awarded judgments and settlements involving the Department of Natural Resources as specified in R.S. 30:136.3(B)(1), nor any judgments, settlements, or recoveries which are designated for credit to the Hazardous Waste Site Cleanup Fund, the Environmental Trust Fund Account, or any other funds administered by the Department of Environmental Quality under the Environmental Quality Act. Notwithstanding the provisions of Subsection A of this Section, no proceeds shall be deposited into the fund from court-awarded judgments and settlements involving the Department of Transportation and Development. Notwithstanding the provisions of Subsection A of this Section, no proceeds shall be deposited into the fund from judgments, settlements, or recoveries arising from the DWH litigation, including but not limited to litigation expenses, assessment costs, court costs or attorney fees.

§308.3. Special funds and dedication of money

B. This Section shall not apply to or affect the laws which dedicate or otherwise provide for the use of the following money or the laws which provide for the following special funds in the state treasury:

(7) The Hazardous Waste Site Cleanup Fund created and maintained pursuant to R.S. 30:2205 and the Environmental Trust Fund Account created and maintained pursuant to R.S. 30:2015.

D. This Section shall not apply to the Motorcycle Safety, Awareness, and Operator Training Program Fund Account as provided in R.S. 32:412(C)(2), the Proprietary School Student Protection Fund as provided in R.S. 17:3141.16.

§308.5. Legislative review and recommendation on special funds and dedication of money

B.

(3)(a) No later than October 1, 2017, and every two years year thereafter, the division of administration shall submit a plan of special funds and dedications to the Joint Legislative Committee on the Budget that specifies at least fifty percent of the special dedicated funds in law as of the date of the submission of the plan. The Joint Legislative Committee on the

Budget shall review the plan and may add special funds to the plan submitted by the division of administration prior to approval by the committee.

(b) The Joint Legislative Committee on the Budget shall ensure that after two consecutive plans have been approved, all special funds established by law on the date of the submission of the second consecutive plan will have been approved in a plan at least once in the previous four ~~two~~ years.

(4) Once the plan for review of special funds is approved by the Joint Legislative Committee on the Budget, the Dedicated Fund Review Subcommittee of the Joint Legislative Committee on the Budget, hereinafter referred to as "the subcommittee", shall conduct a review of the special funds and dedications specified in each such plan, resulting in a recommendation for each specified fund in the plan. The subcommittee shall meet only on a day in which the Joint Legislative Committee on the Budget is scheduled to convene.

Section 17. R.S. 51:2315 is hereby amended and reenacted to read as follows:

§2315. Louisiana Economic Development Fund

A. There is hereby established within the state treasury a fund to be known as the "Louisiana Economic Development Fund". All monies received by the corporation shall be deposited to the account of the Louisiana Economic Development Fund. **Monies received by the corporation pursuant to R.S. 47:318(A) shall be used solely for the Louisiana FastStart Program.**

B. (1) The legislature may appropriate monies for the benefit of the programs administered by the corporation to the Louisiana Economic Development Fund. The monies in such fund shall be used to accomplish the purposes of this Chapter.

(2) All monies received or appropriated to such fund shall remain in the fund and shall not be returned to the state general fund at the end of any fiscal year.

C. (1) The monies in the Louisiana Economic Development Fund shall be invested by the treasurer in the same manner as monies in the state general fund.

(2) All interest earned on monies from such the fund so invested by the state treasurer shall be deposited in the Louisiana Economic Development Fund.

Section 18. R.S. 56:10(B)(1)(b), 70.3, 70.4(A), 253(C)(2)(a), 278(A), 279(A), (C), (D)(1) and (3), 494(E)(5) and (F), 644(B), the introductory paragraph of (C), (D), and (E) are 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. (1) Subject to the exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, all funds collected by the commission from every source shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, conform to the following:

(b)(i) Pay annually into a special fund created in the state treasury and designated as the "Shrimp Marketing and Promotion Fund", an amount equal to the fees collected pursuant to R.S. 56:305(G) and paid into the treasury by the commission. All expenditures and allocation of monies from this fund shall be administered by the Louisiana Shrimp Task Force to be used for the development of markets for shrimp and creation of marketing strategies for the development and market expansion for shrimp harvested from Louisiana waters. The task force may contract with the Louisiana Seafood Promotion and Marketing Board to promote the Louisiana shrimp industry.

(ii) Pay annually into the Conservation Fund, into a special account entitled the "Shrimp Trade Petition Account", an amount equal to the fees collected pursuant to R.S. 56:305(H). Subject to annual appropriation by the legislature, the monies in the fund shall be used exclusively for the purposes of promotion and protection of domestic wild-caught shrimp. For purposes of this Item, promotion and protection of domestic wild-caught shrimp shall include expenses related to the petition filed by the Southern Shrimp Alliance in December 2003 for the imposition of antidumping duties pursuant to Section 731 of the Tariff Act of 1930, as amended. All expenditures and allocation of funds from this account shall be administered by the Louisiana Shrimp Task Force. The monies in this account shall be invested by the state treasurer in the same manner as monies in the state general fund and all returns on such investment shall be deposited to the account. All unexpended and unencumbered monies remaining in this account at the end of the fiscal year shall remain in the account.

§70.3. Louisiana Help Our Wildlife Fund; creation; composition of fund; uses of fund

A. The Louisiana Help Our Wildlife Fund, hereinafter referred to as "the fund", is hereby created within the Louisiana Wildlife and Fisheries Conservation Fund **is hereby abolished** in the state treasury. **Any monies in the fund shall be transferred to the Conservation Fund.**

B. The fund shall be composed of:

(1) Monies from appropriations by the legislature.

(2) All monies paid as a cost levied on class violations as provided in Subsection C of this Section.

(3) Any federal monies made available to the state for enforcement of anti-poaching laws.

C. (1) In addition to any other costs otherwise imposed by law, and notwithstanding any provision of law to the contrary, a cost of five dollars for any class violation as provided in R.S. 56:31 through 37.1 is hereby levied in each criminal action which results in conviction or guilty plea. The recipient of such costs shall remit them upon collection to the state treasurer.

(2) Notwithstanding any other provision of law to the contrary, in addition to any fine imposed under R.S. 30:2531 and 2531.1 or fine imposed pursuant to any parish or municipal ordinance prohibiting littering, an additional fine of five dollars is hereby imposed for each violation of said statutes or ordinances which results in a conviction, guilty plea, or plea of nolo contendere. The recipient of such fines shall, notwithstanding any other law to the contrary, remit them to the state treasurer upon collection.

D. (1) After complying with the requirements of Article VII, Section 9(B) of the Constitution

of Louisiana relative to the Bond Security and Redemption Fund, the treasurer each fiscal year, prior to placing the remaining funds in the state general fund, shall pay the same amount of funds as was paid into the state treasury pursuant to Subsections B and C of this Section into a special fund hereby created within the Louisiana Wildlife and Fisheries Conservation Fund in the state treasury and known as the Louisiana Help Our Wildlife Fund.

(2) The monies in the Louisiana Help Our Wildlife Fund shall be used solely for the purposes set forth in this Subpart and only in the amounts appropriated each year by the legislature.

(3) All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

(4) The monies in the fund shall be invested by the treasurer in the same manner as monies in the Louisiana Wildlife and Fisheries Conservation Fund. All interest earned on monies invested by the treasurer shall be deposited in the Louisiana Help Our Wildlife Fund.

E. The Louisiana Help Our Wildlife Fund may be used solely for the following purposes:

(1) Rewards for information leading to the arrest and conviction of poachers and litterers.

(2) A promotional and educational campaign to inform the general public on:

(a) The harm and danger of poaching and littering.

(b) The reward for information which leads to the arrest and conviction of poachers and litterers.

(3) Toll free telephone numbers.

(4) All expenses necessary to implement the provisions of this Subpart as determined by the secretary of the Department of Wildlife and Fisheries.

§70.4. Rewards; payments

A. (1) The secretary of the Department of Wildlife and Fisheries, or his designee, shall determine which informers are to be granted rewards, specify the amount of each reward, and direct the payment of the rewards from the Louisiana Help Our Wildlife **Conservation** Fund.

(2) No reward may be less than two hundred dollars or more than one thousand dollars. No amount in excess of that available in the Louisiana Help Our Wildlife **Conservation** Fund shall be payable as a reward under this Subpart.

§253. Shipping raw furs, alligators, alligator skins, and alligator parts out of state; tags

C.

(2)(a) Every resident fur dealer, alligator hunter, alligator farmer, taxidermist, nonresident fur dealer, or nonresident alligator hunter, before shipping alligators or raw alligator skins out of state, or before tanning or using for taxidermy of raw alligator skins within the state, shall pay to the department an alligator shipping label fee for each alligator so shipped and shall pay an alligator hide tag fee for each raw alligator skin to be so shipped, used for taxidermy, or tanned. The alligator shipping label fee and the alligator hide tag fee shall be collected by the department from the fur dealer, taxidermist, alligator hunter, alligator farmer, nonresident fur dealer, or nonresident alligator hunter who is shipping alligators or raw alligator skins, or who intends to tan, or use for taxidermy, the raw alligator skins. The department shall collect such fees at the time of shipment, using for taxidermy, or tanning, and no alligator shipping label or out-of-state shipping tag shall be issued by the department for a shipment before payment of the appropriate fee is received by the department. The alligator shipping label fee for each alligator to be shipped and the alligator hide tag fee for each raw alligator skin to be shipped, used for taxidermy, or tanned shall be no more than four dollars per alligator or raw alligator skin; however, the alligator shipping label fee and the alligator hide tag fee shall each be reduced in any fiscal year by rule or regulation of the commission in an equal amount equivalent to any amount of additional revenues received into the Louisiana Alligator Resource **Fund Account** from the state general fund or sources other than alligator-related fees established pursuant to this Title. Revenues received by the state pursuant to this Paragraph shall be distributed as provided in R.S. 56:266 and 279.

§278. Louisiana Alligator Advisory Council

A. The Louisiana Alligator Advisory Council is hereby created in the Department of Wildlife and Fisheries. The Louisiana Alligator Advisory Council shall be responsible for reviewing and approving recommended marketing, research, and educational programs to be funded from the Louisiana Alligator Resource **Fund Account** to ensure that any monies from the funds **account** are expended for the specific goals of the council.

§279. Louisiana Alligator Resource **Fund Account**

A. Recognizing that the Louisiana alligator industry is a vital aspect of Louisiana's economic base and that in recent years worldwide markets and prices have expanded at a tremendous rate; and recognizing the rapid expansion of Louisiana alligator farming industry statewide; and recognizing the uniqueness of the state's alligator farming industry, one state agency, the Department of Wildlife and Fisheries, has provided the impetus for inception and development of the total alligator conservation program; and recognizing the many beneficial influences that Louisiana's alligator program has had on crocodilian conservation worldwide; and recognizing world trends questioning the consumptive utilization of wildlife species, and recognizing that those trends, by adversely affecting economic conditions, could have a severe impact on the alligator industry; and recognizing that raw and finished alligator skins and products are largely consumed outside the United States; and recognizing the need to educate the public concerning alligator hunting as a sound wildlife management practice; and recognizing the urgent need to support the alligator industry with a comprehensive research and development program; and recognizing the need to staff and fund the Department of Wildlife and Fisheries with adequate personnel in order to service this industry's needs, the Legislature of Louisiana does hereby establish the Louisiana Alligator Resource **Fund Account** within the Louisiana Wildlife and Fisheries Conservation Fund. The Alligator Resource **Fund Account** is intended to help defray the cost of alligator programs within the office of wildlife of the Department of Wildlife and Fisheries.

C. (1) Except as otherwise provided by law, all revenues received by the state from the sale of licenses as provided in R.S. 56:251(A)(2), from tag fees imposed on alligator hunters, alligator farmers, alligator shipping label fees on the sale of alligators, all revenues derived from the sale of alligators, alligator skins, or alligator eggs harvested from department-administered

lands, all fees derived from alligator lottery harvest programs on department-administered lands and public waters, and all revenues derived from any other alligator-related fees and from the severance tax on alligator skins provided for in R.S. 56:256 shall be credited by the state treasurer to a special fund account designated as the "Louisiana Alligator Resource Fund Account" after those revenues have been deposited in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer shall classify and consider as fees and self-generated revenues available for appropriation as recognized by the Revenue Estimating Conference, and, prior to placing such funds in the state general fund, shall pay into the Louisiana Alligator Resource Fund Account, a special agency account to be retained for future appropriation as provided in this Subpart, an amount equal to the revenues generated from collection from those sources provided for in this Section and other sources as provided by law.

(2) The state treasurer shall invest the monies in this fund in the same manner as monies in the state general fund. Any surplus monies remaining to the credit of the fund account, after all appropriations of the preceding fiscal year have been made, shall remain to the credit of the fund account. The state treasurer shall prepare and submit to the department on a quarterly basis a printed report showing the amount of money contained in the fund account from all sources.

(3) Any amounts earned through investment of the monies in the fund shall remain to the credit of the fund and shall not revert to the state general fund.

D.(1) The monies made available by the legislature from the fund account as provided in this Section or from any other source shall be used solely for the programs, purposes, and specific goals enumerated in this Section.

(3) The Department of Wildlife and Fisheries in utilizing monies from the fund account shall contract, only with the approval of the Louisiana Alligator Advisory Council, for any services relating to specific goals enumerated in this Section. The secretary is hereby authorized and empowered to carry out any and all contracts entered into in order to achieve these goals.

§494. Louisiana Shrimp Task Force

E. The task force is hereby charged with responsibility to do the following:

(5) Administer the funds in the Shrimp Marketing and Promotion Fund and the "Shrimp Trade Petition Account", which funds fund shall be used to create new markets for shrimp and promote the sale of shrimp harvested from Louisiana waters.

F. The activities of the Shrimp Task Force shall be funded through the Shrimp Marketing and Promotion Fund (R.S. 56:10(B)(1)(b)(i)) and the "Shrimp Trade Petition Account" (R.S. 56:10(B)(1)(b)(ii)).

§644. Fishing and hunting license checkoff; donation for Hunters for the Hungry

B. There is hereby created within the Conservation Fund a special account known as the "Hunters for the Hungry Escrow Account". The escrow account is created to receive deposits of donations for the benefit of Hunters for the Hungry made when an individual purchases a fishing and hunting license. Subject to the exception contained in Article VII, Section 9(A) of the Constitution of Louisiana, all funds collected from the donations made under the provisions of this Section shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the state general fund, pay into the Hunters for the Hungry Escrow Account an amount equal to the amount of funds collected under the provisions of this Section. The account shall be administered by the treasurer who shall every three months remit the balance of the monies in the escrow account to Hunters for the Hungry. The monies in the escrow account shall be used solely as provided by Subsection C of this Section. All unexpended and unencumbered monies in this escrow account at the end of the fiscal year shall remain in the fund escrow account. The monies in the fund escrow account shall be invested by the state treasurer in the same manner as monies in the state general fund.

C. No more than twenty-five percent of the monies in the escrow account shall be used for administrative costs. The balance shall be used solely by Hunters for the Hungry to pay for the following:

D. All monies used pursuant to the Hunters for the Hungry Escrow Account shall be subject to audit by the legislative auditor.

E. At the end of each calendar year, Hunters for the Hungry shall submit to the House Natural Resources and Environment Committee and the Senate Committee on Natural Resources a report that at a minimum contains a detailed explanation of the revenues and expenditures of the escrow account, as well as a description of the organization's activities related to the escrow account. The committee may summon any person employed by or associated with Hunters for the Hungry to provide testimony with respect to the report.

Section 19. Code of Criminal Procedure Article 895.1(F)(2), the introductory paragraph of (3), (b), and (e), are hereby amended and reenacted to read as follows:

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

F. When the court places the defendant on supervised probation, it shall order as a condition of probation the payment of a monthly fee of eleven dollars. The monthly fee established in this Paragraph shall be in addition to the fee established in Paragraph C of this Article and shall be collected by the Department of Public Safety and Corrections and shall be transmitted, deposited, appropriated, and used in accordance with the following provisions:

(2) After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, the treasurer shall classify and consider as fees and self-generated revenues available for appropriation as recognized by the Revenue Estimating Conference, an amount equal to that deposited as required by Subparagraph (1) of this Paragraph shall be credited to a special fund agency account to be retained for future appropriation as provided in this Article which is hereby created in the state treasury to be known as the "Sex Offender Registry Technology Fund Account". The monies in this fund account shall be used solely as provided in Subparagraph (3) of this Paragraph and only in the amounts appropriated by the legislature.

(3) The monies in the Sex Offender Registry Technology Fund Account shall be appropriated as follows:

(b) For Fiscal Year 2010-2011 and each year thereafter, an amount equal to fifteen percent of the total residual monies available for appropriation from the fund account shall be appropriated to the Department of Public Safety and Corrections, office of adult services, division of probation and parole.

(e) After providing for the allocations in Subsubparagraphs (a), (b), (c), and (d) of this Subparagraph, the remainder of the residual monies in the Sex Offender Registry Technology Fund Account shall, pursuant to an appropriation to the office of the attorney general, be distributed to the sheriff of each parish, based on the population of convicted sex offenders, sexually violent predators, and child predators who are residing in the parish and who are active sex offender registrants or active child predator registrants in the respective parishes according to the State Sex Offender and Child Predator Registry. These funds shall be used to cover the costs associated with sex offender registration and compliance. Population data necessary to implement the provisions of this Subparagraph shall be as compiled and certified by the undersecretary of the Department of Public Safety and Corrections on the first day of June of each year. No later than thirty days after the Revenue Estimating Conference recognizes the prior year fund account balance, the office of the attorney general shall make these distributions, which are based on the data certified by the undersecretary of the Department of Public Safety and Corrections, to the recipient sheriffs who are actively registering offenders pursuant to this Paragraph.

Section 20. Section 4(B) of Act No. 421 of the 2013 Regular Session of the Legislature, as amended by Section 4(B) of Act No. 822 of the 2014 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

Section 4.(A)

(B)(1) After satisfaction of the requirements of Subsection A of this Section, all remaining monies collected pursuant to this Act shall be paid into the state treasury. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund and prior to any monies being placed into the state general fund or any other fund, an amount equal to the remaining collections shall be credited by the state treasurer as follows: to the state general fund.

(a) For Fiscal Year 2013-2014, the monies shall be credited to a special fund hereby created in the state treasury to be known as the 2013 Amnesty Collections Fund, hereinafter referred to as "fund". The monies in the fund shall be available for appropriation for any public purpose.

(b) For Fiscal Year 2014-2015:

(i) One hundred million dollars of such monies shall be credited to the fund and shall be available for appropriation for any public purpose.

(ii) Of the monies in excess of one hundred million dollars, four million dollars shall be appropriated to the Department of Economic Development to be allocated to the Louisiana Regional Leadership Council to be used for purposes of regional economic development and workforce development.

(iii) Any remaining monies after the allocations in Items (i) and (ii) of this Subparagraph shall be credited to the fund and shall be available for appropriation for any public purpose.

Section 21. The introductory paragraph of Section 7(A) and (B) of Act 41 of the 2006 First Extraordinary Session of the Legislature is hereby amended and reenacted to read as follows:

Section 7. Local Debt Service Assistance Program

(A) Monies in the fund shall be distributed through a loan program to or on behalf of those affected political subdivisions designated by and in such amounts as determined by OCD and approved by the commissioner of administration using criteria to be developed by OCD, without the necessity for compliance with the Administrative Procedure Act. Such criteria shall be submitted to the Joint Legislative Committee on the Budget for its review and approval prior to implementation of the program. Such criteria may include:

(B) The distribution of monies in the fund for the payment of debt service due and payable on qualified bonds, notes, certificates of indebtedness, or other written obligations for the repayment of borrowed money of an affected political subdivision shall be approved by the State Bond Commission and the Joint Legislative Committee on the Budget and shall be made with the expectation of payment thereof to the state pursuant to (1) loans evidenced by notes issued by the affected public entities pursuant to R.S. 39:1430; (2) any other evidence of indebtedness pursuant to statutory authority; or (3) cooperative endeavor agreements.

Section 22. R.S. 11:544, R.S. 15:185.5, 572.8(N) and (S), R.S. 17:354, 3138.2, and 3138.3, and Subpart A-2 of Part IX-A of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3397.11, R.S. 27:392(C)(4), R.S. 30:2000.12 and 2551, R.S. 33:2740.18, R.S. 39:87.5, Subpart H of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.11, Subpart N of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.51, Subpart Q-1 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.122, Subpart Q-2 of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.123, Subpart S of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:100.146, R.S. 39:1357, R.S. 40:16.2 and 1402, R.S. 46:290.1,

977.13, 2731, 2742(D), and 2901, R.S. 47:120.39 and 841.2, R.S. 49:214.6.7(D) and (E), R.S. 56:14, 302.3(B)(5)(c), 305(H) and 633, Section 9 of Act No. 138 of the 2005 Regular Session of the Legislature as amended by Section 7 of Act No. 642 of the 2006 Regular Session of the Legislature, Sections (3)(D) and (6) of Act No. 41 of the 2006 First Extraordinary Session of the Legislature, Section 7 of Act No. 420 of the 2013 Regular Session of the Legislature, Section (4)(B)(1) of Act No. 421 of the 2013 Regular Session of the Legislature, as amended by Section (4)(B)(1) of Act No. 822 of the 2014 Regular Session of the Legislature, and Section (4)(B)(2) of Act No. 421 of the 2013 Regular Session of the Legislature are hereby repealed in their entirety.

Section 23. R.S. 51:2211 through R.S. 51:2216 are hereby repealed in their entirety.

Section 24. The state treasurer is hereby authorized and directed to transfer any unencumbered balances remaining in the funds repealed and abolished in Sections 1 through 14 of this Act to the state general fund after satisfying the appropriations for Fiscal Year 2019-2020.

Section 25. The provisions of this Section and Section 11 of this Act shall become effective on July 1, 2018; if vetoed by the governor and subsequently approved by the legislature, this Section and Section 11 of this Act shall become effective on July 1, 2018. The provisions of Section 23 of this Act shall become effective on January 1, 2019; if vetoed by the governor and subsequently approved by the legislature, Section 23 of this Act shall become effective on July 1, 2018. Sections 1 through 10, 12 through 22, and 24 of this Act shall become effective on July 1, 2020.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 613

HOUSE BILL NO. 13

BY REPRESENTATIVE GREGORY MILLER

AN ACT

To amend and reenact R.S. 11:710(A)(3), (4), and (9) and (F)(3) and to enact R.S. 11:710(A)(5)(e), (f), and (g), relative to employment of retirees of the Teachers' Retirement System of Louisiana; to provide for reemployment in a position for a presenter of professional development; to provide for reemployment of tutors; to provide for the reemployment of pre-kindergarten teachers; 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), (4), and (9) and (F)(3) are hereby amended and reenacted and R.S. 11:710(A)(5)(e), (f), and (g) are hereby enacted to read as follows:

§710. Employment of retirees

A. Definitions.

* * *

(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 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.

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

* * *

(e) A position for a presenter of professional development training.

(f) A position for a tutor for any student in pre-kindergarten through twelfth grade.

(g) A position for a classroom teacher employed in a temporary capacity to proctor tests.

* * *

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

* * *

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 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 614

HOUSE BILL NO. 19

BY REPRESENTATIVE CARPENTER

AN ACT

To amend and reenact R.S. 11:2031(5) and 2165.5(A) and to repeal R.S. 11:231(A)(5) and (C)(1)(c), relative to the annual amount of retirement allowance for members of the Registrars of Voters Employees' Retirement System; to provide for calculation of the allowance, including determination of average final compensation and accrual rate; to provide relative to the accrual rate applicable to creditable service; 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. 11:2031(5) and 2165.5(A) are hereby amended and reenacted to read as follows:

§2031. Definitions

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

* * *

(5) "Average compensation" shall mean the average annual earned compensation of an employee for any period of sixty successive or joined months of service as an employee during which earned compensation was the highest. In case of interruption of employment, the sixty-month period shall be computed by joining employment periods immediately preceding and succeeding the interruption. The earnings to be considered for the thirteenth through the twenty-fourth month shall not exceed one hundred fifteen percent of the earnings of the first through the twelfth month. The earnings to be considered for the twenty-fifth through the thirty-sixth month shall not exceed one hundred fifteen percent of the earnings of the thirteenth through the twenty-fourth month. The earnings to be considered for the thirty-seventh through the forty-eighth month shall not exceed one hundred fifteen percent of the earnings of the twenty-fifth through the thirty-sixth month. The earnings for the final twelve months shall not exceed one hundred fifteen percent of the earnings of the thirty-seventh through the forty-eighth month.

* * *

§2165.5. Annual amount of retirement allowance

A. (1) The annual amount of the retirement allowance for any member who upon retirement has less than thirty years of creditable service in this ~~fund system~~ shall be three percent of the average final compensation for each year of creditable service earned in a position covered by this system.

(2) The annual amount of the retirement allowance for any member who upon retirement ~~shall have has~~ at least thirty years of ~~total~~ creditable service, with at least twenty years of creditable service ~~in~~ earned in a position covered by this system, shall be three and one-third percent of the average final compensation for each year of creditable service earned in a position covered by this system.

(3) Creditable service transferred to this system pursuant to R.S. 11:143 shall be governed by the provisions of that Section.

* * *

Section 2. R.S. 11:231(A)(5) and (C)(1)(c) are hereby repealed in their entirety.

Section 3. The provisions of this Act amending the definition of average compensation shall not be applied to diminish any member's accrued benefit as it exists on June 30, 2018.

Section 4. 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 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 615

HOUSE BILL NO. 36

BY REPRESENTATIVE PEARSON

AN ACT

To amend and reenact R.S. 42:1301(4) and 1302(B), relative to the Louisiana Deferred Compensation Commission; to provide for membership on the commission; to provide for quorum; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1301(4) and 1302(B) are hereby amended and reenacted to read as follows:

§1301. Definitions

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

* * *

(4) "Ex officio member" means the state treasurer, the commissioner of administration, the commissioner of insurance, ~~or the commissioner of financial institutions, the speaker of the House of Representatives, or his designee, or the president of the Senate, or his designee.~~

* * *

§1302. Louisiana Deferred Compensation Commission

* * *

B. (1) The Commission shall consist of ~~seven~~ nine members as follows:

(1)(a) The state treasurer.

(2)(b) The commissioner of administration.

(3)(c) The commissioner of insurance.

(4)(d) The commissioner of financial institutions.

(e) The speaker of the House of Representatives, or his designee.

(f) The president of the Senate, or his designee.

(5)(g) Three participant members who shall be elected by participants in accordance with

rules promulgated by the Commission.

(2) Four members of the commission shall constitute a quorum for the transaction of business.

* * *

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 616

HOUSE BILL NO. 86
BY REPRESENTATIVE JAMES
AN ACT

To enact R.S. 42:1123(44) and (45), relative to ethics; to provide an exception from ethics laws to allow governing authority members and public employees of a political subdivision that operates parks and recreation facilities and their immediate family members to rent park facilities subject to certain conditions; to provide an exception to allow the continuation of certain contracts with hospitals in certain hospital service districts under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(44) and (45) are hereby enacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

* * *

(44) A governing authority member or public employee of a political subdivision that operates parks or recreational facilities or an immediate family member of such a person from renting a park or recreation facility under the supervision or jurisdiction of the political subdivision for an event provided that the transaction is conducted without preference and in the same manner and subject to the same fees and conditions applicable to the general public.

(45) The continuation and renewal of a contract for the operation of a food-related retail establishment between a legal entity in which an elected official's immediate family member owns an interest and a hospital or hospital service district in a parish with a population of one hundred fifty thousand persons or less in accordance with the most recent federal decennial census if the original contract was entered into at least one year prior to the elected official's election as an agency head of the governmental entity of the hospital service district and if the original contract was not prohibited.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 617

HOUSE BILL NO. 107

BY REPRESENTATIVES BACALA, AMEDEE, ANDERS, ARMES, BAGLEY, BARRAS, BERTHELOT, BILLIOT, BOUIE, CHAD BROWN, TERRY BROWN, CARMODY, GARY CARTER, ROBBY CARTER, STEVE CARTER, CHANEY, CONNICK, COX, CREWS, DAVIS, DEVILLIER, EDMONDS, EMERSON, FALCONER, GAROFALO, GISCLAIR, GUINN, LANCE HARRIS, HAVARD, HAZEL, HENSGENS, HILL, HOFFMANN, HORTON, HOWARD, JAMES, JEFFERSON, JENKINS, JOHNSON, LEBAS, LEGER, GREGORY MILLER, JIM MORRIS, PEARSON, POPE, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SEABAUGH, SMITH, STAGNI, STEFANSKI, STOKES, TALBOT, THIBAUT, THOMAS, WRIGHT, AND ZERINGUE AND SENATORS ALARIO, ALLAIN, BARROW, BISHOP, BOUDREAUX, CARTER, CLAITOR, CORTEZ, ERDEY, HEWITT, LAFLEUR, LONG, LUNEAU, MILKOVICH, MILLS, MIZELL, MORRELL, PEACOCK, PERRY, PRICE, RISER, GARY SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT

To enact R.S. 40:1665.2(B)(17) and (C)(4), relative to survivors of law enforcement officers killed while performing their duties; to provide for financial benefits for survivors of federal law enforcement agents killed in Louisiana; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. This Act shall be known as the "Deputy Marshal Josie Wells Act".

Section 2. R.S. 40:1665.2(B)(17) and (C)(4) are hereby enacted to read as follows:

§1665.2. Financial security for surviving spouses and children of law enforcement officers in certain cases

* * *

B. Law enforcement officers, within the meaning of this Section, shall include the following:

* * *

(17) Federal law enforcement officers or employees whose permanent duties include making arrests, performing searches and seizures, executing criminal arrest warrants, and executing civil seizure warrants.

* * *

C.

* * *

(4) The provisions of Paragraph (1) of this Subsection apply to a law enforcement officer identified in Paragraph (B)(17) of this Section only if the injury was sustained in Louisiana while the officer was participating in the enforcement of Louisiana laws.

* * *

Section 3. This Act shall be given retroactive effect to March 1, 2015, and prospective effect.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided 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 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 618

HOUSE BILL NO. 130
BY REPRESENTATIVE SCHEXNAYDER
AN ACT

To amend and reenact R.S. 56:109.1 and to enact R.S. 56:109.4, relative to use of vehicles on wildlife management areas; to provide for the operation of airboats on the Maurepas Swamp Wildlife Management Area; to provide for the establishment of airboat trails; to provide for requirements; to provide for rules and regulations; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:109.1 is hereby amended and reenacted and R.S. 56:109.4 is hereby enacted to read as follows:

§109.1. Use of all-terrain vehicle trails on wildlife management areas

The department shall keep at least one all-terrain vehicle trail on each department-owned wildlife management area that has such a trail open throughout the year. The department may temporarily close the year-round trail if weather or other conditions render the use of the trail a public safety or an environmental hazard. Access to the year-round trail shall be granted for use by all-terrain vehicles, motorcycles, horses, and bicycles, under rules and regulations promulgated under the Administrative Procedure Act. Persons using the year-round all-terrain vehicle trails shall possess a WMA hunting permit.

A violation of the provisions of the this Section, or rules and regulations promulgated pursuant thereto to this Section, shall constitute a class one violation. *

* *

§109.4. Use of airboats on the Maurepas Swamp Wildlife Management Area

A. Use of airboats on the Maurepas Swamp Wildlife Management Area shall be limited to airboat trails. Such trails shall be established by rules and regulations promulgated by the commission, pursuant to the Administrative Procedure Act, where airboat operation is feasible and in a manner to best protect public safety and wildlife resources and habitats. An airboat trail shall be established only on trails or rights of way existing as of February 1, 2018. Such rules and regulations shall also include the following:

(1) Require the exhaust of any internal combustion engine used on any airboat operated on airboat trails be equipped with an automotive-style factory muffler, underwater exhaust, or other manufactured device capable of adequately muffling the sound of the exhaust of the engine.

(2) Limit the size of the internal combustion engine of any airboat operated on airboat trails to no greater than three hundred fifty-one cubic inches.

(3) Require every person using an airboat trail to possess a WMA hunting permit, to notify the department annually of the airboat's registration number, and to make such airboat available for inspection by department personnel.

(4) Prohibit the use of established airboat trails by airboats between September first and the following January thirty-first.

B. A violation of the provisions of this Section, or rules and regulations promulgated pursuant to this Section, shall constitute a class one violation. Additionally, any person who violates the provisions of this Section, or rules or regulations promulgated pursuant to this Section, three times within a ten-year period shall be prohibited from operating an airboat on any wildlife management area.

C. The provisions of this Section shall terminate and be null and void on August 1, 2019, and thereafter.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 619

HOUSE BILL NO. 144
BY REPRESENTATIVE ABRAHAM
AN ACT

To enact R.S. 17:3138.7, relative to special treasury funds; to establish the Louisiana Jobs Now Fund as a special fund in the state treasury; to provide for deposits into the fund; to provide for uses of the fund; to provide for certain limitations; to require certain reports; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3138.7 is hereby enacted to read as follows:

§3138.7. Louisiana Jobs Now Fund

A.(1) The Louisiana Jobs Now Fund, hereinafter referred to in this Section as the "fund", is hereby created within the state treasury as a special fund for the purpose of funding degree and certificate production in high-demand fields through programs offered by Louisiana's public postsecondary education institutions, the Louisiana State University Health Sciences Center in New Orleans, the Louisiana Health Sciences Center School of Nursing, and the Louisiana State University Health Sciences Center in Shreveport, to meet the state's current and future workforce needs.

(2) Any money donated to the fund or appropriated to the fund by the legislature shall be deposited in the fund. Monies in the fund shall be invested in the same manner as monies in the general fund. Interest earned on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

B.(1) Monies in the fund shall be appropriated to the Board of Regents to be distributed to and used by postsecondary education institutions in accordance with the distribution method to be developed as provided for in this Section.

(2) The funds distributed pursuant to this Section shall be used by the institution towards degree production at four-year institutions, the Louisiana State University Health Sciences Center in New Orleans, the Louisiana Health Sciences Center School of Nursing, and the Louisiana State University Health Sciences Center in Shreveport, in science, technology, engineering, and math (STEM) programs and towards degree and certificate production at two-year, community, and technical colleges in fields required for four-star or five-star jobs as defined by the Louisiana Workforce Commission's Louisiana Star Jobs program or its successors.

(3) Any funds distributed to an institution that remain unexpended or unobligated at the end of the fiscal year shall be available for use in the subsequent fiscal year by an institution pursuant to its implementation plan.

(4) Funding shall be distributed by the Board of Regents to the postsecondary education management boards, the Louisiana State University Health Sciences Center in New Orleans, the Louisiana Health Sciences Center School of Nursing, and the Louisiana State University Health Sciences Center in Shreveport, only upon the certification by the postsecondary education management board and the association on behalf of the receiving institution that a match of no less than twenty-five percent of the amount of funding to be distributed has been guaranteed by a private entity. The certification shall detail the type of private match to be provided, which may include but is not limited to: cash; in-kind donations of technology, personnel, construction materials, facility modification, or corporeal property; internships; scholarships; sponsorship of staff or faculty; or faculty endowment.

C. The method for distribution of funds shall be as follows:

(1) Fifty percent of funds shall be distributed to the Louisiana State University Health Sciences Center in New Orleans, the Louisiana Health Sciences Center School of Nursing, and the Louisiana State University Health Sciences Center in Shreveport, and four-year institutions based on each institution's prior year degree production in science, technology, engineering, and math (STEM) programs.

(2) Fifty percent of funds shall be distributed to two-year, community, and technical colleges based on each institution's prior year degree and certificate production in fields required for four-star or five-star jobs as defined by the Louisiana Workforce Commission's Louisiana Star Jobs program or its successors.

(3) The commissioner of higher education and the presidents of the four public postsecondary education systems and the chancellors of the Louisiana State University Health Sciences Center in New Orleans, the Louisiana Health Sciences Center School of Nursing, and the Louisiana State University Health Sciences Center in Shreveport, annually shall review and approve the distribution method, the list of degree and certificate programs upon which the distribution is based, and the final distribution amounts.

D. The Board of Regents annually shall submit a report to the Senate Committee on Education, the Senate Committee on Finance, the House Committee on Education, and the House Committee on Appropriations. The report shall include the distribution method, the list of degree and certificate programs upon which the distribution is based, the final distribution amounts, the number of jobs created as a result of the distribution, and the method and data used to determine the reported number of jobs created. Each postsecondary education management board, the Louisiana State University Health Sciences Center in New Orleans, the Louisiana Health Sciences Center School of Nursing, and the Louisiana State University Health Sciences Center in Shreveport, shall report to the Board of Regents the information necessary for the Board of Regents to satisfy the requirements of this Subsection.

E. The fund is in addition to, and separate from, any monies appropriated or allocated to any postsecondary education management board. Allocations from this fund shall not be included in the Board of Regents' funding formula calculation, nor shall it supplant any state general fund allocations provided to institutions. The availability of the fund shall not in any way substitute, limit, or otherwise affect the allocation of any funds otherwise available to those institutions under state or federal laws.

Section 2. This Act shall become effective on July 1, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 620

HOUSE BILL NO. 146

BY REPRESENTATIVE DAVIS

AN ACT

To amend and reenact R.S. 39:112(C)(2)(b), relative to capital outlay; to provide with respect to the capital outlay process; to provide for certain definitions; 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. 39:112(C)(2)(b) is hereby amended and reenacted to read as follows:

§112. Capital outlay act

* * *

C.

* * *

(2) For purposes of this Section, the following terms shall have the following meanings unless the context clearly indicates otherwise:

* * *

(b) "Economic development project" means a recruitment or retention project undertaken or sponsored by the Department of Economic Development or a political subdivision or other public entity which has economic development as part of its stated mission or purpose, which meets one of the following criteria:

(i) Improvements on public or government-owned property for the purposes of attracting or retaining a specific new or existing manufacturing or business operation that benefits Louisiana;

(ii) Facilities or improvements on public or government-owned property that generate new,

permanent employment or which help retain existing employment.

(iii) Facilities or infrastructure improvements on public or government-owned property necessary for the manufacturing plant or business to operate.

* * *

Section 2. The provisions of this Act shall be applicable to the funding of all projects included in the capital outlay budget for fiscal years commencing on and after July 1, 2018.

Section 3. This Act shall become effective on July 1, 2018.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 621

HOUSE BILL NO. 160

BY REPRESENTATIVE FOIL AND SENATOR CLAITOR

AN ACT

To amend and reenact R.S. 13:5713(C)(1)(c), (E)(1), (I), and (J) and R.S. 44:19(A)(3), to enact R.S. 28:53.4 and R.S. 44:19(E), and to repeal R.S. 13:5713(K), (L), and (M) and 5714(C), relative to coroners; to provide for requirements of certain death investigation documents; to provide relative to autopsy reports; to provide relative to notification requirements; to provide relative to public records; to provide relative to duties of coroners; to provide relative to certain orders for custody; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5713(C)(1)(c), (E)(1), (I), and (J) are hereby amended and reenacted to read as follows:

§5713. Duties; autopsies; investigations

* * *

C.(1)

* * *

(c) The coroner shall furnish a death certificate based upon his autopsy with his statement, to the best of his knowledge, of the cause and means manner of death.

* * *

E.(1) The coroner shall furnish a death certificate based on his examination, investigation, or autopsy, and he shall state as best he can the cause and means manner of death.

* * *

I. The coroner shall furnish a copy of his final report or autopsy report, or both, upon written request, to the last attending physician of the deceased or to the designated family physician of the deceased, provided that the family of the deceased has given written authorization to the coroner or to the requesting physician for the release of such report.

J.(1) Autopsy reports prepared by the coroner or his designee are public records. The coroner shall provide one copy of the autopsy report, records, writings, and documents of any description in any way compiled, drafted or recorded in connection with an autopsy upon request by the spouse, parent, sibling, child, grandchild, niece, nephew, aunt or uncle. If there is no surviving spouse, parent, sibling, child, grandchild, niece, nephew, aunt or uncle, then the coroner shall provide one copy of the autopsy report upon request to the next of kin. The coroner shall provide copies of the autopsy report, records, writings, and documents of any description in any way compiled, drafted or recorded in connection with an autopsy at no charge to the appropriate law enforcement agencies as requested. The public records fee for any other copy of an autopsy report shall be the same as that charged by the registrar of vital records for the state for a death certificate. The records, writings, and documents of any descriptions in any way compiled, drafted, or recorded in connection with an autopsy shall be provided by the coroner upon payment of a reasonable copying charge pursuant to R.S. 40:1165.1. The autopsy report shall be provided to relatives as provided in this Section at no charge.

(2) The provisions of this Subsection shall not apply to the medical records of the decedent.

(3) Notwithstanding the provisions of this Subsection, records, writings, and documents of any description in any way compiled, drafted, or recorded in connection with an autopsy which are generated by any public entity other than the coroner shall be obtained from the public entity generating those records, writings, and documents in accordance with other applicable provisions of law.

K.(1) For the purposes of this Section, an autopsy report is the work product of the coroner or his designee. When a coroner investigates a death, the office of the coroner is required to make available for public inspection and copying the autopsy report which shall contain the following:

(a) Name, age, sex, race, and address of the deceased.

(b) Date and reported time of death.

(c) Physical location, including address if available, where the deceased was found.

(d) Date, time, and place of autopsy, and the name of the doctor performing the autopsy and the names of all persons present at the autopsy.

(e) Information regarding the autopsy, including whether the autopsy was requested or performed by operation of law, a listing of the physical findings of the autopsy, a summary in narrative form of the medical findings and conclusions, the cause of death, the manner and mechanism of death, and the classification of death as homicide, accidental, suicide, undetermined, or under investigation.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, in a non-coroner case, no autopsy report shall be made available for public inspection or copying if the classification of death is that of natural causes except upon request by the next of kin or upon request in compliance with R.S. 13:3715.1.

(3) Notwithstanding the provisions of Paragraph (1) of this Subsection and notwithstanding the provisions of R.S. 13:5714(C), no autopsy report pertaining to criminal litigation as defined in and in accordance with R.S. 44:3(A) shall be required to be made available for public inspection or copying except as otherwise provided by law.

L.(1) Liability shall not be imposed on an elected coroner or his support staff based upon the exercise or performance or the failure to exercise or perform their policymaking or discretionary acts when such acts are within the course and scope of their lawful powers and

duties.

(2) The provisions of Paragraph (1) of this Subsection are not applicable to any of the following:

(a) To acts or omissions which are not reasonably related to the legitimate governmental objective for which the policymaking or discretionary power exists; or,

(b) To acts or omissions which constitute criminal, fraudulent, malicious, intentional, willful, outrageous, reckless, or flagrant misconduct.

(3) The legislature finds and states that the purpose of this Subsection is not to reestablish any immunity based on the status of sovereignty but rather to clarify the substantive content and parameters of application of such legislatively created codal articles and laws and also to assist in the implementation of Article II of the Constitution of Louisiana.

~~M-J.~~ Upon request, the Department of Children and Family Services shall be entitled to obtain at no charge the name, age, preliminary diagnosis, and manner of death of a deceased minor or any other findings of abuse or neglect of the minor from the office of the coroner conducting the autopsy while the final autopsy is pending. If the coroner finds that the cause of death of a minor child was due to abuse or neglect or finds evidence of any other abuse or neglect of the child, he shall notify the Department of Children and Family Services. The coroner shall provide the department with his findings in a timely manner, or immediately when requested to protect any other minor child.

Section 2. R.S. 28:53.4 is hereby enacted to read as follows:

§53.4. Order for custody; grounds; teleconference; Lafourche Parish

When a peace officer or other credible person executes a statement made to the best of his knowledge, belief, and personal observations from any law enforcement agency physically located in the city of Thibodaux or the town of Matthews pursuant to R.S. 28:53.2, the statement may be made by video conference between the peace officer or other credible person and the Lafourche Parish coroner's office. If the affiant is credible, qualified staff of the coroner's office shall complete an order for protective custody form based on information obtained in the video interview and immediately fax the form to the appropriate law enforcement agency. If the statement meets with the affiant's approval, the affiant shall sign the statement. The signature of the affiant shall be witnessed on the video and by a peace officer and immediately faxed to the coroner's office for the coroner's signature. Thereafter, the original signed form shall be sent to the Lafourche Parish coroner's office.

Section 3. R.S. 44:19(A)(3) is hereby amended and reenacted and R.S. 44:19(E) is hereby enacted to read as follows:

§19. Records of a coroner; autopsy photographs, video, and other visual images

A.

* * *

(3) The provisions of Paragraph (1) of this Subsection shall not apply to a death certificate, final report of a coroner, or autopsy report ~~fact of death letter, or coroner's report.~~

* * *

E. Coroner death investigation documents shall include the following:

(1) A fact of death letter is a written statement attesting to the fact of death, which shall constitute proof of death for all purposes, including but not limited to any claim under any policy of insurance issued on the life of the deceased individual. The fact of death letter shall be a public record. The fact of death letter shall be provided, upon request, to the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent. If there is no spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent, then the coroner shall provide one copy of the autopsy report, upon request, to the next of kin.

(2) A death investigation report is the work product of the coroner and is an internal document that comprehensively records the findings and all known information about the case created by both the investigative and administrative staff of the coroner's office. The death investigation report is not a public document. However, it shall be made available at no charge to the appropriate law enforcement agencies as requested and is subject to subpoena. The death investigation report shall also be made available, upon request, to the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent. If there is no spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent, then the coroner shall provide one copy of the autopsy report, upon request, to the next of kin.

(3) A coroner's report is a document that includes the name of the decedent, address, sex, date of birth, age, and race of the decedent, date and time of death, place of death, date and time of autopsy, when applicable, and the cause and manner of death, including any scientifically contributing factors. The coroner's report is a public record, and the coroner or his designee shall release this report to the news media, any other person, the Department of Children and Family Services, when appropriate, the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent, or to the person with the right to control and authorize the interment of the decedent as provided in R.S. 8:655(A). However, nothing in this Paragraph shall authorize the release of the information set forth in this Paragraph prior to notification of the next of kin of the deceased unless no next of kin can be determined or, despite reasonable efforts by the coroner's office, no next of kin can be located. The provisions of this Paragraph shall not require the release of information in non-coroner cases, nor shall it prohibit the coroner from releasing information pursuant to R.S. 13:5713 or Children's Code Article 609 to the Department of Children and Family Services.

(4) A post-mortem forensic medical examination report, referred to as the "autopsy report", may include an external examination only, an external examination with toxicology, toxicology only, or an autopsy with supporting laboratory evaluation. The post-mortem forensic medical examination report is a document that is the work product of the coroner that contains the name of the decedent, address, date of birth, age, sex, and race of the decedent, date and time of death, place of death, date and time of autopsy, when applicable, name of the doctor performing the autopsy and names of all persons present at the autopsy, and information regarding the autopsy, including whether the autopsy was requested or performed by operation of law, a listing of the physical findings of the autopsy, a summary in narrative form of the medical findings and conclusions, toxicology, histology, and radiology findings, when applicable, and the cause and manner of death. The post-mortem forensic medical examination report is not a public document except as provided in Paragraph (6) of this Subsection, or if ordered opened to the public by a court of competent jurisdiction. However, it shall be made available at no charge to the appropriate law enforcement agencies as requested and is subject to subpoena. The coroner shall provide one copy of this document upon request by

the spouse, parent, sibling, child, grandchild, niece, nephew, aunt, or uncle of the decedent, or the next of kin pursuant to R.S. 8:655(A) and one copy of this document upon request by the decedent's physician. The provisions of this Paragraph shall not apply to the medical records of the decedent or any records generated by any public entity other than the coroner and those records shall be obtained from the entity generating them in accordance with other applicable provisions of law.

(5) Nothing in this Subsection shall prohibit a coroner from providing the documents described in this Subsection to the Louisiana Department of Health, office of public health, for mortality surveillance and other purposes related to public health. The office of public health shall treat any such documents as confidential, and such documents shall not be subject to release pursuant to a public records request or subpoena to the Louisiana Department of Health or the office of public health.

(6) Notwithstanding any other provision of this Section, any post-mortem forensic medical examination report used in the investigation of any criminal activity or death of any person in the custody or control of any law enforcement or corrections entity authorized by the constitution and laws of the United States or the state of Louisiana is a public record subject to the provisions of R.S. 44:3(A)(1).

Section 4. R.S. 13:5713(K), (L), and (M) and 5714(C) are hereby repealed in their entirety.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 622

HOUSE BILL NO. 306

BY REPRESENTATIVE THOMAS AND SENATOR LAFLEUR

AN ACT

To amend and reenact R.S. 17:273.3(C)(2) and (E)(4), to enact R.S. 17:10.1(G)(4), 273.2(D), and 273.3(H), relative to foreign language immersion programs in public schools; to provide that such programs can be any type of dual language immersion program in French or Spanish; to require local public school boards to notify parents or legal guardians of certain determinations with regard to requests to establish a program; to provide relative to the review of program requests, program approval and location, and student enrollment in a program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:273.3(C)(2) and (E)(4) are hereby amended and reenacted and R.S. 17:10.1(G)(4), 273.2(D), and 273.3(H) are hereby enacted to read as follows:

§10.1. School and district accountability system; purpose; responsibilities of state board

* * *

G.

* * *

(4) For purposes of this Subsection, "foreign language immersion program" means any type of dual language immersion program in French or Spanish.

* * *

§273.2. Foreign language immersion programs; certification process; criteria

* * *

D. For purposes of this Section, "foreign language immersion program" means any type of dual language immersion program in French or Spanish.

§273.3. Foreign language immersion programs; creation by local school boards; parent petition

* * *

C.

* * *

(2)(a) Beginning with the 2014-2015 school year, a local school board, if requested in writing by the parents or legal guardians of at least twenty-five students seeking to be enrolled in kindergarten or of at least twenty-five students seeking to be enrolled in first grade who reside within the jurisdictional boundaries of the school district, shall establish a foreign language immersion program for such students, provided that all of the following apply:

(i) The parent or legal guardian of each student commits, in writing, that the student will participate in the program.

(ii) The requisite number of written requests are submitted to the local school board not later than ~~March first~~ January thirty-first prior to the school year in which the program is to be established.

(iii) The minimum foundation program formula provides funding to local school systems employing foreign language teachers to provide salary supplements for such teachers at a level equal to or greater than the level of funding provided for this purpose through such formula for the 2011-2012 fiscal year.

(iv) A sufficient number of foreign language teachers with the required credentials as prescribed by the State Board of Elementary and Secondary Education are available through programs administered by the Department of Education and the Council for the Development of French in Louisiana to establish the program.

(v) There is no existing foreign language immersion program offered by the local school board, in the same foreign language being proposed, that has been certified by the State Board of Elementary and Secondary Education pursuant to R.S. 17:273.2.

(b) Such program shall be continued as long as at least twenty students remain enrolled in the program.

(c) The local school board shall ensure that any foreign language immersion program established pursuant to this Section is designated as a Certified Foreign Language Immersion Program by the State Board of Elementary and Secondary Education in accordance with R.S. 17:273.2 within three years from the date such program is established.

(d) The local school board shall review the written requests submitted pursuant to this Paragraph and shall notify the parents or legal guardians not later than February fifteenth of its determination as to whether or not the required number of requests was submitted.

(e) The local school board shall inform the parents and legal custodians of all students enrolled in the school system about the existence of any newly established foreign language

immersion program and shall permit all eligible students to apply for the program during the designated enrollment period for the school year.

(f) The local school board shall consider the location of all students applying for a foreign language immersion program and shall make reasonable attempts to place the program in schools located near the majority of the students who applied.

E. A local public school board shall not deny enrollment in a foreign language immersion program to any student if all of the following conditions are met:

(4) The student applies for enrollment in such a program by no later than ~~March first~~ April fifteenth of the school year prior to such enrollment.

H. For purposes of this Section, "foreign language immersion program" means any type of dual language immersion program in French or Spanish.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 623

HOUSE BILL NO. 372

BY REPRESENTATIVE CONNICK

AN ACT

To enact Chapter 1-D of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:41 through 47, relative to creating the Occupational Board Compliance Act; to provide definitions; to provide policy concerning occupational regulations and respective boards; to create the Occupational Licensing Review Commission; to require the commission to provide active supervision of occupational licensing boards; to provide for review of rules and regulations; to provide for certain exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 1-D of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:41 through 47, is hereby enacted to read as follows:

CHAPTER 1-D. OCCUPATIONAL BOARD COMPLIANCE ACT

§41. Short title

This Chapter shall be known and may be cited as the "Occupational Board Compliance Act".

§42. Legislative policy

By establishing and executing the policies provided in this Chapter, the state intends to ensure that occupational licensing boards and board members will avoid liability under federal antitrust laws.

§43. Definitions

For purposes of this Chapter, the following words have the meaning herein ascribed to them, unless the context clearly indicates otherwise:

(1) "Active market participant" means an individual or entity that is any of the following:

(a) Licensed by an occupational licensing board.

(b) A provider of any service subject to the regulatory authority of an occupational licensing board.

(c) Subject to the jurisdiction of an occupational licensing board.

(2) "Active supervision" includes but is not limited to the Occupational Licensing Review Commission's responsibilities to do all of the following:

(a) Review the substance of an occupational regulation proposed by any occupational licensing board.

(b) Approve or disapprove with suggested amendments, or allow an occupational licensing board to withdraw for revision an occupational regulation to ensure compliance with state policy.

(3) "Commission" means the Occupational Licensing Review Commission as provided for in R.S. 37:45.

(4) "Least restrictive regulation" means, from least to most restrictive, all of the following:

(a) Market competition.

(b) Third-party or consumer-created ratings and reviews.

(c) Specific private civil cause of action to remedy consumer harm as provided in the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.

(d) Regulation of the process of providing the specific goods or services to consumers.

(e) Inspection.

(f) Bonding or insurance.

(g) Registration.

(h) Occupational license.

(5) "Occupational license" means a nontransferable authorization granted by an occupational licensing board for an individual or entity meeting certain qualifications or personal qualifications. In an occupation for which a license is required, it is unlawful for an individual or entity that does not possess a valid occupational license to perform the occupation for compensation.

(6) "Occupational licensing board" means any state executive branch board, commission, department, or other agency that is all of the following:

(a) Regulates the entry of persons into, or regulating the conduct of persons within, a particular profession or occupation.

(b) Authorized to issue and revoke occupational licenses or registrations.

(c) Controlled by active market participants.

(7) "Occupational regulation" means a rule, regulation, restraint, practice, or policy allowing an individual to use an occupational title or work in a lawful occupation, including but not limited to registrations and occupational licenses. "Occupational regulation" excludes any license, permit, or regulation established by a parish or municipality.

(8) "Personal qualifications" means the criteria related to an individual's personal background and characteristics, including completion of an approved educational program, satisfactory performance on an examination or other assessment, work experience, other

evidence of attainment of requisite skills or knowledge, moral standing, criminal history, and completion of continuing education.

(9) "Qualifications" means the criteria related to an entity's background and characteristics, including but not limited to the personal qualifications of certain persons associated with the entity, including but not limited to that or those of an individual's personal background and characteristics, including completion of an approved educational program, satisfactory performance on an examination or assessment, work experience, other evidence of attainment of requisite skills or knowledge, moral standing, criminal history, and completion of continuing education.

(10) "Registration" means a requirement to give notice to the state that may include the individual's or entity's name and address, the individual's or entity's agent for service of process, the location of the activity to be performed, and a description of the service the individual or entity provides. "Registration" does not include qualifications or personal qualifications but may require a bond or insurance. Upon the state's receipt of notice, the individual or entity may use "registered" as a designated title. "Registration" is not transferable.

(11) "State policy" means the policy described in R.S. 37:44.

§44. State policy for promulgated occupational regulations

For occupational regulations promulgated by occupational licensing boards, each of the following apply as policy of this state:

(1) The increase of economic opportunities for all of its citizens by promoting competition and thereby encouraging innovation and job growth to the extent those values can be achieved without harm or threat of significant harm to public health, safety, or welfare.

(2) Use of the least restrictive regulation necessary to protect consumers from present or potential harm that threatens public health, welfare, or safety.

(3) Nothing in this Chapter shall be construed to restrict an occupational licensing board from requiring, as a condition of licensure or registration, that an individual's personal qualifications or entity's qualifications include obtaining or maintaining certification from an organization that credentials individuals in the relevant occupation, field, or industry.

§45. Occupational Licensing Review Commission

A.(1) There is hereby created the Occupational Licensing Review Commission to be composed of the governor or his designee, the secretary of state or his designee, the commissioner of agriculture or his designee, the commissioner of insurance or his designee, and the state treasurer or his designee. The governor shall be the chairman of the commission and the secretary of state shall be the secretary. The commission shall meet as needed or as called by the chair and such meetings shall be subject to the Open Meetings Law. A majority of the members constitutes a quorum at any meeting. Any final action taken by the commission requires the affirmative vote of a majority of the members.

(2) The office of the governor shall provide such support of the commission necessary to accomplish the purposes of this Chapter, including but not limited to research and clerical assistance. Any department, division, board, bureau, commission, or agency of the state shall provide, at the request of the chair of the commission, such assistance and data as will enable the commission to carry out its duties.

B. Beginning January 1, 2019, the commission is responsible for the active supervision of state executive branch occupational licensing boards controlled by active market participants to ensure compliance with state policy in the adoption of occupational regulations promulgated by an occupational licensing board. The required active supervision described in this Chapter does not extend to individual disciplinary actions taken or imposed by an occupational licensing board as to any active market participant subject to the jurisdiction of the occupational licensing board.

C.(1) An occupational licensing board shall submit any occupational regulation it seeks to promulgate to the commission prior to the board submitting a notice of intent to the office of the state register if the occupational regulation is subject to the Administrative Procedure Act.

(2) The commission shall review each occupational regulation submitted to ensure compliance with the state policy as provided in R.S. 37:44. This review may include any Federal Trade Commission Guideline adopted by the commission.

(3) Following the review, the commission shall do either of the following:

(a) Approve the occupational regulation and authorize the occupational licensing board to initiate promulgation of the regulation in accordance with the Administrative Procedure Act. This approval shall be in writing and explain the rationale for the action.

(b)(i) Disapprove the occupational regulation with any recommended amendments and require the occupational licensing board to resubmit the occupational regulation for approval prior to promulgating the regulation in accordance with the Administrative Procedure Act.

(ii) Any recommended amendments shall be provided to the occupational licensing board for its further consideration within thirty days of the date the occupational licensing board provides the proposed regulation to the commission for review.

(iii) The disapproval shall be in writing and explain the rationale for the action.

(iv) In the event the commission elects to disapprove the regulation with suggested amendments, the occupational licensing board shall not go forward with promulgation of the proposed regulation until such time as the occupational regulation is approved by the commission.

D. Prior to submitting the notice of final regulation to the proper legislative oversight committees, the occupational licensing board shall submit such notice to the commission with a summary of any changes made to the proposed regulation or indicate that no changes were made to the proposed regulation. The submission shall include any comments received during the comment period or a recording or the minutes of any proceeding.

(1) If there are changes to the proposed regulation, the commission shall review the changes to the proposed regulation and take any action provided in Subsection C of this Section.

(2) If there are no changes to the proposed regulation or the commission approves the proposed regulation with submitted changes, the occupational licensing board shall submit the notice of final regulation to the proper legislative oversight committees.

E. If the proposed occupational regulation is not subject to promulgation and adoption in accordance with the Administrative Procedure Act, an occupational licensing board shall submit such proposed regulation to the commission for approval prior to enforcement.

F.(1) Emergency rules adopted by an occupational licensing board shall not be subject to the active supervision of the commission as provided in this Section.

(2) However, the occupational licensing board shall submit such emergency rule to the

commission on the same day the rule is submitted to the office of the state register.

G. The commission shall issue resolutions necessary to effectuate the provisions of this Chapter, including the process, procedures, and timelines that will govern any submission filed in accordance with this Chapter.

H. Nothing in this Chapter shall be interpreted to subject the commission to any of the administrative procedures of the Administrative Procedure Act.

§46. Nonapplicability

The provisions of this Chapter are not applicable to occupational licensing boards that are not controlled by active market participants.

§47. Interpretation

Nothing in this Chapter shall be construed to prevent or limit any occupational licensing board from granting or recognizing reciprocity or mobility in the licensing, registration, or certification of occupations or professions where an occupational licensing board has established or seeks to establish occupational regulations providing for reciprocity or mobility of licensed, registered, or certified occupations or professions as authorized by state law.

Section 2. The 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 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 624

HOUSE BILL NO. 375

BY REPRESENTATIVE ABRAMSON AND SENATOR THOMPSON

AN ACT

To amend and reenact R.S. 51:2453(2)(b)(v), relative to the Quality Jobs Rebate Program; to provide for definitions; to provide for eligibility requirements for certain employers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:2453(2)(b)(v) is hereby amended and reenacted to read as follows:

§2453. Definitions

The following words or terms as used in this Chapter shall have the following meaning, unless a different meaning appears from the context:

* * *

(2) "Employer" shall mean a legal person who executes a contract with the department pursuant to the provisions of this Chapter and who offers, or will offer within ninety days of the effective date of qualifying for the incentive rebates pursuant to the provisions of this Chapter, a basic health benefits plan to the individuals it employs in new direct jobs in this state which shall be determined by the Department of Economic Development to be in compliance with federally mandated healthcare requirements or, if no federally mandated healthcare requirements exist, shall be determined to have a value of at least one dollar and twenty-five cents per hour.

* * *

(b) To qualify for a contract pursuant to this Chapter, employers must meet one of the following provisions:

* * *

(v) The employer is located in a parish which is within the lowest twenty-five percent of parishes based on per capita income. ~~Such designation shall be maintained for the period~~ An employer that qualifies for a contract under this Item at the time of the initial quality jobs contract executed pursuant to this Chapter and shall remain qualified for a contract through and during the renewal period of any such contract regardless of any change in the per capita income of the parish.

* * *

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 625

HOUSE BILL NO. 403

BY REPRESENTATIVES STEVE CARTER, ANDERS, CARMODY,
FOIL, GISCLAIR, MACK, MARCELLE, PUGH, AND THOMAS

AN ACT

To amend and reenact R.S. 38:3074(A)(introductory paragraph), (4), (5), (7), and (8) and (B) and to enact R.S. 38:3074(A)(9), relative to the Capital Area Groundwater Conservation District board of commissioners; to provide that one member of the commission be the director of the East Baton Rouge Parish Department of Public Works or an engineer from within certain offices of that department; to provide for certain requirements for board members; to add a member appointed by the mayor-president of East Baton Rouge Parish; to provide relative to terms of office; 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. 38:3074(A)(introductory paragraph), (4), (5), (7), and (8) and (B) are hereby amended and reenacted and R.S. 38:3074(A)(9) is hereby enacted to read as follows:

§3074. Board of commissioners; appointments; tenure; replacement; compensation

A. The board of commissioners shall consist of ~~sixteen members who~~ seventeen members who shall be appointed by the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. The members shall be appointed as follows:

* * *

(4) One member shall be the director of the Department of Public Works, or his designee a person nominated by the mayor-president of East Baton Rouge Parish who shall be a registered professional engineer employed on the staff of the Department of Environmental Services, the Department of Transportation and Drainage, or the Department of Development, within the Department of Public Works.

(5) One member shall be the commissioner of conservation, or his designee, who shall be a member of his staff and be a professional geologist licensed by the Louisiana Board of Professional Geoscientists or be a registered professional engineer with experience in groundwater resource management or a person with experience in groundwater resource management.

* * *

(7) One member shall be the secretary of the Department of Environmental Quality, or his designee, who shall be a member of his staff and be a professional geologist licensed by the Louisiana Board of Professional Geoscientists or be a registered professional engineer with experience in groundwater resource management or a person with experience in groundwater resource management.

(8) One member shall be appointed from a nomination by the mayor-president of East Baton Rouge Parish who shall be a professional geologist licensed by the Louisiana Board of Professional Geoscientists or a registered professional engineer with experience in groundwater resource management or a person with experience in groundwater resource management.

(9) One member shall be appointed by the governor from the nomination nominations submitted by the majority vote of the members of the board. The member shall be a professional geologist licensed by the Louisiana Board of Professional Geoscientists or a technical professional with experience in groundwater resource management who is licensed by the Louisiana Professional Engineering Board or a person with experience in groundwater resource management. For the purposes of this Paragraph "board" shall mean the members appointed pursuant to Paragraphs (1) through (7) (8) of this Subsection.

B. The governor shall designate the term of office for each member of the initial board so that:

(1) From those members appointed by the parish governments two shall be appointed for a one-year term; two shall be appointed for a two-year term; and one shall be appointed for a three-year term.

(2) From those members appointed to represent industry, one shall be appointed for a one-year term; one shall be appointed for a two-year term; and one shall be appointed for a three-year term.

(3) From those members appointed to represent users furnishing water for municipalities, one shall be appointed for a term of one year and one for a term of two years.

(4) All other members shall serve an initial term of three years.

(5) After the initial term, all terms Each member shall be serve a term of three years, except that the terms for members representing governmental entities whose term shall be serve a term contemporaneous with their office.

* * *

Section 2. Any member of the Capital Area Groundwater Conservation District Commission serving on the effective date of this Act who does not qualify for appointment to their position under the provisions of this Act shall immediately resign and be replaced by a qualified person.

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 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 626

HOUSE BILL NO. 445

BY REPRESENTATIVE STOKES

AN ACT

To amend and reenact R.S. 37:3444(A) through (C) and 3445(D), relative to the Louisiana Licensed Professional Vocational Rehabilitation Counselors Board of Examiners; to revise the name of a professional association referred to in laws relative to the board; to provide for the adoption of a code of professional ethics; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3444(A) through (C) and 3445(D) are hereby amended and reenacted to read as follows:

§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, hereafter referred to 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 Professionals-Louisiana, 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 The consumer member 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 healthcare professional licensing boards identified in R.S. 36:259, nor shall he have a spouse who has ever been licensed by a healthcare professional licensing board identified in R.S. 36:259.

(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-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-Louisiana.

§3445. Board meetings; procedures; powers and duties

D. The board shall adopt such rules, regulations, and examination procedures as it may deem necessary to effect the provisions in this Chapter. The board shall adopt the Code of Ethics of the National Association for Rehabilitation Professionals in the Private Sector; Commission on Rehabilitation Counselor Certification Code of Professional Ethics including any revisions or additions deemed appropriate or necessary by the board.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 627

HOUSE BILL NO. 454
BY REPRESENTATIVE FOIL
AN ACT

To amend and reenact R.S. 49:257(B) and to enact R.S. 39:1538(5), relative to claims against the state; to provide with respect to certain final judgments against the state; to require the division of administration to make public certain information concerning final judgments against the state; to require state agencies to report information concerning final judgments to the attorney general; to require the attorney general to prepare reports to the legislature and the division of administration; to require inclusion of information in the comprehensive annual financial report; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1538(5) is hereby enacted to read as follows:

§1538. Claims against the state

(5) The division of administration, in cooperation with the attorney general as provided in R.S. 49:257(B), shall prepare a list of all final judgments against the state that are the result of a claim under Article XII, Section 10 of the Constitution of Louisiana and this Section and which remain unpaid. The list shall be updated quarterly, provided to the attorney general pursuant to R.S. 49:257(B), and information contained therein shall be included within the comprehensive annual financial report in a manner determined by the commissioner of administration.

Section 2. R.S. 49:257(B) is hereby amended and reenacted to read as follows:

§257. Legal representation of certain state agencies

B.(1) In all litigation whereby a state agency, board or commission, including levee boards, appoints, employs, or contracts private legal counsel to represent the state or a state agency, board or commission, including levee boards, pursuant to R.S. 39:1538, R.S. 42:262, or R.S. 49:258, or Subsection E of this Section, the secretary of the department, or the head of the state agency, or the board or commission, including levee boards, shall consistently maintain accurate data on legal contracts, legal costs, and all final judgments, all of which shall be reported to the attorney general. At the same time as all final judgments are reported to the attorney general, they shall also be reported to the commissioner of administration, Senate Committee on Finance, and the House Committee on Appropriations. The report shall be in writing or submitted electronically, as determined by the attorney general, and submitted to the attorney general quarterly. The attorney general, in consultation with the commissioner of administration, shall prepare and submit an annual report to the legislature no later than the first day of the regular session, and shall submit quarterly updates of the report to the division of administration, the Senate Committee on Finance, the House Committee on Appropriations, and the legislative fiscal office. The Department of Justice shall implement procedures to carry out the provisions of this Subsection no later than July 1, 2007 December

1, 2018.

(2) The attorney of record or the prevailing party shall submit a certified copy of the final judgment to the Senate Committee on Finance and the House Committee on Appropriations for the consideration of an appropriation to pay the judgment.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 628

HOUSE BILL NO. 549
BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact R.S. 34:851.19, 851.20(A)(1)(introductory paragraph), (2), (3), and (4) and (B), (C), (D), (G), and (J), 851.21(A) and (B)(2), (3), and (4) and 851.32 and to enact R.S. 34:851.2(13) and R.S. 56:10.2, relative to houseboats; to provide for the registration and numbering of houseboats; to create the Derelict Houseboat Fund in the state treasury; to provide for the issuance of a certificate of number; to provide for registration fees; to provide for notices of transfer; to provide for a numbering system; to provide for the distribution of funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:851.19, 851.20(A)(1)(introductory paragraph), (2), (3), and (4) and (B), (C), (D), (G), and (J), 851.21(A) and (B)(2), (3), and (4) and 851.32 are hereby amended and reenacted and R.S. 34:851.2(13) is hereby enacted to read as follows:

§851.2. Definitions

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

(13) "Houseboat" means a vessel constructed for the primary purpose of a temporary or permanent dwelling without an effective means of propulsion for safe navigation.

§851.19. Operation of unnumbered motorboats, houseboat, or sailboats prohibited; exception

Every motorboat, houseboat, or sailboat operated on the waters of this state shall be numbered. No person shall operate or give permission for the operation of any houseboat, motorboat, or sailboat on such waters unless the motorboat, houseboat, or sailboat is numbered in accordance with this Part or in accordance with applicable federal law or in accordance with a federally approved numbering system of another state, and unless the certificate of number awarded to motorboat, houseboat, or sailboat is in full force and effect, and the identifying number set forth in the certificate of number is displayed on each side of the bow of motorboat, houseboat, or sailboat as provided herein in this Part.

§851.20. Identification number

A.(1) The owner of each motorboat, houseboat, or sailboat requiring numbering by this state shall file an application for number with the Department of Wildlife and Fisheries on forms approved by it the department. The application shall be signed by the owner of the motorboat, houseboat, or sailboat and shall be accompanied by a fee as follows:

(2) Upon receipt of the application in approved form, the department shall enter the same upon the records of its office and issue to the applicant a certificate of number stating the number assigned to the motorboat, houseboat, or sailboat and the name and address of the owner with a description of the motorboat, houseboat, or sailboat. The department shall maintain a record of the hull identification number of the boat and the serial number of the motor for motorized vessels along with the assigned certificate of number on its computer.

(3) The owner shall paint on or attach to each side of the bow of the motorboat, houseboat, or sailboat the certificate of number in such manner as may be prescribed by rules and regulations of the department in order that it may be clearly visible. The number on the motorboat, houseboat, or sailboat shall be maintained in legible condition.

(4) The certificate of number shall be issued in addition to a decal which shall be permanently attached to the motorboat, houseboat, or sailboat, both to be accessible for inspection at all times when such boat is in operation; however, owners of duly registered livery motorboats less than twenty-six feet in length, or of duly registered houseboats or sailboats which are rented for not more than seven continuous days at a time for noncommercial purposes may retain such certificates of number for each such rental motorboat, houseboat, or sailboat on shore and have them readily available for inspection.

B. The owner of any motorboat, houseboat, or sailboat already covered by a number in full force and effect which has been awarded to it pursuant to then-operative federal law or a federally approved numbered system of another state shall record the number prior to operating the motorboat, houseboat, or sailboat on the waters of this state in excess of the ninety consecutive day reciprocity period provided for in R.S. 34:851.22(A)(1). Such recordation shall be in the manner and pursuant to the procedure required for the award of a number under pursuant to Subsection A of this Section except that no additional or substitute number shall be issued.

C. Should the ownership of a motorboat, houseboat, or sailboat change, a new application form with a five dollar fee shall be filed with the commission, along with the registration fee required by this Section, and a new certificate of number and a decal, valid for three years, shall be awarded in the same manner as provided for in an original award of number.

D. In the event that an agency of the United States government shall have in force an overall system of identification numbering for motorboat motorboats, houseboats, or sailboats within the United States, the numbering system employed pursuant to this Part by the commission shall be in conformity therewith.

G. The owner shall furnish the commission notice of the transfer of all or any part of his interest other than the creation of a security interest in a motorboat, houseboat, or sailboat numbered in this state pursuant to Subsections A and B of this Section or of the destruction or abandonment of such motorboat, houseboat, or sailboat within fifteen days thereof. Such

transfer, destruction, or abandonment shall terminate the certificate of number for such motorboat, houseboat, or sailboat, except that in the case of a transfer of a part interest which does not affect the owner's right to operate such motorboat, houseboat, or sailboat such transfer shall not terminate the certificate of number.

J. No number other than the number awarded to a motorboat, houseboat, or sailboat or granted reciprocity pursuant to this Part shall be painted, attached, or otherwise displayed on either side of the bow of such motorboat, houseboat, or sailboat.

§851.21. Numbering system

A. The motorboat, houseboat, or sailboat identification number issued by the commission pursuant to this Part shall be divided into parts which include a symbol indicating the state and a combination of numerals, letters, and words indicating the individual identification of the motorboat, houseboat, or sailboat. The group of three digits appearing between letters shall be separated from those letters by hyphens or equivalent spaces. Numbers shall be block characters not less than three inches in height and of a color to contrast on the hull, dark on light or light on dark or as otherwise provided by rules and regulations of the commission.

B.

(2) The second part of the motorboat, houseboat, or sailboat number shall consist of not more than four Arabic numerals and not more than two capital letters as a suffix separated by a hyphen or equivalent space. Since the letters "I", "O", and "Q" may be mistaken for numerals, they shall not be used.

(3) Motorboats, houseboat, or sailboats for hire or rent shall have painted or attached to each side of the bow the word "HIRE" in letters of not less than one and one-half inches which shall appear below the awarded number.

(4) Motorboats, houseboat, or sailboats owned by the state or any of its political subdivisions shall have painted or attached to each side of the bow the word "PUBLIC" in letters of not less than one and one-half inches which shall appear below the awarded number except when used for undercover or investigative work.

§851.32. Disposition of funds

A. Funds accruing to the state of Louisiana from registration fees paid by owners of motorboats and sailboats shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall, prior to placing such remaining funds in the State General Fund, pay into the Conservation Fund Derelict Houseboat Fund of the Louisiana Wildlife and Fisheries Commission an amount equal to the total amount of the sums recovered as registration fees in R.S. 34:851.20 and R.S. 34:851.23 of this Part for the purpose of administering and enforcing the provisions of this Part or for such other purposes as may be determined by said commission.

B. The revenues derived from the registration fees paid into the Derelict Houseboat Fund pursuant to Subsection A of this Section shall be made available for the purpose of providing the necessary additional funds for the administration and enforcement of the provisions of this Part or for such other purposes as may be determined by the Louisiana Wildlife and Fisheries Commission.

C. Funds accruing to the state of Louisiana from registration fees paid by owners of houseboats shall be paid into the state treasury and shall be credited to the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay into the Derelict Houseboat Fund an amount equal to the total amount of the sums recovered as registration fees in R.S. 34:851.20 of this Part.

Section 2. R.S. 56:10.2 is hereby enacted to read as follows:

§10.2. Derelict Houseboat Fund

There is hereby created a fund within the state treasury known as the "Derelict Houseboat Fund" which shall consist of those revenues collected from the registration of houseboats provided for in R.S. 34:851.32(C). 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 monies in this fund shall be used solely for the purpose of awarding grants to parish governments to remove any unattended, derelict, junked, or abandoned houseboat in any canal, coulee, drainage ditch, outfall canal, bayou, bay, lake, or any other waterway, whether navigable or not, or on the banks thereof within the state of Louisiana. The Wildlife and Fisheries Commission may promulgate rules and regulations in accordance with the Administrative Procedure Act to provide for the application, administration, and award of such grants.

Section 3. This Act shall be implemented by January 1, 2019.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 629

HOUSE BILL NO. 602

BY REPRESENTATIVE MIGUEZ AND SENATOR RISER

AN ACT

To amend and reenact R.S. 14:95.2(C)(4) and to enact R.S. 14:95.2(C)(9), relative to concealed handgun permits; to provide relative to the carrying of a concealed handgun within one thousand feet of school property; to provide an exception to the crime which prohibits the carrying of a firearm on school property by certain concealed handgun permit holders; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.2(C)(4) is hereby amended and reenacted and R.S. 14:95.2(C)(9) is hereby enacted to read as follows:

§95.2. Carrying a firearm or dangerous weapon by a student or nonstudent on school property, at school-sponsored functions, or in a firearm-free zone

C. The provisions of this Section shall not apply to:

(4) The possession of a firearm occurring within one thousand feet of school property and entirely on private property, or entirely within a private residence, ~~or in accordance with a concealed handgun permit issued pursuant to R.S. 40:1379.1 or 1379.3.~~

(9) Any person who has a valid concealed handgun permit issued pursuant to R.S. 40:1379.1 or 1379.3 and who carries a concealed handgun within one thousand feet of any school campus.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 630

HOUSE BILL NO. 612

BY REPRESENTATIVES STOKES, BACALA, BAGNERIS, TERRY BROWN, CARPENTER, CONNICK, FALCONER, LANCE HARRIS, HAZEL, HODGES, HOWARD, HUNTER, IVEY, JORDAN, MACK, MARCELLE, JAY MORRIS, NORTON, PYLANT, RICHARD, STAGNI, AND STEFANSKI

AN ACT

To amend and reenact R.S. 14:283(A)(1) and to enact R.S. 14:283(H), relative to offenses affecting public morals; to provide relative to the crimes of video voyeurism; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:283(A)(1) is hereby amended and reenacted and R.S. 14:283(H) is hereby enacted to read as follows:

§283. Video voyeurism; penalties

A. Video voyeurism is any of the following:

(1) The use of any camera, videotape, photo-optical, photo-electric, ~~unmanned aircraft system~~, or any other image recording device, or an unmanned aircraft system equipped with any camera, videotape, photo-optical, photo-electric, or any other image recording device, for the purpose of observing, viewing, photographing, filming, or videotaping a person where that person has not consented to the specific instance of observing, viewing, photographing, filming, or videotaping and either:

(a) ~~it~~ It is for a lewd or lascivious purpose.

(b) The observing, viewing, photographing, filming, or videotaping is as described in Paragraph(B)(3) of this Section and occurs in a place where an identifiable person has a reasonable expectation of privacy.

H. This Section shall not apply to any bona fide news or public interest broadcast, website, video, report, or event and shall not be construed to affect the rights of any news-gathering organization.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 631

HOUSE BILL NO. 625

BY REPRESENTATIVES EDMONDS AND FALCONER

AND SENATOR WALSWORTH

AN ACT

To amend and reenact R.S. 17:46(A)(2), 48, 231, 1171(B)(introductory paragraph), 1202(A)(1)(b), 1211, 1212, 1970.26(C)(1)(f), and 1987(D)(1) and to enact R.S. 17:1171(B)(5), relative to leave for teachers; to provide for leave associated with adoption of a child; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:46(A)(2), 48, 231, 1171(B)(introductory paragraph), 1202(A)(1)(b), 1211, 1212, 1970.26(C)(1)(f), and 1987(D)(1) are hereby amended and reenacted and R.S. 17:1171(B)(5) is hereby enacted to read as follows:

§46. Sabbatical leave program

A.

(2) Absence on sick leave under Subpart E of this Part ~~or~~, on maternity leave of absence, as provided for under Subpart F of this Part, for the period of disability occasioned by pregnancy ~~and/or childbirth~~ the birth of a child as determined by a certificate from the employee's attending physician, or adoptive leave as provided in Subpart F of this Part, shall not be deemed to interrupt the active service ~~herein~~ as provided for in this Section; nor shall absence on involuntary military service in the armed forces of the United States, nor on military leave under Subpart G of this Part be deemed to interrupt the active service ~~herein~~ as provided for retroactive to the school session in 1960-61 beginning in the year 1960 in this Section.

SUBPART F. MATERNITY AND ADOPTIVE LEAVE FOR TEACHERS IN SPECIAL SCHOOLS

§48. Maternity leave; adoptive leave

A. The superintendent of the Special School District shall grant leaves of absence to regularly employed teachers for a reasonable time before and after ~~childbirth~~ the birth of a child. If multiple children are born on the same date, the event shall be considered a single qualifying event. The granting of such leaves shall not affect any of the tenure rights which

the teacher may have acquired prior thereto under the provisions of Subpart C of this Part previously acquired.

B. The superintendent of the Special School District shall grant leaves of absence not to exceed thirty days to regularly employed teachers after the legal adoption of a child. If multiple children are legally adopted on the same date, the event shall be considered a single qualifying event. The granting of such leaves shall not affect any of the tenure rights which the teacher may have previously acquired.

B.C. The position vacated by a teacher who has been granted a maternity or adoptive leave, or by a teacher transferred to the position vacated by a teacher taking a maternity or adoptive leave, in accordance with Subsection A or B of this Section, may be filled by the appointment of substitute teachers.

E.D. A substitute teacher appointed under the provisions of Subsection B Subsection C of this Section shall not acquire any of the tenure rights or privileges provided for in Subpart C of this Part, unless the substitute teacher has subsequently been appointed to fill a regular vacancy and has the necessary qualifications.

* * *

§231. Retirement, tenure, and other welfare benefits of visiting teachers, or supervisors of child welfare and attendance

Visiting teachers, or supervisors of child welfare and attendance, employed under the provisions of this Sub-part Subpart, shall have the same status with respect to teacher retirement, tenure, sabbatical leave, sick leave, maternity leave, adoptive leave, and all other teacher-welfare provisions as other teachers or supervisors whose employment requires that they hold valid teachers' certificates issued by authority of the state board of education.

* * *

§1171. Eligibility for sabbatical leaves

* * *

B. Active service accumulated toward sabbatical leave as provided in Subsection A hereof of this Section shall not be deemed to be interrupted by any of the following:

* * *

(5) Absence on adoptive leave pursuant to R.S. 17:1211(B).

* * *

§1202. Teachers; extended sick leave

A.(1) Every city, parish, and other local public school board shall permit:

* * *

(b) Each teacher granted maternity or adoptive leave in accordance with the provisions of R.S. 17:48 or 1211 and who has no remaining sick leave balance available to take in the manner provided in this Section up to thirty days of additional extended sick leave in each six-year period of employment for personal illness relating to pregnancy, illness of an infant, or for required medical visits certified by a physician as relating to infant or maternal health.

* * *

SUBPART C. MATERNITY AND ADOPTIVE LEAVE

§1211. Maternity leave for teachers; adoptive leave; tenure status unaffected; definition

~~A. The city and parish school boards~~ Each city, parish, and other local school board throughout the state shall grant leaves of absence to regularly employed women teachers for a reasonable time before and after ~~childbirth~~ the birth of a child. If multiple children are born on the same date, the event shall be considered a single qualifying event. The granting of such leaves shall not affect any of the tenure rights which the teacher may have acquired prior thereto under the provisions of R.S. 17:441 through 17:444 ~~or R.S. 17:461 through 17:463.~~

B. Each city, parish, and other local public school board shall grant leaves of absence not to exceed thirty days to regularly employed teachers after the legal adoption of a child. If multiple children are adopted on the same date, the event shall be considered a single qualifying event. The granting of such leaves shall not affect any of the tenure rights which the teacher may have acquired under the provisions of R.S. 17:441 through R.S. 17:444.

B.C. As used in this Subpart, the word "teacher" shall include any member of the teaching staff of a public school in the state and any social worker or school psychologist employed by a local school board in the state who holds a valid professional ancillary certificate in school social work or school psychology issued by the state Department of Education.

* * *

§1212. Substitute teachers to fill vacancies; appointment

The position vacated by a teacher who has been granted a maternity or adoptive leave, or by a teacher transferred to the position vacated by a teacher taking a maternity or adoptive leave, in accordance with R.S. 17:1211, may be filled by the respective school boards by the appointment of substitute teachers.

* * *

§1970.26. Administration, faculty, staff; classification status; benefits

* * *

C.(1) The following laws may be made applicable to any nonclassified employee and shall be applicable to each nonclassified employee of the New Orleans Center for Creative Arts who was employed by the Orleans Parish School Board at the New Orleans Center for the Creative Arts prior to July 1, 2000, to the same degree as such provisions apply generally and subject to revision by law:

* * *

(f) Maternity leave and adoptive leave (R.S. 17:1211).

* * *

§1987. School district for certain correctional centers for youth

* * *

D.(1) The provisions of Part I-A of Chapter 1 of this Title relative to benefits, privileges, and rights of certain employees in state special schools, including but not limited to provisions relative to compensation, probationary and permanent employment status, and sabbatical, sick, personal, maternity, adoptive, and military leaves also shall be applicable to such employees of the school district established by this Part.

* * *

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 632

**HOUSE BILL NO. 632
BY REPRESENTATIVE HUNTER
AN ACT**

To enact R.S. 40:5.6.1, relative to safe drinking water; to authorize a pilot program for drinking water testing at schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:5.6.1 is hereby enacted to read as follows:

§5.6.1. Safe drinking water; pilot program for water testing at schools; reporting; termination

A. The Louisiana Department of Health, referred to hereafter in this Section as the "department", shall establish a pilot program for drinking water testing at elementary schools which comports with the requirements and specifications provided in this Section.

B. The department shall select for the pilot program twelve public elementary schools at which to conduct drinking water testing. The department shall select for the pilot program schools with buildings which were built prior to 1986 or which may otherwise be susceptible to drinking water contamination.

C. The office of public health of the department shall conduct drinking water testing on a schedule determined by the state health officer in each school selected for the pilot program. The state health officer shall select the standards for which the office shall test such that the testing is accomplished in a cost-neutral manner.

D. The department shall operate the pilot program in a manner which incurs no additional cost to the department.

E. The department shall report findings and outcomes of the pilot program to the House and Senate committees on health and welfare on or before December 31 annually.

F. The provisions of this Section shall terminate on January 1, 2021.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 633

HOUSE BILL NO. 634

**BY REPRESENTATIVES HUNTER, CHAD BROWN, CARMODY, COX, GLOVER,
HOLLIS, JEFFERSON, LYONS, MORENO, REYNOLDS, AND THOMAS
AN ACT**

To enact Chapter 2-A of Title 21 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 21:61, relative to short-term rental structures; to define key terms; to prohibit the use of a camera unless notice is provided; to provide for damages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 2-A of Title 21 of the Louisiana Revised Statutes of 1950, comprised of R.S. 21:61, is hereby enacted to read as follows:

CHAPTER 2-A. OFFENSES BY OWNERS

§61. Notice required for use of camera in short-term rental structures

A. For the purposes of this Section, the following definitions apply:

(1) "Camera" means a camcorder, motion picture camera, photographic camera of any type, or other equipment that is concealed or disguised to secretly or surreptitiously videotape, film, photograph, record, or view a person by electronic means.

(2) "Common area" means all areas of the short-term rental structure, excluding any bedrooms or bathrooms.

(3) "Short-term rental structure" means a building which may have previously been used as a one- or two-family dwelling but is rented from the owner of the structure by an unknown number of persons for a period of time not to exceed twenty-nine days.

B.(1) Except as provided in Paragraph (2) of this Subsection, an owner or lessor of a short-term rental structure shall not install or use a camera on the premises of a short-term rental structure.

(2) The owner or lessor of a short-term rental structure may install or use a camera only in the common areas of the structure if he first conspicuously posts a sign on the premises of the short-term rental structure with the following statement:

"NOTICE ELECTRONIC SURVEILLANCE EQUIPMENT HAS BEEN INSTALLED
ON THESE PREMISES AND ALL ACTIVITIES IN COMMON AREAS ARE
SUBJECT TO BEING RECORDED BY VIDEO."

C. An owner or lessor of a short-term rental structure shall not use any audio, video, or photographic footage obtained pursuant to this Chapter for any commercial or exploitative purpose nor shall he make the footage available to members of the public.

D. Any guest of a short-term rental structure who is documented on any audio, video, or photographic footage obtained in violation of this Chapter shall have a civil cause of action against an owner or lessor of a short-term rental structure who obtained, used, or made available the footage in violation of this Chapter, and is entitled to recover from any such owner or lessor all of the following:

(1) Actual damages.

(2) A reasonable attorney fee and other litigation cost reasonably incurred.

(3) Punitive Damages.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

HOUSE BILL NO. 796
BY REPRESENTATIVE LANCE HARRIS
AN ACT

To amend and reenact R.S. 17:7(6)(a)(i) and (b)(i)(aa), 15, and 3991(E)(5), to enact R.S. 17:7(6)(h) and (i) and (10) and 3996(B)(45) and (46), relative to the certification and employment in schools of certain persons; to prohibit public and nonpublic schools from hiring persons convicted of felony offenses as administrators, teachers, or substitute teachers; to prohibit such schools from hiring persons as administrators, teachers, or substitute teachers who submitted certain fraudulent documentation or facilitated cheating on state assessments; to provide exceptions; to authorize the State Board of Elementary and Secondary Education to issue teaching certificates and other teaching authorization to such persons under certain circumstances; to provide for the assessment of civil fines against public school boards who hire certain persons; to increase the penalties for violations relative to reporting convictions or pleas; to require the State Board of Elementary and Secondary Education to promulgate rules and regulations to establish a process for issuing a teaching authorization to persons seeking employment in certain schools; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7(6)(a)(i) and (b)(i)(aa), 15, and 3991(E)(5) are hereby amended and reenacted and R.S. 17:7(6)(h) and (i) and (10) and 3996(B)(45) and (46) are hereby enacted to read as follows:

§7. Duties, functions, and responsibilities of board

In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

* * *

(6)(a)(i) Prescribe the qualifications and provide for the certification of teachers in accordance with applicable law, which qualifications and requirements shall be such as to insure ensure that certification shall be a reliable indicator of the minimum current ability and proficiency of the teacher to educate at the grade level and in the subject(s) subjects to which the teacher is assigned. These qualifications and requirements shall be established and shall be effective on and after April 1, 1978.

* * *

(b)(i)(aa) On and after September 15, 1978, any A person applying for initial certification as a teacher in a public school shall have passed satisfactorily an examination, which shall include English proficiency, pedagogical knowledge, and knowledge in his area of specialization, as a prerequisite to the granting of such certificate. However, a person who is employed as a foreign language teacher in a Certified Foreign Language Immersion Program pursuant to R.S. 17:273.2, and who is not otherwise eligible to receive state authorization to teach through participation in the Foreign Associate Teacher Program, shall not be required to pass the examination required by this Subitem, but shall at least have a baccalaureate degree and shall be subject to all provisions of state law relative to background checks and criminal history review applicable to the employment of public school personnel.

* * *

(h) The board may issue a teaching certificate or other teaching authorization to a person who has been convicted of or has pled nolo contendere to a felony offense not listed in R.S. 15:587.1(C), who has been found to have submitted fraudulent documentation to the board or the state Department of Education as part of an application for a teaching certificate or other teaching authorization, or who has been found to have facilitated cheating on any state assessment as determined by the board if all of the following conditions apply:

(i) Five years have passed from the date of entry of the person's final conviction, the date of entry of his plea of nolo contendere, or the date of receipt of notification from the board of its determination that he submitted fraudulent documentation or facilitated cheating on a state assessment.

(ii) The board has received a request from the person for a formal appeal and has conducted a review of the person's background and the person has provided letters of recommendation to the board, all in accordance with board policies.

(i) Not later than December thirty-first of each year, the board shall submit a written report to the Senate Committee on Education and the House Committee on Education detailing the number of appeals filed with the board for the calendar year, the offense upon which the appeal is based, the disposition of each appeal, and the number of teacher certifications or other authorization to teach issued as the result of all successful appeals. The information in the report shall be reported in aggregate and by individual school and school system.

* * *

(10) The board shall promulgate rules and regulations in accordance with the Administrative Procedure Act to establish a process for issuing a teaching authorization to a person seeking employment as an administrator, teacher, or substitute teacher in any school, including a public or nonpublic school that does not require a Louisiana teaching certificate for the employment of a teacher. Such rules and regulations shall be limited to procedures for determining if a person has submitted fraudulent documentation to the board or the state Department of Education related to the issuance of the teaching authorization or has facilitated cheating on any state assessment administered to students, or has been convicted of or has pled nolo contendere to a felony offense. The rules and regulations also shall include a requirement that the board, in accordance with R.S. 42:17(A)(1), notify the person of its intention to discuss the person's character, professional competence, or physical or mental health in an executive session and of the person's option to require that the board discuss such matters in an open meeting.

* * *

§15. Criminal history review

A.(1)(a) No A person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) shall not be hired by any a city, parish, or other local public school board or any a nonpublic school or school system as a teacher, substitute teacher, bus operator, substitute bus operator, or janitor, or as a temporary, part-time, or permanent school employee of any kind.

(b)(i) Except as otherwise provided in this Subparagraph, a city, parish, or other local public

school board or a nonpublic school or school system shall not knowingly hire a person as an administrator, teacher, or substitute teacher if the person:

(aa) Has been convicted of or has pled nolo contendere to a felony offense even if adjudication was withheld or a pardon or expungement was granted.

(bb) Has been found to have submitted fraudulent documentation to the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization.

(cc) Has been found to have facilitated cheating on any state assessment as determined by the State Board of Elementary and Secondary Education.

(ii) A city, parish, or other local public school board or a nonpublic school or school system may hire a person as an administrator, teacher, or substitute teacher who has been convicted of or has pled nolo contendere to a felony not listed in R.S. 15:587.1(C), who has been found to have submitted fraudulent documentation to the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization, or who has been found to have facilitated cheating on any state assessment as determined by the board if the State Board of Elementary and Secondary Education approves a formal appeal request submitted by the person and issues a teaching certificate or authorization as provided in R.S. 17:7(6)(h).

(b)(c) For purposes of this Section, any person employed to provide cafeteria, transportation, janitorial, maintenance, or student services by any person or entity that contracts with a school or school system to provide such services shall be considered to be hired by a school system.

(e) ~~This Section shall not apply to any nonpublic school or nonpublic school system which contracts with an entity providing any of the services listed in Subparagraph (b) of this Paragraph to a nonpublic school or nonpublic school system when such school or school system determines that the employees of such contractor will have limited contact with students. In determining whether such a contractor's employee will have limited contact with students, the nonpublic school or nonpublic school system shall consider the totality of the circumstances, including factors such as the length of time the contractor's employee will be on the school grounds, whether students will be in proximity with the site where the contractor's employee will be working, and whether the contractor's employee will be working by himself or with others. If a nonpublic school or nonpublic school system has made this determination, it shall take appropriate steps to protect the safety of any students that may come in contact with such a contractor's employee.~~

(2)(a) A city, parish, or other local public school board shall dismiss:

(i) ~~Any teacher An administrator, teacher, or substitute teacher upon the final conviction of such teacher of any crime listed in R.S. 15:587.1(C), except R.S. 14:74, and any teacher who has pled or submission of a plea of nolo contendere to any crime listed in R.S. 15:587.1(C), except R.S. 14:74 felony offense, after a hearing held pursuant to the provisions of Part II of Chapter 2 of this Title.~~

(ii) An administrator, teacher, or substitute teacher who is found to have submitted fraudulent documentation to the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization.

(iii) An administrator, teacher, or substitute teacher who is found to have facilitated cheating on any state assessment as determined by the State Board of Elementary and Secondary Education.

(iv) Any other school employee if such employee is convicted of or pleads nolo contendere to a crime listed in R.S. 15:587.1(C), except R.S. 14:74.

(b)(iii)(b) The superintendent of schools of any school system dismissing an employee pursuant to the provisions of this Paragraph shall notify the state superintendent of education of the employee's dismissal not later than thirty days after such dismissal.

(b)(c) ~~A city, parish, or other local public school board may reemploy a teacher an administrator, teacher, or other school employee who has been convicted dismissed for conviction of a crime, except a crime listed in R.S. 15:587.1(C), except R.S. 14:74, pursuant to Subparagraph (a) of this Paragraph only upon written approval of the district judge of the parish and the district attorney, or upon written documentation from the court in which the conviction occurred stating that the conviction has been reversed, set aside, or vacated. Any such statement of approval of the judge and the district attorney and any such written documentation from the court shall be kept on file at all times by the school and shall be produced upon request to any law enforcement officer. Also, not No later than thirty days after its being placed on file by the school, the school principal shall submit a copy of any such statement of approval or written documentation from the court to the state superintendent of education.~~

B. Each city, parish, and other local public school board shall establish, by regulation, requirements, and procedures consistent with the provisions of R.S. 15:587.1 under which the school systems shall determine whether an applicant, or employee, including any person employed as provided in Subparagraph (A)(1)(b)(c) of this Section, has been arrested for or convicted of or pled nolo contendere to any criminal offense. Included in this regulation shall be the requirement and the procedure for the submission of a person's fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification and Information prior to employment of such person. ~~A person who has submitted his fingerprints to the Louisiana Bureau of Criminal Identification and Information may be temporarily hired pending the report from the bureau as to any convictions of or pleas of nolo contendere by the person to a crime listed in R.S. 15:587.1(C), except R.S. 14:74.~~

C. The State Board of Elementary and Secondary Education by rule adopted in accordance with the Administrative Procedure Act may shall establish requirements and procedures consistent with the provisions of R.S. 15:587.1 and the provisions for all other felony offenses for the state Department of Education to determine whether an applicant for, or the recipient of, any certificate, or license, or other teaching authorization issued in accordance with state law or board policy, or both, by the department or by the board and who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children has been arrested for or convicted of or pled nolo contendere to any criminal offense. Included in this rule shall be the requirement and the procedure for the submission of a person's fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification and Information.

D. For the purposes of this Section, "city, parish, or other local public school board" shall

mean the governing authority of any public elementary or secondary school.

E.(1) ~~A teacher~~ An administrator, teacher, or any other school employee upon his final conviction or plea of guilty or nolo contendere to any criminal offense, excluding traffic offenses, shall report the fact of his conviction or plea to his employer within forty-eight hours of the conviction or plea of guilty or nolo contendere.

(2) ~~Any person~~ An administrator, teacher, or substitute teacher who fails to report a conviction or plea of guilty or nolo contendere of any criminal offense listed in the provisions of R.S. 15:587.1(C)(1) ~~felony offense~~ shall be fined not more than five hundred one thousand dollars or imprisoned for not more than six months one year, with or without hard labor, or both.

(3) A school employee other than an administrator, teacher, or substitute teacher who fails to report a conviction or plea of guilty or nolo contendere of any criminal offense listed in R.S. 15:587.1(C)(1) shall be fined not more than five hundred dollars or imprisoned for not more than six months, with or without hard labor, or both.

E.(1) The State Board of Elementary and Secondary Education may assess a civil fine against a school governing authority, equal to the average state yearly compensation for a public school teacher, inclusive of salary and benefits, that knowingly employs a person without requesting the criminal records required by this Section or who knowingly hires a person who has been convicted of or pled nolo contendere to any felony offense and who the State Board of Elementary and Secondary Education has not provided a teaching authorization pursuant to the provisions of R.S. 17:7(10) or who has not completed the formal appeal process required by the state board and been granted a new teaching certificate or other teaching authorization as provided in R.S. 17:7(6)(h).

(2) Such fine shall be levied only after a final judgement is rendered pursuant to an adjudication process conducted in accordance with the provisions of R.S. 49:955 et seq.

(3) The state board shall report any such instances of fine assessments to the House Committee on Education and the Senate Committee on Education within thirty days of such assessment. Civil fines collected pursuant to the provisions of this Section shall be deposited immediately into the state treasury. The State Board of Elementary and Secondary Education shall promulgate rules in accordance with the Administrative Procedure Act for implementation of this Subsection.

G. At the request of his parent or legal guardian, a student shall be removed from the class of any teacher who has a felony conviction and placed in another class.

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

E. A charter school shall not:

(5)(a) Hire a person;

(i) ~~As an administrator, teacher, substitute teacher, bus operator, substitute bus operator, janitor, or other school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C) as a teacher, substitute teacher, bus operator, substitute bus operator, janitor, or a school employee who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children.~~

(ii) ~~As an administrator, teacher, or substitute teacher if any of the following apply to the person:~~

(aa) ~~Has been convicted of or has pled nolo contendere to any other felony offense even if adjudication was withheld or a pardon or expungement was granted.~~

(bb) ~~Has been found to have submitted fraudulent documentation to the State Board of Elementary and Secondary Education or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization.~~

(cc) ~~Has been found to have facilitated cheating on any state assessment as determined by the State Board of Elementary and Secondary Education.~~

(iii) ~~Notwithstanding any other provision of law, a charter school may hire a person as a teacher or substitute teacher who has been convicted of or has pled nolo contendere to a felony not listed in R.S. 15:587.1(C) or who has been found to have submitted fraudulent documentation to the state board or the state Department of Education as part of an application for a Louisiana teaching certificate or other teaching authorization if the state board approves a formal appeal request submitted by the person and issues a teaching certificate or authorization as provided in R.S. 17:7(6)(h).~~

(b) ~~The state board shall establish regulations, requirements, and procedures consistent with the provisions of R.S. 15:587.1 under which the school systems governing authority shall determine whether an applicant or employee has been convicted of or pled nolo contendere to any felony offense. Included in this regulation these regulations shall be the requirement and the procedure for the submission of a person's fingerprints in a form acceptable to the Louisiana Bureau of Criminal Identification and Information prior to employment of such person. A person who has submitted his fingerprints to the Louisiana Bureau of Criminal Identification and Information may be temporarily hired pending the report from the bureau as to any convictions of or pleas of nolo contendere by the person to a crime listed in R.S. 15:587.1(C), except R.S. 14:74.~~

§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) Authorization to teach, R.S. 17: 7(10).

(46) Criminal history review, R.S. 17:15.

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

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 635

HOUSE BILL NO. 78

BY REPRESENTATIVES NANCY LANDRY, AMEDEE, ANDERS, BACALA, BAGNERIS, BARRAS, BERTHELOT, BILLIOT, BRASS, CHAD BROWN, TERRY BROWN, CARMODY, CARPENTER, ROBBY CARTER, STEVE CARTER, CONNICK, COX, CROMER, DAVIS, EDMONDS, EMERSON, FALCONER, FRANKLIN, GAINES, GAROFALO, GISCLAIR, GUINN, HALL, LANCE HARRIS, HAZEL, HENRY, HILFERTY, HODGES, HOFFMANN, HORTON, HOWARD, HUNTER, JACKSON, JAMES, JEFFERSON, JENKINS, JOHNSON, JONES, JORDAN, TERRY LANDRY, LEBAS, MACK, MARINO, MIGUEZ, GREGORY MILLER, JIM MORRIS, NORTON, PIERRE, POPE, PUGH, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SMITH, STAGNI, TALBOT, THOMAS, WHITE, WRIGHT, AND ZERINGUE AND SENATORS ALARIO, ALLAIN, APPEL, BARROW, BISHOP, BOUDREAUX, CARTER, CLAITOR, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LAMBERT, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRISH, PEACOCK, PERRY, PRICE, RISER, GARY SMITH, JOHN SMITH, TARVER, AND WALSWORTH

AN ACT
To amend and reenact R.S. 17:1801 and to enact R.S. 14:40.8, relative to acts of criminal hazing; to create the crime of criminal hazing; to provide exceptions, definitions, and criminal penalties relative to the crime of criminal hazing; to provide relative to consequences imposed by the education institution for certain acts of hazing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:40.8 is hereby enacted to read as follows:

§40.8. Criminal hazing

A.(1) Except as provided by Subsection D of this Section, it shall be unlawful for any person to commit an act of hazing.

(2)(a) Except as provided by Subparagraph (b) of this Paragraph, any person who commits an act of hazing shall be either fined up to one thousand dollars, imprisoned for up to six months, or both.

(b) If the hazing results in the serious bodily injury or death of the victim, or the hazing involves forced or coerced alcohol consumption that results in the victim having a blood alcohol concentration of at least .30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, any person who commits an act of hazing shall be fined up to ten thousand dollars and imprisoned, with or without hard labor, for up to five years.

B.(1) If any person serving as a representative or officer of an organization, including any representative, director, trustee, or officer of any national or parent organization of which any of the underlying entities provided for in Paragraph (C)(3) of this Section is a sanctioned or recognized member at the time of the hazing, knew and failed to report to law enforcement that one or more of the organization's members were hazing another person, the organization may be subject to the following:

(a) Payment of a fine of up to ten thousand dollars.

(b) Forfeiture of any public funds received by the organization.

(c) Forfeiture of all rights and privileges of being an organization that is organized and operating at the education institution for a specific period of time as determined by the court. If the hazing results in the serious bodily injury or death of the victim, or results in the victim having a blood alcohol concentration of at least .30 percent by weight based on grams of alcohol per one hundred cubic centimeters of blood, the period of time shall be for not less than four years.

(2) A national or parent organization that receives a report alleging the commission of an act or acts of hazing may conduct a timely and efficient investigation to substantiate or determine the veracity of the allegations prior to making a report to law enforcement. The investigation shall be completed no later than fourteen days after the date on which the report was received alleging the commission of an act or acts of hazing.

C. For purposes of this Section:

(1) "Education institution" means any elementary or secondary school or any postsecondary education institution in this state.

(2)(a) "Hazing" is any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:

(i) The person knew or should have known that the act endangers the physical health or safety of the other person or causes severe emotional distress.

(ii) The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

(b) "Hazing" includes but is not limited to any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization:

(i) Physical brutality, such as whipping, beating, paddling, striking, branding, electronic shocking, placing of a harmful substance on the body, or similar activity.

(ii) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.

(iii) Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.

(iv) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

(c) A physical activity that is normal, customary, and necessary for a person's training and participation in an athletic, physical education, military training, or similar program sanctioned by the education institution is not considered "hazing" for purposes of this Section.

(3) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, an education institution. "Organization" includes the national or parent organization of which any of the underlying entities provided for in this Paragraph is a sanctioned or recognized member at the time of the hazing.

(4) "Pledging", also known as "recruitment" or "rushing", means any action or activity related to becoming a member of an organization.

D.(1) This Section does not apply to an individual who is the subject of the hazing, regardless of whether the individual voluntarily allowed himself to be hazed.

(2) It is not a defense to prosecution for a violation of this Section that the individual against whom the hazing was directed consented to or acquiesced in the hazing.

E.(1) The penalties provided in Subsection B of this Section may be imposed in addition to any penalty that may be imposed for any other criminal offense arising from the same incident or activity, and in addition to any penalty imposed by the organization or education institution pursuant to its by-laws, rules, or policies regarding hazing.

(2) Nothing in this Section precludes any civil remedy provided by law.

Section 2. R.S. 17:1801 is hereby amended and reenacted to read as follows:

§1801. Hazing prohibited; penalties

A. Hazing in any form, or the use of any method of initiation into fraternal organizations in any educational institution supported wholly or in part by public funds, which is likely to cause bodily danger or physical punishment to any student or other person attending any such institution is prohibited.

B. Whoever violates the provisions of this Section shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not less than ten days nor more than thirty days, or both, and in addition, shall be expelled, suspended, or dismissed from the educational institution and not permitted to return during the current session or term in which the violation occurs for at least one semester, quarter, or comparable academic period. In addition, the person violating the provisions of this Section may also be subject to the provisions of R.S. 14:40.8 which provides penalties for certain hazing activity.

Section 3. This Act shall be referred to as "The Max Gruver Act".

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 636

HOUSE BILL NO. 265

BY REPRESENTATIVES SMITH, BAGNERIS, BOUIE, BRASS, CARPENTER, GARY CARTER, COX, DUPLESSIS, FRANKLIN, GAINES, GLOVER, HALL, JIMMY HARRIS, HUNTER, JACKSON, JAMES, JEFFERSON, JENKINS, JORDAN, TERRY LANDRY, LYONS, MARCELLE, DUSTIN MILLER, NORTON, AND PIERRE AND SENATORS BARROW, BISHOP, BOUDREAUX, CARTER, COLOMB, MORRELL, PETERSON, PRICE, AND TARVER

AN ACT

To amend and reenact R.S. 18:102(A)(1), 104(C), and 177(A)(1), relative to registration and voting; to provide relative to registration and voting by a person convicted of a felony; to provide relative to suspension of registration and voting rights of such a person; to provide relative to procedures and requirements for voter registration and voting; to provide relative to reinstatement of voter registration; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:102(A)(1), 104(C), and 177(A)(1) are hereby amended and reenacted to read as follows:

§102. Ineligible persons

A. No person shall be permitted to register or vote who is:

(1)(a) Under an order of imprisonment, as defined in R.S. 18:2(8), for conviction of a felony; or, except as provided in Subparagraph (b) of this Paragraph.

(b) Except as provided in Subparagraph (c) of this Paragraph, a person who is under an order of imprisonment for conviction of a felony and who has not been incarcerated pursuant to the order within the last five years shall not be ineligible to register or vote based on the order if the person submits documentation to the registrar of voters from the appropriate correction official showing that the person has not been incarcerated pursuant to the order within the last five years.

(c) Notwithstanding any other provision of law, no person shall be permitted to register or vote pursuant to this Section if he is convicted of a felony offense of election fraud or any other election offense pursuant to R.S. 18:1461.2 and he is under an order of imprisonment.

§104. Application for registration; form

C.(1) The form shall inform the applicant of the penalty for violation of applicable laws relating to registration of voters and shall contain an affidavit to be subscribed, through a handwritten signature, attesting to each of the following:

(a) that That the applicant is a United States citizen;

(b) That the applicant is not currently under an order of imprisonment for conviction of a felony; or, if the applicant is under such an order, that the applicant has not been incarcerated pursuant to the order within the last five years and he is not under an order of imprisonment related to a felony conviction pursuant to election fraud or any other election offense pursuant to R.S. 18:1461.2.

(c) That the applicant is not currently under a judgment of full interdiction for mental incompetence, or a limited interdiction in which the right to register to vote has specifically been suspended.

(d) and that That the facts given by him on the application are true to the best of his knowledge and belief.

(2) When the registration application is completed at the office of motor vehicles of the Department of Public Safety and Corrections or electronically on the secretary of state's

website, an electronically captured signature of the applicant shall suffice as a handwritten signature of the applicant.

* * *

§177. Reinstatement of registration after suspension

A.(1) The registration of a person whose registration has been suspended by the registrar of voters pursuant to R.S. 18:176 for conviction of a felony 18:176(A) shall be reinstated when the person appears in the office of the registrar and provides documentation from the appropriate correction official showing that such person is no longer under an order of imprisonment or, if the person is under such an order, that the person has not been incarcerated pursuant to the order within the last five years and the person is not under an order of imprisonment related to a felony conviction pursuant to election fraud or any other election offense pursuant to R.S. 18:1461.2.

* * *

Section 2. Prior to the effective date of this Act, the secretary of state shall work with the Department of Public Safety and Corrections to develop a form or forms to allow a person who is or was under an order of imprisonment for conviction of a felony to meet the requirements of R.S. 18:102(A)(1) and 177(A) as amended by this Act.

Section 3. This Act shall become effective on March 1, 2019.

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 637

HOUSE BILL NO. 446

BY REPRESENTATIVES FALCONER, BILLIOT, TERRY BROWN, CARMODY, DWIGHT, HODGES, HOFFMANN, NANCY LANDRY, MACK, AND STAGNI AND SENATOR JOHNS

AN ACT

To enact R.S. 14:502, relative to offenses against the person; to provide relative to the failure of a person to seek assistance when another person suffers serious bodily injury; to provide for elements of the offense; to provide for definitions; to provide for criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:502 is hereby enacted to read as follows:

§502. Failure to seek assistance

A.(1) Any person at the scene of an emergency who knows that another person has suffered serious bodily injury shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the injured person. Reasonable assistance includes immediately seeking or reporting the need for medical assistance from an appropriate authority.

(2) Any person who engages in reckless behavior that results in the serious bodily injury of any person shall, to the extent that the person can do so without danger or peril to self or others, give reasonable assistance to the person. Reasonable assistance includes immediately seeking or reporting the need for medical assistance from an appropriate authority.

B. For purposes of this Section:

(1) "Appropriate authority" includes:

(a) Any state or local law enforcement agency.

(b) A 911 Public Safety Answering Point as defined in Title 33 of the Louisiana Revised Statutes of 1950.

(c) Emergency medical personnel.

(2) "Reckless behavior" means an activity or behavior in which a reasonable person knew or reasonably should have known that the activity or behavior may result in injury to another, including but not limited to excessive consumption of alcohol, binge drinking, drag racing, consumption of any controlled dangerous substance, acts of hazing, or other similar activity, including activity which is defined as a criminal offense under this Title.

(3) "Serious bodily injury" means bodily injury that involves unconsciousness, extreme physical pain, or protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ, or mental faculty, death, or a substantial risk of death.

C.(1) Except as provided in Paragraph (2) of this Subsection, any person who violates the provisions of this Section shall be fined not more than one thousand dollars, imprisoned with or without hard labor for not more than one year, or both.

(2) If the serious bodily injury results in the death of the person, any person who violates the provisions of this Section shall be fined not more than two thousand dollars, imprisoned with or without hard labor for not more than five years, or both.

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 638

HOUSE BILL NO. 674

BY REPRESENTATIVE NORTON

AN ACT

To amend and reenact R.S. 32:717(A) and 718(C) and to enact R.S. 32:717(C) and 718(E), relative to the sale of a motor vehicle or auto hulk as scrap to be dismantled or destroyed; to define the term "motor vehicle"; to specify the database for certain required reporting; to provide for certain prohibitions and reporting relative to stolen auto hulk; 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. 32:717(A) and 718(C) are hereby amended and reenacted and R.S. 32:717(C) and 718(E) are hereby enacted to read as follows:

§717. Sale of motor vehicle as scrap

A. Any owner who sells a motor vehicle as scrap to be dismantled or destroyed shall assign a certificate of title thereto to the purchaser, whether the certificate was issued by the vehicle

commissioner of this state or any other state, and the purchaser shall deliver the certificate of title to the commissioner with an application for a permit to dismantle such the vehicle. The commissioner shall thereupon issue to the purchaser a permit to dismantle the vehicle, which shall authorize the purchaser to possess or transport the motor vehicle or to transfer ownership thereto by an endorsement upon the permit. A certificate of title shall not again be issued for the motor vehicle in the event it is scrapped, dismantled, or destroyed.

C. For purposes of this Section, "motor vehicle" or "vehicle" means a "motor vehicle" as defined in R.S. 32:401.

§718. Sale of an auto hulk as scrap to a scrap metal processor or a licensed automotive dismantler and parts recycler

C. Every secondary metal processor or licensed automotive dismantler and parts recycler shall submit an electronic report to the office of motor vehicles of the vehicle identification number of each auto hulk or vehicle received from a seller to the office of motor vehicles' auto hulk database located at www.expresslane.org. The report shall be in a form approved by the office of motor vehicles and shall be submitted within seventy-two hours of the purchase of the auto hulk prior to the dismantling, crushing, or other destruction of the auto hulk. The office of motor vehicles shall send a return message that the report was successfully entered. If the office's return message indicates the auto hulk has been reported as stolen, such auto hulk shall not be dismantled or destroyed, and the secondary metal processor or licensed automotive dismantler and parts recycler in possession of the auto hulk shall notify local law enforcement of its location.

E. For the purposes of this Chapter and Chapter 4-C of this Title, "auto hulk" shall not mean a motor vehicle as defined in R.S. 32:781.

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 639

HOUSE BILL NO. 676

BY REPRESENTATIVES HILFERTY, ANDERS, BACALA, BAGNERIS, BERTHELOT, BILLIOT, BOUIE, BRASS, CHAD BROWN, TERRY BROWN, GARY CARTER, ROBBY CARTER, STEVE CARTER, CONNICK, COX, DAVIS, EDMONDS, FALCONER, FOIL, GAROFALO, GISCLAIR, GLOVER, HALL, HODGES, HOFFMANN, HOLLIS, HORTON, HUNTER, JACKSON, JEFFERSON, NANCY LANDRY, LEGER, LYONS, MACK, MARCELLE, MARINO, MCFARLAND, GREGORY MILLER, NORTON, PIERRE, POPE, REYNOLDS, SCHEXNAYDER, SMITH, STAGNI, STOKES, THOMAS, WHITE, WRIGHT, AND ZERINGUE AND SENATORS ALARIO, APPEL, BARROW, BISHOP, BOUDREAU, CHABERT, CORTEZ, DONAHUE, GATTI, HEWITT, LAFLEUR, LONG, LUNEAU, MILLS, MIZELL, MORRELL, MORRISH, PEACOCK, PRICE, RISER, GARY SMITH, THOMPSON, WALSWORTH, WARD, AND WHITE

AN ACT

To amend and reenact R.S. 17:407.51(H), to enact R.S. 17:407.23(B)(6) and (D) and Part X-F of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:407.101, and R.S. 36:651(G)(6), and to repeal R.S. 17:407.23(D)(3) and Part X-F of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:407.101, and R.S. 36:651(G)(6), relative to the development of early childhood care and education; to establish the Early Childhood Care and Education Commission; to provide relative to the purpose, membership, and meetings of the commission; to require the commission to study and make recommendations relative to specific matters; to require the commission report to the legislature; to provide for termination of the commission; to provide for an early childhood care and education pilot program within the Department of Education; to provide for program funding; to provide for the authority and responsibilities of the State Board of Elementary and Secondary Education; to provide for participation in pilot programs; to provide for the powers and duties of the Advisory Council on Early Childhood Care and Education; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:407.51(H) is hereby amended and reenacted and R.S. 17:407.23(B)(6) and (D) and Part X-F of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:407.101, are hereby enacted to read as follows:

§407.23. Early Childhood Care and Education Network; creation; components; duties and responsibilities; pilot programs

B. To facilitate the creation of this network, the state board shall:

(6) Incorporate feedback from the Early Childhood Care and Education Commission into a statewide policy on local governance and coordination.

D.(1) The state board may use available public and private funds to implement new strategies to increase access to and improve the quality of early childhood care and education programs by establishing pilot programs in high-performing community early childhood care and education networks established by the state board pursuant to this Section. Lead agencies of high-performing community networks, as identified by the state board, may elect to participate in the pilot programs. The findings from these pilot programs shall be used to inform statewide efforts to improve the effectiveness of local early childhood care and education programs.

(2) A community network participating in a pilot program shall:

(a) Measure the need for affordable access to quality early childhood care and education for children from birth through age four within the community.

(b) Establish a local, collaborative governing structure for shared decisionmaking.

(c) Identify shared resources that can support improved access to and quality of early childhood care and education programs for children from birth through age four and determine how resources can be leveraged to maximize the impact of such programs for each age year.

(d) Determine how future financial support should be used to expand access to and improve quality of infant, toddler, and prekindergarten classrooms in the local community.

(3) The state Department of Education shall provide updates on the pilot programs to the Early Childhood Care and Education Commission.

§407.51. Advisory Council

H.(1) The council shall provide input and guidance to the board and the department on matters pertaining to the development and implementation of rules, regulations, bulletins, policies, or standards related to all publicly funded early care and education programs, including early learning centers, enrollment in early learning centers, the Cecil J. Picard LA 4 Early Childhood Program, the Child Care and Development Fund Block Grant, the Child Care Assistance Program, Early Head Start, and Head Start.

(2) Beginning April 1, 2020, the council shall regularly evaluate the implementation of the plan for early childhood care and education established by the Early Childhood Care and Education Commission and provide recommendations to support its implementation.

PART X-F. EARLY CHILDHOOD CARE AND EDUCATION COMMISSION

§407.101. Early Childhood Care and Education Commission

A. The legislature finds that the early childhood care and education network established by Act No. 3 of the 2012 Regular Session of the Legislature and community networks created by the State Board of Elementary and Secondary Education have been instrumental in improving kindergarten readiness. Community networks, especially those with the highest performance, are able to demonstrate that affordable access can be achieved when provided with adequate resources. Providing early childhood programming of high quality, rather than affordable access alone, must remain a state priority. While quality can be measured on a statewide basis, it is best assured through community-based plans and local early childhood program collaboration.

B. The Early Childhood Care and Education Commission is hereby established for the purpose of building on the foundation established by Act No. 3 of the 2012 Regular Session of the Legislature to create a vision for the future of early childhood care and education in Louisiana.

C.(1) The commission is comprised in part of twenty-six voting members as follows:

(a) One representative of a municipality that receives Head Start funding, appointed by the governor.

(b) One representative of a Head Start program, appointed by the governor.

(c) One representative of a child advocacy or community organization, appointed by the governor.

(d) One representative of a special-needs advocacy organization, appointed by the governor.

(e) One representative of the governor's office, appointed by the governor.

(f) One business representative, appointed by the speaker of the House of Representatives.

(g) One local school superintendent, appointed by the speaker of the House of Representatives.

(h) One representative of Type III early learning centers, appointed by the speaker of the House of Representatives.

(i) One representative of a child advocacy or community organization, appointed by the speaker of the House of Representatives.

(j) One parent of a child in a publicly funded child daycare center, Early Head Start Center, Head Start Center, or stand-alone prekindergarten program, appointed by the speaker of the House of Representatives.

(k) Two members of the House of Representatives, appointed by the speaker of the House of Representatives.

(l) One business representative, appointed by the president of the Senate.

(m) One local school superintendent, appointed by the president of the Senate.

(n) One representative of Type III early learning centers, appointed by the president of the Senate.

(o) One representative of a child advocacy or community organization, appointed by the president of the Senate.

(p) One parent of a child in a publicly funded child daycare center, Early Head Start Center, Head Start Center, or stand-alone prekindergarten program, appointed by the president of the Senate.

(q) Two members of the Senate, appointed by the president of the Senate.

(r) Two representatives of high-performing community early childhood care and education networks, appointed by the State Board of Elementary and Secondary Education upon recommendation of the state superintendent of education.

(s) One representative of a nonpublic school participating in a publicly funded early childhood care and education program, appointed by the State Board of Elementary and Secondary Education.

(t) A member appointed by the American Academy of Pediatrics, Louisiana Chapter.

(u) One person with professional expertise in the operations of a family care center, appointed by the governor.

(v) One early care and education researcher from a public postsecondary education institution, appointed by the speaker of the House of Representatives.

(w) One representative from either a Type I or Type II early learning center, appointed by the president of the Senate.

(2) The commission is comprised in part of twelve nonvoting members as follows:

(a) One representative of maternal, infant, and early childhood home visitation programs within the Bureau of Family Health, appointed by the secretary of the Louisiana Department of Health.

(b) One representative of the Early Steps program within the Bureau of Family Health, appointed by the secretary of the Louisiana Department of Health.

(c) One representative of early childhood programs within the state Department of Education, appointed by the state superintendent of education.

(d) One representative of the Louisiana Head Start Collaboration Office, appointed by the state superintendent of education.

(e) One representative of the special education programs within the Department of

Education, appointed by the state superintendent of education.

(f) A staff member of the Board of Regents, appointed by the Board of Regents.

(g) The executive director of the Louisiana Workforce Commission, or his designee.

(h) The secretary of the Department of Economic Development, or his designee.

(i) The secretary of the Department of Children and Family Services, or his designee.

(j) One professional with expertise in the socioemotional development and well-being of children from birth through age four, appointed by the governor.

(k) One early intervention researcher from a Louisiana public postsecondary education institution, appointed by the Board of Regents.

(l) One early childhood education researcher from a Louisiana public postsecondary education institution, appointed by the Board of Regents.

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

(4) The chairman of the House Committee on Education and chairman of the Senate Committee on Education, acting jointly, shall select two voting members to serve as co-chairmen of the commission.

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

D. The state Department of Education shall provide staff support for the commission.

E. The commission shall study and make recommendations relative to establishing a vision for the future of early childhood care and education in Louisiana. When conducting analysis and making recommendations relative to a vision and framework, the commission shall do all of the following:

(1) Gather and analyze data relative to the current availability, quality, and cost of early childhood care and education throughout the state for children from birth through age four, determine needs and priorities, and develop a plan focused on family access, affordability, and quality.

(2) Consider research, local coordination currently established in Louisiana including current high-performing community networks, and related work done in other states to determine best practices for the purpose of informing and fostering the continued development of local governing entities that coordinate across programs and providers in order to meet family needs, drive quality improvement, maximize financial resources, and support children from birth through age four and their families.

(3) Determine a sustainable infrastructure to ensure quality programs across providers. Such infrastructure shall include workforce and professional development, monitoring and assessment, coordinated enrollment, and data-informed decisionmaking.

(4) Identify opportunities for collaboration and coordination among programs and agencies responsible for development of children from birth through age four.

(5) Define a timeframe for achieving the vision and determine benchmarks for the intervening years.

(6) Determine the amount of funding needed to achieve affordable access to quality care and education for all children from birth through age four and recommend policies that prioritize the allocation of future funding.

F. Before the 2019 Regular Session of the Legislature, the commission shall produce a report of its findings and recommendations. Before the 2020 Regular Session of the Legislature, the commission shall produce a report on the status of the implementation of its recommendations. The reports shall be provided to the governor, members of the legislature, the state superintendent of education, and the State Board of Elementary and Secondary Education no less than fourteen days prior to the first day of the regular session.

G. The commission shall meet at least twice between the 2018 and 2019 Regular Sessions of the Legislature and shall meet at least twice between the 2019 and 2020 Regular Sessions of the Legislature during which meetings the state Department of Education shall provide updates on how the commission's recommendations are being implemented. The commission shall make any further recommendations it deems necessary to advance the vision and goals established.

H. A majority of the voting members of the commission shall constitute a quorum for the transaction of business. The commission shall be domiciled in Baton Rouge but may hold public hearings elsewhere in the state.

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

§651. 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 Early Childhood Care and Education Commission (R.S. 17:407.101).

* * *

Section 3. R.S. 17:407.23(D)(3), Part X-F of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:407.101, and R.S. 36:651(G)(6) are hereby repealed in their entirety.

Section 4. Section 3 of this Act shall become effective on March 31, 2020.

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 640

HOUSE BILL NO. 793

BY REPRESENTATIVES STEVE CARTER AND LEGER

AN ACT

To amend and reenact R.S. 17:1801 and to enact R.S. 17:1801.1, relative to hazing at postsecondary education institutions; to provide relative to a prohibition against hazing; to require the Board of Regents to develop and adopt a uniform hazing policy; to require postsecondary education institutions to adopt such policy; to authorize institutions to amend such policy with limitations; to require institutions to provide information relative to hazing at orientation; to require campus organizations to provide information relative to hazing; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1801 is hereby amended and reenacted and R.S. 17:1801.1 is hereby enacted to read as follows:

§1801. Hazing prohibited; penalties

A. Hazing in any form, or the use of any method of initiation into fraternal organizations in any educational institution supported wholly or in part by public funds, which is likely to cause bodily danger or physical punishment to any student or other person attending any such institution is prohibited.

B. Whoever violates the provisions of this Section shall be fined not less than ten dollars nor more than one hundred dollars, or imprisoned for not less than ten days nor more than thirty days, or both, and in addition, shall be expelled, suspended, or dismissed from the educational institution and not permitted to return during the current session or term in which the violation occurs for at least one semester, quarter, or comparable academic period. In addition, the person violating the provisions of this Section may also be subject to the provisions of R.S. 14:40.8 which provides penalties for certain hazing activities.

C. If an organization has taken disciplinary action against one of its members for hazing or has reason to believe that any member of the organization has participated in an incident of hazing, the organization shall report the incident to the institution with which it is affiliated. If an organization or any of its members has been disciplined by a parent organization for hazing, the organization shall report the hazing for which the organization was disciplined to the institution with which it is affiliated.

D. For purposes of this Section and R.S. 17:1801.1:

(1) "Postsecondary education institution", "education institution", and "institution" mean any postsecondary education institution in this state supported wholly or in part by public funds.

(2)(a) "Hazing" means any intentional, knowing, or reckless act by a person acting alone or acting with others that is directed against another when both of the following apply:

(i) The person knew or should have known that such an act endangers the physical health or safety of the other person or causes severe emotional distress.

(ii) The act was associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization.

(b) "Hazing" includes but is not limited to any of the following acts associated with pledging, being initiated into, affiliating with, participating in, holding office in, or maintaining membership in any organization:

(i) Physical brutality, such as whipping, beating, paddling, striking, branding, electric shocking, placing of a harmful substance on the body, or similar activity.

(ii) Physical activity, such as sleep deprivation, exposure to the elements, confinement in a small space, or calisthenics, that subjects the other person to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.

(iii) Activity involving consumption of food, liquid, or any other substance, including but not limited to an alcoholic beverage or drug, that subjects the individual to an unreasonable risk of harm or that adversely affects the physical health or safety of the individual or causes severe emotional distress.

(iv) Activity that induces, causes, or requires an individual to perform a duty or task that involves the commission of a crime or an act of hazing.

(c) A physical activity that is normal, customary, and necessary for a person's training and participation in an athletic, physical education, military training, or similar program sanctioned by the postsecondary education institution is not considered "hazing" for purposes of this Section.

(3) "Organization" means a fraternity, sorority, association, corporation, order, society, corps, cooperative, club, service group, social group, band, spirit group, athletic team, or similar group whose members are primarily students at, or former students of, a postsecondary education institution. "Organization" includes the national or parent organization of which any of the underlying entities provided for in this Paragraph is a sanctioned or recognized member at the time of the hazing.

(4) "Pledging" means any action or activity related to becoming a member of an organization, including recruitment and rushing.

§1801.1. Hazing education; policies; new student orientation; organizations

A. Not later than August 1, 2018, the Board of Regents shall develop and adopt a uniform policy on hazing prevention. The policy shall define hazing as defined in R.S. 17:1801. Each postsecondary education institution shall adopt the uniform policy developed by the Board of Regents. An institution may expand the definition of hazing to prohibit additional behaviors it determines may be dangerous but shall not otherwise amend the definition.

B.(1) Each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process in the form of a handbook.

(2) In addition to the requirement provided in Paragraph (1) of this Subsection, beginning in the fall semester of 2019, each new student shall be provided educational information on the dangers of and prohibition on hazing during the new student orientation process either in person or electronically.

C. Each organization as defined in R.S. 17:1801 shall provide annually at least one hour of hazing prevention education to all members and prospective members. The education may be provided in person, electronically, or both. Each organization shall submit a report annually to the institution with which it is affiliated relative to the students receiving such education

evidenced by an attestation of the student receiving the education.

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 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 641

HOUSE BILL NO. 895

(Substitute for House Bill No. 575 by Representative Norton)

BY REPRESENTATIVES NORTON, AMEDEE, BAGLEY, BOUIE, BRASS, GARY CARTER, COX, DUPLESSIS, EDMONDS, HALL, HORTON, HUNTER, JACKSON, JEFFERSON, JENKINS, LYONS, MARCELLE, PIERRE, SMITH, AND STOKES

AN ACT

To enact Part XII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:409, and R.S. 17:3399.16, relative to instruction in school safety in public schools and public postsecondary education institutions; to require school officials and campus security officers to provide information to students regarding potential threats to school safety exhibited through online content; to provide for elements to be included in such information; to provide a process for students to report online content deemed potentially dangerous; to provide for confidentiality of personal information about students who report such matters; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. This Act shall be known as and may be cited as the "Louisiana We Must Save Our Children Act".

Section 2. Part XII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:409, and R.S. 17:3399.16, are hereby enacted to read as follows:

PART XII. LOUISIANA SCHOOL AND STUDENT SAFETY

§409. Safety education; recognition and reporting of potential threats to safety

A. Each public school governing authority, in consultation with local law enforcement agencies, shall develop and distribute age and grade appropriate information to each student regarding internet and cell phone safety and online content that is a potential threat to school safety. The information shall include how to recognize and report potential threats to school safety that are posted on the internet, including but not limited to posts on social media. The information shall either be distributed to or explained to students and school personnel at the beginning of each school year and shall be posted on an easily accessible page of each school's website and the website of the school's governing authority.

B. The information shall include the following:

(1) Instruction on how to detect potential threats to school safety exhibited online, including on any social media platform.

(2) Visual examples of possible threats.

(3) The reporting process, as provided in Subsection C of this Section.

C. Each public school governing authority shall develop procedures for reporting potential threats to school safety. The reporting procedures, at a minimum, shall include:

(1) A standardized form to be used by students and school personnel to report potential threats which requests, at a minimum, the following information:

(a) Name of school, person, or group being threatened.

(b) Name of student, individual, or group threatening violence.

(c) Date and time the threat was made.

(d) Method by which the threat was made, including the social media outlet or website where the threat was posted, a screenshot or recording of the threat, if available, and any printed evidence of the threat.

(2) A process for allowing school personnel to assist students in completing the standardized form.

(3) A process for allowing reporting by an automated voice system.

(4) A process for allowing anonymous reporting and for safeguarding the identity of a person who reports a threat.

(5) For every threat reported, a school administrator shall record, on the form provided for by this Subsection, the action taken by the school.

D. If information reported to a school pursuant to Subsection C of this Section is deemed a potential threat to school safety, the school shall present the form and evidence to local law enforcement agencies. If the information poses an immediate threat, school administrators shall follow procedures provided in R.S. 17:416.16.

* * *

§3399.16. Safety education; recognition and reporting of potential threats to safety

A. The administration of each public postsecondary institution, in consultation with campus or local law enforcement agencies, shall develop and distribute information to students regarding internet and cell phone safety and online content that is a potential threat to school safety. Such information shall include how to recognize and report potential threats to school safety that are posted on the internet, including but not limited to posts on social media.

B. The information shall include the following:

(1) Instruction on how to detect potential threats to school safety exhibited online, including on any social media platform.

(2) Visual examples of possible threats.

(3) The reporting process, as provided in Subsection D of this Section.

C. The information shall be distributed as part of new student orientation and shall be posted on an easily accessible page of each institution's website.

D. The reporting process shall, at a minimum, include:

(1) A standardized form to be used by students, faculty, and other personnel to report potential threats. The form shall request, at a minimum, the following information:

(a) Name of institution, person, or group being threatened.

(b) Name of student, individual, or group threatening violence.

(c) Date and time the threat was made.

(d) Method by which the threat was made, including the social media outlet or website where the threat was posted, a screenshot or recording of the threat, if available, and any printed evidence of the threat.

(2) A process for allowing anonymous reporting and for safeguarding the identity of a person who reports a threat.

E. Each institution shall adopt a policy to implement the provisions of this Part. The policy shall require that for every threat report received, the actions taken by the institution and the campus law enforcement agency or security officers be documented. The policies shall also provide for guidelines on referring the threats to the appropriate law enforcement agencies.

Approved by the Governor, May 31, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 642

HOUSE BILL NO. 379

BY REPRESENTATIVE HENRY

AN ACT

To amend and reenact R.S. 39:82(A) and 352 and to repeal R.S. 39:100.21(B), relative to special treasury funds, to repeal certain requirements of deposits and uses of the Overcollections Fund; to provide for the transfer, deposits, and use, as specified, of certain treasury funds; to delete references to the Overcollections Fund, Higher Education Financing Fund, and the Payments Towards the UAL Fund; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer \$30,654,990, to be comprised wholly of nonrecurring revenues out of the state general fund from the Fiscal Year 2016-2017 surplus, as recognized by the Revenue Estimating Conference, to the Budget Stabilization Fund.

Section 2. Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer Eight Hundred Forty-one Thousand One Hundred Sixteen Dollars (\$841,116) from the Capital Outlay Escrow Fund to the Louisiana Fire Marshal Fund, to be appropriated by the legislature to the Office of State Fire Marshal within the Department of Public Safety and Corrections - Public Safety Services to be used for one-time expenses as recognized by the Revenue Estimating Conference.

Section 3. R.S. 39:82(A) and 352 are hereby amended and reenacted to read as follows:

§82. Remission of cash balances to the state treasurer; authorized withdrawals of state monies after the close of the fiscal year; reports

A. All cash balances occurring from appropriations made by legislative act or by the Interim Emergency Board regardless of date of passage to any state agency for which no bona fide liability exists on the last day of each fiscal year shall be remitted to the state treasurer by the fifteenth day following the last day of the fiscal year. Any appropriations including those made by the Interim Emergency Board of the preceding fiscal year remaining at the end of the fiscal year against which bona fide liabilities existed as of the last day of the fiscal year may be withdrawn from the state treasury during the forty-five day period after the last day of the fiscal year only as such liabilities come due for payment. Prior to placing monies associated with such unexpended appropriations into the state general fund, the state treasurer shall transfer all cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for professional, personal, and consulting service contracts not approved by the Joint Legislative Committee on the Budget as provided in R.S. 39:1590 and remaining at the end of each fiscal year for deposit in and credit to the Higher Education Financing Fund as are necessary to satisfy the requirements of R.S. 39:100.146, and then shall make deposits to the Payments Towards the UAL Fund as are necessary to satisfy the requirements of R.S. 39:100.11.

* * *

§352. Cancellation of unexpended portions of appropriations; exceptions

Whenever any specific appropriation is made to meet any item of expenditure which occurs annually by provision of law or for contingent expense, and any portion of it remains unexpended at the end of the year for which the specific appropriation was made, after all legal claims against it for the year have been paid, the commissioner of administration shall cancel any balance of the appropriation, and each succeeding year he shall open a new account for the appropriation which may be made for that particular year, without carrying forward any unexpended balance of appropriation made for any previous year. This provision shall not apply to appropriations made to pay the debt of the state, principal and interest. Prior to placing monies associated with such unexpended appropriations into the state general fund, the state treasurer shall transfer all cash balances identified and reported by the commissioner of administration as being from unexpended and unencumbered state general fund (direct) and Overcollections Fund appropriations for professional, personal, and consulting service contracts not approved by the Joint Legislative Committee on the Budget as provided in R.S. 39:1590 remaining at the end of each fiscal year for deposit in and credit to the Higher Education Financing Fund as is necessary to satisfy the requirements of R.S. 39:100.146 and then shall make deposits to the Payments Towards the UAL Fund as are necessary to satisfy the requirements of R.S. 39:100.11.

* * *

Section 4. R.S. 39:100.21(B) is hereby repealed in its entirety.

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

Approved by the Governor, June 2, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 643

SENATE BILL NO. 2
BY SENATOR PEACOCK
AN ACT

To grant a permanent benefit increase to retirees and beneficiaries of the Louisiana State Police Retirement System in conformity with the statutory provisions governing the system's experience account.

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

Section 1. The legislature finds that the experience account of the Louisiana State Police Retirement System was created for the purpose of accumulating money sufficient to provide actuarial funding of permanent post-retirement benefit increases for certain retirees and beneficiaries of the system. The legislature further finds that the experience account is credited with a portion of the system's investment gain in excess of certain thresholds and with interest on funds in the account; provided, however, that the amount in the experience account shall in no event exceed the reserve necessary to grant one permanent benefit increase until the system is at least eighty percent funded.

Section 2. The legislature finds that permanent benefit increases funded by the experience account monies are payable to regular retirees who have been retired for at least one year and who have attained the age of sixty years; to disability retirees who have been retired at least one year regardless of age; to beneficiaries of retirees who would have met the applicable criteria to receive the increase if they had survived; and to nonretiree beneficiaries who have been receiving benefits for at least a year and whose benefits are derived from service of deceased members who would have attained age sixty. The legislature further finds that any increase payable in 2018 shall be calculated on the first sixty-one thousand five hundred eighty-eight dollars of a retirement benefit only.

Section 3. The legislature finds that, in accordance with the provisions of R.S. 11:1332, the board of trustees of the Louisiana State Police Retirement System has sent a resolution recommending to the president of the Senate and the speaker of the House of Representatives that the legislature grant a permanent benefit increase to the eligible retirees and beneficiaries of the system in accordance with the provisions of R.S. 11:1332 and Article X, Section 29(F) of the Constitution of Louisiana.

Section 4. The legislature finds that the resolution presented to the presiding officers of the legislature contains a recitation of the statutorily required conditions and specification of the satisfaction of each as follows:

(A) For the plan year that ended June 30, 2017, the Louisiana State Police Retirement System earned an actuarial rate of return of eight and twenty-three one-hundredths percent, which exceeded the board-approved actuarial valuation rate of seven percent, and was seventy-two and ninety-one one-hundredths percent funded.

(B) For any year in which the system's rate of return is at least seven percent, R.S. 11:1332(C), provides that if the system is at least sixty-five percent funded but less than seventy-five percent funded and the legislature has not granted a benefit increase in the preceding year, a permanent benefit increase shall not exceed the lesser of two percent or the increase in the consumer price index, U.S. city average for all urban consumers, as prepared by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending on the system's valuation date preceding the increase.

(C) The consumer price index, U.S. city average for all urban consumers, as prepared by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending June 30, 2017, was determined to be one and six-tenths percent, which is less than two percent.

(D) The system actuary has determined that the actuarial liability created by providing a permanent benefit increase of one and six-tenths percent is approximately five million two hundred sixty thousand dollars. The system actuary computed the balance in the experience account to be over five million two hundred sixty thousand dollars, an amount sufficient to fund a benefit increase up to one and six-tenths percent.

Section 5. The legislative auditor has confirmed that the legislative auditor's actuary is in the process of determining whether he agrees with the determinations of the system actuary.

Section 6. Contingent upon satisfaction of all necessary conditions contained in R.S. 11:1332, the first sixty-one thousand five hundred eighty-eight dollars of the current benefit of each retiree and beneficiary of the Louisiana State Police Retirement System who meets the eligibility criteria contained in the statute and recited herein shall be increased by the applicable 2017 consumer price index of one and six-tenths percent effective July 1, 2018.

Section 7. This Act shall become effective on June 30, 2018; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2018, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 1, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 644

SENATE BILL NO. 27
BY SENATOR MILLS
AN ACT

To amend and reenact R.S. 46:153.3(D)(1) and (2), relative to the Medicaid Pharmaceutical and Therapeutics Committee; to provide for committee composition; to provide for committee diversity; to provide for nominating entities; to provide for filling of vacancies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:153.3(D)(1) and (2) are hereby amended and reenacted to read as follows:
§153.3. Medical vendor reimbursements; allowable restrictions; peer-based prescribing and dispensing practice patterns; Medicaid Pharmaceutical and Therapeutics Committee

* * *

D.(1) The Medicaid Pharmaceutical and Therapeutics Committee, hereinafter referred to as "the committee", is hereby created within the Louisiana Department of Health. The committee

shall be composed of twenty-one ~~fifteen~~ members appointed by the governor and submitted to the Senate for confirmation. The committee shall be representative of the state's geographic and demographic composition, including women and minorities. **The governor shall ensure that appointments achieve race, gender, and geographic diversity.**

(2)(a) Each nominating organization shall certify by affidavit that the practice of each nominee involves either the care of or the supervision of the care of no less than one hundred Medicaid recipients. The committee shall be comprised of the following persons:

(a)(i) One physician with expertise in the area of pharmacology representing **nominated by** the Louisiana State University Health Sciences Center.

(b)(ii) One physician with expertise in the area of pharmacology representing **nominated by** Tulane University School of Medicine.

(c) One practicing physician who is participating in the Title XIX program as a family practitioner recommended by the Louisiana State Medical Society.

(d) One practicing physician who is participating in the Title XIX program as an internal medicine specialist recommended by the Louisiana State Medical Society.

(e) One practicing physician who is participating in the Title XIX program as a pediatrician recommended by the Louisiana State Medical Society.

(f) One practicing physician who is participating in the Title XIX program as a surgeon recommended by the Louisiana State Medical Society.

(g) One practicing physician who is participating in the Title XIX program as an obstetrics/gynecologist recommended by the Louisiana State Medical Society.

(h) Two practicing physicians who are participating in the Title XIX program recommended by the Louisiana Medical Association.

(iii) Four physicians nominated by the Louisiana State Board of Medical Examiners.

(i)(iv) One pharmacist representing **nominated by the** University of Louisiana at Monroe School of Pharmacy.

(j)(v) One pharmacist representing **nominated by the** Xavier University of Louisiana School of Pharmacy.

(k)(vi) Two practicing pharmacists who are participating in the Title XIX drug program **nominated by the Louisiana Board of Pharmacy.** One pharmacist shall be an independent pharmacist recommended by the Louisiana Independent Pharmacists Association and one pharmacist shall be a pharmacist representing a chain pharmacy recommended by the Louisiana Pharmacists Association.

(l)(vii) The secretary of the Louisiana Department of Health, or his designee.

(m)(viii) The director of the Medicaid program in the Louisiana Department of Health or his designee.

(n)(ix) The president of the Senate or the president's designee.

(o)(x) The speaker of the House of Representatives or the speaker's designee.

(p) One practicing physician who is participating in the Title XIX program as a psychiatrist recommended by the Louisiana Psychiatric Medical Association.

(q)(xi) A consumer member who shall be a Medicaid recipient.

(r) One physician representing the Department of Neurology at Louisiana State University Health Sciences Center.

(s) One physician who is a pediatric oncologist representing the Louisiana State University Health Sciences Center.

(b) Any committee member who misses two consecutive meetings may be replaced. The department may send notice to the nominating organization upon the second recorded absence. The nominating organization shall have thirty calendar days from issuance of the notice to submit replacement nominations to the office of the governor. If replacement nominations are not received within thirty days, the department shall nominate a replacement.

* * *

Section 2. Nominating organizations shall submit the names of their nominees to the governor on or before August 1, 2018. If a nominating organization does not submit nominees to the governor by August 1, 2018, the department shall submit nominees to the governor for the respective vacant committee seat on or before September 1, 2018. Appointments shall be made on or before October 1, 2018.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 645

SENATE BILL NO. 73
BY SENATOR GATTI
AN ACT

To enact R.S. 14:87.3(F), relative to abortion; to create and provide relative to the Fetal Organ Whistleblower Account; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

* * *

F. The Fetal Organ Whistleblower Account, hereinafter referred to as "the account", is hereby created in the state treasury.

(1) The account shall be composed of any monies derived from appropriations by the legislature and any gift, grant, devise, donation, or bequest of monies or properties of any nature or description.

(2) An award of one thousand dollars shall be paid out of the account to any person who provides evidence that results in the arrest and indictment of any other person for a violation of this Section. Eligibility for an award pursuant to this Subsection shall be determined by the district attorney or the attorney general, as appropriate.

(3) All monies deposited in the account shall be used solely to pay awards to persons as provided by Paragraph (2) of this Subsection and shall be paid by the state treasurer upon written order signed by the district attorney or the attorney general, as appropriate, except that monies deposited in the account may be used to pay reasonable costs of administering the account.

(4) The name and other identifying information of any person who is paid an award pursuant to this Subsection shall remain confidential.

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 646

SENATE BILL NO. 89
BY SENATOR BISHOP AND
REPRESENTATIVES BOUIE, BRASS AND SMITH
AN ACT

To amend and reenact R.S. 17:3991(A)(1)(b) and (c)(iii), and to enact R.S. 17:3991(A)(1)(c)(iv), relative to the membership of a charter school governing or management board; to provide relative to the composition of such board; to provide for exemptions relative to charter school board members; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3991(A)(1)(b) and (c)(iii) are hereby amended and reenacted and R.S. 17:3991(A)(1)(c)(iv) is hereby enacted to read as follows:

§3991. Charter schools; requirements; limitations; renewal; amendment; revocation; **board membership**

A.(1)(a) * * *

(b)(i) Should a charter school be established with a governing or management board, the members of such shall receive no compensation other than reimbursement of actual expenses incurred while fulfilling duties as a member of such a board.

(ii) **Notwithstanding any provision of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950 or any other law to the contrary, a member of a charter school governing or management board may serve as an officer, director, or employee, whether compensated or not, of any national or state bank; however, he shall recuse himself from voting in favor of any such bank and shall disclose the reason for such recusal by filing a statement of the reason into the minutes or record of the charter school governing or management board and by forwarding a disclosure form to the Board of Ethics.**

(c)(i) * * *

(iii) Each charter school shall be in full compliance with the provisions of this Subparagraph by not later than January 1, 2004: **Beginning October 1, 2018, the membership of the governing or management board of each charter school located in a parish with a population of between three hundred twenty-five thousand and three hundred seventy-five thousand persons, based on the most recent federal decennial census, shall include at least one member who is a parent, legal guardian, or grandparent of a student enrolled in the charter school or an alumnus of the school, who may be appointed or elected. Each charter school governing or management board shall adopt a policy prescribing the process and timelines for either appointing or electing a parent, legal guardian, or grandparent of a student or an alumnus of the school to the board. The policy shall be provided to the parents of each child enrolled in the school and published on the school's website.**

(iv) **Beginning with the 2019-2020 school year, the governing or management board of each charter school, other than a Type 2 charter school, located in a parish with a population of between three hundred twenty-five thousand and three hundred seventy-five thousand persons, based on the most recent federal decennial census, shall be representative of the community in which the charter school is located by race and gender to ensure diversity, and no fewer than sixty percent of its members shall reside in the parish in which the school is located.**

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 647

SENATE BILL NO. 114
BY SENATORS PEACOCK, ALLAIN, CORTEZ, MARTINY,
MIZELL, THOMPSON AND WHITE
AN ACT

To amend and reenact R.S. 29:402(C) and 422(A) and to enact R.S. 29:418.2, relative to the Military Service Relief Act; to provide relative to contracts; to provide for suspension or termination of contracts under certain circumstances; to provide for procedures, terms, and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:402(C) and 422(A) are hereby amended and reenacted and R.S. 29:418.2 is hereby enacted to read as follows:

§402. Purpose * * *

C. The provisions of this Part are intended to be supplemental to any rights that persons called to military service have under any applicable federal statutes, particularly, the Servicemembers Civil Relief Act, 50 App. U.S.C. 501 et seq. **50 U.S.C. 3901 et seq.**, and the Uniformed Services

Employment and Reemployment Rights Act, 38 U.S.C. 4301 et seq., and under any other applicable laws of this state.

* * *

§418.2. Service contracts; suspension or termination during service in the uniformed services

A. A person called to service in the uniformed services may suspend or terminate the following contracts as provided in this Section. The suspension or termination may be made by the person at any time after receiving military orders to relocate, for a period of service of at least ninety days, to a location that does not support the contracts.

B. The contracts that may be suspended or terminated are:

(1) Telecommunications services, excluding cellular phone and wireless service plan contracts subject to the provisions of R.S. 29:418.1.

(2) Internet services.

(3) Telephone services.

(4) Athletic club or gym memberships.

(5) Satellite radio services.

(6) Television services, including but not limited to cable television, direct satellite, and other television-like services.

(7) Utility services.

C.(1) Suspension.

(a) The contract may be suspended for a period not exceeding thirty days after discharge from active military service. The suspension shall be without imposition of any charge, and shall be effective on the day notice is given by the person to the service provider. The notice shall include a copy of the person's military orders.

(b) To reactivate service, the person shall notify the service provider within thirty days of the date of his discharge from active military service. No fee shall be charged for reactivation.

(2) Termination. A contract may be terminated by notice requesting termination of the contract. A copy of the person's military orders shall be included in the notice. No termination or cancellation fee or penalty shall be imposed, and termination shall become effective on the day notice is given to the service provider.

(3) Notice to the service provider shall be made in writing or by electronic communication.

(4) The provisions of this Section shall supersede and control to the extent of conflict with any other provision of law. A contract provision in conflict with the provisions of this Section, or that attempts to waive the provisions of this Section, shall be void and unenforceable as contrary to public policy.

* * *

§422. Enforcement of Servicemembers Civil Relief Act; Uniformed Services Employment and Reemployment Rights Act; notice requirements

A.(1) The provisions of the Servicemembers Civil Relief Act (50 App. U.S.C. 501 et seq.) (50 U.S.C. 3901 et seq.) (SCRA) and the Uniformed Services Employment and Reemployment Rights Act (38 U.S.C. 4301 et seq.) (USERRA) are adopted and made a part of this Part, and all of the benefits, protections, and rights provided in SCRA and USERRA shall be applicable to all persons called to service in the uniformed services as defined in R.S. 29:403 and shall be enforceable pursuant to the provisions of this Section.

(2) The Louisiana Workforce Commission shall make available the following notice that every employer shall post in a conspicuous place in each employment establishment:

"If you are in the national guard, military reserves, or active in the military, you have certain protected employment and reemployment rights, freedom from discrimination rights, and civil relief rights under federal law 38 U.S.C. 4301 et seq. (USERRA) and 50 App. U.S.C. 501 et seq. **50 U.S.C. 3901 et seq.** (SCRA) and state law R.S. 29:401 et seq. (MSRA). If you feel that you have been discriminated against or denied such rights on account of your service in the uniformed services, contact the Employer Support of the Guard and Reserve Committee at 1-800-336-4590."

* * *

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 648

SENATE BILL NO. 119
BY SENATORS MORRELL AND MILLS
AN ACT

To amend and reenact R.S. 47:1508(B)(33), relative to the confidentiality of taxpayer information; to authorize the disclosure of taxpayer information to the Department of Health to verify eligibility for Medicaid; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1508(B)(33) is hereby amended and reenacted to read as follows:

§1508. Confidentiality of tax records * * *

B. Nothing herein contained shall be construed to prevent: * * *

(33) The sharing or furnishing, in the discretion of the secretary, of information to the Louisiana Department of Health's tax filing unit **and Medicaid fraud units** for the purposes of complying with mandatory requirements in accordance with federal law, **including information necessary to verify an individual's eligibility for Medicaid.**

* * *

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 649

SENATE BILL NO. 129

BY SENATORS GATTI, BARROW, BOUDREAUX, CARTER, CHABERT, CLAITOR, COLOMB, ERDEY, LUNEAU, MILLS, PRICE AND WALSWORTH AND REPRESENTATIVES AMEDEE, BACALA, BAGLEY, BERTHELOT, BRASS, CARMODY, STEVE CARTER, CONNICK, COX, CREWS, DAVIS, JIMMY HARRIS, HAVARD, HENRY, HENSGENS, HOFFMANN, HORTON, HOWARD, HUNTER, JACKSON, JEFFERSON, JENKINS, JOHNSON, LEGER, MACK, MARINO, MCFARLAND, NORTON, PIERRE, POPE, PYLANT, REYNOLDS, SCHEXNAYDER, SMITH, STOKES, TALBOT AND ZERINGUE

AN ACT

To amend and reenact R.S. 46:1403.1 and to enact R.S. 46:286.24, relative to foster care; to provide relative to education; to provide that a child may remain in foster care until he graduates from high school under certain circumstances; to provide for benefits and services relative to the foster care program; to provide terms, conditions, and requirements; to provide for the effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1403.1 is hereby amended and reenacted and R.S. 46:286.24 is hereby enacted to read as follows:

§286.24. Foster care; high school student

A. In the event funds are made available for this purpose, the Department of Children and Family Services shall continue to provide to a person in foster care and to the person's foster parents all benefits and services of the department's foster care program after the person's eighteenth birthday if the person is a full-time high school student or in the process of receiving an equivalent credential, until the person's high school graduation or twenty-first birthday, whichever occurs first, upon the written consent of the person and foster parents receiving the benefits and services.

B. Acceptance of these benefits and services shall in no way deprive the person in foster care of any rights or obligations conferred by attaining the age of majority.

C. The benefits and services provided under this Section shall impose no obligation of reimbursement upon the recipients.

D. The department shall notify all foster children and their foster parents or other custodians in writing of the availability of these benefits and services at the foster child's seventeenth birthday, and every ninety days thereafter until the child's eighteenth birthday, unless the foster child and foster parents or other custodians have already consented in writing to participating in this program.

* * *

§1403.1. Extended stay for completion of educational courses or other programs

Notwithstanding any other provision of law to the contrary, including but not limited to R.S. 46:1403(A)(1), a child housed at a residential home or in foster care, may stay at such home or in foster care until his twenty-first birthday to complete any educational course that he began at such facility, or while in foster care, including but not limited to a General Education Development course; and any other program offered by the residential home.

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 650

SENATE BILL NO. 165
BY SENATOR PETERSON
AN ACT

To enact R.S. 49:191(10)(c) and to repeal R.S. 49:191(8)(c), relative to the Department of State, including provisions to provide for the re-creation of the Department of State and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

Section 2. All statutory authority for the existence of the Department of State and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2023, pursuant to R.S. 49:191. However, the Department of State may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.

Section 4. R.S. 49:191(10)(c) is hereby enacted to read as follows:

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

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

* * *

(10) July 1, 2022:

* * *

(c) The Department of State and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(8)(c) is hereby repealed in its entirety.

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 651

SENATE BILL NO. 182
BY SENATOR HEWITT
AN ACT

To enact R.S. 39:21.3(E)(5)(e), relative to the Medicaid Subcommittee on the Health and Social Services Estimating Conference; to require the Medicaid Subcommittee to submit the Medicaid forecast to the Joint Legislative Committee on the Budget for its review; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:21.3(E)(5)(e) is hereby enacted to read as follows:

§21.3. Consensus estimating conferences; duties and principals

* * *

E. Health and Social Services Estimating Conference

* * *

(5)

* * *

(e) The subcommittee shall submit each adopted forecast to the Joint Legislative Committee on the Budget for its review. The chairman of the Joint Legislative Committee on the Budget shall place the presentation of the Medicaid forecast on the agenda for discussion at the next month's meeting following the submission by the subcommittee.

* * *

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 652

SENATE BILL NO. 204
BY SENATORS GARY SMITH, CORTEZ,
MARTINY, MIZELL AND THOMPSON
AN ACT

To amend and reenact the heading of Chapter 19-C of Title 51 of the Louisiana Revised Statutes of 1950, R.S. 51:1741.1, 1741.2, 1741.4(A), and 1741.5 and to enact R.S. 51:1741.4(B) (5), relative to caller ID spoofing; to provide for definitions; to provide for unlawful acts; to provide for exceptions; to provide injunctive relief, penalties, and damages; to provide for certain terms, procedures, and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Chapter 19-C of Title 51 of the Louisiana Revised Statutes of 1950, R.S. 51:1741.1, 1741.2, 1741.4(A), and 1741.5 are hereby amended and reenacted and R.S. 51:1741.4(B)(5) is hereby enacted to read as follows:

CHAPTER 19-C. ANTI-CALLER ID ANTI-SPOOFING

§1741.1. Legislative findings

The legislature of the state of Louisiana finds that the citizens of this state are potential targets of a telephone scam known as "caller ID spoofing" or "caller ID fraud," which allows a caller to hide his or her true identity by modifying caller ID information with the intent to mislead, defraud, or deceive, the recipient of the telephone call cause harm, or wrongfully obtain anything of value. It is, therefore, the intent of this Chapter to protect Louisiana citizens from such scams which have led to financial loss, the loss of personal information, harassment, and potentially threatening telephone calls.

§1741.2. Short title

This Chapter shall be known and may be cited as the "Anti-Caller ID Anti-Spoofing Act."

* * *

§1741.4. Unlawful acts; exceptions

A. It shall be unlawful for a caller to knowingly insert false information into a caller identification system with the intent to mislead, defraud, or deceive, the recipient of a telephone call cause harm, or wrongfully obtain anything of value.

B. The provisions of this Chapter shall not apply to:

* * *

(5) Caller identification manipulation specifically authorized by court order.

§1741.5. Remedies for violation

A. Any person or entity who is adversely affected by a violation of this Chapter may bring an action against a person who knowingly inserts false information into a caller identification system with the intent to mislead, defraud, or deceive the recipient of a telephone call. A person who brings an action under this Chapter may seek to enjoin further violations of R.S. 51:1741.4 and seek to recover the greater of three times the amount of actual damages or five thousand dollars per violation. Whoever violates the provisions of this Chapter shall be subject to injunctive relief, treble damages, court costs, and reasonable attorney fees.

B. Any person or entity who is adversely affected by a violation of this Chapter may bring an

action against a person who knowingly inserts false information into a caller identification system with the intent to cause harm to, wrongfully obtain anything of value from, mislead, defraud, or deceive the recipient of a telephone call. A person who brings an action under this Chapter may seek to enjoin further violations of R.S. 51:1741.4 and seek to recover as provided for in this Section.

C. The attorney general, or a district attorney in a parish where a violation occurs, may bring an action against a person who violates or is in violation of this Chapter to enjoin further violations of R.S. 51:1741.4 and a violator for injunctive relief and to recover a civil penalty of up to five ~~ten~~ thousand dollars per violation.

D. The remedies provided for in this Section shall not preclude the seeking of other remedies, including criminal remedies, provided by law.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 653

SENATE BILL NO. 220
BY SENATOR CARTER
AN ACT

To amend and reenact R.S. 39:105(B), and to enact R.S. 39:105(C), relative to capital outlay reports; to require the office of facility planning and control to submit to the Joint Legislative Committee on Capital Outlay an annual report of funded nonstate projects which do not have a fully executed cooperative endeavor agreement, a design contract, or are not proceeding with construction, and the reasons therefor; to provide for a copy of the report to be sent to each legislator whose district includes one or more projects on the list; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:105(B) is hereby amended and reenacted and R.S. 39:105(C) is hereby enacted to read as follows:

§105. Capital Outlay reports to Joint Legislative Committee on Capital Outlay

* * *

B.(1) The office of facility planning and control and any state agency authorized to administer capital outlay appropriations shall submit to the Joint Legislative Committee on Capital Outlay, an annual written progress report no later than the first day of February, of the nonstate projects included in the current year's capital outlay budget which have been funded by the legislature, whether such funding was by appropriation or by bond authorization for which:

(a) **The cooperative endeavor agreement or any amendments thereto, with the state have not been fully executed. The project manager and the nonstate entity shall give a written explanation as to why the agreement has not been fully executed.**

(b) **The nonstate projects which have a fully executed cooperative endeavor or amendment but which have not received the approval of the office of facility planning, of a proposed contract for the design or engineering of the project, including an explanation by the project manager and the nonstate entity as to the reason the contract has not been fully approved.**

(c) **The nonstate projects which have a fully executed cooperative endeavor, have completed the design phase, and have not begun the construction phase of the project, including an explanation of the reasons that construction has not begun by the project manager and the nonstate entity.**

(2) **A copy of each report shall be sent to each member of the legislature whose district includes one or more projects on the list.**

C. The office of facility planning and control shall submit the report in a format that can be edited.

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 654

SENATE BILL NO. 248
BY SENATOR JOHNS
AN ACT

To amend and reenact Children's Code Art. 804(1)(b), relative to juvenile court jurisdiction; to amend the definition of "child" for purposes of delinquency proceedings; to provide relative to juvenile court jurisdiction over delinquent acts committed by seventeen-year-olds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 804(1)(b) is hereby amended and reenacted to read as follows:

Art. 804. Definitions

As used in this Title:

(1) * * *

(b) ~~After June 30, 2018~~ **Beginning March 1, 2019**, "child" means any person under the age of twenty-one, including an emancipated minor, who commits a delinquent act on or after ~~July 1, 2018~~ **March 1, 2019**, when the act is not a crime of violence as defined in R.S. 14:2, and occurs before the person attains eighteen years of age.

* * *

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 655

SENATE BILL NO. 260
BY SENATOR MILKOVICH
AN ACT

To amend and reenact R.S. 49:992(D)(5) and to enact R.S. 37:21.1, 23.1, and 23.2 and R.S. 49:992.2, relative to boards and commissions; to provide relative to disciplinary proceedings of certain boards; to provide for the option to have the adjudication of disciplinary matters of the Louisiana State Board of Dentistry and the Louisiana Auctioneers Licensing Board conducted by an administrative law judge in the division of administrative law; to provide for licensure, permitting, or certification for certain individuals; to provide relative to terms, conditions, and procedures; to require reports to and study by the appropriate legislative oversight committees; to provide for termination of the provisions regarding the option; to require certain reports to the legislature; to require certain notifications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:21.1, 23.1, and 23.2 are hereby enacted to read as follows:

§21.1. Louisiana State Board of Dentistry; Louisiana Auctioneers Licensing Board; licensing disciplinary actions; administrative law judges

A. Notwithstanding any provision of law to the contrary, a person who has a disciplinary action brought against him by the Louisiana State Board of Dentistry or the Louisiana Auctioneers Licensing Board may elect to have the matter moved to the division of administrative law for a disciplinary adjudication by an administrative law judge in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

B. A notification to a person by a licensing board listed in Subsection A of this Section of pending disciplinary action against him shall include language advising him that he may elect to have the matter heard by an administrative law judge. A person who receives such a notification shall have thirty days from receipt of the notification to advise the board, in writing, that he elects to have the matter heard by an administrative law judge. The notification from the board to the person shall also advise the person that he has thirty days from receipt of the notification to advise the board, in writing, that he elects to have the matter heard by an administrative law judge.

C. Each licensing board listed in Subsection A of this Section and the division of administrative law may promulgate rules in accordance with the Administrative Procedure Act to implement the provisions of this Section.

D.(1) Each licensing board listed in Subsection A of this Section and the division of administrative law shall submit quarterly reports to the appropriate legislative oversight committees regarding the hearings conducted pursuant to this Section.

(2) The appropriate legislative oversight committees shall conduct regular meetings concerning the reports received pursuant to Paragraph (1) of this Subsection and concerning the disciplinary actions and hearings by the Louisiana State Board of Dentistry and the Louisiana Auctioneers Licensing Board and shall submit a report of findings and recommendations to the legislature no later than January 1, 2021.

E. The provisions of this Section shall terminate on August 1, 2021; however, any matter which has been moved to the division of administrative law for adjudication in accordance with this Section prior to August 1, 2021, shall remain in the division of administrative law until the adjudication is final.

* * *

§23.1. License, permit, or certificate for an individual with an ADA recognized disorder

Any board or commission within this Title may develop a process to issue a license, permit, or certificate outside the national examination for those individuals with an Americans with Disabilities Act recognized disorder.

§23.2. Legislative report requirements; notification requirements

A.(1) Each board or commission authorized to issue a license, permit, or certificate under this Title shall submit quarterly reports to the appropriate legislative oversight committees and to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs. The reports required by this Subsection shall contain:

(a) The number of complaints received regarding board actions or procedures.

(b) A summary of each such complaint and the disposition of each complaint.

(2) If any of the information required to be submitted pursuant to Paragraph (1) of this Subsection contains confidential, personally identifiable, or otherwise sensitive information, the board or commission shall clearly mark such information as confidential, personally identifiable, or sensitive information and the legislative committees, members, and employees having access to the identified information shall not publicly disclose the information and shall protect the information from unauthorized use and disclosure.

B.(1) Each board or commission authorized to issue a license, permit, or certificate under this Title shall give notice to each applicant and licensee in or with each correspondence from the board or commission that the applicant or licensee may submit complaints about actions or procedures of the board or commission to the board or commission or directly to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs.

(2) Each board or commission authorized to issue a license, permit, or certificate under this Title shall post a notice of the ability to submit complaints about the actions or procedures of the board or commission to the board or commission or to the House Committee on House and Governmental Affairs and the Senate Committee on Senate and Governmental Affairs in a conspicuous place on the website of the board or commission.

(3) Each notice required by this Subsection shall contain at a minimum the mailing address, email address, and telephone number of the board or commission and the mailing address, email address, and telephone number of each legislative committee listed in Paragraph (2) of this Subsection.

Section 2. R.S. 49:992(D)(5) is hereby amended and reenacted and R.S. 49:992.2 is hereby enacted to read as follows:

§992. Applicability; exemptions; attorney fees; court costs

D. * * *

(5) State **Except as provided in R.S. 37:21.1, state** professional and occupational licensing boards shall be exempt from the provisions of this Chapter.

§992.2. Applicability; Louisiana State Board of Dentistry; Louisiana Auctioneers Licensing Board

A. Pursuant to the provisions of R.S. 37:21.1, a matter referred to the division of administrative law for an adjudication hearing shall be conducted under the provisions of this Chapter and the Administrative Procedure Act.

B. The provisions of this Section shall terminate on August 1, 2021; however, any matter which has been moved to the division of administrative law for adjudication in accordance with R.S. 37:21.1 prior to August 1, 2021, shall remain in the division of administrative law until the adjudication is final.

Section 3. The provisions of this Act shall not apply to the Louisiana State Bar Association, its members, or any matter initiated by the Louisiana Attorney Disciplinary Board.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 656

SENATE BILL NO. 261
BY SENATORS ERDEY AND THOMPSON
AN ACT

To amend and reenact R.S. 40:1668(C) and (F) and to repeal R.S. 40:1668(G)(4), relative to insurance benefits for firemen and officers who suffer a catastrophic injury resulting in permanent and total disability in certain circumstances; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1668(C) and (F) are hereby amended and reenacted to read as follows:
§1668. Benefits for disabled firemen and law enforcement officers in certain cases

C.(1) In any case in which an officer is determined by the board or a court of competent jurisdiction pursuant to Paragraph (E)(2) of this Section to be permanently and totally disabled as the direct and proximate result of a catastrophic injury arising out of and in the course of the performance of the officer's official duties, the following shall be paid by the state risk manager out of the Self-Insurance Fund **director pursuant to R.S. 39:1533(A)(2)** on behalf of the officer from the date of the catastrophic injury as long as the officer is permanently and totally disabled:

(a)(i) Premiums due from the officer for the amount and type of life, health, accident, accidental death and dismemberment, hospital, surgical, and medical expense insurance covering the officer and maintained by the officer through the officer's employer at the time of the catastrophic injury.

(ii) If the injured officer no longer qualifies under Item (i) of this Subparagraph, premiums due for insurance that provides for life, health, accident, accidental death, and dismemberment, hospitals, surgical, and medical expense insurance similar to that maintained by the officer through his employer at the time of the catastrophic injury.

(iii) This Subparagraph shall not apply to any premium due from the officer for insurance covering any individual other than the officer.

(b) Copayments, **coinsurance**, and deductibles applicable to any insurance policy for which premiums are paid pursuant to Subparagraph **Item (a)(i) or (ii)** of this Paragraph for healthcare benefits received by the officer.

(2) The premiums, deductibles, **coinsurance**, and copayments paid pursuant to this Section shall be in addition to any other benefit or income available and paid to the injured officer for the disability due to the catastrophic injury.

F. If the board determines the officer qualifies for the benefit payable under this Section, the board shall notify the state risk manager **director**.

Section 2. R.S. 40:1668(G)(4) is hereby repealed in its entirety.

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 657

SENATE BILL NO. 270
BY SENATOR CARTER
AN ACT

To enact R.S. 18:501(C), relative to the Louisiana Election Code; to provide with respect to the withdrawal and election of candidates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:501(C) is hereby enacted to read as follows:
§501. Procedure for withdrawal

C. Notwithstanding the provisions of Subsections A and B of this Section, if there are only two candidates remaining in a primary or general election for a public office, the secretary of state shall accept a notice of withdrawal that is filed prior to 4:30 p.m. on the second day prior to the

election. The candidate remaining after the withdrawal is declared elected by the people.

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 658

SENATE BILL NO. 273
BY SENATOR MILKOVICH
AN ACT

To amend and reenact R.S. 13:319 and to enact Code of Civil Procedure Art. 2164.1, relative to appeals; to provide relative to appellate procedure; to provide relative to assignment of appellate panels; to provide certain terms and conditions; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:319 is hereby amended and reenacted to read as follows:

§319. Assignment and allotment of cases
Each civil and criminal proceeding **appeal** and each application for writs shall be randomly assigned by the clerk, subject to the direct supervision of the court.

Section 2. Code of Civil Procedure Art. 2164.1 is hereby enacted to read as follows:

Art. 2164.1. Assignment of appellate panels

The provisions of R.S. 13:319 shall be applicable to assignment of appellate panels.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 659

SENATE BILL NO. 289
BY SENATOR PERRY
AN ACT

To enact R.S. 47:1713, 1714, and 1715, relative to ad valorem tax; to provide with respect to eligibility for trusts for the special assessment level and certain exemptions; to authorize the special assessment level for homesteads, the additional exemption for disabled veterans and their spouses, and the exemption for surviving spouses of military personnel, law enforcement and fire protection officers, and first responders under certain circumstances; to provide for the disposition of excess ad valorem payments made by certain trusts with respect to the special assessment level; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1713, 1714, and 1715 are hereby enacted to read as follows:

§1713. Special assessment level for certain trusts

A. A trust shall be eligible for the special assessment level if all of the following apply:

(1) The settlor or settlors of the trust were the immediate prior owner or owners of the homestead.

(2) The naked ownership of the homestead was transferred to the trust.

(3) The settlor or settlors retained a usufruct on the homestead.

(4) The settlor or settlors continue to occupy the homestead.

(5) The settlor or settlors would have been eligible for the special assessment level had they retained the naked ownership of the homestead.

B.(1) If a trust would have been eligible for the special assessment level pursuant to this Section prior to the most recent reappraisal, the total assessment of the property held in trust shall be the assessed value on the last appraisal before the reappraisal.

(2) If a trust has remitted a payment at the higher assessment level and is later determined to be eligible for the special assessment level pursuant to this Subsection, then upon a showing by the trust of eligibility, any payment in excess of the special assessment level shall abate subsequent years' ad valorem taxes on the property until the payment has been exhausted.

§1714. Exemption for property of a disabled veteran or a surviving spouse; eligibility for certain trusts

A trust shall be eligible for the ad valorem tax exemption established under Article VII, Section 21(K) of the Louisiana Constitution which provides an exemption for a disabled veteran or a surviving spouse if all of the following apply:

(1) The settlor or settlors of the trust meet the conditions for eligibility established under Article VII, Section 21(K) of the Louisiana Constitution.

(2) The settlor or settlors of the trust were the immediate prior owners of the homestead.

(3) The naked ownership of the homestead was transferred to the trust.

(4) The settlor or settlors retained a usufruct on the homestead.

(5) The settlor or settlors continue to occupy the homestead.

(6) The settlor or settlors would have been eligible for the exemption established under Article VII, Section 21(K) of the Louisiana Constitution had they retained the naked ownership of the homestead.

§1715. Exemption for property of the surviving spouse of certain military personnel, law enforcement and fire protection officers, and other first responders; eligibility for certain trusts

A trust shall be eligible for the ad valorem tax exemption established under Article VII, Section 21(M) of the Louisiana Constitution which provides an exemption for the surviving spouse of certain persons who died while performing their duties as a member of the military, law enforcement or fire protection officer, volunteer firefighter, medical responder, technician, or paramedic as provided in the Louisiana Constitution, if all of the following apply:

(1) The settlor or settlors of the trust meet the conditions for eligibility established under Article VII, Section 21(M) of the Louisiana Constitution.

(2) The settlor or settlors of the trust were the immediate prior owners of the homestead.

- (3) The naked ownership of the homestead was transferred to the trust.**
(4) The settlor or settlors retained a usufruct on the homestead.
(5) The settlor or settlors continue to occupy the homestead.
(6) The settlor or settlors would have been eligible for the exemption established under Article VII, Section 21(M) of the Louisiana Constitution had they retained the naked ownership of the homestead.

Section 2. This Act shall take effect and become operative if and when the proposed addition of Article VII, Sections 18(G)(6), and 21(K)(4) and (M)(4) of the Constitution of Louisiana contained in the Act which originated as Senate Bill No. 163 of this 2018 Regular Session of the Legislature is adopted at the statewide election to be held on November 6, 2018, and becomes effective.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
 Secretary of State

ACT No. 660

 SENATE BILL NO. 310
 BY SENATOR CLAITOR
 AN ACT

To enact R.S. 17:3911(B)(4)(f), relative to the collection and reporting of certain data relative to students with an exceptionality; to provide relative to the failure of the Department of Education to comply with certain data collection and reporting requirements; to provide for a penalty for noncompliance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3911(B)(4)(f) is hereby enacted to read as follows:

§3911. Data collection system; establishment
 * * *
 B.(1) * * *
 (4)(a) * * *

(f) For any fiscal year in which the department fails to collect and report the required data, the state treasurer shall withhold an amount equal to twenty-five percent of the state general funds appropriated to the state Department of Education through the general appropriations bill for "STATE ACTIVITIES" which are allocated for travel expenses, until such time as the department complies with the provisions of this Paragraph.

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
 Secretary of State

ACT No. 661

 SENATE BILL NO. 319
 BY SENATOR GATTI
 AN ACT

To amend and reenact R.S. 47:302.26(C)(4) and R.S. 51:2214(H) and to repeal R.S. 33:4579 through 4579.5, Chapter 27-A of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9039.1 through 9039.4, Part IV of Chapter 6 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:1101 through 1106, R.S. 36:109(U), Part IV of Chapter 7 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:1921, Part XXXII of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3087.301 through 3087.314, R.S. 39:551.10, R.S. 40:1061.16(F), Part VII of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1273.1 through 1273.8, Part III of Chapter 10 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1081 through 1083, R.S. 47:463.67, and Chapter 40 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2401, relative to boards, commissions, authorities, districts, and like entities; to provide relative to the functional organization of state government by abolishing certain boards, commissions, authorities, districts, and like entities; to remove references to certain abolished entities; to transfer property of certain abolished entities; to remove references to, provisions for, and the powers, functions, and duties of the St. Tammany Event Center District, Louisiana's I-12 Retirement District, Board of Morgan City, Berwick Port Pilot Commissioners and Examiners, Bayou Desiard Lake Restoration Commission, Red River, Atchafalaya River, and Bayou Boeuf Gravity Drainage District, Jackson Parish Industrial District, Point of Rescue Task Force a/k/a Task Force on Abortion Information, River Region Cancer Screening and Early Detection District, Parish Hospital Service District for Rapides Parish, and Louisiana Innovation Council; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The legislature finds that abolishing, transferring, and consolidating certain boards, commissions, and other statutorily-created entities is in the public interest when such entities no longer serve a public purpose. It is the intent of the legislature to abolish, transfer, and consolidate boards, commissions, and other statutorily-created entities and make other changes as provided in this Act.

St. Tammany Event Center District

Section 2.(A) R.S. 47:302.26(C)(4) is hereby amended and reenacted to read as follows:

§302.26. Disposition of certain collections in St. Tammany Parish
 * * *

C. Beginning Fiscal Year 2012-2013, monies in the fund shall be subject to annual

appropriation by the legislature and shall be allocated as follows:

- * * *
 (4)(a) Recreation District No. 1 of St. Tammany Parish, nine percent.
 (b) However, in any fiscal year in which bonds are issued for purposes of the St. Tammany Events Center District, and for each fiscal year thereafter, the nine percent allocation as provided for in Subparagraph (a) of this Paragraph shall be divided equally between Recreation District No. 1 and the St. Tammany Events Center District.
 * * *

(B) R.S. 33:4579 through 4579.5 are hereby repealed.

Louisiana's I-12 Retirement District

Section 3. Chapter 27-A of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:9039.1 through 9039.4, is hereby repealed.

Board of Morgan City, Berwick Port Pilot Commissioners and Examiners

Section 4. Part IV of Chapter 6 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:1101 through 1106, is hereby repealed.

Red River, Atchafalaya River, and Bayou Boeuf Gravity Drainage District

Section 5. Part IV of Chapter 7 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:1921, is hereby repealed.

Bayou Desiard Lake Restoration Commission

Section 6. Part XXXII of Chapter 13 of Title 38 of the Louisiana Revised Statutes of 1950, comprised of R.S. 38:3087.301 through 3087.314, is hereby repealed.

Jackson Parish Industrial District

Section 7. R.S. 39:551.10 is hereby repealed.

Point of Rescue Task Force a/k/a Task Force on Abortion Information

Section 8. R.S. 40:1061.16(F) is hereby repealed.

River Region Cancer Screening and Early Detection District

Section 9.(A) Part VII of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1273.1 through 1273.8, is hereby repealed.

(B) R.S. 47:463.67 is hereby repealed.

Parish Hospital Service District for Rapides Parish

Section 10. Part III of Chapter 10 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:1081 through 1083, is hereby repealed.

Louisiana Innovation Council

Section 11.(A) R.S. 51:2214(H) is hereby amended and reenacted to read as follows:

§2214. Governing board; authority; duties
 * * *

H. On or before January 1, 2015, and annually thereafter, the board shall submit to the House and Senate committees on education, the House **Committee on Commerce**, and the Senate committees on commerce, and the Louisiana Innovation Council **Committee on Commerce, Consumer Protection, and International Affairs**, a report that addresses funding activities undertaken and performance outcomes by the MediFund in the most recent one-year period and any other information that the board deems appropriate to convey a clear understanding of the operations and impact of the MediFund on commercialization of bioscience research, improvement of health outcomes, number of new jobs created, grants, patents, spinoff companies, scientific discoveries, published research, and total economic benefit.

(B) R.S. 36:109(U) is hereby repealed.

(C) Chapter 40 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2401, is hereby repealed.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
 Secretary of State

ACT No. 662

 SENATE BILL NO. 332
 BY SENATOR CORTEZ
 AN ACT

To enact R.S. 48:94, relative to the Department of Transportation and Development; to provide for transparency of operations in district offices; to provide for publication by each department district of certain information on the department's internet website; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:94 is hereby enacted to read as follows:

§94. District office transparency; publication of district work
Each department district office shall publish weekly on the department's internet website information by parish regarding the construction and maintenance work performed, including but not limited to a description and location of the construction project or maintenance work performed.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
 Secretary of State

ACT No. 663

 SENATE BILL NO. 335
 BY SENATORS MIZELL, ALARIO, BARROW, ERDEY, GATTI, HEWITT, JOHNS, LAMBERT, LONG, MARTINY, MILKOVICH, MILLS, PRICE, RISER, JOHN SMITH, TARVER, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES AMEDEE, BACALA, BAGLEY, BARRAS, TERRY BROWN, ROBBY CARTER, CHANEY, EDMONDS, GAROFALO, HAZEL, HODGES, HOFFMANN, HORTON, HOWARD, IVEY, MCFARLAND, STOKES, THOMAS AND WHITE

AN ACT

To amend and reenact R.S. 14:82.2 and 83 and R.S. 15:243 and to enact R.S. 15:539.4,

relative to prostitution; to provide for the crime of solicitation of prostitution; to provide for the crime of purchase of commercial sexual activity; to provide for fines; to provide for the distribution of fines; to provide for court costs; to provide for a program to educate defendants and offenders; to provide for the Buyer Beware Program to educate relative to the negative effects of prostitution; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:82.2 and 83 are hereby amended and reenacted to read as follows:

§82.2. Purchase of commercial sexual activity; penalties

A. It shall be unlawful for any person to knowingly give, agree to give, or offer to give anything of value to another in order to engage in sexual intercourse with a person who receives or agrees to receive anything of value as compensation for such activity.

B. For purposes of this Section, "sexual intercourse" means anal, oral, or vaginal intercourse or any other sexual activity constituting a crime pursuant to the laws of this state.

C.(1) Whoever violates the provisions of this Section shall be fined not more than **seven hundred fifty dollars** or be imprisoned for not more than six months, or both, **and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.**

(2) On a second conviction, the offender shall be fined not less than **two hundred fifty one thousand five hundred dollars** nor more than two thousand dollars or be imprisoned, with or without hard labor, for not more than two years, or both, **and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.**

(3) On a third and subsequent conviction, the offender shall be imprisoned, with or without hard labor, for not less than two nor more than four years and shall be fined not less than **two thousand five hundred dollars** nor more than four thousand dollars **and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.**

(4) Whoever violates the provisions of this Section with a person the offender knows to be under the age of eighteen years, or with a person the offender knows to be a victim of human trafficking as defined by R.S. 14:46.2 or trafficking of children for sexual purposes as defined by R.S. 14:46.3, shall be fined not **less than three thousand nor** more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, **and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.**

(5) Whoever violates the provisions of this Section with a person the offender knows to be under the age of fourteen years shall be fined **not less than five thousand and** not more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, **and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.**

D. **In addition to the penalties provided for in Subsection C of this Section, the court shall order the offender to complete the Buyer Beware Program, as provided for in R.S. 15:243, to educate the offender about the harms, exploitation, and negative effects of prostitution. The court shall impose additional court costs in the amount of two hundred dollars to defer the costs of the program.**

E.(1) Any child under the age of eighteen determined to be a victim of this offense shall be eligible for specialized services for sexually exploited children.

(2) Any person, eighteen years of age or older, determined to be a victim of this offense shall be notified of any treatment or specialized services for sexually exploited persons to the extent that such services are available.

E.F. It shall not be a defense to prosecution for a violation of this Section that the person who receives or agrees to receive anything of value is actually a law enforcement officer or peace officer acting within the official scope of his duties.

§83. Soliciting for prostitutes

A. Soliciting for prostitutes is the soliciting, inviting, inducing, directing, or transporting a person to any place with the intention of promoting prostitution.

B.(1)(a) Whoever commits the crime of soliciting for prostitutes shall be fined not more than **seven hundred fifty dollars**, imprisoned for not more than six months, or both, **and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.**

(b) **Whoever commits a second or subsequent offense for the crime of soliciting for prostitutes shall be fined not less than one thousand five hundred dollars nor more than two thousand dollars, imprisoned for not more than one year, or both, and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.**

(2) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of eighteen years shall be fined not **less than three thousand dollars nor** more than fifty thousand dollars, imprisoned at hard labor for not less than fifteen years nor more than fifty years, or both, **and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.**

(3) Whoever commits the crime of soliciting for prostitutes when the person being solicited is under the age of fourteen years shall be fined not **less than five thousand dollars nor** more than seventy-five thousand dollars, imprisoned at hard labor for not less than twenty-five years nor more than fifty years, or both, **and one-half of the fines collected shall be distributed in accordance with R.S. 15:539.4.**

(4) **In addition to the penalties provided for in Subsection B of this Section, the court shall order the offender to complete the Buyer Beware Program, as provided for in R.S. 15:243, to educate the offender about the harms, exploitation, and negative effects of prostitution. In furtherance of the administration of justice in the judicial district and to prevent future recidivism, the court shall impose additional court costs in the amount of two hundred dollars to defer the costs of the program, with the proceeds of the fine being paid to the operator of the Buyer Beware Program as provided for in R.S. 15:243.**

(5)(a) In addition, the court shall order that the personal property used in the commission of the offense, or the proceeds of any such conduct, shall be seized and impounded, and after conviction, sold at public sale or public auction by the district attorney, or otherwise distributed or disposed of, in accordance with R.S. 15:539.1.

(b) The personal property made subject to seizure and sale pursuant to Subparagraph (a) of this Paragraph may include, but shall not be limited to, electronic communication devices, computers, computer related equipment, motor vehicles, photographic equipment used to record or create still or moving visual images of the victim that are recorded on paper, film, video tape, disc, or any other type of digital recording media, and currency, instruments, or securities.

Section 2. R.S. 15:243 is hereby amended and reenacted and R.S. 15:539.4 is hereby enacted

to read as follows:

§243. ~~Diversion~~ **Buyer Beware Program; post-conviction program for offenders; pre-trial diversion program for defendants; individuals** engaged in the purchase of sexual activity **and solicitation of prostitutes**

A.(1) The district attorney for each judicial district, alone or in conjunction with the district attorney of an adjacent judicial district, may create and administer a ~~diversion~~ program for defendants charged, **or offenders convicted**, with an offense in which the defendant engaged in the purchase of sexual activity, **including those charged or convicted pursuant to R.S. 14:82.2 or R.S. 14:83. The program shall educate the defendants or offenders about the harms, exploitation, and negative effects of prostitution. The district attorney, at his discretion, may choose to be the operator of the program using his own office personnel or may choose a vendor as the operator of the program.**

(2) **The program may be offered, at the discretion of the district attorney, to an offender as part of a pre-trial diversion program** unless the offense involves the purchase of sexual activity from a minor.

B. At the discretion of the district attorney, after any costs associated with the administration of the program are paid, a portion of all monies collected pursuant to the provisions of this Section may be distributed to entities within their judicial district, or within the judicial districts participating in the program, that provide rehabilitative services and treatment to victims of offenses involving human trafficking and trafficking of children for sexual purposes.

C. **If the district attorney fails to develop a program, alone or in conjunction with the district attorney of an adjacent judicial district, the court shall order that the offender, who is sentenced pursuant to the provisions of R.S. 14:82.2 or R.S. 14:83, attend a certain number of meetings for sexual addiction recovery with a local recovery group.**

D. **If the district attorney fails to develop a program, alone or in conjunction with the district attorney of an adjacent judicial district and there is no local recovery group for sexual addiction within the judicial district or within a fifty-mile radius of the offender's home, the court shall order the offender, who is sentenced pursuant to the provisions of R.S. 14:82.2 or R.S. 14:83, to complete an online course which educates the offenders about the harms, exploitation, and negative effects of prostitution.**

E. **The program provided for in this Section shall be known as the "Buyer Beware Program".**

* * *

§539.4. **Fines related to solicitation of prostitutes and purchase of commercial sexual activity** Notwithstanding the provisions of R.S. 15:571.11, when a fine is imposed pursuant to the provisions of R.S. 14:82.2(C) or 83(B)(1), (2), or (3), the sheriff or executive officer of the court shall distribute five hundred dollars or one-half of the fine, whichever is greater, pursuant to the provisions of R.S. 15:571.11 and the remainder of the fine shall be distributed as follows:

(1) **Fifty percent of the proceeds from the imposition of the fine to the sheriff or law enforcement agency that made the arrest to be used for training officers in recognizing and the preventing of human trafficking.**

(2) **Fifty percent of the proceeds from the imposition of the fine to the district attorney, in furtherance of the administration of justice in the judicial district and to prevent future recidivism, to be paid to a program for victim services that counsels, treats, and helps victims of human trafficking or those who are charged or convicted of prostitution.**

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 664

SENATE BILL NO. 342
BY SENATOR DONAHUE
AN ACT

To amend and reenact R.S. 39:29(B)(4) and (D)(2), relative to the nondiscretionary standstill budget; to provide for the nondiscretionary standstill budget to include means of financing substitutions adjustments necessary to finance a budget unit's existing operating budget in the ensuing fiscal year; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:29(B)(4) and (D)(2) are hereby amended and reenacted to read as follows:
§29. Budget guidelines

* * *

B. (1)

* * *

(4) Upon receipt of the budget unit's nondiscretionary adjusted standstill budget estimates, the division of administration shall review the estimates for reasonableness and shall combine the agency estimates with the mandatory statewide standard adjustments provided for in the continuation budget, **and any means of financing substitutions that do not result in a net increase or decrease in the budget unit's total budget and are necessary to finance a budget unit's current-year existing operating budget as of December first in the ensuing fiscal year prior to the application of any other adjustments**, which shall constitute the nondiscretionary adjusted standstill budget for the ensuing fiscal year.

* * *

D. The nondiscretionary adjusted standstill budget and the continuation budget shall be contained in one document and shall be in a format which compares the budgets by budget unit, on the same page. For purposes of this Section, there shall be no less than four columns in this document:

* * *

(2) The second column shall represent the nondiscretionary adjusted standstill budget which shall be the budget unit's current-year existing operating budget as of December first, including the cost to provide the mandatory expenditures in the ensuing fiscal year, **any means of financing substitutions that do not result in a net increase or decrease in the budget unit's total budget and are necessary to finance a budget unit's current-year existing operating budget as of December first in the ensuing fiscal year prior to the application of any other adjustments**, and the growth in the mandatory statewide adjustments.

* * *

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 665

SENATE BILL NO. 347
BY SENATOR HEWITT
AN ACT

To amend and reenact R.S. 39:100.61, relative to funding for waiver services for individuals with developmental disabilities; to provide for the definition of "waiver services"; to provide for the Louisiana Department of Health in consultation with the Louisiana Developmental Disabilities Council to develop a plan for appropriations out of the New Opportunities Waiver Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.61 is hereby amended and reenacted to read as follows:

§100.61. New Opportunities Waiver Fund

A. There is hereby created in the state treasury, as a special fund, the New Opportunities Waiver Fund, hereinafter referred to as the "fund."

B.(1) The source of monies in the fund shall be as follows:

(a) In any fiscal year, the state treasurer is directed to deposit twelve percent of all recurring state general fund revenue, not to exceed fifty million dollars in any fiscal year, as recognized by the Revenue Estimating Conference in excess of the Official Forecast at the beginning of the current fiscal year into the ~~New Opportunities Waiver Fund~~ **fund**, and monies in the fund from this Subparagraph shall be used for appropriation in the ensuing fiscal year.

(b) Monies designated for the fund and received by the state treasurer from donations, gifts, grants, appropriations, or other revenue.

(2) Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be credited to this fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

(3) For the purposes of this Section, "waiver services" means Medicaid services provided under the New Opportunities Waiver, the Children's Choice Waiver, or any other Medicaid home and community-based waiver for persons with developmental disabilities as promulgated by rule by the Louisiana Department of Health. The Louisiana Department of Health shall consult with the Louisiana Developmental Disabilities Council to develop a plan for appropriations out of this fund.

C. Subject to an appropriation by the legislature, monies in the ~~New Opportunities Waiver Fund~~ **fund** shall be used solely to fund the ~~New Opportunities Waiver program~~ **waiver services, as defined in this Section, to improve the capacity of the state to meet the varying and complex needs of individuals with developmental disabilities, with emphasis on increasing the number of recipients of waiver services, and administered by the Louisiana Department of Health. Such funding shall be used for the purpose of adding additional waiver slots and shall not be used to supplant appropriations from the general fund for the New Opportunities Waiver program** **waiver services as defined in this Section.** Nothing contained in this Subpart shall prohibit the legislature from appropriating additional monies for the ~~New Opportunities Waiver slot program~~ **waiver services as defined in this Section.**

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 666

SENATE BILL NO. 364

BY SENATORS WARD, ALARIO, BOUDREAUX, CARTER, CLAITOR, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, PEACOCK, PERRY, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH AND WHITE

AN ACT

To enact Part XIV of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3399.31 through 3399.37, relative to free expression on college campuses; to provide for the authority of the management boards of public postsecondary education institutions; to provide for the adoption of policies on free expression; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XIV of Chapter 26 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3399.31 through 3399.37, is hereby enacted to read as follows:

PART XIV. CAMPUS FREE EXPRESSION

§3399.31. Definitions

For the purposes of this Part, the following words, terms, and phrases shall have the following meanings, unless the context clearly requires otherwise:

(1) "Expressive activities" include but are not limited to any lawful verbal or written means by which individuals or groups communicate ideas to one another, as provided by the First Amendment of the Constitution of the United States of America and by the Constitution of Louisiana, including all forms of peaceful assembly, protest, speech, distribution of literature, carrying signs, and circulating petitions. This expressly excludes commercial activities where individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization.

(2) "Outdoor areas" are outside areas generally accessible to the majority of students, administrators, faculty, and staff, such as grassy areas, walkways, or other similar common areas, and do not include areas where access is restricted.

(3) "Student organization" means an officially recognized group at a public postsecondary education institution, or a group seeking official recognition, comprised of admitted students.

§3399.32. Expressive activities; public postsecondary education institutions; protected

A. Expressive activities at public postsecondary education institutions by students, administrators, faculty members, staff members, and invited guests are protected.

B. Any person who wishes to engage in noncommercial expressive activity on the campus of a public postsecondary education institution shall be permitted to do so freely, as long as the person's conduct is not unlawful and does not materially and substantially disrupt the functioning of the institution.

C. The outdoor areas of a public postsecondary education institution shall be deemed traditional public forums and open to expressive activities. Nothing in this Part shall be interpreted as limiting the right of student expression elsewhere on campus.

D. A public postsecondary education institution may maintain and enforce reasonable time, place, and manner restrictions narrowly tailored in service of a significant institutional interest only when such restrictions employ clear, published, and content- and viewpoint-neutral criteria and provide for ample alternative means of expression. Any such restrictions shall allow for spontaneous and contemporaneous assembly and distribution of literature.

E. Nothing in this Part shall be interpreted as preventing institutions from prohibiting, limiting, or restricting expression that the First Amendment of the Constitution of the United States of America does not protect, such as threats and expressions directed to provoke and likely to produce imminent lawless actions, or from prohibiting harassment.

§3399.33. Freedom of association; student organizations

No public postsecondary education institution shall deny a belief-based student organization any benefit or privilege available to any other student organization, or otherwise discriminate against a belief-based organization, based on the expression of the organization, including any requirement that the leaders or members of the organization:

(1) Affirm and adhere to the organization's sincerely held beliefs.

(2) Comply with the organization's standards of conduct.

(3) Further the organization's mission or purpose, as defined by the organization.

§3399.34. Institutional policies on free expression

Each public postsecondary education institution shall develop policies, regulations, and expectations of students regarding free expression and association on campus that are consistent with this Part and the policies of its management board. The policies shall outline the rights of students, administrators, faculty, and staff and shall:

(1) Be made public in the institution's handbook, on its website, and through student orientation programs.

(2) Be incorporated in the materials, programs, and procedures provided to all employees and students.

(3) Provide information regarding the procedures whereby a person aggrieved by a violation of this Part or the institution's policies on free expression may seek relief.

§3399.35. Management boards; policy on free expression

Each public postsecondary education management board, in collaboration with the Board of Regents, shall develop and adopt policies on free expression that contain at least the following:

(1) A statement that each institution shall strive to ensure the fullest degree of intellectual freedom and free expression.

(2) A statement that it is not the proper role of an institution to shield individuals from speech protected by the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana, and other applicable laws, including without limitation ideas and opinions they find unwelcome, disagreeable, or even deeply offensive.

(3) A provision that students and faculty have the freedom to discuss any topic that presents itself, as provided under the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana and other applicable laws permit and within the limits on time, place, and manner of expression that are consistent with this Part and that are necessary to achieve a significant institutional interest; such restrictions shall be published and provide ample alternative means of expression.

(4) A provision that students and faculty may assemble and engage in spontaneous expressive activity as long as such activity is not unlawful and does not materially and substantially disrupt the functioning of the institution, subject to the requirements of this Part.

(5) A provision that any person lawfully present on a campus may protest or demonstrate there. Protests and demonstrations that infringe upon the constitutional rights of others to engage in or listen to expressive activity by creating a substantial and material disruption to the functioning of the institution or to someone's expressive activity shall not be permitted.

(6) A provision that the public areas of campuses of each institution are traditional public forums that are open on the same terms to any speaker.

(7) A provision that the policy supersedes and nullifies any provision in the policies and regulations of any institution that restricts speech on campus and that any such provision is therefore inconsistent with this policy on free expression. Each institution shall remove or revise any such provision in its policies and regulations to ensure compatibility with this policy on free expression.

§3399.36. Reports

A. Each public postsecondary education institution shall submit a report to the governor and the legislature by January 1, 2019, on the implementation of the provisions of this Part.

B. Each institution shall annually submit a report to the governor and the legislature regarding any barriers to or incidents against free expression that occurred at the institution. The report shall detail the barrier or incident as well as actions taken in response to the barrier or incident.

C. If an institution is sued for an alleged violation of a right guaranteed by the First Amendment of the Constitution of the United States of America, the institution shall submit a supplementary report with a copy of the complaint to the governor and the state legislature within thirty days of receipt of the complaint.

D. Each institution shall post all reports pursuant to this Section on its website.

§3399.37. Regulations

Each postsecondary public education management board shall adopt policies to implement the provisions of this Part. Nothing in this Part shall be construed to prevent institutions from regulating student speech or activity that is prohibited by law. Except as further limited by this Part, institutions may restrict student expression only for expressive activity not protected by the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana and other applicable laws.

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

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 667

SENATE BILL NO. 373
BY SENATOR BARROW
AN ACT

To amend and reenact the introductory paragraph of R.S. 47:1517(B)(1) and to enact R.S. 39:6(C)(3) and R.S. 47:1517(B)(1)(d) and (e), relative to information on the LaTrac website; to provide for the reporting of all revenue, exemptions, credits, exclusions, refunds, preferential tax rates, deferred tax liability, and rebates as contained in the tax exemption budget on LaTrac, or any subsequent database that may replace the LaTrac system; to provide for information to be reported in the tax exemption budget for purposes of inclusion in the LaTrac website; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:6(C)(3) is hereby enacted to read as follows:

§6. Duties of commissioner

* * *

C.

* * *

(3) The LaTrac website, or any subsequent database that may replace the LaTrac system, shall include reports of all revenue, exemptions, credits, exclusions, refunds, preferential tax rates, deferred tax liability, and rebates, all as contained in the tax exemption budget.

Section 2. The introductory paragraph of R.S. 47:1517(B)(1) is hereby amended and reenacted and R.S. 47:1517(B)(1)(d) and (e) are hereby enacted to read as follows:

§1517. Tax exemption budget

* * *

B.(1) The annual tax exemption budget shall **be published on the LaTrac website, or any subsequent database that may replace the LaTrac system, and shall** include the following:

* * *

(d) The tax exemption budget shall also include the following:

(i) The number of businesses which receive each tax exemption, credit, exclusion, refund, preferential tax rate, deferred tax liability, or rebate, hereinafter referred to in this Subsection as the exemption.

(ii) The parish or location of each business which receives a tax exemption; provided, that if fewer than ten businesses receive a particular tax exemption, the tax exemption budget may group such tax exemption with another tax exemption which also has fewer than ten businesses receiving it.

(iii) The information shall be displayed in a manner that identifies:

(aa) The industry group by North American Industry Classification System sector.

(bb) The number of taxpayers by industry.

(cc) The total tax burden by industry group by individual tax before the exemption.

(dd) The total value to each industry group for each exemption.

(ee) The total tax value by each industry group by individual tax of the tax collections after the exemption.

(e) The items contained in Subparagraph (d) of this Paragraph shall be published to the extent that the information is available to the department, on a schedule to be determined by the secretary of the department, beginning with the incentive expenditures, and fully implemented by the date of publication of the Fiscal Year 2018-2019 tax exemption budget on or before March 1, 2020. The secretary shall ensure that the publication shall not include confidential information.

* * *

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 668

SENATE BILL NO. 389
BY SENATORS CLAITOR AND THOMPSON
AND REPRESENTATIVE MARINO
AN ACT

To amend and reenact Section 3 of Act No. 260 of the 2017 Regular Session of the Legislature, R.S. 15:574.6.1(B) and the introductory paragraph of 574.9(H)(1)(a), Code of Criminal Procedure Article 894.4 as amended by Act No. 260 of the 2017 Regular Session of the Legislature, and Code of Criminal Procedure Articles 875.1, 893(A)(1)(a), 895.6(A) and (B), 899.2(B)(1), and 900(A)(5) and the introductory paragraph of (6)(b) and (iv) and (d)(v) and to enact Code of Criminal Procedure Articles 893(H) and 900(A)(6)(b)(v), relative to felony probation; to provide relative to payment of restitution to the victim of a crime; to delay the effective date of Act No. 260 of the 2017 Regular Session of the Legislature which provided relative to the payment of fines, fees, costs, restitution, and other monetary obligations related to an offender's conviction; to provide relative to earned compliance credits; to provide a procedure by which the court determines whether a defendant has earned compliance credits toward his probation period and whether his probation term may be terminated early; to prohibit the extension or revocation of probation based solely upon a defendant's inability to pay; to provide relative to administrative sanctions for certain violations of probation; to remove the prohibition of incarceration under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 894.4 as amended by Act No. 260 of the 2017

Regular Session of the Legislature, and Code of Criminal Procedure Article 875.1 are hereby amended and reenacted to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

F. If, at the termination or end of the defendant's term of supervision, any restitution ordered by the court remains outstanding, the balance of the unpaid restitution shall be reduced to a civil money judgment in favor of the person to whom restitution is owed, which may be enforced in the same manner as provided for the execution of judgments pursuant to the Code of Civil Procedure. For any civil money judgment ordered under this Article, the clerk shall send notice of the judgment to the last known address of the person to whom the restitution is ordered to be paid.

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

* * *

Art. 894.4. Probation; extension

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

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

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

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

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

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

Probation shall neither be revoked nor extended based solely upon the defendant's inability to pay fines, fees, or restitution to the victim.

Section 2. Code of Criminal Procedure Articles 893(A)(1)(a), 895.6(A) and (B), 899.2(B) (1), and 900(A)(5) and the introductory paragraph of (6)(b) and (iv) and (d)(v) are hereby amended and reenacted and Code of Criminal Procedure Article 893(H) and 900(A)(6)(b)(v) are hereby enacted to read as follows:

Art. 893. Suspension and deferral of sentence and probation in felony cases

A.(1)(a) When it appears that the best interest of the public and of the defendant will be served, the court, after a first, second, or third conviction of a noncapital felony, may suspend, in whole or in part, the imposition or execution of either or both sentences, where suspension is allowed under the law, and in either or both cases place the defendant on probation under the supervision of the division of probation and parole. The court shall not suspend the sentence of a second or third conviction of R.S. 14:73.5. Except as provided in Paragraph G of this Article, the period of probation shall be specified and shall not be more than three years, **except as provided by Paragraph H of this Article.**

H.(1) If a defendant is placed on supervised probation, the division of probation and parole shall submit to the court a compliance report when requested by the court, or when the division of probation and parole deems it necessary to have the court make a determination with respect to "earned compliance credits", modification of terms or conditions of probation, termination of probation, revocation of probation, or other purpose proper under any provision of law.

(2) For purposes of this Paragraph:

(a) "Compliance" means the full completion of the terms and conditions of probation as imposed by the sentencing judge, except for inability to pay fines, fees, or restitution.

(b) "Compliance report" means a report generated and signed by the division of probation and parole that contains clear and concise information relating to the defendant's performance relative to "earned compliance credits", and may contain a recommendation as to early termination.

(3) After a review of the compliance report, if it is the recommendation of the division of probation and parole that the defendant is in compliance with the conditions of probation, in accordance with the compliance report, the court shall grant "earned compliance credit" for the time, absent a showing of cause for a denial.

(4) The court may terminate probation at any time as "satisfactorily completed" upon the final determination that the defendant is in compliance with the terms and conditions of probation.

(5) If the court determines that the defendant has failed to successfully complete the terms and conditions of probation, the court may extend the probation for a period not to exceed two years, for the purpose of allowing the defendant additional time to complete the terms of probation, additional conditions, the extension of probation, or the revocation of probation.

(6) Absent extenuating circumstances, the court shall, within ten days of receipt of the compliance report, make an initial determination as to the issues presented and shall transmit the decision to the probation officer. The court shall disseminate the decision to the defendant, the division of probation and parole, and the prosecuting agency within ten days of receipt. The parties shall have ten days from receipt of the initial determination of the court to seek an expedited contradictory hearing for the purpose of challenging the court's determination. If no challenge is made within ten days, the court's initial determination shall become final and shall constitute a valid order of the court.

Art. 895.6. Compliance credits; probation

A. Every defendant on felony probation pursuant to Article 893 for an offense other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 shall be **eligible to** earn a diminution of probation term, to be known as "earned compliance credits", by good behavior, **in accordance with the procedure provided in Article 893.** The amount of diminution of probation term allowed under this Article shall be at the rate of thirty days for every full calendar month on probation.

B.(1) If the defendant's probation and parole officer has reasonable cause to believe that a defendant on felony probation has not been compliant with the conditions of his probation in a given calendar month, he may rescind thirty days of earned compliance credits as an administrative sanction pursuant to Article 899.2. Credits may be rescinded only for a month in which the defendant is found not to be in compliance.

(2) Notwithstanding any other provision of law to the contrary, the provisions of Article 899.2(A) (3) requiring consent of the defendant shall not apply to the rescinding of earned compliance credits as an administrative sanction under Article 899.2.

Art. 899.2. Administrative sanctions for technical violations; offenses other than crimes of violence or sex offenses

B. The department shall promulgate rules to implement the provisions of this Article to establish the following:

(1)(a) A system of structured, administrative sanctions which shall be imposed for technical violations of probation and which shall take into consideration the following factors:

(i)(a) The severity of the violation behavior.

(ii)(b) The prior violation history.

(iii)(c) The severity of the underlying criminal conviction.

(iv)(d) The criminal history of the probationer.

(v)(e) Any special circumstances, characteristics, or resources of the probationer.

(vi)(f) Protection of the community.

(vii)(g) Deterrence.

(viii)(h) The availability of appropriate local sanctions, including but not limited to jail, treatment, community service work, house arrest, electronic surveillance, restitution centers, work release centers, day reporting centers, or other local sanctions.

(b) Incarceration shall not be used for the lowest-tier violations including the first positive drug test and the first or second violation for the following:

(i) Association with known felons or persons involved in criminal activity.

(ii) Changing residence without permission.

(iii) Failure to initially report as required. However, incarceration may be used if the court, after a contradictory hearing, finds that the probationer willfully failed to report as required and instructed for the purpose of permanently avoiding probation supervision.

(iv) Failure to pay restitution for up to three months.

(v) Failure to report as instructed. However, incarceration may be used if the court, after a contradictory hearing, finds that the probationer willfully failed to report as required and instructed for the purpose of permanently avoiding probation supervision.

(vi) Traveling without permission.

(vii) Occasion of unemployment and failure to seek employment within ninety days.

(c) Incarceration shall not be used for first or second violations of alcohol use or admission, except for defendants convicted of operating a vehicle while intoxicated pursuant to R.S. 14:98; defendants convicted of domestic abuse battery pursuant to R.S. 14:35.3 committed by one family member or household member against another; defendants convicted of battery by one dating partner as defined by R.S. 46:2151 against another; or defendants convicted of violation of a protective order, pursuant to R.S. 14:79, issued against the defendant to protect a family member or household member as defined by R.S. 14:35.3, or a dating partner as defined by R.S. 46:2151.

Art. 900. Violation hearing; sanctions

A. After an arrest pursuant to Article 899, the court shall cause a defendant who continues to be held in custody to be brought before it within thirty days for a hearing. If a summons is issued pursuant to Article 899, or if the defendant has been admitted to bail, the court shall set the matter for a violation hearing within a reasonable time. The hearing may be informal or summary. The defendant may choose, with the court's consent, to appear at the violation hearing and stipulate the revocation by simultaneous audio-visual transmission in accordance with the provisions of Article 562. If the court decides that the defendant has violated, or was about to violate, a condition of his probation it may:

(5)(a) Order that the probation be revoked. In the event of revocation the defendant shall serve the sentence suspended, with or without credit for the time served on probation at the discretion of the court. If the imposition of sentence was suspended, the defendant shall serve the sentence imposed by the court at the revocation hearing.

(b) Notwithstanding the provisions of Subsubparagraph (a) of this Subparagraph, in the event of revocation for a defendant placed on probation for the conviction of an offense other than a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541, the defendant shall serve the sentence suspended with credit for time served on probation.

(6)(a)

(b) Notwithstanding the provisions of Subparagraph (A)(5) of this Article **Paragraph**, any defendant who has been placed on probation by the court for the conviction of an offense other than a crime of violence as defined in R.S. 14:2(B) or of a sex offense as defined by R.S. 15:541, and who has had his probation revoked under the provisions of this Article for **been determined by the court to have committed** a technical violation of his probation as determined by the court, shall be required to serve, without diminution of sentence, as follows:

(iv) For a fourth or subsequent violation, the court may order that the probation be revoked, in accordance with Subparagraph (5) of this Paragraph.

(v) For custodial substance abuse treatment programs, not more than ninety days.

(d) A "technical violation", as used in this Paragraph, means any violation except it shall not include any of the following:

(v) Absconding from the jurisdiction of the court by leaving the state without the prior approval of the court or the probation and parole officer.

Section 3. R.S. 15:574.6.1(B) and the introductory paragraph of 574.9(H)(1)(a) are hereby amended and reenacted to read as follows:

§574.6.1. Compliance credits; parole

B.(1) If the probation and parole officer has reasonable cause to believe that an offender on parole has not been compliant with the conditions of his parole in a given calendar month, he may rescind thirty days of earned compliance credits as an administrative sanction under R.S. 15:574.7. Credits may be rescinded only for a month in which the offender is found not to be in compliance.

(2) Notwithstanding any other provision of law to the contrary, the provisions of R.S. 15:574.7(B)(1)(c) requiring consent of the parolee shall not apply to the rescinding of earned compliance credits as an administrative sanction under R.S. 15:574.7.

§574.9. Revocation of parole for violation of condition; committee panels; return to custody hearing; duration of reimprisonment and reparole after revocation; credit for time served; revocation for a technical violation

H.(1)(a) Any offender who has been released on parole and whose parole supervision is being revoked pursuant to the provisions of this Subsection for **who has been determined to have committed** a technical violation of the conditions of parole as determined by the committee on parole, shall be required to serve the following sentences:

Section 4. Section 3 of Act No. 260 of the 2017 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

Section 3. The provisions of this Act shall become effective on August 1, 2018 **2019**.

Section 5. The provisions of Sections 2, 3, and 4 of this Act and this Section shall become effective on August 1, 2018.

Section 6. The provisions of Section 1 of this Act shall become effective on August 1, 2019.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

BY SENATOR MIZELL AND REPRESENTATIVES AMEDEE, CHANEY, COX, CREWS, EDMONDS, GAROFALO, HALL, HOFFMANN, HORTON, HOWARD, JACKSON, JENKINS, LYONS, MARCELLE, PIERRE, REYNOLDS, STAGNI AND STOKES

AN ACT

To amend and reenact the introductory paragraph of R.S. 39:15.3(B)(1) and (e) and to enact R.S. 39:249, relative to sexual harassment prevention; to require the division of administration to adopt certain policies regarding access by certain state employees to certain internet and online sites; to identify and require certain filters; to block certain internet content; to provide certain exceptions; to provide clarifications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 39:15.3(B)(1) and (e) are hereby amended and reenacted and R.S. 39:249 is hereby enacted to read as follows:

§15.3. Office of technology services; offices and staff; duties

B. The state chief information officer shall manage and direct the office of technology services, with roles, duties, and activities including but not limited to the following:

(1) Establishing and coordinating all information technology systems and information technology services affecting the management and operations of the executive branch of state government. The office of technology services shall, subject to the provisions of this Subpart, have sole authority and responsibility for defining the specific information technology systems and information technology services to which the provisions of this Subpart shall be applicable. Information technology systems, including equipment and related services, and information technology services shall mean the equipment, and services, and means necessary to provide, including but not limited to the following:

(e) Information technology security systems and services, including the security systems required in R.S. 39:249.

§249. Prohibition of pornography on state computers

A.(1) The division of administration shall adopt policies regarding the acceptable use by state employees who use state-owned or state-leased computers to access the internet and online sites that contain harmful material which is reasonably believed to be sexually explicit, pornographic, or sexually harassing and, therefore, reasonably believed to create a hostile work environment as prohibited by Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e, et seq.

(2) The provisions of this Section shall apply to the state-owned or state- leased computers which are in the care, custody, or control of the division of administration or in the care, custody, or control of any other state agency which is subject to the provisions of R.S. 39:15.3.

B. In conjunction with any policy adopted pursuant to the provisions of this Section, the division of administration, through the office of technology services, shall implement and utilize computer-related technology or internet service provider technology designed to block access or exposure to any harmful materials as specified in Subsection A of this Section.

C. The provisions of this Section shall not prohibit an authorized employee from having unfiltered or unrestricted access to the internet or an online service for legitimate scientific purposes, educational purposes, or law enforcement purposes as determined and approved by the employee's agency and in compliance with the policies adopted pursuant to this Section.

D. The provisions of this Section are not intended to prohibit any state employee from having unfiltered or unrestricted access to the internet or any online service on a computer or device that is not owned or leased by the state, so long as the employee does not use the computer or device to access any harmful material, as specified in Subsection A of this Section, while the employee is in the course and scope of his state employment.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

AN ACT

To enact R.S. 15:571.3(F) and 574.4(I), relative to diminution of sentence for good behavior and parole; to provide for a report to the legislature relative to offenders released for "good time"; to provide for a report to the legislature relative to offenders released on parole; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:571.3(F) and 574.4(I) are hereby enacted to read as follows:

§571.3. Diminution of sentence for good behavior

F. No later than August first of each year, the Department of Public Safety and Corrections shall submit an annual report to the legislature relative to offenders released from custody during the preceding fiscal year pursuant to the provisions of this Section. This report shall include the following information:

(1) The name and offender number of the released offender.
(2) The date on which the offender was released.
(3) The offense for which the offender was incarcerated at the time of his release, including whether the offense was a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541.

(4) A grid which shows the earliest release date that offenders would have been eligible for release notwithstanding the provisions of Section 3 of Act No. 280 of the 2017 Regular Session of the Legislature.

(5) Whether the offender obtained a GED certification or completed a literacy program, an adult basic education program, or a job skills training program before being released from custody.

(6) Any information relative to juvenile offenders that is exempt from release pursuant to a public records request or otherwise considered confidential by law shall be redacted from the report provided for by this Subsection.

§574.4. Parole; eligibility; juvenile offenders

I. On or before August 1, 2018, and no later than August first of each year following, the Department of Public Safety and Corrections shall submit an annual report to the legislature relative to offenders released from custody during the preceding year pursuant to the provisions of this Section. This report shall include the following information:

(1) The name and offender number of the paroled offender.
(2) The date on which the offender was released on parole.
(3) The offense for which the offender was incarcerated at the time of his release, including whether the offense was a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541.
(4) A grid which shows the earliest release date that offenders would have been eligible for release notwithstanding the provisions of Section 3 of Act No. 280 of the 2017 Regular Session of the Legislature.

(5) Whether the offender obtained a GED certification or completed a literacy program, an adult basic education program, or a job skills training program before being paroled.

(6) Any information relative to juvenile offenders that is exempt from release pursuant to a public records request or otherwise considered confidential by law shall be redacted from the report provided for by this Subsection.

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

AN ACT

To amend and reenact R.S. 17:183.3(B)(2)(c), 5025(3)(c), the introductory paragraph of 5026(A) and (A)(3)(b), 5061, the introductory paragraph of 5062(C) and (C)(1), R.S. 39:98.3(D), and R.S. 47:1508(B)(17) and to enact R.S. 17:5062(C)(5), relative to the Taylor Opportunity Program for Students; to provide relative to eligibility requirements; to provide relative to Board of Regents' reporting requirements; to provide relative to sharing of certain taxpayer data with the administering agency; to provide for technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:183.3(B)(2)(c), 5025(3)(c), the introductory paragraph of 5026(A) and (A)(3)(b), 5061, the introductory paragraph of 5062(C) and (C)(1) are hereby amended and reenacted and R.S. 17:5062(C)(5) is hereby enacted to read as follows:

§183.3. Career major; description; curriculum and graduation requirements

B.(1)
(2) The course requirements for the career major shall consist of the following:

(c) At least two science credits, including one credit of Biology and one additional course from among the following: Chemistry I, Earth Science, Environmental Science, Physical Science, Agriscience I and Agriscience II (one credit combined), Physics, or AP or IB Science courses.

§5025. High school core curriculum requirements; Opportunity, Performance, Honors Awards

To be eligible for an Opportunity, Performance, or Honors Award pursuant to this Chapter, a student who graduates during or after the 2017-2018 school year shall have successfully completed a core curriculum which consists of nineteen units of high school course work as follows:

(3) Science - Four Units

(c) Two units chosen from the following: Earth Science; Environmental Science; Physical Science; Agriscience I and Agriscience II (one unit combined); Chemistry II, AP Chemistry, or IB Chemistry II; AP Environmental Science, or IB Environmental Systems; Physics I, AP Physics I, AP Physics B, or IB Physics I; AP Physics C: Electricity and Magnetism, AP Physics C: Mechanics, or IB Physics II; AP Physics I and, or AP Physics II; Biology II, AP Biology, or IB Biology II.

§5026. High school core curriculum requirements; TOPS-Tech

A. Except as otherwise provided by this Section, to be eligible for a TOPS-Tech Award pursuant to this Chapter, the student shall have successfully completed the core curriculum requirements of R.S. 17:5025 or 5025.3 or the core curriculum defined as follows:

(3) Science - Two Units

(b) One unit from the following: Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science, Physics, or AP or IB science courses.

* * *
§5061. Administering agency

The provisions of this Chapter shall be administered by the Board of Regents. The administering agency ~~may~~ **shall** provide by rule adopted as provided by the Administrative Procedure Act for all matters necessary to the implementation of this Chapter.

§5062. Rules, procedures, and guidelines

C. The administering agency shall provide the following guidelines:

(1) Guidelines and procedures by which the administering agency, ~~subject to prior approval by~~ **in consultation with** the State Board of Elementary and Secondary Education, may update the course name and establish course equivalencies for any course included in the definition of core curriculum provided by this Chapter, including necessary changes to course names and equivalencies for Advanced Placement and International Baccalaureate courses as prescribed by the College Board or the International Baccalaureate Foundation. The guidelines and procedures shall include but not be limited to a requirement that any change in a course name and the establishment of any course equivalency be done by rule adopted by the administering agency and a requirement that ~~prior to issuing a notice of intent to consider any such rule the administering agency shall consult with and seek the written comments and recommendations of the Board of Regents on making the name change or establishing the course equivalency.~~

(5)(a) Notwithstanding any other provision of law, guidelines and procedures by which the administering agency may receive and consider an applicant's qualifying score on the ACT or SAT which is first obtained on an authorized testing date after the national April testing date in the year of the applicant's high school graduation provided that:

(i) The administering agency determines that the applicant was prevented from taking the test on or prior to the national April testing date of the year of the applicant's graduation due to circumstances beyond the immediate control of the student which were attributable to the administration of the test.

(ii) The applicant's qualifying score is obtained on an authorized testing date prior to August first of the year of the applicant's graduation.

(b) When granting an award to an applicant whose qualifying test score is considered by the agency pursuant to the provisions of this Paragraph, the agency shall not reduce the time period of eligibility for the award as set forth in R.S. 17:5002.

Section 2. R.S. 39:98.3(D) is hereby amended and reenacted to read as follows:

§98.3. Appropriations from the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund

D. Appropriations from the TOPS Fund shall be restricted to support of the state's program for financial assistance for students attending Louisiana institutions of postsecondary education as established in Chapter ~~20-G50~~ of Title 17 of the Louisiana Revised Statutes of 1950.

Section 3. R.S. 47:1508(B)(17) is hereby amended and reenacted to read as follows:

§1508. Confidentiality of tax records

B. Nothing herein contained shall be construed to prevent:

(17) The furnishing of a taxpayer's reported federal adjusted gross income as requested by the office of student financial assistance when based on certification by the office that the confidentiality of such information will be respected and that it holds an agreement signed by the taxpayer authorizing the release of this information for the purpose of considering the eligibility of the taxpayer's beneficiary for a tuition assistance grant under the Louisiana Student Tuition Assistance and Revenue Trust Program as provided for by Chapter 22-A of Title 17 of the Louisiana Revised Statutes of 1950 ~~or~~, for the purpose of considering the eligibility of the taxpayer's dependent child for an award under the Louisiana Taylor Opportunity Program for Students as provided for by Chapter ~~20-G 50~~ of Title 17 of the Louisiana Revised Statutes of 1950, **or for the purpose of determining employment and residency status of past recipients of the Louisiana Taylor Opportunity Program for Students awards.**

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 672

SENATE BILL NO. 464
BY SENATOR RISER
AN ACT

To enact R.S. 40:34(C), relative to death certificates; to provide for electronic registration of death certificate data; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:34(C) is hereby enacted to read as follows:

§34. Vital records forms

C. Each coroner or physician who signs a death certificate shall certify the certificate using the Louisiana Electronic Event Registration System of the Louisiana Department of Health, state registrar of vital records.

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 673

SENATE BILL NO. 512

BY SENATORS GATTI, ALARIO, ALLAIN, BOUDREAUX, CORTEZ, FANNIN, HEWITT, JOHNS, LAMBERT, LONG, LUNEAU, MARTINY, MILKOVICH, MORRISH, GARY SMITH, THOMPSON AND WALSWORTH AND REPRESENTATIVES ABRAHAM, AMEDEE, ANDERS, ARMES, BAGLEY, BAGNERIS, BARRAS, BERTHELOT, BOUIE, TERRY BROWN, CARMODY, ROBBY CARTER, STEVE CARTER, CHANEY, COX, DEVILLIER, EDMONDS, EMERSON, FOIL, FRANKLIN, GAINES, GAROFALO, GISCLAIR, HALL, JIMMY HARRIS, LANCE HARRIS, HAZEL, HENRY, HODGES, HOFFMANN, HOLLIS, HORTON, HOWARD, HUVAL, IVEY, JACKSON, JEFFERSON, JENKINS, JOHNSON, JONES, JORDAN, TERRY LANDRY, LEBAS, LEGER, MACK, MAGEE, MCFARLAND, MIGUEZ, GREGORY MILLER, NORTON, PEARSON, PIERRE, POPE, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SHADOIN, STAGNI, STOKES, TALBOT, THOMAS, WHITE, WRIGHT AND ZERINGUE

AN ACT

To amend and reenact R.S. 17:2115.11(A), relative to student-initiated prayer; to provide relative to school employee participation in student-initiated prayer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2115.11(A) is hereby amended and reenacted to read as follows:

§2115.11. Prayer; student-initiated; conditions

A. **(1) Upon the request of any public school student or students, the proper school authorities may permit students to gather for prayer in a classroom, auditorium, or other space that is not in use, at any time before the school day begins when the school is open and students are allowed on campus, at any time after the school day ends provided that at least one student club or organization is meeting at that time, or at any noninstructional time during the school day. A school employee may be assigned to supervise the gathering if such supervision is also requested by the student or students and the school employee volunteers to supervise the gathering. If a school employee present to supervise the gathering chooses, he may quietly bow his head during a student-led, student-initiated prayer so that the employee may treat the students' religious beliefs and practices with deference and respect.**

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 674

SENATE BILL NO. 534
BY SENATOR MILKOVICH
AN ACT

To enact R.S. 14:2(B)(48) through (52) and 87.6, relative to abortion and feticide; to define abortion and feticide as "crimes of violence"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:2(B)(48) through (52) and 87.6 are hereby enacted to read as follows:

§2. Definitions

B. In this Code, "crime of violence" means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as "crimes of violence":

(48) Criminal abortion.

(49) First degree feticide.

(50) Second degree feticide.

(51) Third degree feticide.

(52) Aggravated criminal abortion by dismemberment.

§87.6. Coerced abortion

A. Coerced abortion is committed when any person intentionally engages in the use or threatened use of physical force against the person of a pregnant woman, with the intent to compel the pregnant woman to undergo an abortion against her will, whether or not the abortion procedure has been attempted or completed.

B. Whoever commits the crime of coerced abortion shall be fined not more than five thousand dollars, or imprisoned for not more than five years, or both.

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

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

SENATE BILL NO. 549
BY SENATOR HEWITT
AN ACT

To enact R.S. 32:1(35.1) and 299.5 and R.S. 47:451(20.1) and 471, relative to motor vehicles; to provide with respect to military surplus motor vehicles; to provide with respect to the registration and operation of a military surplus motor vehicle; to provide for the creation of a special license plate for a military surplus motor vehicle; to provide for the operation of a military surplus motor vehicle under certain conditions; to provide for rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1(35.1) and 299.5 are hereby enacted to read as follows:

§1. Definitions

When used in this Chapter, the following words and phrases have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning:

(35.1) “Military surplus motor vehicle” means a wheeled, multipurpose or tactical motor vehicle manufactured for, and sold directly to, the Armed Forces of the United States in conformity with contractual specifications and subsequently authorized for sale to civilians. “Military surplus motor vehicle” does not include mobile construction equipment, trailers, or semitrailers.

§299.5. Military surplus motor vehicles; operation; safety equipment; registration

A. A military surplus motor vehicle operated upon any highway of this state shall be equipped with the minimum motor vehicle equipment appropriate for motor vehicle safety, including headlamps, front and rear turn signal lamps, tail lamps, stop lamps, an exterior mirror mounted on the driver’s side of the vehicle and either an exterior mirror mounted on the passenger’s side of the vehicle or an interior mirror, a parking brake, an adequate windshield, a windshield wiper, a speedometer, an odometer, braking for each wheel, a seat belt assembly installed at each designated seating position, tire equipment as required by R.S. 32:362, and a vehicle identification or serial number.

B. Any military surplus motor vehicle operated upon any highway of this state shall be registered with the state of Louisiana through the Department of Public Safety and Corrections, public safety services, office of motor vehicles, as a limited use vehicle and shall display a special license plate issued by the office of motor vehicles.

C. A person operating a military surplus motor vehicle shall be at least twenty-one years of age and possess a valid driver’s license.

D. Any military surplus motor vehicle operated upon a highway of this state shall have liability insurance with the same minimum limits as required by the provisions of R.S. 32:900(B).

E. The number of persons permitted to travel in a military surplus motor vehicle is limited to the number of available safety belts.

F. Nothing contained in this Section shall be construed to prevent the Department of Transportation and Development, or any parish or municipal government from prohibiting the operation of any military surplus motor vehicle on any state highway, parish road, or municipal street under its jurisdiction if the Department of Transportation and Development, parish or municipal government determines that the prohibition is necessary for the safety of the motoring public.

G. The Department of Public Safety and Corrections, public safety services, shall promulgate rules and regulations in accordance with the Administrative Procedure Act, subject to oversight by the house and senate committees on transportation, highways and public works, as necessary to implement the provisions of this Section. The rules and regulations shall become effective not later than January 20, 2019.

Section 2. R.S. 47:451(20.1) and 471 are hereby enacted to read as follows:

§451. Definitions and terms

The following words and phrases, when used in this Chapter, shall, for the purpose of this Chapter, have the meaning respectively ascribed to them in this Section, except in those instances where the context clearly discloses and indicates a different meaning.

(20.1) “Military surplus motor vehicle” means a wheeled, multipurpose or tactical motor vehicle manufactured for, and sold directly to, the Armed Forces of the United States in conformity with contractual specifications and subsequently authorized for sale to civilians. “Military surplus motor vehicle” does not include mobile construction equipment, trailers, or semitrailers.

§471. Military surplus motor vehicles; special license plate

A. The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall establish a special motor vehicle license plate for military surplus motor vehicles.

B. On receipt of an application the commissioner may issue a registration certificate and appropriately designed license plate to an owner of a military surplus motor vehicle. The owner of a military surplus motor vehicle applying for registration pursuant to this Section shall submit to the department, in the manner prescribed by the department, certification that the vehicle is capable of being safely operated on the highways of this state. The military surplus motor vehicle license plate shall be issued to a resident of Louisiana in the same manner as any other motor vehicle license plate.

C. The department shall collect the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, based upon the make and model of the military surplus motor vehicle.

D. The department shall suspend the registration of any vehicle registered under this Section that the department determines is not properly equipped or is otherwise unsafe to operate.

E. The Department of Public Safety and Corrections, public safety services, shall promulgate rules and regulations in accordance with the Administrative Procedure Act, subject to oversight by the house and senate committees on transportation, highways and public works, as necessary to implement the provisions of this Section. The rules and regulations shall become effective not later than January 20, 2019.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

SENATE BILL NO. 554
BY SENATOR CLAITOR
AN ACT

To amend and reenact R.S. 42:805(D), 807, 808(E), 809, 857, and 883(A), to enact R.S. 42:808(F), and 882(D)(3), and to repeal R.S. 42:804, 854(A) and (B), and 855, and R.S. 22:1002, relative to the Office of Group Benefits; to provide for coverage of dependents; to eliminate certain requirements regarding fee schedules and funding; to authorize the office to rescind, cancel, or discontinue coverage; to clarify the extent of payroll deduction authority; to authorize the office to impose surcharges on enrollees; to provide for board membership in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:805(D), 807, 808(E), 809, 857, and 883(A) are hereby amended and reenacted and R.S. 42:808(F) and 882(D)(3) are hereby enacted to read as follows:

§805. Collection and deposit of contributions

D. AH (1) Except as provided in Paragraph (2) of this Subsection, employer and employee contributions for the payment of premiums for group benefits for state employees contracted for under the provisions of this Chapter shall be deposited directly with the office or its designated third-party administrator. The office shall pay all monies for such benefits as they become due and payable.

(2) The provisions of this Subsection shall not apply to either of the following:

(a) Any individual Medicare marketplace health reimbursement arrangement contracted by the office for Medicare-eligible enrollees.

(b) Health plans administered by Louisiana State University and Agricultural and Mechanical College.

§807. Loss of eligibility **Retroactive cancellation of coverage**

Any person convicted of fraudulently obtaining funds from the Office of Group Benefits, including but not limited to any person who has been convicted under R.S. 14:26, R.S. 14:27, R.S. 14:67, or R.S. 14:133, shall immediately lose eligibility for coverage under both the life insurance plan and the health and accident insurance plan of the Office of Group Benefits.

A. The office is authorized to retroactively cancel coverage in programs offered through the office in the following instances:

(1) To the extent the cancellation of coverage is attributable to a failure of the enrollee to timely pay required premiums or contributions toward the cost of coverage.

(2) The cancellation of coverage is initiated by the enrollee or dependent.

B. When the office retroactively cancels coverage pursuant to this Section, the enrollee shall be liable to the office for all benefits paid by the office on behalf of the enrollee and dependents after the effective date of rescission or cancellation of coverage.

§808. Eligibility in group programs

E. Notwithstanding any provision of law to the contrary, any person with a developmental disability who acquired such disability prior to attaining the age of twenty-one, with one parent whose coverage of such person was terminated as a result of lost employment of the parent and one parent who is an employee, as defined in Paragraphs (A)(1) and (3) of this Section, participating in life, health, or other programs sponsored by the Office of Group Benefits, shall be covered as a dependent of such parent participating in life, health, or other programs sponsored by the Office of Group Benefits, regardless of the age of the person with a developmental disability; **and in particular the provisions of R.S. 22:1001, 1003, and 1003.1, the Office of Group Benefits is authorized to offer group insurance coverage to the following dependents of an enrollee:**

(1) The spouse of the enrollee, as defined by the office.

(2) A child of the enrollee, until the end of the month the child attains the age of twenty-six, unless coverage is terminated earlier as provided in this Section.

(3) For purposes of this Section, “child” means:

(a) The issue of a marriage of the enrollee.

(b) A natural child of the enrollee.

(c) A legally adopted child of the enrollee or a child placed for adoption with the enrollee.

(d) The child of a male enrollee, if a court of competent jurisdiction has issued an order of filiation declaring the paternity of the enrollee for the child or the enrollee has formally acknowledged the child.

(e) The issue of a previous marriage or a natural or legally adopted child of the enrollee’s legal spouse, hereinafter “stepchild”, which stepchild has not been adopted by the enrollee and for whom the enrollee does not have court-ordered legal custody, until the earliest of:

(i) The end of the month the enrollee is no longer married to the stepchild’s parent.

(ii) The end of the month of the death of the enrollee’s spouse who is the stepchild’s parent.

(iii) The end of the month the stepchild attains the age of twenty-six.

(f) A grandchild in the court-ordered legal custody of and residing with the grandparent enrollee, until the end of the month the grandchild attains the age of twenty-six. For purposes of this Section, “grandchild” means a child of a child of the enrollee.

(g) A dependent for whom the enrollee has court-ordered legal custody or court-ordered legal guardianship but who is not a child or grandchild of the enrollee until the end of the month the custody or guardianship order expires or the end of the month the dependent attains the age of eighteen, whichever is earlier.

F.(1) Attainment of the respective limiting age of a child or grandchild shall not operate to terminate the coverage of such child or grandchild if the child or grandchild became incapable of self-sustaining employment by reason of physical or mental disability prior to attaining the respective limiting age, provided that before the child or grandchild reaches the limiting age, but no earlier than six months prior thereto, an application for continued coverage is filed with the office on a form designated by the office, and the application is subsequently approved. This application shall be accompanied by an attestation from the dependent’s attending physician setting forth the specific physical or mental disability and certifying that the child or grandchild is incapable of self-sustaining employment by reason of that disability. The office may require additional medical

or other supporting documentation regarding the disability to process the application.

(2) After the initial approval, the office may require the submission of additional medical or other supporting documentation substantiating the continuance of the disability, but not more frequently than annually, as a precondition to continued coverage.

§809. Payroll deductions for payment of premiums, surcharges, and other voluntary contributions

State boards, commissions, municipalities, and other public bodies may deduct from the employee's pay, salary, or compensation, such parts of the premiums, surcharges, and other voluntary contributions for life, health, or other benefit programs offered by the office as are payable by the employee and as may be authorized in writing by the employee.

§857. Authorization for surcharge

A. Notwithstanding any other provision of law or rule or regulation to the contrary, the Office of Group Benefits may impose a surcharge, payable solely by the participant employer or an enrollee, regardless of the source of funding, upon any class of employees or retirees.

B.(1) In the event the participant employer does not pay the surcharge by the date it is due, the office shall remove that participant employer and all of its employees and retirees from participation in the Office of Group Benefits programs, effective on the last day of the month in which the surcharge was due.

(2) This Section Subsection shall apply to local school boards only in the event that funds are appropriated by the legislature for the payment of the surcharge applicable to the local school boards.

C. Notwithstanding any other provision of law or rule or regulation to the contrary, in the event an enrollee does not pay an enrollee surcharge or portion of surcharge by the date it is due, the office shall remove that enrollee and his dependents from participation in the program for which the surcharge was applicable, effective on the last day of the month in which the surcharge was due.

§882. Composition of board

D. Vacancies.

(3) In the event that no person qualifies to run for one or more elected positions pursuant to Paragraph (A)(4) of this Section, the remaining members of the board shall fill the position by appointment. The board shall promulgate rules, in accordance with the Administrative Procedure Act, to implement the provisions of this Paragraph.

§883. Officers; oath; meetings; quorum; minutes; reports; compensation

A.(1) At the first meeting held in each fiscal year the board shall elect one of its members to serve as chairman until a new chairman is elected. At the same meeting, the board shall elect from its members a vice chairman to preside at meetings in the absence of the chairman and a secretary who shall be responsible for keeping the records and documents of the board.

(2) In the event of a vacancy in the office of chairman, vice chairman, or secretary, the board shall elect a member to serve in such capacity until the first meeting in the following fiscal year.

Section 2. R.S. 42:804, 854(A) and (B), and 855 and R.S. 22:1002 are hereby repealed.

Approved by the Governor, June 1, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 677

HOUSE BILL NO. 165

BY REPRESENTATIVES MACK, BACALA, BAGNERIS,
DWIGHT, HAZEL, HOWARD, MARINO, AND PYLANT
AN ACT

To amend and reenact R.S. 40:966(B)(3), (C)(4)(introductory paragraph), (G)(1), and 967(B)(1)(introductory paragraph) and to enact R.S. 40:961(3.1) and 967(B)(4), (C)(4), and (E), relative to controlled dangerous substances; to define the term "aggregate" for purposes of the Uniform Controlled Dangerous Substances Law; to provide relative to the substances fentanyl and carfentanil; to provide relative to criminal penalties; to provide relative to treatment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:966(B)(3), (C)(4)(introductory paragraph), (G)(1), and 967(B)(1)(introductory paragraph) are hereby amended and reenacted and R.S. 40:961(3.1) and 967(B)(4), (C)(4), and (E) are hereby enacted to read as follows:

§961. Definitions

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

(3.1) "Aggregate" means the gross weight of an exhibit of evidence.

§966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, possession of synthetic cannabinoids, possession of and heroin

B. Violations of Subsection A. Any person who violates Subsection A of this Section with respect to:

(3) A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its analogues, or fentanyl or a mixture of substances containing a detectable amount of fentanyl or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than forty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

C. Possession. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance classified in Schedule I unless such substance was obtained directly, or pursuant to a valid prescription or order, from a practitioner or as provided in R.S. 40:978, while acting in the course of his professional practice, or except as otherwise authorized by this Part. Any person who violates this Subsection with respect to:

(4) A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or of its analogues, or fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, upon conviction for an amount:

G. Treatment for heroin and fentanyl addiction as a condition for probation.

(1) Upon conviction of Paragraph (B)(3) or (C)(4) of this Section, possession with intent to distribute heroin or fentanyl or possession of heroin or fentanyl, the court may suspend any sentence which it imposes and place the defendant on probation pursuant to Code of Criminal Procedure Article 893. The court may order the division of probation and parole of the Department of Public Safety and Corrections to conduct a presentence investigation, or may order the defendant to obtain a substance abuse evaluation, for the purpose of determining whether the defendant has a substance abuse disorder.

§967. Prohibited acts--Schedule II, penalties

B. Violations of Subsection A. Any person who violates Subsection A of this Section with respect to:

(1) Except as otherwise provided in Paragraphs (2), (3), and (4) of this Subsection, a substance classified in Schedule II for an amount of:

(4) Fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than forty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

C. Possession. It is unlawful for any person knowingly or intentionally to possess a controlled dangerous substance as classified in Schedule II unless such substance was obtained directly or pursuant to a valid prescription or order from a practitioner, as provided in R.S. 40:978 while acting in the course of his professional practice, or except as otherwise authorized by this Part. Any person who violates this Subsection with respect to:

(4) Fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, upon conviction for an amount of:

(a) An aggregate weight of less than two grams, shall be imprisoned, with or without hard labor, for not less than two years nor more than four years.

(b) An aggregate weight of two grams or more but less than twenty-eight grams, shall be imprisoned, with or without hard labor, for not less than two years nor more than ten years and may, in addition, be required to pay a fine of not more than five thousand dollars.

E. Treatment for fentanyl or carfentanil addiction as a condition for probation. (1) Upon conviction of Paragraph (B)(4) or (C)(4) of this Section, possession with intent to distribute fentanyl or carfentanil or possession of fentanyl or carfentanil, the court may suspend any sentence which it imposes and place the defendant on probation pursuant to Article 893 of the Code of Criminal Procedure. The court may order the division of probation and parole of the Department of Public Safety and Corrections to conduct a presentence investigation, or may order the defendant to obtain a substance abuse evaluation, for the purpose of determining whether the defendant has a substance abuse disorder.

(2) Upon receiving the report or evaluation, the court shall, if it finds probable cause from such report to believe the defendant has a substance abuse disorder, order a contradictory hearing for the purpose of making a judicial determination on whether the defendant has a substance abuse disorder.

(3) If, at such contradictory hearing, the court determines that the defendant has a substance abuse disorder, it shall require as a condition of probation that the defendant complete a drug treatment program if the following conditions are met:

(a) There is an available program in the local jurisdiction that has sufficient experience in working with criminal justice participants with substance abuse disorders and is certified and approved by the state of Louisiana.

(b) The cost of the approved treatment does not create a substantial financial hardship to the defendant or his dependents. For purposes of this determination, "substantial financial hardship" shall have the same meaning as provided in R.S. 15:175.

(4) If the offender does not successfully complete the drug treatment program, or otherwise violates the conditions of his probation, the court may revoke the probation or impose other sanctions pursuant to Article 900 of the Code of Criminal Procedure.

Section 2.(A) The Louisiana State Law Institute is hereby authorized and directed to renumber the terms defined in R.S. 40:961 to ensure that such terms are in alphabetical order and to remove the use of decimalization in numbering such terms.

(B) The Louisiana State Law Institute is hereby authorized and directed to correct the citations in the following provisions to reflect the renumbering of the defined terms in R.S. 40:961 as provided by Subsection A of this Section: R.S. 17:416.3(D)(1) and 491.2(A), R.S. 37:1360.52(2) and 2371(3), and R.S. 40:971.2(B)(introductory paragraph), 991(B), and 1060.13(A).

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 678

HOUSE BILL NO. 196
BY REPRESENTATIVE MARINO
AN ACT

To amend and reenact Code of Criminal Procedure Article 978(D), relative to expungement of records of arrest and conviction of a felony offense; to provide relative to the limit on the number of expungements a person may receive in a specified period of time; to remove the limitation for persons whose conviction was set aside and prosecution dismissed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 978(D) is hereby amended and reenacted to read as follows:

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

D. Expungement of a record of arrest and conviction of a felony offense shall occur only once with respect to any person during a fifteen-year period. The limitation provided in this Paragraph shall not apply to a person who is seeking the expungement of his record of arrest and conviction for a conviction that was set aside and the prosecution dismissed pursuant to Article 893(E).

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 679

HOUSE BILL NO. 207
BY REPRESENTATIVE BAGLEY
AN ACT

To amend and reenact Code of Civil Procedure Article 1292, R.S. 14:79(A)(1)(b), and R.S. 46:2136.2(A) and to enact Code of Civil Procedure Article 1293(D), relative to temporary restraining orders and protective orders; to require the transmission of proof of service of certain temporary restraining orders, protective orders, preliminary injunctions, permanent injunctions, and consent agreements to the Louisiana Protective Order Registry; to provide for the method of transmission and the time period within which transmission must be made; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1292 is hereby amended and reenacted and Code of Civil Procedure Article 1293(D) is hereby enacted to read as follows:

Art. 1292. Sheriff's return

A. The sheriff shall endorse on a copy of the citation or other process the date, place, and method of service and sufficient other data to show service in compliance with law. He shall sign and return the copy promptly after the service to the clerk of court who issued it. The return, when received by the clerk, shall form part of the record, and shall be considered prima facie correct. The court, at any time and upon such terms as are just, may allow any process or proof of service thereof to be amended, unless it clearly appears that material prejudice would result to the substantial rights of the party against whom the process issued.

B. In addition to the provisions of Paragraph A of this Article, when the citation or other process is a temporary restraining order, protective order, preliminary injunction, permanent injunction, or court-approved consent agreement as referenced in R.S. 46:2136.2(B), the person making the service, or his designee, shall transmit proof of service to the judicial administrator's office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after making service, exclusive of weekends and holidays. This proof shall include, at a minimum, the case caption, docket number, type of order, serving agency and officer, and the date and time service was made.

Art. 1293. Service by private person

D. In addition to the provisions of Paragraph A of this Article, when the citation or other process is a temporary restraining order, protective order, preliminary injunction, permanent injunction, or court-approved consent agreement as referenced in R.S. 46:2136.2(B), the person making the service, or his designee, shall transmit proof of service to the judicial administrator's office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously as possible, but no later than the end of the next business day after making service, exclusive of weekends and holidays. This proof shall include, at a minimum, the case caption, docket number, type of order, serving agency and officer, and the date and time service was made.

Section 2. R.S. 14:79(A)(1)(b) is hereby amended and reenacted to read as follows:

§79. Violation of protective orders

A.(1)

(b) A defendant may also be deemed to have been properly served if tendered a certified copy of a temporary restraining order or ex parte protective order, or if tendered a faxed or electronic copy of a temporary restraining order or ex parte protective order received directly from the issuing magistrate, commissioner, hearing officer, judge or court, by any law enforcement officer who has been called to any scene where the named defendant is present. Such service of a previously issued temporary restraining order or ex parte protective order if noted in the police report shall be deemed sufficient evidence of service of process and admissible in any civil or criminal proceedings. A law enforcement officer making service under this Subsection shall transmit proof of service to the judicial administrator's office, Louisiana Supreme Court, for entry into the Louisiana Protective Order Registry, as provided in R.S. 46:2136.2(A), by facsimile transmission or direct electronic input as expeditiously as possible.

but no later than the end of the next business day after making service, exclusive of weekends and holidays. This proof shall include, at a minimum, the case caption, docket number, type of order, serving agency and officer, and the date and time service was made.

Section 3. R.S. 46:2136.2(A) is hereby amended and reenacted to read as follows:

§2136.2. Louisiana Protective Order Registry

A. In order to provide a statewide registry for abuse prevention orders to prevent domestic abuse, dating violence, stalking, and sexual assault and to aid law enforcement, prosecutors, and the courts in handling such matters, there shall be created a Louisiana Protective Order Registry administered by the judicial administrator's office, Louisiana Supreme Court. The judicial administrator's office shall collect the data transmitted to it from the courts, law enforcement, and private process servers of the state and enter it into the Louisiana Protective Order Registry as expeditiously as possible.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 680

HOUSE BILL NO. 223
BY REPRESENTATIVE MARINO
AN ACT

To amend and reenact Code of Criminal Procedure Article 814(A) and (B), relative to responsive verdicts; to provide relative to responsive verdicts with regard to the crimes of theft, criminal damage to property, and the attempt to commit these offenses; to amend responsive verdicts to reflect existing penalty grades for the crimes of theft, simple criminal damage to property, and unauthorized use of a movable; to provide relative to responsive verdicts for violations of the Uniform Controlled Dangerous Substances Law; to provide relative to responsive verdicts for violations of the Uniform Controlled Dangerous Substances Law that are based upon the weight of the substance; to add responsive verdicts to the crimes of attempted first degree murder and attempted second degree murder; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 814(A) and (B) are hereby amended and reenacted to read as follows:

Art. 814. Responsive verdicts; in particular

A. The only responsive verdicts which may be rendered when the indictment charges the following offenses are:

1. First Degree Murder:

Guilty.
Guilty of second degree murder.
Guilty of manslaughter.
Not guilty.

2. Attempted First Degree Murder:

Guilty.
Guilty of attempted second degree murder.
Guilty of attempted manslaughter.
Guilty of aggravated battery.

Guilty of aggravated assault with a firearm.

Not guilty.

3. Second Degree Murder:

Guilty.
Guilty of manslaughter.
Guilty of negligent homicide.
Not guilty.

4. Attempted Second Degree Murder:

Guilty.
Guilty of attempted manslaughter.
Guilty of aggravated battery.
Guilty of aggravated assault with a firearm.

Not guilty.

5. Manslaughter:

Guilty.
Guilty of negligent homicide.
Not guilty.

6. Attempted Manslaughter:

Guilty.
Guilty of aggravated battery.
Not guilty.

7. Negligent Homicide:

Guilty.
Not guilty.
7-7-8. Vehicular homicide:

Guilty.
Guilty of negligent homicide.
Not guilty.

7-2-9. Vehicular negligent injuring:

Guilty.
Guilty of negligent injuring.
Guilty of operating a vehicle while intoxicated.
Not guilty.

7-3-10. First degree vehicular negligent injuring:

Guilty.
Guilty of vehicular negligent injuring.
Guilty of negligent injuring.

Guilty of operating a vehicle while intoxicated.
Not guilty.
~~8-11. Aggravated Rape or First Degree Rape~~ degree rape (formerly titled aggravated rape):
Guilty.
Guilty of attempted ~~aggravated or first degree~~ rape.
Guilty of ~~forcible or second degree~~ rape.
Guilty of attempted ~~forcible or second degree~~ rape.
Guilty of sexual battery.
Guilty of ~~simple or third degree~~ rape.
Guilty of attempted ~~simple or third degree~~ rape.
Guilty of oral sexual battery.
Not guilty.
~~8-1-12. Aggravated or first First degree rape (formerly titled aggravated rape)~~ of a child under the age of thirteen:
Guilty.
Guilty of attempted ~~aggravated or first degree~~ rape.
Guilty of ~~forcible or second degree~~ rape.
Guilty of attempted ~~forcible or second degree~~ rape.
Guilty of ~~simple or third degree~~ rape.
Guilty of attempted ~~simple or third degree~~ rape.
Guilty of sexual battery.
Guilty of molestation of a juvenile or a person with a physical or mental disability.
Guilty of attempted molestation of a juvenile or a person with a physical or mental disability.
Guilty of indecent behavior with a juvenile.
Guilty of attempted indecent behavior with a juvenile.
Not guilty.
~~9-13. Attempted Aggravated Rape first degree rape or Attempted First Degree Rape (formerly titled aggravated rape):~~
Guilty.
Guilty of attempted ~~forcible or second degree~~ rape.
Guilty of attempted ~~simple or third degree~~ rape.
Not guilty.
~~10-14. Foreible Rape or Second Degree Rape~~ degree rape (formerly titled forcible rape):
Guilty.
Guilty of attempted ~~forcible or second degree~~ rape.
Guilty of ~~simple or third degree~~ rape.
Guilty of attempted ~~simple or third degree~~ rape.
Guilty of sexual battery.
Not guilty.
~~11-15. Attempted Foreible Rape second degree rape or Attempted Second Degree Rape (formerly titled forcible rape):~~
Guilty.
Guilty of attempted ~~simple or third degree~~ rape.
Not guilty.
~~12-16. Simple Rape Third degree rape or Third Degree Rape (formerly titled simple rape):~~
Guilty.
Guilty of attempted ~~simple or third degree~~ rape.
Guilty of sexual battery.
Not guilty.
~~13-17. Attempted Simple Rape third degree rape or Attempted Third Degree Rape (formerly titled simple rape):~~
Guilty.
Not guilty.
~~14-18. Aggravated Battery:~~
Guilty.
Guilty of second degree battery.
Guilty of simple battery.
Not guilty.
~~14-1-19. Disarming of a Peace Officer:~~
Guilty.
Guilty of attempted disarming of a peace officer.
Guilty of battery of a police officer.
Guilty of aggravated assault.
Not guilty.
~~14-2-20. Aggravated Second Degree Battery:~~
Guilty.
Guilty of aggravated battery.
Guilty of second degree battery.
Guilty of simple battery.
Not guilty.
~~15-21. Second Degree Battery:~~
Guilty.
Guilty of simple battery.
Not guilty.
~~15-1-22. Vehicular negligent injuring:~~
Guilty.
Not guilty.
~~16-23. Aggravated Assault:~~
Guilty.
Guilty of simple assault.
Not guilty.
~~17-24. Simple Battery:~~
Guilty.
Not guilty.
~~18-25. Aggravated Kidnapping:~~
Guilty.

Guilty of attempted aggravated kidnapping.
Guilty of second degree kidnapping.
Guilty of attempted second degree kidnapping.
Guilty of simple kidnapping.
Guilty of attempted simple kidnapping.
Not guilty.
~~19-26. Attempted Aggravated Kidnapping:~~
Guilty.
Guilty of attempted second degree kidnapping.
Guilty of attempted simple kidnapping.
Not guilty.
~~20-27. Simple Kidnapping:~~
Guilty.
Guilty of attempted simple kidnapping.
Not guilty.
~~21-28. Attempted Simple Kidnapping:~~
Guilty.
Not guilty.
~~22-29. Armed Robbery:~~
Guilty.
Guilty of attempted armed robbery.
Guilty of first degree robbery.
Guilty of attempted first degree robbery.
Guilty of simple robbery.
Guilty of attempted simple robbery.
Not guilty.
~~23-30. Attempted Armed Robbery:~~
Guilty.
Guilty of attempted first degree robbery.
Guilty of attempted simple robbery.
Not guilty.
~~23-1-31. First Degree Robbery:~~
Guilty.
Guilty of attempted first degree robbery.
Guilty of simple robbery.
Guilty of attempted simple robbery.
Not guilty.
~~24-32. Simple Robbery:~~
Guilty.
Guilty of attempted simple robbery.
Not guilty.
~~25-33. Attempted Simple Robbery:~~
Guilty.
Not guilty.
~~26-34. Theft:~~
Guilty of theft of property having a value of twenty-five thousand dollars or more.
Guilty of theft of property having a value of five thousand dollars or more, but less than twenty-five thousand dollars.
Guilty of theft of property having a value of ~~seven hundred fifty one thousand~~ one thousand dollars or more, but less than five thousand dollars.
Guilty of theft of property having a value of less than ~~seven hundred fifty one thousand~~ one thousand dollars.
Guilty of attempted theft of property having a value of twenty-five thousand dollars or more.
Guilty of attempted theft of property having a value of five thousand dollars or more, but less than twenty-five thousand dollars.
Guilty of attempted theft of property having a value of ~~seven hundred fifty one thousand~~ one thousand dollars or more, but less than five thousand dollars.
Guilty of attempted theft of property having a value of less than ~~seven hundred fifty one thousand~~ one thousand dollars.
Guilty of unauthorized use of movables having a value in excess of ~~five hundred one thousand~~ one thousand dollars.
Guilty of unauthorized use of movables having a value of ~~five hundred one thousand~~ one thousand dollars or less.
Not guilty.
~~27-35. Attempted Theft:~~
Guilty of attempted theft of property having a value of twenty-five thousand dollars or more.
~~Guilty of attempted theft of property having a value of five thousand dollars or more, but less than twenty-five thousand dollars.~~
Guilty of attempted theft of property having a value of ~~seven hundred fifty one thousand~~ one thousand dollars or more, but less than ~~twenty-five five thousand~~ five thousand dollars.
Guilty of attempted theft of property having a value of less than ~~seven hundred fifty one thousand~~ one thousand dollars.
~~Guilty of attempted unauthorized use of movables having a value of less than one hundred dollars.~~
Guilty of attempted unauthorized use of movables having a value in excess of ~~five hundred one thousand~~ one thousand dollars.
Guilty of attempted unauthorized use of movables having a value of ~~five hundred one thousand~~ one thousand dollars or less.
Not guilty.
~~28-36. Aggravated Arson:~~
Guilty.
Guilty of simple arson where the damage amounted to five hundred dollars or more.
Guilty of simple arson where the damage amounted to less than five hundred dollars.
The simple arson verdicts are responsive only if the words "belonging to another and with

damage amounting to _____ dollars” are included in the indictment.

Not guilty.

~~29-37~~. Attempted Aggravated Arson:

Guilty.

Guilty of attempted simple arson where the damage would have amounted to five hundred dollars or more.

Guilty of attempted simple arson where the damage would have amounted to less than five hundred dollars.

The attempted simple arson verdicts are responsive only if the words “belonging to another and with damage that would have amounted to _____ dollars” are included in the indictment.

Not guilty.

~~30-38~~. Simple Arson:

Guilty of simple arson where the damage done amounted to five hundred dollars or more.

Guilty of simple arson where the damage done amounted to less than five hundred dollars.

Not guilty.

~~31-39~~. Attempted Simple Arson:

Guilty of attempted arson where the damage would have amounted to five hundred dollars or more.

Guilty of attempted simple arson where the damage would have amounted to less than five hundred dollars.

Not guilty.

~~32-40~~. Arson With Intent to Defraud:

Guilty.

Not guilty.

~~33-41~~. Attempted Arson With Intent to Defraud:

Guilty.

Not guilty.

~~34-42~~. Aggravated Criminal Damage to Property:

Guilty.

Guilty of simple criminal damage to property where the damage amounted to fifty thousand dollars or more.

Guilty of simple criminal damage to property where the damage amounted to ~~five hundred one thousand~~ dollars or more, but less than fifty thousand dollars.

Guilty of simple criminal damage to property where the damage amounted to less than ~~five hundred one thousand~~ dollars.

The simple criminal damage to property verdicts are responsive only if the words “belonging to another and with damage amounting to _____ dollars” are included in the indictment.

Not guilty.

~~35-43~~. Attempted Aggravated Criminal Damage to Property:

Guilty.

Guilty of attempted simple criminal damage to property where the damage would have amounted to fifty thousand dollars or more.

Guilty of attempted simple criminal damage to property where the damage would have amounted to ~~five hundred one thousand~~ dollars or more, but less than fifty thousand dollars.

Guilty of attempted simple criminal damage to property where the damage would have amounted to less than ~~five hundred one thousand~~ dollars.

The attempted simple criminal damage to property verdicts are responsive only if the words “belonging to another and with damage that would have amounted to _____ dollars” are included in the indictment.

Not guilty.

~~36-44~~. Simple Criminal Damage to Property:

Guilty of simple criminal damage to property where the damage done amounted to fifty thousand dollars or more.

Guilty of simple criminal damage to property where the damage done amounted to ~~five hundred one thousand~~ dollars or more, but less than fifty thousand dollars.

Guilty of simple criminal damage to property where the damage done amounted to less than ~~five hundred one thousand~~ dollars.

Not guilty.

~~37-45~~. Attempted Simple Criminal Damage to Property:

Guilty of attempted simple criminal damage to property where the damage would have amounted to fifty thousand dollars or more.

Guilty of attempted simple criminal damage to property where the damage would have amounted to ~~five hundred one thousand~~ dollars or more, but less than fifty thousand dollars.

Guilty of attempted simple criminal damage to property where the damage would have amounted to less than ~~five hundred one thousand~~ dollars.

Not guilty.

~~38-46~~. Damage to Property With Intent to Defraud:

Guilty.

Not guilty.

~~39-47~~. Attempted Damage to Property With Intent to Defraud:

Guilty.

Not guilty.

~~40-48~~. Aggravated Burglary:

Guilty.

Guilty of attempted aggravated burglary.

Guilty of simple burglary.

Guilty of attempted simple burglary.

Guilty of simple burglary of an inhabited dwelling.

Guilty of attempted simple burglary of an inhabited dwelling.

Guilty of unauthorized entry of an inhabited dwelling.

Guilty of attempted unauthorized entry of an inhabited dwelling.

Not guilty.

~~41-49~~. Attempted Aggravated Burglary:

Guilty.

Guilty of attempted simple burglary.

Guilty of attempted simple burglary of an inhabited dwelling.

Guilty of attempted unauthorized entry of an inhabited dwelling.

Not guilty.

~~42-50~~. Simple Burglary:

Guilty.

Guilty of attempted simple burglary.

Guilty of unauthorized entry of a place of business.

Guilty of attempted unauthorized entry of a place of business.

Not guilty.

~~43-51~~. Simple Burglary of an Inhabited Dwelling:

Guilty.

Guilty of attempted simple burglary of an inhabited dwelling.

Guilty of unauthorized entry of an inhabited dwelling.

Guilty of attempted unauthorized entry of an inhabited dwelling.

Not guilty.

~~44-52~~. Attempted Simple Burglary:

Guilty.

Not guilty.

~~45-53~~. Aggravated Flight from an Officer:

Guilty.

Guilty of flight from an officer.

Not guilty.

~~46-54~~. Contamination of Water Supplies:

Guilty of contaminating water supplies when the act foreseeably endangered the life or health of human beings.

Guilty of contaminating water supplies when the act did not foreseeably endanger the life or health of human beings.

Not guilty.

~~47-55~~. Attempted Contamination of Water Supplies:

Guilty of attempted contamination of water supplies when the act would foreseeably endanger the life or health of human beings.

Guilty of attempted contamination of water supplies when the act would not foreseeably endanger the life or health of human beings.

Not guilty.

~~48-56~~. Production, Manufacture, Distribution or Dispensation of Controlled Dangerous Substances:

Guilty.

Guilty of attempted production, manufacture, distribution or dispensation of controlled dangerous substances.

Guilty of possession of controlled dangerous substances.

Guilty of attempted possession of controlled dangerous substances.

Not guilty.

~~49-57~~. Possession of Controlled Dangerous Substances With Intent to Produce, Manufacture, Distribute, or Dispense:

Guilty.

Guilty of attempted possession of controlled dangerous substances with intent to produce, manufacture, distribute, or dispense.

Guilty of possession of controlled dangerous substances.

Guilty of attempted possession of controlled dangerous substances.

Not guilty.

~~50-58~~. Possession of Controlled Dangerous Substances:

Guilty.

Guilty of attempted possession of controlled dangerous substances.

Not guilty.

~~51-59~~. Possession of Cocaine:

Guilty.

Guilty of attempted possession of cocaine.

Guilty of possession of drug paraphernalia.

Not guilty.

The possession of drug paraphernalia verdict is responsive only if there is evidence of drug paraphernalia, as defined in R.S. ~~40:1031~~ 40:1021, in the charged offense of possession of cocaine.

~~52-60~~. Attempted Production or Manufacture of Controlled Dangerous Substances:

Guilty.

Guilty of attempted possession of controlled dangerous substances.

Not guilty.

~~53-61~~. Attempted Distribution or Dispensation of Controlled Dangerous Substances:

Guilty.

Guilty of possession of controlled dangerous substances.

Guilty of attempted possession of controlled dangerous substances.

Not guilty.

~~54-62~~. Attempted Possession of Controlled Dangerous Substances With Intent to Produce, Manufacture, Distribute or Dispense:

Guilty.

Guilty of attempted possession of controlled dangerous substances.

Not guilty.

~~55-63~~. Creation or Distribution of Counterfeit Controlled Dangerous Substances:

Guilty.

Guilty of attempted creation or distribution of counterfeit controlled dangerous substances.

Not guilty.

~~56-64~~. Possession of Counterfeit Controlled Dangerous Substances With Intent to Distribute:

Guilty.

Guilty of attempted possession of counterfeit controlled dangerous substances with intent to distribute.

Not guilty.

57-65. Attempted Creation, Distribution, or Possession of Counterfeit Controlled Dangerous Substances With Intent to Distribute:

Guilty.
Not guilty.

58-66. Conspiracy to Violate any Provision of the Uniform Controlled Dangerous Substances Law:

Guilty.
Not guilty.

59-67. Cruelty to Persons with Infirmities:

Guilty.
Guilty of attempted cruelty to persons with infirmities.
Guilty of simple battery.
Guilty of assault.
Guilty of negligent injuring.
Not guilty.

60-68. Solicitation of Crime Against Nature:

Guilty.
Guilty of attempted solicitation of crime against nature.
Guilty of prostitution.
Not guilty.

B.(1) Except as provided in Paragraph A of this Article, responsive verdicts in any other cases arising under the Uniform Controlled Dangerous Substances Law shall be governed by Article 815 of this Code.

(2) For purposes of this Article and Article 815, for any offense arising under the Uniform Controlled Dangerous Substances Law that is graded according to the weight of the substance, the responsive verdicts shall include grades of the offense that are based upon lesser weights than the weight of the substance that is charged in the indictment.

* * *

Approved by the Governor, May 30, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 681

HOUSE BILL NO. 226
BY REPRESENTATIVE TALBOT
AN ACT

To enact R.S. 14:102.28, relative to offenses affecting the public sensibility; to create the crime of transporting live feral swine; to provide for definitions; to provide for penalties; to provide for exemptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:102.28 is hereby enacted to read as follows:

§102.28. Transporting live feral swine prohibited; penalties

A. It shall be unlawful to transport live feral swine by any person not in possession of proof of registration as a feral swine authorized transporter with the Louisiana Board of Animal Health within the Department of Agriculture and Forestry.

B. For the purposes of this Section, "feral swine" shall mean any hog, pig, or swine species, *Sus scrofa*, including but not limited to Russian and European wild boar and their hybrids that are running at large, free roaming, or wild upon public or private lands in this state, and shall also include any hog, pig, or swine species that has lived any part of its life running at large, free roaming, or wild. The term feral swine shall also include any feral phenotype swine, whether or not running at large, free roaming, or wild.

C. Whoever violates the provisions of this Section shall be fined not more than nine hundred dollars, or imprisoned for not more than six months, or both.

D. The provisions of this Section shall not apply to "Uncle Earl's Hog Dog Trials" as defined in R.S. 49:170.10.

Approved by the Governor, May 30, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 682

HOUSE BILL NO. 237
BY REPRESENTATIVE LEOPOLD
AN ACT

To amend and reenact R.S. 14:81.1(E)(1)(b), (2)(b), (3), and (4), relative to pornography involving juveniles; to provide relative to the crime of pornography involving juveniles; to provide relative to the criminal penalties for the crime of pornography involving juveniles; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:81.1(E)(1)(b), (2)(b), (3), and (4) are hereby amended and reenacted to read as follows:

§81.1. Pornography involving juveniles

* * *

E.(1)

* * *

(b) On a second or subsequent conviction for the intentional possession of pornography involving juveniles, the offender shall be fined not more than seventy-five thousand dollars and imprisoned at hard labor for not less than ten years nor more than forty years, without benefit of parole, probation, or suspension of sentence.

(2)

* * *

(b) On a second or subsequent conviction for distributing or possessing with the intent to distribute pornography involving juveniles, the offender shall be fined not more than seventy-

five thousand dollars and imprisoned at hard labor for not less than ten years nor more than forty years, without benefit of parole, probation, or suspension of sentence.

(3) Any parent, legal guardian, or custodian of a child who consents to the participation of the child in pornography involving juveniles shall be fined not more than ten fifty thousand dollars and be imprisoned at hard labor for not less than five years or nor more than twenty years, without benefit of probation, parole, or suspension of sentence.

(4)(a) Whoever engages in the promotion, advertisement, or production of pornography involving juveniles shall be fined not more than fifteen fifty thousand dollars and be imprisoned at hard labor for not less than ten years or nor more than twenty years, without benefit of probation, parole, or suspension of sentence.

(b) On a second or subsequent conviction for promotion, advertisement, or production of pornography involving juveniles, the offender shall be fined not more than seventy-five thousand dollars and imprisoned at hard labor for not less than twenty years nor more than forty years, without benefit of parole, probation, or suspension of sentence.

* * *

Approved by the Governor, May 30, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 683

HOUSE BILL NO. 239
BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 26:901(31), relative to the regulation of tobacco products; to provide for the definition of "vapor product"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:901(31) is hereby amended and reenacted to read as follows:

§901. Definitions

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

* * *

(31) "Vapor product" means any non-combustible non combustible product containing nicotine or other substances that employs a heating element, power source, electronic circuit, or other electronic, chemical or mechanical means, regardless of shape or size, that can be used to produce vapor from nicotine in a solution or other form or other substances. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include any of the following:

(a) Product that is a drug pursuant to 21 U.S.C. 321(g)(1).

(b) Device pursuant to 21 U.S.C. 321(h).

(c) Combination product described in 21 U.S.C. 353(g).

* * *

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 30, 2018.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 684

HOUSE BILL NO. 246
BY REPRESENTATIVE THIBAUT
AN ACT

To enact Part I of Chapter 19 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:2461, relative to a state reinsurance program; to authorize the commissioner of insurance to apply for a state innovation waiver to establish and implement a state reinsurance program; to authorize the commissioner of insurance to establish and implement a state reinsurance program; to prohibit the creation of a state reinsurance program prior to federal approval; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part I of Chapter 19 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:2461, is hereby enacted to read as follows:

CHAPTER 19. LOUISIANA HEALTH INSURANCE INNOVATION
AND STABILIZATION PROGRAM
PART I. STATE INNOVATION WAIVER

§2461. Authority of the commissioner

The commissioner may apply on behalf of the state of Louisiana for a state innovation waiver pursuant to Section 1332 of Public Law 111-148, 42 U.S.C. 18052, and establish and implement a reinsurance program administered pursuant to the state innovation waiver. No reinsurance program authorized by this Section shall be created until the application for a state innovation waiver is approved by the appropriate departments or agencies of the federal government.

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 30, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 685

HOUSE BILL NO. 298
BY REPRESENTATIVE CHAD BROWN
AN ACT

To amend and reenact R.S. 27:29.3(A)(1), relative to non-gaming supplier permits; to provide relative to those non-gaming suppliers who are required to obtain permits; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:29.3(A)(1) is hereby amended and reenacted to read as follows:

§29.3. Non-gaming supplier permit

A.(1) The division shall issue a non-gaming supplier permit to suitable persons who furnish services or goods and receive compensation or remuneration ~~in excess of two hundred thousand dollars per calendar year~~ for such goods or services, ~~as defined by the rules of the board~~, to the holder of a license as defined in R.S. 27:44(14) and 353(5), or the casino gaming operator. The board shall promulgate rules establishing the threshold amount of goods and services for which a non-gaming supplier permit is required. Such services include but are not limited to industries offering goods or services whether or not directly related to gaming activity, including junket operators and limousine services contracting with the holder of a license as defined in R.S. 27:44(14) and 353(5), or the casino gaming operator, suppliers of food and nonalcoholic beverages, gaming employee or dealer training schools, garbage handlers, vending machine providers, linen suppliers, or maintenance companies. Any employee or dealer training school, other than employee or training schools conducted by a licensee, or the casino gaming operator, shall be conducted at an institution approved by the Board of Regents or the state Board of Elementary and Secondary Education.

Approved by the Governor, May 30, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 686

HOUSE BILL NO. 303
BY REPRESENTATIVES GISCLAIR, AMEDEE, BARRAS, BERTHELOT, BILLIOT, TERRY BROWN, CARMODY, STEVE CARTER, CHANEY, COX, CREWS, GAROFALO, GLOVER, GUINN, HAVARD, HOFFMANN, HOWARD, HUVAL, MARCELLE, MARINO, NORTON, PIERRE, POPE, REYNOLDS, RICHARD, SCHEXNAYDER, SMITH, STEFANSKI, TALBOT, THIBAUT, AND THOMAS
AN ACT

To amend and reenact R.S. 32:408(A)(5)(b)(i) and to enact R.S. 32:402(C)(6), relative to driver's licenses; to authorize waiver of the skills test for a person regularly employed within the last twelve months in certain military positions; to provide with respect to the operation of a bus during times of emergency by employees of the Department of Transportation and Development; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:408(A)(5)(b)(i) is hereby amended and reenacted and R.S. 32:402(C)(6) is hereby enacted to read as follows:

§402. All drivers must secure license; exception; emergency vehicle exception; military personnel exceptions; emergency command post vehicle exception; law enforcement officer exception; Department of Transportation and Development employee exception; violations

C.
(6) Notwithstanding any provision of this Section or any other law to the contrary, an employee of the Department of Transportation and Development who is operating a bus, in the course and scope of his employment, during a gubernatorially declared state of emergency or disaster shall only be required to possess a Class "E" driver's license.

§408. Examination of applicants required; classes of licenses
A.

(5) Notwithstanding any other provision to the contrary, the skills test required for Classes "A", "B", and "C" commercial driver's licenses shall be waived for an applicant who meets one of the following requirements:

(b) Provides evidence and certifies that he is or was any of the following:
(i) Regularly employed within the last ~~ninety days~~ twelve months in a military position requiring operation of a commercial motor vehicle.

Approved by the Governor, May 30, 2018.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 687

HOUSE BILL NO. 650
BY REPRESENTATIVES FOIL, STEVE CARTER, EDMONDS, AND HAZEL
AN ACT

To amend and reenact R.S. 9:154(A)(15), R.S. 17:3129.4(C), R.S. 44:4.1(B)(9), and R.S. 47:1508(B)(17) and to enact Chapter 22-B of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:3100.1 through 3100.10, and R.S. 42:456.2, relative to the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program; to create the program and provide for program purpose and definitions; to provide relative to program administration by the Louisiana Tuition Trust Authority and for powers and duties of the authority; to provide for adoption by the authority of certain rules pursuant to the Administrative Procedure Act; to provide relative to education savings accounts; to provide relative to the Louisiana Education and Tuition Savings Fund; to provide for the powers and duties of the office of the state treasurer with regard to the program; to apply laws pertaining to abandoned property to certain program account funds; to provide a public records exception for certain records of the authority pertaining to program accounts; to provide relative to payroll withholdings; to provide an exception to the confidentiality of the records of the secretary of the Department of Revenue relative to the program; to authorize, with limitations, disbursements from education savings accounts established pursuant to the Louisiana Student Tuition Assistance and Revenue Trust Program for elementary and secondary school tuition expenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:154(A)(15) is hereby amended and reenacted to read as follows:

§154. Presumptions of abandonment

A. Property is presumed abandoned if it is unclaimed by the apparent owner during the time set forth below for the particular property for the following:

(15)(a) Funds in an education savings account established in accordance with the Louisiana Student Tuition Assistance and Revenue Trust Program as provided in Chapter 22-A of Title 17 of the Louisiana Revised Statutes of 1950; during any five-year period subsequent to the beneficiary's thirty-fifth birthday.

(b) Funds in an education savings account established in accordance with the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program as provided in Chapter 22-B of Title 17 of the Louisiana Revised Statutes of 1950 during any five-year period subsequent to the beneficiary's twentieth birthday.

Section 2. R.S. 17:3129.4(C) is hereby amended and reenacted and Chapter 22-B of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:3100.1 through 3100.10, is hereby enacted to read as follows:

CHAPTER 22-B. LOUISIANA STUDENT TUITION ASSISTANCE AND REVENUE TRUST KINDERGARTEN THROUGH GRADE TWELVE PROGRAM

§3100.1. Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program; creation; purpose; legislative intent

A. In order to provide the citizens of Louisiana with financing assistance for education, there is hereby created the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program, referred to in this Chapter as the "START K12 Program" or the "program". The program shall consist of the establishment of education savings accounts by individuals, groups, or organizations and provisions for the routine deposit of funds to cover elementary and secondary education costs of a designated beneficiary.

B. The legislature hereby finds that the program created by this Chapter is an official state function, offered through an agency of the state that receives state appropriations.

C.(1) It is the intention of the legislature that the program shall be a qualified tuition program as defined in Section 529 of the federal Internal Revenue Code, as amended. Any provision of this Chapter determined to be in conflict with any requirement of the code as applicable to a qualified tuition program shall be superseded by such code provision to the extent necessary to assure that the program continues to meet the code's definition of a qualified tuition program.

(2) Any requirement of this Chapter determined to be more restrictive than the requirements of the federal Internal Revenue Code as applicable to a qualified tuition program may be modified to conform with code requirements by the Louisiana Tuition Trust Authority in accordance with the Administrative Procedure Act.

§3100.2. Definitions

For the purposes of this Chapter, the following words, terms, and phrases shall have the following meanings unless the context clearly requires otherwise:

(1) "Authority" means the Louisiana Tuition Trust Authority.

(2) "Beneficiary" means a person designated in an education savings account owner's agreement, or by the authority when authorized by an account owner meeting the classification requirements of R.S. 17:3100.6(A)(1)(e), as the individual entitled to apply the savings accrued in an education savings account to the payment of his qualified education expenses.

(3) "Education savings account" is a savings account established by an individual, a group of individuals, or an organization pursuant to the program created by this Chapter for a beneficiary.

(4) "Elementary or secondary school" means a public or approved nonpublic elementary or secondary school in Louisiana that contains any of the grades kindergarten through twelve.

(5) "Fixed earnings" means the placement of all the deposits in an education savings account and the interest earned thereon in investments with fixed earnings.

(6) "Member of the family" means, with respect to any designated beneficiary:

(a) An individual who bears one of the following relationships to such beneficiary:

(i) Brother, sister, stepbrother, or stepsister.

(ii) Father or mother, or an ancestor of either.

(iii) Stepfather or stepmother.

(iv) Son or daughter of a brother or sister.

(v) Brother or sister of the father or mother.

(vi) Brother-in-law or sister-in-law.

(b) The spouse of any individual described in Subparagraph (a) of this Paragraph.

(7) “Other persons” means, with respect to any designated beneficiary, any person, whether natural or juridical, who is not a member of the family, including but not limited to individuals, groups, trusts, estates, associations, organizations, partnerships, and corporations.

(8) “Qualified education expenses” are expenses for tuition in connection with enrollment or attendance at an elementary or secondary school in grades kindergarten through twelve.

(9) “Redemption value” means the cash value of the education savings account attributable to the sum of the principal invested and the interest earned on principal and authorized to be credited to the account by the authority less any fees due and imposed by rule of the authority.

(10) “Trade date” means the date that a deposit to an investment option that includes variable earnings is assigned a value in units, the date a disbursement or refund from an investment option that includes variable earnings is assigned a value, or the date a change in investment options that includes variable earnings is assigned a value, whichever is applicable.

(11) “Tuition” means the expenses for tuition in connection with enrollment or attendance at an elementary or secondary school, as delineated by the authority.

(12) “Variable earnings” means that portion of funds in an education savings account invested in equities.

(13) “Variable Earnings Transaction Fund” means the subaccount established by the state treasurer within the Tuition and Savings Fund to receive earnings funds as described in R.S. 17:3100.5(F).

§3100.3. Louisiana Tuition Trust Authority; administration; powers

A. The START K12 Program shall be administered by the authority.

B. In addition to any other powers conferred by this Chapter or any other provision of law, the authority may do any of the following:

(1) Purchase insurance from insurers licensed to do business in this state providing for coverage against any loss in connection with the authority’s property, assets, or activities or to further ensure the value of education savings accounts.

(2) Indemnify or purchase policies on behalf of members, officers, and employees of the authority from insurers licensed to do business in this state providing for coverage for any liability incurred in connection with any civil action, demand, or claim against a director, officer, or employee by reason of an act or omission by the director, officer, or employee that was not manifestly outside the scope of his employment or official duties or with malicious purpose, in bad faith, or in a wanton or reckless manner.

(3) Make, execute, and deliver contracts, conveyances, and other instruments necessary to the exercise and discharge of the powers and duties of the authority.

(4) Promote, advertise, and publicize the program.

(5) Enter into agreements with any agency of the state or its political subdivisions or with private employers under which an employee may agree to have a designated amount deducted in each payroll period from the wages or salary due him for the purpose of depositing said funds in the education savings account established by the employee.

(6) Solicit, accept, and expend gifts or grants.

C.(1) The authority shall, by adoption of rules pursuant to the Administrative Procedure Act, provide for the following:

(a) Reasonable residency requirements for beneficiaries of those applying to establish an education savings account.

(b) Reasonable limits on the number of education savings account participants.

(c) Limits on the amount which may accrue in an account on behalf of any beneficiary.

(d) Restrictions on the substitution of one beneficiary for another.

(e) Restrictions on the transfer of ownership of education savings accounts.

(f) The rate of interest to be paid on education savings accounts of record at the close of a calendar year. Such rate shall not be a negative rate and shall be approved by the state treasurer.

(g) The disposition of abandoned accounts in compliance with state law.

(h) Restrictions on investment of deposits in an education savings account and the interest earned thereon.

(i) A procedure for the authority to identify qualified students for designation as beneficiary when authorized to make such a designation by an account owner meeting the classification requirements of R.S. 17:3100.6(A)(1)(e).

(2) The authority may, but only by adoption of rules pursuant to the Administrative Procedure Act, provide for any of the following:

(a) Necessary and proper fees in connection with service provided or cost incurred in the implementation or administration of this Chapter.

(b) Such other rules as are necessary and proper for the implementation and administration of this Chapter.

§3100.4. Cooperation of state agencies

The authority shall develop a plan for the establishment of education savings accounts. The Board of Regents, and any other state agency requested to do so, shall cooperate with the authority and provide technical assistance upon request. To facilitate participation in the START K12 Program, such plan shall allow for the deposit of small sums of money on a regular, incremental basis.

§3100.5. Education savings accounts; types, use, limitations, and disclosures

A.(1) The authority may enter into an account owner’s agreement with any person who qualifies pursuant to R.S. 17:3100.6(A) for the creation of an education savings account on behalf of a beneficiary. When the number of available agreements is limited, preference shall be given to the establishment of account owner agreements with resident account owners who are establishing accounts for resident beneficiaries.

(2) Disbursements from an education savings account shall be made from the account to the account owner, beneficiary, or elementary or secondary school, as directed by the account owner, for the qualified education expenses of the beneficiary not to exceed the redemption value of the account. The amount of all disbursements from all education savings accounts with respect to a beneficiary during any taxable year shall, in the aggregate, include not more than ten thousand dollars in qualified education expenses incurred during the taxable year.

(3) Nothing in this Chapter or in any education savings account owner’s agreement entered into pursuant to this Chapter shall be construed as a guarantee by the state, the authority, or

any elementary or secondary school that a beneficiary of such an account will be admitted to such a school, or, upon admission to such a school, will be permitted to continue to attend or will receive a diploma or any other affirmation of program completion from the school. Nothing in this Chapter or in any education savings account owner’s agreement entered into pursuant to this Chapter shall be considered a guarantee that the beneficiary’s cost of tuition at an elementary or secondary school will be covered in full by the proceeds of the beneficiary’s education savings account.

(4) Subject to the limitation imposed by R.S. 17:3100.7(B), the authority shall guarantee payment of the redemption value of an education savings account in which the deposits and interest are invested in fixed earnings.

(5) Nothing in this Chapter or in any education savings account owner’s agreement entered into pursuant to this Chapter shall be construed as a guarantee of payment of the redemption value of an education savings account by the state, the authority, or any elementary or secondary school for deposits and interest invested in variable earnings.

B. The following information shall be disclosed in writing to each person completing an account owner’s agreement:

(1) The terms and conditions for opening, maintaining, terminating, or redeeming an education savings account.

(2) Any restrictions on the substitution of another individual for the original beneficiary.

(3) The person entitled to terminate the account owner’s agreement.

(4) The terms and conditions under which the agreement may be terminated and the amount of the refund, if any, to which the person terminating the agreement, or that person’s designee, is entitled upon termination.

(5) The obligation of the authority to make payments to a beneficiary, or an elementary or secondary school on behalf of a beneficiary pursuant to Subsection A of this Section, based upon the redemption value accrued on behalf of the beneficiary.

(6) The method by which withdrawals from the education savings account shall be applied toward payment of qualified education expenses.

(7) The period of time during which the beneficiary may receive benefits under the agreement.

(8) The terms and conditions under which money may be wholly or partially withdrawn from the program.

(9) A clear statement that the act of establishing an education savings account pursuant to this Chapter does not guarantee full payment of tuition on behalf of the beneficiary.

(10) A clear statement of fees that may be imposed and collected and an estimate of the amount of such fees for the two years following the establishment of an agreement.

(11) All other rights and obligations of the purchaser and the authority and any other terms, conditions, and provisions the authority considers necessary and appropriate.

C. An education savings account owner’s agreement may provide that the authority shall pay directly to the elementary or secondary school in which the beneficiary is enrolled the amount represented by the qualified education expenses incurred that term, subject to the limitations provided in Paragraph (A)(2) of this Section.

D. Prior to the close of the calendar year in which the program is implemented and each year thereafter on a date specified by the authority, the state treasurer shall determine and report to the authority the total earnings and the rate of return achieved on deposits in the Louisiana Education Tuition and Savings Fund. Based upon the fund’s reported earnings, the authority shall establish the rate of interest to be applied to the accumulated principal and interest in education savings accounts of record, subject to approval by the state treasurer. The authority shall calculate and credit the appropriate amount of interest earnings to each such account prior to the close of the calendar year.

E. If the redemption value of an education savings account is in excess of the maximum allowed to be saved pursuant to the provisions of 26 U.S.C. 529 as amended, the excess value shall be treated in accordance with R.S. 17:3100.7.

F.(1) Checks and electronic funds transfers through the Automated Clearing House Network, or its successor, received for deposit in a variable earnings option shall be invested by the state treasurer in fixed earnings prior to the trade date. All earnings from such investments from the beginning of the program shall be the property of the state and shall be deposited in the Variable Earnings Transaction Fund.

(2) Any increase in the value of an account over the amount deposited shall be forfeited by the account owner and deposited in the Variable Earnings Transaction Fund if the deposit was used to purchase units in a variable earnings option and made by check or Automated Clearing House Network a transfer that, subsequent to the trade date, was not honored by the financial institution on which it was drawn.

(3) Any increase in the value of an account over the amount deposited shall be forfeited by the account owner and deposited in the Variable Earnings Transaction Fund if the account was invested in a variable earnings option and terminated within twelve months of the date the account was opened.

(4) The monies in the Variable Earnings Transaction Fund shall be used by the authority to pay a financial institution’s charges and any loss in value between the purchase and redemption of units in a variable earnings option resulting from a check deposit or Automated Clearing House Network transfer that, subsequent to the trade date, is not honored by the financial institution on which it was drawn.

§3100.6. Education savings accounts; creation, terms, and conditions

A.(1) An education savings account shall be established for a person who is determined by the authority to qualify under one of the following classifications:

(a) A person determined by the authority to be the parent, grandparent, or court-ordered custodian of the person being designated as beneficiary of the account or who claims the person being designated as beneficiary as a dependent on his federal income tax return, and at the time of the initiation of the agreement, the person or beneficiary is a resident of the state.

(b) A person determined by the authority to be a member of the family of the beneficiary, and at the time of the initiation of the agreement, the person or the beneficiary is a resident of the state.

(c) Any other person, and at the time of the initiation of the agreement, the beneficiary is a resident of the state.

(d) Any other person who, at the time of the initiation of the agreement, is a resident of the state and the beneficiary is not a resident of the state.

(e) Any other person or any government entity, and at the time of the initiation of the

agreement:

- (i) The beneficiary is a resident of the state.
 - (ii) The federal adjusted income of the beneficiary's family is less than thirty thousand dollars or the beneficiary is eligible for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).
 - (iii) The beneficiary is not a member of the account owner's family nor a member of the family of any member or employee of the authority or the office of student financial assistance.
 - (iv) The deposits to the account are an irrevocable donation by the owner.
- (2) The person completing the account owner's agreement for an education savings account shall be the "owner" of the account.

B.(1)(a) An education savings account may have only one designated beneficiary. The account owner shall designate the beneficiary; however, an account owner meeting the classification requirements of Subparagraph (A)(1)(e) of this Section may authorize the authority to designate the beneficiary.

(b) The beneficiary designated by the authority shall meet the following minimum qualifications:

- (i) Be a resident of the state.
- (ii) The federal adjusted gross income of the beneficiary's family must be less than thirty thousand dollars or the beneficiary must be eligible for a free lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).
- (iii) Not be a member of the account owner's family nor a member of the family of any member or employee of the authority and the office of student financial assistance.

(2) Persons who are eligible to establish an education savings account for more than one beneficiary shall establish a separate account for each beneficiary. The account shall be subject to all other terms, conditions, and fees applicable to an education savings account.

C. The right of a beneficiary to the assets of an education savings account shall not be subject to and is expressly dispensed from collation, execution, garnishment, attachment, the operation of bankruptcy or the insolvency laws or other process of law. Monies paid into or out of the assets and the income of any validly existing qualified tuition program authorized by Section 529 of the Internal Revenue Code of 1986 as amended, including but not limited to an education savings account as defined in R.S. 17:3100.2, shall not be liable to attachment, levy, garnishment, or legal process in the state in favor of any creditor of or claimant against any program participant, owner, contributor, or program.

§3100.7. Termination of depositor's agreements; refund; conversion of the account to money; transfers

A.(1) Unless otherwise provided for in the agreement, an education savings account owner's agreement may be terminated by the person entering into the agreement, the beneficiary, or by any person or combination of persons designated in the agreement as provided in this Section.

(2) An education savings account owner's agreement may be terminated under any of the following circumstances:

- (a) Upon the death of the beneficiary.
- (b) Upon notification to the authority in writing that the beneficiary has decided not to attend an elementary or secondary school that charges tuition and requests that the education savings account be terminated.
- (c) Upon completion of the requirements for a diploma or other affirmation of program completion at an elementary or secondary school.
- (d) Upon the occurrence of other circumstances determined by the authority to be grounds for termination.

B.(1) The authority shall determine the method and schedule for payment of refunds upon termination of an education savings account.

(2) The amount of the refund to which the person designated in the account owner's agreement is entitled shall be equal to the following:

- (a) The actual amount of the deposits or the current value of the deposits, whichever is less, if the account has been open for less than twelve months.
- (b) The redemption value of the education savings account invested in fixed earnings at the time of the refund and interest earned thereon, previously credited but not expended from the account, if the account has been open for twelve or more months.
- (c) The value of the education savings account invested in variable earnings at the time of the refund and interest earned thereon previously credited but not expended from the account, if the account has been open for twelve or more months.

(3) Monies in accounts opened by juridical persons or classified under R.S. 17:3100.6(A)(1) (e) may not be refunded; however, the account owner or the authority, if the account owner has authorized the authority to designate the beneficiary, may designate a new beneficiary:

- (a) Upon the death of the beneficiary.
- (b) If the beneficiary has decided not to attend an elementary or secondary school that charges tuition.
- (c) Upon the beneficiary's completion of the requirements for a diploma or other affirmation of program completion at an elementary or secondary school.

C. If the beneficiary is the recipient of a scholarship, waiver of tuition, or similar subvention that the authority determines cannot be converted into money by the beneficiary, the authority shall, during each academic term that the beneficiary furnishes the authority such information about the scholarship, waiver, or similar subvention as the authority requires, refund to the person designated in the owner's agreement an amount from the owner's education savings account equal to the value of the scholarship, waiver, or similar subvention awarded to the beneficiary. The authority may, at its sole option, designate the school at which the beneficiary is enrolled as the agent of the authority for purposes of refunds pursuant to this Subsection.

D. If, in any academic term for which withdrawals from the education savings account have been used to pay all or part of a beneficiary's qualified education expenses, the beneficiary withdraws from the school at which the beneficiary is enrolled prior to the end of the academic term, a pro rata share of any refund of the qualified education expenses resulting from the beneficiary's withdrawal from the school, equal to that portion of the qualified education expenses paid by disbursements from the education savings account, shall be made to the authority, unless the authority designates a different procedure. The authority shall credit any refund to the appropriate education savings account.

E. An account owner may not transfer or roll over any amount from an education savings account created pursuant to Chapter 22-A of this Title to an education savings account created

pursuant to this Chapter.

§3100.8. Louisiana Education and Tuition Savings Fund; use

A. The assets of the authority reserved for payment of the obligations of the authority pursuant to its agreements with account owners shall be placed in the Louisiana Education Tuition and Savings Fund created pursuant to R.S. 17:3129.4(C). Funds received by the authority from persons making deposits in their education savings accounts, all interest and investment income earned by the fund, and all other receipts of the authority from any other source which the authority determines appropriate shall be deposited in the fund. Any claim for redemption or withdrawal pursuant to an education savings account owner's agreement shall be solely against the assets of the fund. No account owner or beneficiary of an education savings account shall have any claim against the state general fund or other funds or revenue sources of the state, or against the funds of any elementary or secondary school.

B. Unless otherwise provided by the authority, the assets of the START K12 Program in the Tuition and Savings Fund shall be expended in the following order:

(1) To make payments to beneficiaries or elementary or secondary schools on behalf of beneficiaries.

(2) To make refunds.

C. Notwithstanding the provisions of any other law, if at any time the amount in the Tuition and Savings Fund is insufficient to meet the payment demands made upon the fund which represent obligations listed in Subsection B of this Section, then the funds necessary to meet these payment obligations in full shall be appropriated.

D. All disbursements from the program shall be made by the treasurer on order of the authority.

E. The treasurer shall cause the investment of the assets of the program in the fund and, notwithstanding R.S. 17:3129.4(C), may cause investment in any investments in which public retirement boards are authorized by law to invest, provided that up to one hundred percent of deposits to an education savings account may be invested in equity securities when an account owner has selected an equity investment option and that such investments in equity securities shall not be included in any limitation on investment in equity securities. The instruments of title of all investments shall be delivered to the state treasurer or to a qualified trustee designated by him. Assets of the program in the fund shall be administered by the treasurer so that the assets will achieve the highest possible investment return to education savings accounts consistent with the security of principal, and be sufficient to satisfy the obligations of the authority.

F. The authority shall maintain an individual account for each account owner's agreement showing the beneficiary of that agreement and the accumulated value of the principal deposited and interest earned on deposits pursuant to that agreement. Upon request of any beneficiary or person who has entered into an account owner's agreement, the authority shall provide a statement indicating, in the case of a beneficiary or in the case of a person who has entered into an account owner's agreement, the accumulated value of the principal deposited, interest earned on deposits, and the amounts used or refunded, pursuant to the agreement. A beneficiary and an account owner may request a statement under this Subsection at any time, subject to any fee that the authority may impose for requests in excess of one per year.

G. In January of each year, the authority shall report to each person who received any payment or refund from the authority during the preceding year information relative to the value of such payment or refund.

H. All records of the authority indicating the identity of owners and beneficiaries of education savings accounts and the amounts used or refunded under an account owner's agreement are not public records.

§3100.9. Annual financial report; audits

The authority shall be audited in accordance with the provisions of R.S. 24:513. The audit shall be conducted in conjunction with the audit conducted pursuant to R.S. 17:3099.1. A copy of the audit report shall be provided to the governor and the legislature pursuant to R.S. 24:772. Copies of the audited financial report also shall be made available, upon request, to persons entering into contracts with the authority and to prospective account owners in education savings accounts.

§3100.10. Effectiveness

The authority shall undertake operation of the program created by this Chapter upon receipt of an appropriation or an award or donation from any other source sufficient to fund the authority's initial start-up and operational expenses. Funds appropriated, awarded, or donated to the authority for this purpose shall be carried forward from year to year and may be expended by the authority as appropriated. Appropriations to the authority from the Tuition and Savings Fund which remain at the end of each fiscal year shall not be returned to the general fund but shall be deposited in the Tuition and Savings Fund.

* * *

§3129.4. Louisiana Education Tuition and Savings Plan and Fund

* * *

C.(1) There shall be established in the state treasury as a special permanent fund the Louisiana Education Tuition and Savings Fund, hereinafter referred to as the "Tuition and Savings Fund". The fund shall be comprised of separate accounts one account for both the Louisiana Student Tuition Assistance and Revenue Trust Program established in Chapter 22-A of this Title and the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program established in Chapter 22-B of this Title and a separate account for the educational savings program authorized by this Section. A "Savings Enhancement Fund" shall be established as a special permanent sub-account within the Louisiana Student Tuition Assistance and Revenue Trust Program and Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program Account. As budgeted by the Louisiana Tuition Trust Authority, the legislature shall annually appropriate state general funds to be deposited by the state treasurer in the Savings Enhancement Fund. Monies in the Savings Enhancement Fund shall be used, as appropriated, to make earnings enhancements to the beneficiaries of eligible education savings accounts established under the Louisiana Student Tuition Assistance and Revenue Trust Program by Chapter 22-A of this Title. All revenues and interest earnings generated pursuant to programs of the Louisiana Education Tuition and Savings Plan, and the Louisiana Student Tuition Assistance and Revenue Trust Program, and the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program shall be credited to their respective fund accounts or sub-accounts. The

monies in this fund shall be used solely to finance the permitted educational benefits provided by the respective programs. All unexpended and unencumbered monies in fund accounts and their respective sub-accounts at the end of a fiscal year shall remain in such fund accounts or sub-accounts and be available for appropriation in the next fiscal year. The monies in the fund shall be invested by the state treasurer in accordance with state law and as provided for by program rules, regulations, and guidelines, and interest earned on the investment of these monies shall be credited to the respective fund accounts or sub-accounts, following compliance with the requirement of Article VII, Section 9(B) of the ~~constitution~~ Constitution of Louisiana relative to the Bond Security and Redemption Fund. However, principal deposited by account owners and interest earned thereon is not public money and therefore is not subject to the requirements of Article VII, Section 9(B) of the ~~constitution~~ Constitution of Louisiana.

(2) The legislature shall make yearly appropriations from the respective account and sub-account, if applicable, to the Board of Regents for the purposes established in this Section and to the Louisiana Tuition Trust Authority for the purposes established in Chapter 22-A and Chapter 22-B of this Title.

* * *

Section 3. R.S. 42:456.2 is hereby enacted to read as follows:
§456.2. Permitted withholding; Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program

A. Notwithstanding any law, rule, or regulation to the contrary, any employee of the state or of a political subdivision in the state may authorize his employing department, office, or agency to withhold from his salary a specific amount for such pay periods as may be designated, for deposit into an education savings account as provided for by R.S. 17:3100.1 et seq., relative to the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program, referred to in this Section as the "START K12 Program".

B. Distribution of funds to a START K12 Program education savings account shall be made based upon the payroll deduction collection record of the department, office, or agency.

C. No withholding may be made from the earnings of any employee for the purposes permitted by this Section unless the withholding is specifically and voluntarily authorized by the employee in writing. Any amount withheld in accordance with the provisions of this Section shall be remitted to the START K12 Program on a regularly scheduled basis as prescribed by rules adopted in accordance with the Administrative Procedure Act by the Louisiana Tuition Trust Authority.

Section 4. R.S. 44:4.1(B)(9) 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:

* * *

(9) R.S. 17:7.2, 46, 47, 81.9, 334, 391.4, 500.2, 1175, 1202, 1237, 1252, 1952, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3390, 3773, 3884

* * *

Section 5. R.S. 47:1508(B)(17) is hereby amended and reenacted to read as follows:

§1508. Confidentiality of tax records

* * *

B. Nothing herein contained shall be construed to prevent:

* * *

(17) The furnishing of a taxpayer's reported federal adjusted gross income as requested by the office of student financial assistance when based on certification by the office that the confidentiality of such information will be respected and that it holds an agreement signed by the taxpayer authorizing the release of this information for the purpose of considering the eligibility of the taxpayer's beneficiary for a tuition assistance grant under the Louisiana Student Tuition Assistance and Revenue Trust Program as provided for by Chapter 22-A of Title 17 of the Louisiana Revised Statutes of 1950, for the purpose of considering the eligibility of the taxpayer's beneficiary for participation in the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program as provided for by Chapter 22-B of Title 17 of the Louisiana Revised Statutes of 1950, or for the purpose of considering the eligibility of the taxpayer's dependent child for an award under the Louisiana Taylor Opportunity Program for Students as provided for by Chapter 20-G 50 of Title 17 of the Louisiana Revised Statutes of 1950.

* * *

Section 6. Funds that were deposited prior to January 1, 2018, to an education savings account that was established in accordance with Chapter 22-A of Title 17 of the Louisiana Revised Statutes of 1950 may be disbursed in 2018 to pay tuition as defined in this Act at an elementary or secondary school as defined in this Act. Any such disbursement shall not include earnings enhancements or interest thereon that may have accrued to the account. The total amount of disbursements from all such accounts with respect to a beneficiary shall not exceed ten thousand dollars.

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 30, 2018.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 688

HOUSE BILL NO. 656

BY REPRESENTATIVE EMERSON

AN ACT

To amend and reenact R.S. 17:182(B) and to enact R.S. 17:3996(B)(45), relative to elementary school students; to provide relative to provisions that require each governing authority of a public elementary or charter school to implement a reading program at an elementary school in accordance with certain guidelines; to provide relative to certain reports; to authorize the state Department of Education to extend deadlines for administration and reports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:182(B) is hereby amended and reenacted and R.S. 17:3996(B)(45) is hereby enacted to read as follows:

§182. Student reading skills; requirements; reports

* * *

B.(1) Not later than thirty days after the beginning of each school year, each second grade teacher student and each third grade teacher student shall report be administered a literacy screener to identify the number of students in the teacher's class who cannot read below, at, and above grade level. Students scoring above grade level shall be considered for evaluation into a gifted program. Students scoring below grade level shall be considered for additional resources.

(2) Not later than forty-five days after the beginning of the school year, a literacy screening report describing the number of students who read below, at, and above grade level Copies of this report shall be sent simultaneously by the each teacher to the principal of the school and to the system superintendent. The report shall also include the number of children who were referred to gifted evaluation as a result of their screening results.

(2) (3) Not later than sixty days after the beginning of each school year, the information required to be submitted pursuant to Paragraph (4) (2) of this Subsection shall be forwarded by each system superintendent to the state superintendent of education and to the State Board of Elementary and Secondary Education.

(3) (4) Not later than ninety days after the beginning of each school year, the State Board of Elementary and Secondary Education shall compile and submit a report to the House Committee on Education and to the Senate Committee on Education showing for each public elementary school, for each school system, and for the state as a whole the number of students in second or third grades in public elementary schools who cannot read at grade level as determined pursuant to the provisions of this Section. The data for each school, for each school system, and for the state as a whole shall be reported in the school progress profiles provided for by R.S. 17:3911 and 3912.

(5) In times of crisis or natural disaster, the state Department of Education may extend deadlines for administration and reporting results of the screening instruments required by this Subsection.

* * *

§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) Administration of literacy screening and literacy screening reports, R.S. 17:182.

* * *

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 689

HOUSE BILL NO. 680

BY REPRESENTATIVE LEGER

AN ACT

To amend and reenact R.S. 51:2365.1(A)(3) through (5) and (B) through (D) and to enact R.S. 51:2365.1(A)(8), relative to the Major Events Incentive Program and the Major Events Incentive Program Subfund; to provide for definitions; to provide relative to authorizations of the secretary of the Department of Economic Development; to provide for certain written notice requirements; to provide relative to certain fund disbursements of the treasurer; to provide relative to requirements for qualified major events; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:2365.1(A)(3) through (5) and (B) through (D) are hereby amended and reenacted and R.S. 51:2365.1(A)(8) is hereby enacted to read as follows:

§2365.1. Major Events Incentive Program and the Major Events Incentive Program Subfund

A. As used in this Section:

* * *

(3) "Event support contract" or "event contract" means a joint undertaking, a joint agreement, or a similar contract executed by a local organizing committee, an endorsing municipality, or an endorsing parish, or any combination thereof, and a site selection organization.

(4) "Local organizing committee" means an organization created or recognized as the official host entity sanctioned by an endorsing municipality or parish for a specified qualified major event.

(5) "Qualified event" or "qualified major event" means a National Football League Super Bowl, a National Collegiate Athletic Association Final Four tournament game, the National Basketball Association All-Star Game, the X Games, a National Collegiate Athletic Association Division I Football Bowl Subdivision postseason playoff or championship game, a college tournament or championship, the World Games, a national collegiate championship of an

amateur sport sanctioned by the national governing body of the sport that is recognized by the United States Olympic Committee, an Olympic activity including a Junior or Senior activity, training program, or feeder program sanctioned by the United States Olympic Committee's Community Olympic Development Program, a mixed martial arts championship, the Breeders' Cup World Championships, a Bassmasters Classic, a National Motorsports race, the Red Bull Signature Series, a National Collegiate Athletic Association football kickoff game, a national championship or Olympic trials of an amateur or professional sport sanctioned by the national governing body of the sport, the United States Bowling Congress Tournament, the WWE WrestleMania, the Bayou Classic, the Essence Festival, the Zurich Classic, a national military event, or a national political convention of the Republican National Committee or of the Democratic National Committee. The term includes any activities related to or associated with a qualified event.

(8) "Treasurer" means the treasurer of the state of Louisiana.

B.(1) There is hereby established in the state treasury a special subfund in the Mega-Project Development Fund to be known as the "Major Events Incentive Program Subfund", hereafter in this Section, the "subfund".

(2) Beginning with the 2015-2016 Fiscal Year and for each fiscal year thereafter, and after allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall transfer in and credit to the subfund an amount equal to the sum of the incremental increase in state tax receipts generated by the occurrence of all qualified events: the amount appropriated to the fund by the legislature. In determining the amount of the annual appropriation to the fund, the legislature shall consider the contracts which have been entered into pursuant to Subsection (C) of this Section as well as any recruitment efforts being made by the local organizing committee for qualified events.

(3) Monies in the subfund shall be invested in the same manner as monies in the Louisiana Mega-Project Development Fund and any interest earned on the investment of monies in the subfund shall be credited to the subfund. All unexpended and unencumbered monies in the subfund at the end of the fiscal year shall remain in the subfund.

(4) ~~Subject to legislative appropriation and the approval of the Joint Legislative Committee on the Budget, the treasurer shall disburse monies as provided in R.S. 51:2365 to each eligible entity at times and in amounts as determined by the secretary and approved by the Joint Legislative Committee on the Budget.~~

~~C.(1) Subject to legislative appropriation and the approval of the Joint Legislative Committee on the Budget, the The secretary of the Department of Economic Development is hereby authorized to enter into a contract with a local organizing committee, endorsing parish, or endorsing municipality to recruit, solicit, or acquire for Louisiana any qualified event that will have a significant positive impact on economic development in the state. The contract shall provide for a financial commitment to the local organizing committee, endorsing parish, or endorsing municipality which shall be subject to legislative appropriation. Prior to executing the contract, the secretary shall obtain the approval of the commissioner of administration and the Joint Legislative Committee on the Budget.~~

~~(2) The Joint Legislative Committee on the Budget may meet in executive session pursuant to the procedures and requirements of R.S. 42:18 when the members have reason to believe that the discussion at such meeting may otherwise result in the public disclosure of information which may negatively impact the ability of the local organizing committee, endorsing parish, or endorsing municipality to recruit, solicit, or acquire for Louisiana any qualified event.~~

~~(3) The treasurer shall disburse monies to an eligible entity only in accordance with a legislative appropriation.~~

~~D.(1) An event not included in the definition of qualified event is ineligible for funding under R.S. 51:2365 as provided for in this Section. A qualified major event may receive funding under R.S. 51:2365 as provided by this Section only if all such event meets either of the following conditions are met described in this Paragraph and the provisions of Paragraph (2) of this Subsection:~~

~~(1)(a) After considering through a highly competitive selection process one or more sites that are not located in this state, a site selection organization selects a site located in this state for an event to be held once, or for an event scheduled to be held annually for a period of years under an event contract.~~

~~(2)(b) A site selection organization selects a site in this state as the sole site for the event.~~

~~(3)(2) The event is held not more frequently than annually.~~

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 690

HOUSE BILL NO. 683
BY REPRESENTATIVE ABRAMSON
AN ACT

To amend and reenact R.S. 33:9091.12(F)(4)(b)(i) as amended by Act No. 372 of the 2017 Regular Session of the Legislature, relative to the Upper Audubon Security District in Orleans Parish; to provide relative to the parcel fee levied within the district; to provide relative to the renewal of such fee; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9091.12(F)(4)(b)(i) as amended by Act No. 372 of the 2017 Regular Session of the Legislature is hereby amended and reenacted to read as follows:

§9091.12. Upper Audubon Security District

F. Parcel fee.

(4)

* * *

(b)(i) Except as provided in Item (ii) of this Subparagraph, the fee shall expire at the time provided in the proposition authorizing the fee, not to exceed seven years from its initial imposition, but the fee may be renewed as provided in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the fee shall be held only at the same time as the ~~mayoral primary election for a regularly scheduled election in~~ the city of New Orleans. If renewed, the term of the imposition of the fee shall be provided in the proposition authorizing such renewal, not to exceed seven years.

* * *

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

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 691

HOUSE BILL NO. 716
BY REPRESENTATIVE LEGER
AN ACT

To amend and reenact R.S. 17:3914(C)(2)(introductory paragraph) and (b), relative to student information; to authorize the state Department of Education to share student information with certain postsecondary education institutions including those located out-of-state; to provide for the use of information for academic research; to provide conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3914(C)(2)(introductory paragraph) and (b) are hereby amended and reenacted to read as follows:

§3914. Student information; privacy; legislative intent; definitions; prohibitions; parental access; penalties

* * *

C.

* * *

(2) ~~Beginning August 1, 2015, no No~~ official or employee of a city, parish, or other local public school system shall provide personally identifiable student information to any member of the school board or to any other person or public or private entity, except such an official or employee may, in accordance with applicable state and federal law:

* * *

(b)(i) Provide to the state Department of Education, for the purpose of satisfying state and federal assessment, auditing, funding, monitoring, program administration, and state accountability requirements, information from which enough personally identifiable information has been removed such that the remaining information does not identify a student and there is no basis to believe that the information alone can be used to identify a student. No official or employee of the state Department of Education shall share such information with any person or public or private entity located outside of Louisiana, other than for purposes of academic analysis of assessments or for purposes of research as authorized in Item (ii) of this Subparagraph.

(ii) An official or employee of the state Department of Education may share such information with a person who is an employee of, and conducting academic research at, any postsecondary education institution accredited by a regional or national accrediting organization recognized by the United States Department of Education, provided the person and the department have entered into a memorandum of understanding in which the person agrees to be liable for any criminal and civil penalties imposed as provided in Subsection G of this Section for any violation of the provisions of this Section.

* * *

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 692

HOUSE BILL NO. 727
BY REPRESENTATIVES THIBAUT, ABRAHAM, AMEDEE, ANDERS, BAGLEY, BERTHELOT, BILLIOT, BISHOP, TERRY BROWN, CARMODY, STEVE CARTER, CHANEY, COUSSAN, CREWS, CROMER, DANAHAY, DAVIS, DEVILLIER, DWIGHT, EDMONDS, EMERSON, GUINN, LANCE HARRIS, HAVARD, HAZEL, HENSGENS, HODGES, HOFFMANN, HORTON, HOWARD, LEBAS, LEOPOLD, MACK, MAGEE, MCFARLAND, MIGUEZ, JIM MORRIS, NORTON, POPE, PUGH, PYLANT, RICHARD, SCHEXNAYDER, SEABAUGH, STAGNI, STEFANSKI, TALBOT, THOMAS, WRIGHT, AND ZERINGUE AND SENATORS BOUDREAU, CHABERT, CLAITOR, CORTEZ, ERDEY, HEWITT, JOHNS, LAFLEUR, LAMBERT, MORRISH, RISER, THOMPSON, WALSWORTH, AND WHITE

To amend and reenact R.S. 14:61(B)(1), (C), and (D) and to enact R.S. 14:61(B)(3) and 61.1, relative to offenses involving critical infrastructure; to provide relative to the crime of unauthorized entry of a critical infrastructure; to amend the definition of "critical infrastructure"; to provide for a definition of "pipeline"; to amend the penalties for the crime of unauthorized entry of a critical infrastructure; to create the crime of criminal damage to critical infrastructure; to provide for elements of the offense; to provide for criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:61(B)(1), (C), and (D) are hereby amended and reenacted and R.S. 14:61(B)(3) and 61.1 are hereby enacted to read as follows:

§61. Unauthorized entry of a critical infrastructure

* * *

B. For the purposes of this Section, the following words shall have the following meanings:
(1) "Critical infrastructure" ~~shall include but not be limited to~~ means any and all structures, equipment, or other immovable or movable property located within or upon chemical manufacturing facilities, refineries, electrical power generating facilities, electrical transmission substations and distribution substations, water intake structures and water treatment facilities, natural gas transmission compressor stations, liquified natural gas (LNG) terminals and storage facilities, natural gas and hydrocarbon storage facilities, and transportation facilities, such as ports, railroad switching yards, pipelines, and trucking terminals, or any site where the construction or improvement of any facility or structure referenced in this Section is occurring.

(3) "Pipeline" means flow, transmission, distribution, or gathering lines, regardless of size or length, which transmit or transport oil, gas, petrochemicals, minerals, or water in a solid, liquid, or gaseous state.

C. Whoever commits the crime of unauthorized entry of a critical infrastructure shall be ~~imprisoned with or without hard labor for not more than five years, fined not more than one thousand dollars or imprisoned with or without hard labor for not more than six years, or both.~~

D. Nothing in this Section shall be construed to apply to or prevent the following: lawful assembly and peaceful and orderly petition for the redress of grievances, including but not limited to any labor dispute between any employer and its employee.

(1) Lawful assembly and peaceful and orderly petition, picketing, or demonstration for the redress of grievances or to express ideas or views regarding legitimate matters of public interest, including but not limited to any labor dispute between any employer and its employee or position protected by the United States Constitution or the Constitution of Louisiana.

(2) Lawful commercial or recreational activities conducted in the open or unconfined areas around a pipeline, including but not limited to fishing, hunting, boating, and birdwatching.

(3) Nothing in this Section shall be construed to prevent the owner of an immovable from exercising right of ownership, including use, enjoyment, and disposition within the limits and under the conditions established by law."

§61.1. Criminal damage to a critical infrastructure

A. Criminal damage to a critical infrastructure is the intentional damaging of a critical infrastructure as defined in R.S. 14:61.

B. Any person who commits the crime of criminal damage to a critical infrastructure shall be imprisoned with or without hard labor for not more than fifteen years, fined not more than ten thousand dollars, or both.

C. Any person who commits the crime of criminal damage to a critical infrastructure wherein it is foreseeable that human life will be threatened or operations of a critical infrastructure will be disrupted as a result of such conduct shall be imprisoned at hard labor for not more than twenty years, fined not more than twenty-five thousand dollars, or both.

D. A person convicted under the provisions of this Section may be ordered to make restitution to the owner of the property pursuant to Code of Criminal Procedure Article 883.2.

E. A person convicted under R.S. 14:26 of violation of R.S. 14:61.1 shall not be limited by R.S. 14:26(D) where it is foreseeable that more than one human life will be threatened as a result of such conduct, and each conspirator shall be imprisoned at hard labor for no more than twelve years, fined not more than two hundred fifty thousand dollars, or both.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 693

HOUSE BILL NO. 748

(Substitute for House Bill No. 562 by Representative Emerson)

BY REPRESENTATIVE EMERSON

AN ACT

To amend and reenact R.S. 49:903, relative to agencies engaged in regulatory and licensing activities; to provide relative to reports of the governor; to provide for a review by the governor on an annual basis; to provide certain terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:903 is hereby amended and reenacted to read as follows:

§903. Authority of the governor to require information

A. The governor of the State of Louisiana is hereby authorized to request and receive, in such manner and at such time as he may direct, information relating to the activities of any agency to which this Chapter applies. The request for information may include, but not necessarily be limited to the following: All rules, regulations and procedures employed by the agency; all examination requirements, standards, criteria and qualifications as conditions precedent for admission to the appropriate trade, occupation or profession; annual reports on the number of applications and the names of those admitted to practice; an accounting and report on the amount of examination, admissions and annual fees exacted for the privilege of maintaining the individual's status as one in official good standing in his trade, occupation or profession; any provisions for disciplinary actions, fines and forfeiture; and, generally, any and all written information and reports that may be of legitimate interest to the executive branch of the state government in determining whether the authority vested in such agencies by law is being exercised with proper judgment, discretion and restraint.

B. Pursuant to the authority in this Chapter, the governor shall review on an annual basis not less than twenty percent of the agencies engaged in regulatory and licensing activities. Within five years, the governor shall have reviewed all such agencies. Pursuant to the provisions of this Section, the information obtained from the annual reviews shall be made available to the public in a timely manner.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 694

HOUSE BILL NO. 755

BY REPRESENTATIVE DUSTIN MILLER

AN ACT

To amend and reenact R.S. 17:154(A) and to enact R.S. 17:436.1(M), relative to elementary and secondary schools; to provide that instruction on substance abuse prevention include certain information about opioids; to authorize the governing authority of each public and nonpublic school to adopt a policy relative to the supply and administration of opioid antagonists; to provide that such a policy require training relative to such administration; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:154(A) is hereby amended and reenacted to read as follows:

§154. Curriculum; length of school periods

A.(1) The branches of spelling, reading, writing, drawing, arithmetic, geography, grammar, United States history, and health, including alcohol, tobacco, drug, and substance abuse prevention and education, shall be taught in every elementary school. In addition to these, such other branches shall be taught as the state board of education, or the provisions of the state constitution, may require.

(2) Every secondary school shall provide instruction in alcohol, tobacco, drug, and substance abuse prevention and education.

(3) Any instruction relative to alcohol, tobacco, drug, and substance abuse prevention and education provided pursuant to Paragraphs (1) and (2) of this Subsection shall include the information that mixing opioids and alcohol can cause accidental death.

Section 2. R.S. 17:436.1(M) is hereby enacted to read as follows:

§436.1. Administration of medication; definition; conditions; restrictions; exceptions

M. The governing authority of each public and nonpublic elementary and secondary school may adopt a policy that authorizes a school to maintain a supply of naloxone or other opioid antagonists and authorizes a school nurse or other school employee to administer naloxone or another opioid antagonist to any student or other person on school grounds in the event of an actual or perceived opioid emergency. Such a policy shall require that school employees other than school nurses receive at least six hours of general training, including training on emergency administration, from a registered nurse or a licensed medical physician prior to being authorized to perform such administration. A school governing authority that does not adopt such a policy shall not be subject to civil liability for failing to authorize such supply or administration.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 695

HOUSE BILL NO. 756

BY REPRESENTATIVE DWIGHT

AN ACT

To amend and reenact R.S. 22:2062(A)(1) and (2), relative to claims paid by the Louisiana Insurance Guaranty Association; to provide relative to exhaustion of other coverage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2062(A)(1) and (2) are hereby amended and reenacted to read as follows:

§2062. Exhaustion of other coverage

A.(1) Any person having a claim against an insurer shall be required first to exhaust all coverage provided by any other policy ~~other than his own uninsured or underinsured motorist policy~~, including the right to a defense under the other policy, if the claim under the other policy arises from the same facts, injury, or loss that gave rise to the covered claim against the association. The requirement to exhaust shall apply without regard to whether or not the other insurance policy is a policy written by a member insurer. However, no person shall be required to exhaust any right under the policy of an insolvent insurer or any right under a life insurance policy or annuity.

(2) Any amount payable on a covered claim under this Part shall be reduced by the full applicable limits stated in the other insurance policy, or by the amount of the recovery under the other insurance policy as provided herein. The association and the insured shall receive a full credit for the stated limits, unless the claimant demonstrates that the claimant used reasonable efforts to exhaust all coverage and limits applicable under the other insurance policy. If the claimant demonstrates that the claimant used reasonable efforts to exhaust all coverage and limits applicable under the other insurance policy, or if there are no applicable stated limits under the policy, the association and the insured shall receive a full credit for the total recovery.

(a) The credit shall be deducted from the lesser of the following:

(i) The association's covered claim limit.

(ii) The amount of the judgment or settlement of the claim.

(iii) ~~The policy limits of the policy of the insolvent insurer.~~
(b) In no case, however, shall the obligation of the association exceed the covered claim limit of this Part.

(c) The provisions of this Paragraph shall not apply to uninsured or underinsured motorist policies.

* * *

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 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 696

HOUSE BILL NO. 766

BY REPRESENTATIVES PIERRE, BAGNERIS, BOUIE, TERRY BROWN, CARMODY, GARY CARTER, COX, HORTON, JAMES, JEFFERSON, TERRY LANDRY, JIM MORRIS, PYLANT, SMITH, AND THOMAS

AN ACT

To enact R.S. 17:173 and 3996(B)(45), relative to behavioral health services for students; to provide relative to behavioral health services provided to students when requested by the student's parent or legal guardian; to provide for definitions; to provide for policies adopted by public school governing authorities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:173 and 3996(B)(45) are hereby enacted to read as follows:

§173. Behavioral health services for students

A.(1) A public school governing authority shall not prohibit a behavioral health provider from providing behavioral health services to a student at school during school hours if the student's parent or legal guardian requests such services from the provider.

(2) Not later than January 1, 2019, each public school governing authority shall adopt a policy to implement the provisions of this Section and such policy, at a minimum, shall provide that:

(a) A behavioral health provider who provides services pursuant to this Section shall maintain general liability insurance coverage in an amount not less than one million dollars per occurrence and one million dollars per aggregate and provide a certificate of insurance naming the public school as the certificate holder.

(b) A behavioral health provider shall complete a criminal background check conducted by the Louisiana State Police and shall pay all related costs.

(c) Behavioral health services shall be permitted during school hours if the student's parent or legal guardian presents a behavioral health evaluation performed by an evaluator chosen by the parent or legal guardian and the evaluation indicates that the services are necessary during school hours to assist the student with behavioral health impairments that the evaluator determines are interfering with the student's ability to thrive in the educational setting. A behavioral health evaluation presented by the parent or legal guardian of a student shall not be construed as an independent educational evaluation for purposes of determining if a student meets the criteria established for eligibility for special education and related services.

(d) Behavioral health services may be provided during instructional time in English, reading, mathematics, and science if the public school governing authority and the behavioral health provider agree that it is in the best interest of the student.

(e) A public school governing authority shall not enter into a contract or an exclusive agreement with a behavioral health provider that prohibits the parent or legal guardian from choosing the behavioral health provider for the student. However the provisions of this Subparagraph shall not impair any extant contract on the effective date of this Section, or the renewal thereof.

(f) The cost of all behavioral health services provided to a student shall be the sole responsibility of the parent or legal guardian, individually or through an applicable health insurance policy, Medicaid, or other third-party payor, other than the public school governing authority, that has made funds available for the payment for the services provided.

(g) While on a school campus, a behavioral service provider shall comply with, and abide by, the terms of any Individualized Education Plan, Individualized Accommodation Plan, Section 504 Plan, Behavior Management Plan, or Individualized Health Plan applicable to a student who is a patient of the provider. The services furnished by a provider shall be incorporated into a written treatment plan applicable to a student.

(h) The parent or legal guardian of a student receiving services from a behavioral service provider shall be required to execute a "consent to release information form" between the provider and the public school governing authority.

(i) A public school governing authority shall establish reporting requirements for a behavioral health provider related to the student's progress and student and school safety concerns as related to the student's educational program.

(j) A public school governing authority may establish sanctions, including termination of a provider's authorization to provide services on any school campus, against a behavioral health provider for failure to comply with the governing authority's policy.

(3) The failure of a public school governing authority to adopt a policy shall not be cause to prohibit the provision of behavioral health services to a student as provided in this Section.

B. For purposes of this Section, the following terms shall have the following meanings:

(1) "Behavioral health provider" shall mean a provider who is licensed by the Louisiana Department of Health or a health profession licensing board and is in good standing to provide behavioral health services in Louisiana including but not limited to a psychiatrist, psychologist, medical psychologist, licensed specialist in school psychology, marriage and family therapist, professional counselor, clinical social worker, or a behavioral health provider organization licensed to provide behavioral health services in Louisiana.

(2) "Behavioral health services" shall include but not be limited to individual psychotherapy, family psychotherapy, psychotropic medication management, community psychiatric support and treatment, and crisis intervention.

(3) "Evaluator" shall mean a licensed psychiatrist, psychologist, medical psychologist, licensed specialist in school psychology, professional counselor, marriage and family therapist, or clinical social worker who is certified by the respective board of examiners in Louisiana to provide necessary evaluations and who is not an employee of the public school governing authority or the state Department of Education.

(4) "Behavioral health evaluation" shall include but not be limited to the following criteria:

(a) Diagnosis.

(b) Type of intervention.

(c) Length of intervention.

(d) Identification of a student's goals.

(e) Identification of impact of student behavior on a student's educational program.

C. Nothing in this Section shall be construed to supersede the authority of a student's Individualized Education Program Team or Section 504 Committee to determine appropriate services for a student pursuant to applicable federal and state law.

* * *
§3996. Charter schools; exemptions; requirements
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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) Behavioral health services for students, R.S. 17:173.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 697

HOUSE BILL NO. 773

BY REPRESENTATIVE LYONS

AN ACT

To amend and reenact R.S. 46:2136(A)(4), relative to protective orders and consent agreements issued in domestic abuse cases; to provide for a mental health evaluation of a perpetrator of domestic abuse; to remove the authority of the court to order a medical evaluation or counseling of an abused person; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2136(A)(4) is hereby amended and reenacted to read as follows:

§2136. Protective orders; content; modification; service

A. The court may grant any protective order or approve any consent agreement to bring about a cessation of domestic abuse as defined in R.S. 46:2132, or the threat or danger thereof, to a party, any minor children, or any person alleged to be incompetent, which relief may include but is not limited to:

(4)(a) Ordering an additional either a medical or mental health opinion regarding a medical evaluation or both of the defendant or the abused person, or both; perpetrator to be conducted by an independent court-appointed evaluator who qualifies as an expert in the field of domestic abuse. The evaluation shall be conducted by a person who has no family, financial, or prior medical or mental health relationship with the defendant perpetrator or abused person, or their attorneys his attorney of record.

(b) If the additional medical opinion medical evaluation is ordered for both the defendant and abused person, two separate evaluators shall be appointed.

(c)(b) After an additional a medical or mental health opinion medical evaluation has been completed and a report issued, the court may order counseling or other medical or mental health treatment as deemed appropriate.

Approved by the Governor, May 30, 2018.

A true copy:

R. Kyle Ardoin
Secretary of State