

**2009 LOUISIANA
LEGISLATIVE ACTS
SUMMARY**

2009 Legislative Acts Summary

Contents

This book summarizes those new laws passed by the Louisiana Legislature in 2009 that were deemed material to SPWW's practice of law (along with a few not so material).

The book is organized in a logical fashion. Please see the Table of Contents. In addition, the appendices contain various summaries prepared by other organizations, as well as a very brief summary of all of the Acts passed in 2009 in Act number order.

Effective Dates of New Laws

Most new laws become effective when they are signed by the governor or on August 15, the default effective date. This book generally does not list the effective date of new laws that became effective on or before August 15.

Warning

The summaries are not intended to substitute for careful examination of a new law itself, if it is at issue. Our summaries are based on more detailed summaries prepared by the Legislative staff, which are available at www.legis.state.la.us/home.htm (scroll down to "Bill Search", search by "ACT" rather than "HB", and print the latest "Digest"). We have not attempted to verify the accuracy of the summaries prepared by the Legislative staff; we have simply edited them down. The summaries prepared by other organizations obviously vary widely in quality, scope, and perspective.

Where to Find Full Text of Acts and Laws

All Acts are available at www.legis.state.la.us/home.htm (scroll down to "Bill Search" and search by "ACT" rather than "HB").

All Louisiana laws, once codified, are available at www.legis.state.la.us/tsrs/search.htm.

Feedback

If you have any thoughts on how this book might be improved, please send an email to Mike Landry, John Farnsworth, or Larry Orlansky. We would like to make the book as useful as possible.

Credits

Emily Brewer – downloaded legislative staff summaries from the Legislature's website, implemented edits and conformed them to a common style sheet, assembled the summaries in the Table of Contents order, and assembled all the parts into a single book, and distributed the books to all attorneys and paralegals

Boyce Adams – selected and edited legislative staff summaries for inclusion in book, and found summaries by other organizations

Mike Landry – selected and edited legislative staff summaries for inclusion in book, and provided design and oversight

Copy Department – made copies of this book for all attorneys and paralegals

Table of Contents

	<u>Page</u>
Constitution.....	1
Civil Code.....	2
Code of Civil Procedure.....	3
Code of Criminal Procedure.....	4
Code of Evidence.....	4
Children's Code.....	5
Multiple Codes or Titles.....	5
Uncodified.....	6
Title 1: General Provisions.....	6
Title 2: Aeronautics.....	6
Title 3: Agriculture and Forestry.....	6
Title 4: Amusements and Sports.....	8
Title 5: Auctions and Auctioneers.....	8
Title 6: Banks and Banking.....	8
Title 7: Bills and Notes.....	10
Title 8: Cemeteries.....	10
Title 9: Civil Code Ancillaries.....	10
Title 10: Commercial Laws.....	10
Title 11: Consolidated Public Retirement Systems.....	12
Title 12: Corporations and Associations.....	13
Title 13: Courts and Judicial Procedure.....	13
Title 14: Criminal Law.....	13
Title 15: Criminal Procedure.....	15
Title 16: District Attorneys.....	15
Title 17: Education.....	15
Title 18: Louisiana Election Code.....	16
Title 19: Expropriation.....	17
Title 20: Homesteads and Exemptions.....	17
Title 21: Hotels and Lodging Houses.....	17
Title 22: Insurance.....	17
Title 23: Labor and Workers' Compensation.....	24
Title 24: Legislature and Laws.....	24
Title 25: Libraries, Museums, and Other Scientific and Cultural Facilities.....	25
Title 26: Liquors – Alcoholic Beverages.....	25
Title 27: Louisiana Gaming Control Law.....	26
Title 28: Mental Health.....	26
Title 29: Military, Naval, and Veterans' Affairs.....	26
Title 30: Minerals, Oil, Gas and Environmental Quality.....	28
Title 31: Mineral Code.....	29
Title 32: Motor Vehicles and Traffic Regulation.....	29
Title 33: Municipalities and Parishes.....	30
Title 34: Navigation and Shipping.....	31
Title 35: Notaries Public and Commissioners.....	32
Title 36: Organization of Executive Branch of State Government.....	32
Title 37: Professions and Occupations.....	32

Table of Contents

(continued)

	<u>Page</u>
Title 38: Public Contracts, Works and Improvements	34
Title 39: Public Finance	36
Title 40: Public Health and Safety	36
Title 41: Public Lands	41
Title 42: Public Officers and Employees	41
Title 43: Public Printing and Advertisements	43
Title 44: Public Records and Recorders	43
Title 45: Public Utilities and Carriers	43
Title 46: Public Welfare and Assistance	43
Title 47: Revenue and Taxation	45
Title 48: Roads, Bridges and Ferries	54
Title 49: State Administration	54
Title 50: Surveys and Surveyors	55
Title 51: Trade and Commerce	55
Title 52: United States	56
Title 53: War Emergency	56
Title 54: Warehouses	56
Title 55: Weights and Measures	56
Title 56: Wildlife and Fisheries	56

APPENDIX A: SUMMARIES BY OTHER ORGANIZATIONS

APPENDIX B: ACTS OF 2009 REGULAR SESSION

CONSTITUTION

Default Effective Date of New Laws (Act No. 537)

Present constitution provides that all laws enacted during a regular session of the legislature shall take effect on August 15th of the calendar year in which the regular session is held, unless an earlier or later effective date is specified in the bill. Proposed constitutional amendment changes the default effective date to July 1st.

Present constitution, relative to the holding of regular legislative sessions, provides that in even numbered years the legislature convenes at noon on the last Monday in March, and meet for not more than 60 legislative days during a period of 85 calendar days. Proposed constitutional amendment moves the convening of the session to the second Monday in March.

Present constitution provides that in odd-numbered years the legislature shall convene at noon on the last Monday in April, and meet for not more than 45 legislative days during a period of 60 calendar days. Proposed constitutional amendment moves the convening of the session to the second Monday in April.

If approved, effective January 1, 2012. (If approved, amends Const. Art. III, Secs. 2(A)(3)(a) and (4)(a) and 19)

Patronage System for Homeland Security (Act No. 538)

Proposed constitutional amendment provides that the director, deputy director and all employees of the Governor's Office of Homeland Security and Emergency Preparedness shall be in the unclassified service of the state civil service.

(If approved, amends Const. Art. X, Sec. 2(B)(11) and (12); adds Const. Art. X, Sec. 2 (B)(13))

Salaries of Statewide Elected Officials (Act No. 539)

Proposed constitutional amendment provides that any salary increase enacted by law for statewide elected officials, members of the

legislature, and members of the Public Service Commission will not be implemented until a subsequent term of office.

Proposed constitutional amendment provides that any increase in salary provided by law for any member of the Public Service Commission will not become effective until the commencement of the subsequent term of office for each commissioner, rather than not becoming effective until January 1st of the sixth year following enactment of such increase.

(If approved, amends Const. Art. IV, §4; adds Const. Art. III, §4(G) and Art. IV, §21(F))

Tax Collection (Act No. 540)

Present constitution provides, relative to ad valorem property tax sales, that on the day of sale, the collector shall sell the portion of the property which the debtor points out, and that if the debtor does not point out sufficient property, the collector shall sell immediately the least quantity of property which any bidder will buy for the amount of the taxes, interest, and costs. Proposed constitutional amendment removes the authority of the tax collector to sell the least quantity of the tax debtor's property, and provides that if authorized by the state or local tax collector, any bidder may elect to bid down in increments of .01%, the 5% penalty provided in La. Const. Art. VII, §25(B)(1).

Proposed constitutional amendment requires the payment of penalties in addition to taxes, interest, and costs.

Present constitution provides that when taxes on movables are delinquent, the tax collector shall seize and sell sufficient movable property of the delinquent taxpayer to pay the tax, whether or not the property seized is the property which was assessed. Proposed constitutional amendment requires the taxpayer to pay interest, penalties, and costs.

(If approved, amends Const. Art. VII, §25(A)(1) and (E))

Severance Tax Allocation (Act No. 541)

Proposed constitutional amendment provides that if and when the official forecast for a fiscal year contains an estimate of severance tax

collections on natural resources that exceeds the actual amount of such severance taxes collected in Fiscal Year 2008-2009, then a complex change in allocation to parishes, restrictions on how parishes may spend funds, and a new special deposit into the Atchafalaya Basin Conservation Fund shall occur.

If approved, effective April 1, 2012. (If approved, adds Const. Art. VII, §4(D)(4))

Property Taxes (Act No. 542)

Proposed constitutional amendment limits the power of unelected tax authorities to increase property tax millage rates without voter approval to annual increases which do not exceed 2.5% of the property tax collections for the immediately preceding calendar year, but excludes fire districts, ports, port harbor, and terminal districts, and millages levied by certain levee districts under authority granted by Const. Art. VI, Sec. 39(A).

If approved, effective Jan. 1, 2011. (If approved, amends Const. Art. VII, Sec. 23(C))

CIVIL CODE

Filiation and Adoption (Act No. 3)

New law defines filiation as the legal relationship between a parent and child and provides that it is established by proof of maternity, paternity, or adoption.

New law provides that when a child is adopted, the adopting parent becomes the parent of the child for all purposes and specifies that the adopted child and his descendants do retain the right to inherit from the former legal parents and relatives of the child.

New law provides that the adoption of minors is additionally governed by the Children's Code.

New law retains provision that if a child is born within 300 days from the termination of a marriage, and the mother has remarried, the first husband is presumed to be the father of the child, but if he obtains a judgment of disavow, the second husband is presumed to be the father.

New law redesignates and renames the Chapters, Sections, and Subsections in Title VII of Book I of the Civil Code.

New law provides for retroactive application of Civil Code Articles 199 and 200 of proposed law.

(Adds C.C. Arts. 178, 179, 199, and 200)

Punitive Damages for Victims of Child Pornography (Act No. 382)

New law provides that a victim of child pornography may be awarded exemplary damages upon proof that the injuries were caused by the wanton and reckless disregard for the rights and safety of the person, regardless of whether the defendant was prosecuted for his acts.

(Amends R.S. 14:81.1(F); Adds C.C. Art. 2315.3)

Spousal Reimbursement Claims (Act No. 204)

New law provides that the reimbursement claim may be asserted only after termination of the community property regime.

New law clarifies that actions other than divorce may terminate the community property regime and that attorney fees in actions incidental to the divorce, such as child support, are also community obligations.

New law clarifies that such obligations are technically not separate obligations in that they do not impact the community property regime.

New law removes the inquiry as to a spouse's intent in committing an intentional wrong and puts the focus on whether the result benefits the community.

New law clarifies that the reimbursement claim may be asserted if community property was used during the existence of the legal regime or former community thereafter.

New law provides that post-termination, pre-partition uses of separate property to satisfy community debts are subject to a reimbursement claim.

New law adds rules to provide for reimbursement claims for the use of separate property to satisfy a community debt on movable property required by law to be registered (e.g., a vehicle) such that the reimbursement claim is reduced in proportion to

the value of the claimant's use and by providing that the value of the use and the amount of the claim is presumed to be equal.

New law clarifies that reimbursement claims may be asserted if community property was used during the existence of the legal regime or former community thereafter.

New law provides that the use of separate property for the benefit of community property must occur during the existence of the community regime.

New law adds rules to allow reimbursement when a spouse uses separate property for the benefit of the separate property of the other spouse.

New law fills a gap in the law for rules governing when a separate obligation is satisfied with separate property.

New law authorizes the court to use the same rental reimbursement rules when a spouse occupies a residence other than the family residence, such as a hunting camp or vacation home.

(Amends C.C. Arts. 2358, 2362.1-2364, and 2365-2367.2 and R.S. 9:374; Adds C.C. Art. 2367.3; Repeals C.C. Art. 2364.1)

5-Year Liberative Prescription for Harvesting of Timber Without Owner's Consent (Act No. 107)

New law provides that a liberative prescription of 5 years is applicable to action for damages caused by the harvesting of timber without the consent of the owner.

(Amends C.C. Art. 3497; adds R.S. 3:4278.1(G) and 4278.2(G))

CODE OF CIVIL PROCEDURE

Small Successions (Act No. 81)

New law defines "small succession" as the succession of a person who dies leaving property in Louisiana, the deceased's interest in which has a gross value of \$75,000 or less.

New law provides that it is not necessary to judicially open the small succession of a person who died intestate leaving no immovable

property other than an ownership interest in small succession immovable property and whose sole heirs are as set forth in the present law.

New law defines "small succession immovable property" as (1) immovable property, comprised of a single lot or contiguous lots, on which is situated a single building that, together with any ancillary buildings, contains not more than four dwelling units, each of which has its primary use as a residence, and in a portion of which either the deceased or the surviving spouse resided or a portion of which was the last place of residence of either the deceased or the surviving spouse if neither the deceased nor the surviving spouse was residing in that residence on the date of death because of illness, incapacity, natural disaster or destruction; or (2) any cemetery spaces.

New law provides that a person appointed as public administrator by the governor may use the affidavit procedure set forth in the present law to take possession of the estate of the deceased for transmittal to the state, provided there is no surviving spouse or other heir present or represented in the state and provided that the estate does not include any immovable property other than small succession immovable property, and provided he has advertised one time in the official journal of the parish where a succession would have been opened and verifies that he has received no notice of opposition.

New law provides that when it is not necessary to judicially open a small succession, at least two persons, including the surviving spouse, if any, and one or more competent major heirs of the deceased, may execute one or more multiple originals of an affidavit setting forth various facts regarding the deceased, any surviving spouse, the heirs, the property left by the deceased, the value thereof, and the interests of the heirs therein.

New law further provides that if the deceased had no surviving spouse, the affidavit must be signed by at least two heirs. If the deceased had no surviving spouse and only one heir, the affidavit must also be signed by a second person who has actual knowledge of the matters stated therein. A natural tutor may also execute the affidavit on behalf of a minor child without the

necessity of filing a petition pursuant to Article 4061.

New law provides that a multiple original of the affidavit shall be full and sufficient authority for the payment or delivery of any money or property of the deceased described in the affidavit to the heirs of the deceased and the surviving spouse in community, if any, in the percentages listed therein, by any bank, financial institution, trust company, warehouseman, or other depository, or by any person having such property in his possession or under his control.

New law provides that a multiple original of such affidavit shall be full and sufficient authority for the transfer to the heirs of the deceased, and surviving spouse in community, if any, or to their assigns, of any stock or registered bonds in the name of the deceased and described in the affidavit, by any domestic or foreign corporation.

New law provides that a multiple original of the affidavit, to which has been attached a certified copy of the deceased's death certificate, shall be recorded in the conveyance records in the office of the clerk of court in the parish where any small succession immovable property described therein is situated, after at least 90 days have elapsed from the date of the decedent's death.

New law provides that such affidavit or a certified copy shall be admissible as evidence in any action involving small succession immovable property to which it relates or is affected by the instrument, and shall be prima facie evidence of the facts stated therein, including the relationship to the deceased of the parties recognized as heir, surviving spouse in community or usufructuary as the case may be, and of their rights in the small succession immovable property of the deceased.

New law provides that an action by a person who claims to be a successor of a deceased person, but who has not been recognized as such in an affidavit authorized by the proposed law, that is brought to assert an interest in small succession immovable property formerly owned by the deceased, against a third person who has acquired an interest in the small succession immovable property, or against his successors

by onerous title, is prescribed in two years from the date of the recording of the affidavit in accordance with the proposed law.

New law provides that it is not intended to establish any necessity to open a succession judicially which does not qualify as a small succession.

(Amends C.C.P. Arts. 3421, 3431, 3432, and 3434; repeals C.C.P. Art. 3433)

Ex Parte Custody Orders in Divorce Actions (Act No. 379)

Old law provides for an incidental order of temporary custody and injunctive relief during the pendency of an action for divorce.

Old law provides, in part, that an ex parte order of custody shall expire within 15 days of the signing of the order, that temporary visitation during the 15 days may be provided for in the order, and that the custody hearing shall be assigned for hearing no more than 15 days after signing of the ex parte order. New law extends the period for expiration of the order and assignment for the hearing from 15 days to 30 days.

Old law provides that, under extraordinary circumstances, a relative, by blood or affinity, or a former step-parent or step-grandparent not granted custody of the child may be granted reasonable visitation if the court finds that it is in the best interest of the child, and provides for certain conditions the court shall consider in making its decision. New law includes a parent's addiction to a controlled dangerous substance as an extraordinary circumstance to be considered by the court in determining visitation rights.

Effective August 15, 2009. (Amends C.C.P. Art. 3945 and C.C. Art. 136(C); Adds C.C. Art. 136(D))

CODE OF CRIMINAL PROCEDURE

CODE OF EVIDENCE

New Hearsay Exception (Act No. 7)

New law adds a hearsay exception providing that, when the declarant is unavailable, a statement may be offered against a party that has

engaged or acquiesced in wrongdoing that was intended to, and did procure the unavailability of the declarant as a witness.

(Adds C.E. Art. 804(B)(7))

CHILDREN'S CODE

Fingerprint Records of Juveniles (Act No. 158)

Old law provides that a child may be photographed or fingerprinted in connection with being taken into custody for the commission of either a felony-grade delinquent act or a misdemeanor-grade delinquent act. Old law requires that the fingerprints and photographs be maintained and indexed separately from those of adults and submitted to the central fingerprint repository of the La. Bureau of Criminal Identification and Information.

New law deletes the provision that upon reaching the age of 17, if the child does not have a felony conviction in adult court and has not been adjudicated for a felony-grade delinquent act, the fingerprint card shall be destroyed with the juvenile records.

(Amends Ch.C. Art. 818(C))

MULTIPLE CODES OR TITLES

Abolition of Various Boards (Act No. 438)

New law abolishes the Educational Assessment Testing Commission, the La. Home Instruction for Preschool Youngsters Advisory Board, the Archaeological Survey and Antiquities Commission, the La. Medical Assistance Trust Fund Advisory Council, the La. Economic Development Council, the Cabinet Advisory Group on Economic Development, and the Uniform Payroll Insurance Committee.

New law abolishes the Manufactured Housing State Administrative Agency and transfers its functions to the state fire marshal.

New law abolishes the La. Unmarked Burial Sites Board and transfers its functions to the Department of Culture, Recreation and Tourism.

New law abolishes the Economic Development Funding Board and transfers its functions and duties to the La. Stadium and Exposition District.

(Amends various sections in various titles.)

Reorganization of Various Offices (Act No. 409)

New law transfers the office of the Louisiana oil spill coordinator from the office of the governor to the Dept. of Public Safety & Corrections, Public Safety Services.

New law transfers the duty of issuing and monitoring domestic violence services contracts from the office of women's services in the office of the governor to the office of community services in the Dept. of Social Services.

New law places the Louisiana Student Financial Assistance Commission (LSFAC) within the Board of Regents.

New law abolishes the office of electronic services and combines staff and selected duties into the office of information technology.

New law transfers the duties of the executive director of the office of women's services to the office of community services within the Department of Social Services.

Old law provides for the Louisiana Geographic Information Systems Council and sets forth its duties, which include directing the activities of and provide oversight to the Louisiana Geographic Information Center.

New law provides that the Louisiana Geographic Information Systems Council will advise the chief information officer on the activities and duties of and provide oversight to the Louisiana Geographic Information Center.

New law provides that the Louisiana Geographic Information Center may apply for, accept, and utilize funding in order to carry out its powers, functions, and duties and the directives of the chief information officer.

(Amends R.S. 13:621.42.1, 998, 1414, R.S. 30:2455, 2456, R.S. 36:401, 405, and 642, R.S. 39:15.3, R.S. 46:2122, 2123, and 2124, R.S. 49:1053(B), 1054 and 1054.1; adds R.S. 36:4.1(D)(18), 408(I), 409(C)(10), 477(C)(3),

and 651(BB), R.S. 39:15.3(B)(19); repeals R.S. 36:4(M) and 4.1(B)(1), R.S. 39:16.1 through 16.5, and R.S. 46:2522(11))

Hurricane Protection and Coastal Restoration (Act No. 523)

New law creates the Office of Hurricane Protection and Coastal Restoration in the Office of the Governor, and consolidates functions relative to hurricane flood protection and coastal restoration under the authority of that office.

(Amends R.S. 36:4, 351(C)(1), 358(B), 501, 502, and 508.3, R.S. 38:81, 100, 101, 102, 103, 106, 107(A), 108, and 109, R.S. 49:214.1 and 214.2, R.S. 56:421, 424(H), 425(E), 427.1(C), 432.1, and 432.2; Adds R.S. 35:410, R.S. 49:214.3.1, 214.4.1 and 214.4.2, 214.5.1-214.5.8, and R.S. 56:421(B)(13) and 214.6.1-214.6.11 and R.S. 56:421(B)(13); Repeals R.S., R.S. 38:84, and 241-251, and R.S. 49:213.1-213.12, and 214.3-214.16)

UNCODIFIED

5-Year Capital Improvement Program (Act No. 30)

New law provides for the implementation of a five-year capital improvement program; provides for the repeal of certain prior bond authorizations; provides for new bond authorizations; provides for authorization and sale of such bonds by the State Bond Commission; and provides for related matters.

Tax Delinquency Amnesty Act of 2009 (Act No. 519)

New law requires the Dept. of Revenue (DOR) to develop and implement a tax amnesty program to be effective for a period not to exceed two consecutive calendar months between July 1, 2009, and June 30, 2010, at the discretion of the secretary. The tax amnesty program shall apply to taxes due prior to Jan. 1, 2009, for which the department has issued a proposed assessment, notice of assessment, bill, notice, or demand for payment on or after July 1, 2001, and before May 31, 2009; taxes that became due on or after July 1, 2001, and before Jan. 1, 2009; taxes for which the taxpayer and the department have entered into an agreement

to interrupt prescription until Dec. 31, 2009; and taxes that became due on or before July 1, 2001, if the taxpayer was ineligible for an earlier amnesty period because the matter was in civil litigation.

New law provides that amnesty shall only be granted for eligible taxes to eligible taxpayers who apply for amnesty during the amnesty period on forms prescribed by DOR and who pay all of the tax, all fees and costs, if applicable, and half of the interest due upon filing the amnesty application. If the amnesty application is approved, the secretary shall waive the remaining half of the interest and all of the penalties associated with the tax periods for which amnesty is applied. No installment agreements will be entered into for tax periods that are approved for amnesty.

Effective upon signature of governor (July 10, 2009).

TITLE 1: GENERAL PROVISIONS

TITLE 2: AERONAUTICS

TITLE 3: AGRICULTURE AND FORESTRY

Department of Agriculture and Forestry (Act No. 24)

New law changes the name of the Department of Agriculture and Immigration to the Department of Agriculture and Forestry.

New law abolishes the State Market Commission and repeals the Agricultural Products Processing Development Law.

New law transfers the duties and obligations of the State Market Commission to the Louisiana Agricultural Finance Authority. New law further provides for the transfer of the commission's funds, bonds, loan guarantees, employees, property and facilities to the Louisiana Agricultural Finance Authority.

New law repeals method for the establishment of terminal and assembly markets, through the creation of non-profit public corporations, known as "farm products market facilities."

New law repeals the Farm Youth Loan Program.

New law repeals requirement that the Louisiana Feed Commission publish at least semiannually information concerning the sales, production and use of commercial feeds as well as a report of the analyses of official samples of commercial feeds sold within the state as compared with the analyses guaranteed in the registration and on the label.

New law removes the requirement that the list of brands and marks be published in book form and provided to the clerk of court and sheriff free of charge.

New law clarifies the definition of "specialty fertilizer."

New law no longer allows the Louisiana Agricultural Commodities Commission to deny issuance of a license based upon the applicant's reputation.

New law removes sugar and milo from the definition of "agricultural commodities."

New law changes the name of the office of animal health services to the office of animal health and food safety.

New law provides for the office of agricultural and environmental sciences to administer the provisions of law relating to fertilizers, seeds, plant diseases, commercial feeds, pesticides, horticulture and apiaries.

(Amends or repeals numerous provisions in Title 3, R.S. 29:726 and 729, R.S. 36:4, 621, 622, 623, 624, 625, 626, 628, 629, R.S. 37:2202, R.S. 51:2, 472 and R.S. 54:112; adds R.S. 3:2(F), 283.1 and 751(E); repeals R.S. 36:627(E), 628(B) and 629(C)(2), and R.S. 39:455)

Forestry Product Fairness Act (Act No. 352)

New law requires that any special tax exemption, credit, exclusion, deduction, rebate, incentive, investment, contract, or grant made available by the state to any individual or legal entity purchasing forest products to produce the generation of steam, heat, electricity or the production of wood-based fuels be approved by the commissioner through a fair and equitable application process.

(Adds R.S. 3:4421-4425)

La. Catfish Marketing Law (Act No. 506)

New law requires country of origin labeling in retail and food service establishments in order to provide the origin of aquaculture.

New law requires all retailers of catfish, catfish products, siluriformes, or siluriforme products to notify consumers of the country of origin. New law requires that the notice of country of origin for farm-raised catfish and river or lake catfish distinguish between the two.

New law requires distributors or wholesalers who supply catfish, catfish products, siluriformes, or siluriforme products to retailers or food service establishments to provide the country of origin.

New law provides for the advertising of catfish, catfish products, siluriformes, or siluriforme products to include the country of origin. New law prohibits the use of "catfish" as a common name or to advertise, distribute, or label any other fish or fish product except those of certain species defined as catfish.

Effective Nov. 1, 2009. (Adds R.S. 3:4711-4718)

La. Agricultural Finance Authority (Act No. 510)

New law provides the authority with the power to make and guarantee agricultural loans.

New law authorizes the authority to participate in certain cooperative endeavors involving loans and loan guarantees to private business enterprises, nonprofit institutions and organizations, the state and its political subdivisions, the federal government, and other persons or organizations concerned with the development and enhancement of agricultural plants in this state.

New law allows the authority to loan funds to any person in order to acquire, construct, furnish, equip, make improvements to, or purchase land for any agricultural plant.

New law allows the authority to loan funds to, or guarantee loans to, any person for operating capital, market development, and product inventories.

(Amends R.S. 3:263, 265(B), and 266(13) and (19); Adds R.S. 3:262(D), 266(22), and 283.1 and R.S. 35:410)

TITLE 4: AMUSEMENTS AND SPORTS

Off-track Wagering (Act No. 242)

New law prohibits an association from conducting off-track wagering unless it conducts live horse racing for at least 126 racing days within each 52-week period.

New law provides that the required minimum racing days shall be not less than 80 thoroughbred horse racing days conducted during 20 consecutive weeks and not less than 46 quarter horse racing days conducted during 12 consecutive weeks. At any facility where the purse revenue derived from slot machines is limited by law to a certain number of slot machines, then the facility shall, over a 52-week period, maintain at least 80 thoroughbred horse racing days conducted during 20 consecutive weeks and at least 12 quarter horse racing days conducted during 3 consecutive weeks.

New law adds the minimum quarter horse racing days as a condition for operating the OTB facility.

New law provides that an association, whose facility designated in its license is a facility where the purse revenue derived from slot machines is limited by law to a certain number of slot machines, shall not be licensed to conduct off-track or other authorized wagering in this state unless it conducts live horse racing for at least 80 racing days within a 20 - week period at the facility.

(Amends R.S. 4:214.1)

TITLE 5: AUCTIONS AND AUCTIONEERS

TITLE 6: BANKS AND BANKING

Bank Accounts Upon Death (Act No. 499)

New law provides that upon a depositor's death who has deposited a sum in any bank account or credit union account evidencing an intention that upon the depositor's death, the funds shall

belong to such depositor's spouse, or to one or more children, grandchildren, parents, or siblings of the depositor, the bank or credit union may pay the deposit, together with dividends or interest, to the person for whom the deposit was made.

(Amends R.S. 6:314, 653.1, and 766.1; Adds R.S. 6:1255(D))

Residential Mortgage Lending (Act No. 522)

New law provides that it shall be a violation for a person or individual engaged in residential mortgage lending activity to do various things, including:

1. Engage in any unfair or deceptive practice toward any person.
2. Solicit or enter into a contract with a borrower that provides that the person or individual may earn a fee or commission to obtain a loan, even though no loan is actually obtained for the borrower.
3. Solicit, advertise, or enter into a contract for specific interest rates, points, or other financing terms, unless the terms are actually available at the time of soliciting, advertising, or contracting.
4. Make, in any manner, any false or deceptive statement or representation with regard to the rates, points, or other financing terms or conditions for a residential mortgage loan, or engage in bait and switch advertising.
5. Negligently make any false statement, or knowingly and willfully make any omission of material fact, in connection with any information or reports filed with a governmental agency or the NMLS&R, or in connection with any investigation conducted by the commissioner or another governmental agency.
6. Make any payment, threat, or promise, directly or indirectly, to any person for the purposes of influencing the independent judgment of the person in connection with a residential mortgage loan, or to any appraiser of a property, for the purposes of influencing the independent judgment of the appraiser with respect to the value of the property.

7. Engage in loan processing or underwriting activities as an independent contractor without obtaining a license to act as a residential mortgage loan originator.

8. Refuse to permit an examination by the commissioner of his books and affairs, or refuse or fail within a reasonable time to furnish any information or make any report that may be required by the commissioner.

9. Misrepresent material facts or make false promises likely to influence, persuade, or induce an applicant into making a residential mortgage loan or a mortgagor into taking a mortgage loan, or pursue a course of misrepresentation through agents or otherwise.

10. Fail to account for or deliver to any person any personal property obtained in connection with a residential mortgage loan.

11. Fail to disburse, without just cause, any funds in accordance with any agreement connected with a residential mortgage loan.

New law provides that the commissioner shall require mortgage loan originators, mortgage lenders, and mortgage brokers to be licensed and registered through the NMLS&R.

New law provides that various persons shall be exempt from the licensing provisions applicable to persons engaged in residential mortgage lending activities as a residential mortgage loan originator.

New law provides that various persons shall be exempt from the residential mortgage lender and mortgage broker licensing provisions of new law.

New law provides that any person exempt from licensure shall engage in residential mortgage lending activities only through natural persons who are licensed as a mortgage broker, mortgage lender, or mortgage loan originator, or who are exempt.

New law allows for the commissioner to grant restricted or conditional licenses.

New law repeals provisions requiring applicants for licensing as a mortgage lender or a mortgage broker to provide evidence of financial responsibility and solvency.

New law provides that an applicant for licensure shall furnish various information, including fingerprints and authorization for the NMLS&R and the commissioner to obtain an independent credit report obtained from a consumer reporting agency.

New law provides that each applicant for any license shall provide evidence of obtaining and maintaining a surety bond. The total dollar amount of the original outstanding principal balance of all residential mortgage loans originated by the applicant secured by immovable property located in this state, shall be used to determine the amount of the bond.

New law provides that a licensed person shall engage in residential mortgage lending activities only through a person who is licensed as a mortgage loan originator or a person who is exempt.

New law provides that a residential mortgage lender, broker, and a natural person who is a residential mortgage loan originator shall comply with the licensing provisions of the La. S.A.F.E. Residential Mortgage Lending Act.

New law provides that any person licensed under La. Consumer Credit Law shall not engage in the business of originating, lending, or brokering any loan primarily for personal, family, or household use that is secured by a mortgage, deed of trust, or other equivalent consensual security interest on a dwelling or on residential immovable property upon which is constructed or intended to be constructed a dwelling, unless such person has also obtained a license pursuant to the La. S.A.F.E. Residential Mortgage Lending Act.

(Amends R.S. 6:1081, 1082, 1083, 1084, 1086, 1087(E) and (F), 1088, 1088.1(A)(4) and (C), 1089, 1090, 1091, 1092, 1092.2, 1094, 1096(I)(1), 1098(C), and 1099, and R.S. 9:3511(F); Adds R.S. 6:1083, 1087(D) and (G), 1088.1(A)(9) and (E), 1088.2, 1088.3, 1088.4, 1092, 1094.1, and 1097(C) and R.S. 9:3557(C); Repeals R.S. 6:1083(1), 1093, and R.S. 9:3560(A)(10))

TITLE 7: BILLS AND NOTES

TITLE 8: CEMETERIES

TITLE 9: CIVIL CODE ANCILLARIES

Amending Uniform Unclaimed Property Act (Act No. 86)

Old law provides that unless otherwise provided by the Uniform Unclaimed Property Act or by other statute, property that is presumed abandoned, whether located in this or another state, shall be subject to the custody of this state if the property is a traveler's check or money order purchased in this state, or the issuer of the traveler's check or money order has its principal place of business in this state and the issuer's records do not show the state in which the instrument was purchased or show that the instrument was purchased in a state that does not provide for the escheat or custodial taking of the property.

New law includes unclaimed cashier's checks, teller's checks, or other official bank issued checks.

(Amends R.S. 9:156(7))

Testimony Transcripts; Warrant Applications (Act No. 401)

Old law provides that provisions regarding electronic records do not apply to court orders or notices, or official court documents, including briefs, pleadings, and other writings required to be executed in connection with court proceedings. New law provides an exception for testimony transcripts.

New law provides that an application for any warrant or signature utilized by the judicial branch shall not be denied legal effect or enforceability solely because it is in electronic form and that it have the full effect of law.

New law requires that any application used to attach a digital signature to any warrant or affidavit have security procedures in place to insure the authenticity of the digital signature. New law requires that the application be able to keep an electronic record of the warrant or affidavit, including the time and date when the

signature was attached. New law requires that the application include encryption measures to ensure secure access of the application.

New law provides that an application for testimony transcript certification or signature utilized by an office shall not be denied legal effect or enforceability solely because it is in electronic form and requires that such application, signature or record in electronic form shall have the full effect of law.

(Amends R.S. 9:2603(B)(4)(b); adds R.S. 9:2603.1 and 2603.2)

Evidence of Income in Support Proceedings (Act No. 378)

New law provides that when income is concealed or underreported for the purpose of calculating child or spousal support, the court shall admit evidence of redirected income, deferred income, and the standard of living and assets of the obligor.

New law provides that the court may admit as evidence the wage and earnings survey distributed by the government for attributing income to the obligor.

New law provides that when an obligor in a child or spousal support proceeding has an ownership interest in a business, suitable documentation includes such items as income tax returns, Schedule K-1 and W-2 forms, 1099 forms, profit and loss statements, balance sheets, financial statements, tax reports, and bank account statements.

Effective August 15, 2009. (Amends R.S. 9:315.2(A); Adds R.S. 9:315.1.1 and 326)

TITLE 10: COMMERCIAL LAWS

Louisiana UCC Relative to Warehouses and Documents of Title (Act No. 207)

New law makes extensive revisions to the UCC provisions regarding documents of title, warehouse receipts, and bills of lading. Among other things:

New law defines a "document of title" as a record that in the regular course of business or financing is treated as adequately evidencing:
(i) that the person in possession or control of the

record is entitled to receive, control, hold, and dispose of the record and the goods the record covers; and (ii) that purports to be issued by or addressed to a bailee and to cover goods in the bailee's possession which are either identified or are fungible portions of an identified mass. The term includes a bill of lading, transport document, dock warrant, dock receipt, warehouse receipt, and order for delivery of goods.

New law also defines "bill of lading," "carrier," "warehouse receipt," "bailee," "goods," "shipper," and "contract for sale."

New law changes all instances of the word "warehouseman" to the word "warehouse".

New law changes all uses of the word "depository" to the word "bailee".

New law provides that, except as otherwise provided, a document of title is negotiable if by its terms the goods are to be delivered to the bearer or to the order of a named person.

New law provides that a person has control of an electronic document of title if a system employed for evidencing the transfer of interests in the electronic document reliably establishes that person as the person to which the electronic document was issued or transferred.

New law further provides that a system satisfies proposed law, and a person is deemed to have control of an electronic document of title, if the document is created, stored, and assigned in a prescribed.

New law provides damages may be limited by a term in the warehouse receipt or storage agreement. On request of the bailor, the warehouse's liability may be increased, but increased rates may be charged.

New law provides that reasonable provisions as to the time and manner of presenting claims and commencing actions based on the storage may be included in the warehouse receipt or storage agreement.

New law states that a buyer in ordinary course of business of fungible goods sold and actually delivered by a warehouse that is also in the business of buying and selling such goods takes

the goods free of any claim under a warehouse receipt.

New law provides that a warehouse has a lien against the bailor on the goods covered by a warehouse receipt or storage agreement or on the proceeds thereof in its possession for charges present or future, in relation to the goods, and for expenses necessary for preservation of the goods or reasonably incurred in their sale pursuant to law.

New law provides that the warehouse may also reserve a security interest against the bailor for the maximum amount specified on the receipt for charges other than those specified in new law.

New law provides that a warehouse's lien for charges and expenses or a security interest is also effective against any person that entrusted the bailor with possession of the goods.

New law provides that a disclaimer or modification of warranty in a warehouse's or carrier's disposition of goods is commercially reasonable.

New law provides that damages may be limited by a term in the bill of lading or in a transportation agreement that the carrier's liability may not exceed a value stated in the bill or transportation agreement if the carrier's rates are dependent upon value and the consignor is afforded an opportunity to declare a higher value and the consignor is advised of the opportunity.

New law states that reasonable provisions as to the time and manner of presenting claims and commencing actions based on the shipment may be included in a bill of lading or a transportation agreement.

New law provides that a bailee that in good faith has received goods and delivered or otherwise disposed of the goods according to the terms of a document of title or pursuant to new law is not liable for the goods even if the person from which the bailee received the goods did not have authority to procure the document or to dispose of the goods or the person to which the bailee delivered the goods did not have authority to receive the goods.

New law provides special rules for a negotiable electronic document of title.

New law provides that subject to R.S. 10:7-205 and 7-503, a holder to which a negotiable document of title has been duly negotiated acquires thereby:

1. Title to the document.
2. Title to the goods.
3. All rights accruing under the law of representation or estoppel, including rights to goods delivered to the bailee after the document was issued.
4. The direct obligation of the issuer to hold or deliver the goods according to the terms of the document free of any defense or claim by the issuer except those arising under the terms of the document or under new law.

New law provides that, subject to R.S. 10:7-503, title and rights acquired by due negotiation are not defeated by any stoppage of the goods represented by the document of title or by surrender of the goods by the bailee and are not impaired even if (i) the due negotiation or any prior due negotiation constituted a breach of duty, (ii) any person has been deprived of possession of a negotiable tangible document or control of a negotiable electronic document by misrepresentation, fraud, accident, mistake, duress, loss, theft, or misappropriation, or (iii) a previous sale or other transfer of the goods or document has been made to a third person.

New law provides that in the case of a transfer of a nonnegotiable document of title, until but not after the bailee receives notice of the transfer, the rights of the transferee may be defeated by various specified persons.

New law provides that a diversion or other change of shipping instructions by the consignor in a nonnegotiable bill of lading which causes the bailee not to deliver the goods to the consignee defeats the consignee's title to the goods if the goods have been delivered to a buyer in ordinary course of business or a lessee in ordinary course of business and, in any event, defeats the consignee's rights against the bailee.

New law provides that delivery of the goods pursuant to a nonnegotiable document of title may be stopped by a seller or a lessor under other law. A bailee that honors the seller's or lessor's instructions is entitled to be indemnified by the seller or lessor against any resulting loss or expense.

New law provides that a document of title is not a financial asset except in specified circumstances.

New law revises rules regarding perfection of security interests with respect to electronic documents.

Effective January 1, 2010. (Amends R.S. 10:1-201, 4-104, 4-210, 7-101-7-105, 7-201-7-210, 7-301-7-309, 7-401-7-404, 7-501-7-509, 7-601-7-604, and 7-701, 9-102, 9-203, 9-207(c), 9-208, 9-301(3), 9-310, 9-312(e), 9-313(a), 9-314, 9-317, 9-338, and 9-601(b); Adds R.S. 10:8-103(g) and 9-208(b)(7))

TITLE 11: CONSOLIDATED PUBLIC RETIREMENT SYSTEMS

LASERS and TRSL (Act No. 497)

New law makes numerous changes to the Louisiana State Employees' Retirement System (LASERS) and the Teachers' Retirement System of Louisiana (TRSL).

(Amends R.S. 11:42, 102 and 883.1; adds R.S. 11:102.1, and 102.2)

Teachers' Credit for Furlough (Act No. 301)

New law allows members of the La. State Employees' Retirement System (LASERS) and the Teachers' Retirement System of La. (TRSL) who are involuntarily or voluntarily furloughed by a public college or university or the governing board or management board of a college or university to accrue service credit for the periods of furlough.

(Adds R.S. 11:163.1)

TITLE 12: CORPORATIONS AND ASSOCIATIONS

TITLE 13: COURTS AND JUDICIAL PROCEDURE

Homestead Exemption (Amends R.S. 20:1(A)(2); Adds R.S. 13:3851.1) (Act No. 201)

New law increases the homestead exemption from \$25,000 to \$35,000.

New law provides that a judgment creditor shall not cause the seizure or sale of the homestead of the judgment debtor in the execution of a judgment for consumer credit card charges.

New law does not preclude the filing of a judgment for credit card charges with the recorder of mortgages nor affect the validity or ranking of a judicial mortgage.

New law does not apply to a creditor who holds a conventional mortgage upon the debtor's homestead, or if the debtor has executed a valid waiver of the homestead exemption in authentic form.

New law provides that a judgment debtor may bring an action to annul a sheriff's sale conducted in violation of new law only if the judgment creditor is the purchaser at the sale and is still in possession of the property. A violation of new law may not be asserted against a third party who purchases the homestead at the sheriff's sale or who purchases the homestead from the judgment creditor at any time after the sheriff's sale.

New law provides that an action to annul a sheriff's sale shall prescribe one year from the date of the sheriff's sale deed and that an action for damages shall prescribe one year from the date of service of notice of seizure of the homestead upon the judgment debtor.

Venue for Suits Against State or its Agencies, Officers, or Employees (Act No. 13)

New law requires all suits filed against the state of Louisiana or any state agency, or against an officer or employee of the state or state agency for conduct arising out of the discharge of his official duties or within the course and scope of

his employment, to be instituted before the district court of the judicial district in which the state capitol is located or in the district court having jurisdiction in the parish in which the cause of action arises.

(Amends R.S. 13:5104(A))

TITLE 14: CRIMINAL LAW

Minimum Sentences for Batterers of Pregnant Victims (Act No. 90)

New law clarifies that the minimum sentences for those who commit domestic abuse battery against a pregnant woman are as follows:

1. 3rd offense – imprisonment with or without hard labor for one to five years, with a minimum of two years served with or without hard labor without benefit of probation, parole, or suspension of sentence.

2. 4th or subsequent offense – imprisonment with hard labor for 10 to 30 years, with a minimum of four years served at hard labor without benefit of probation, parole, or suspension of sentence.

(Amends R.S. 14:35.3(K))

Mortgage Fraud (Act No. 197)

New law creates the crime of mortgage fraud.

New law provides that it is unlawful for a person, in connection with residential mortgage lending activity, to knowingly do any of the following:

1. Employ a device scheme, or artifice with intent to defraud.

2. Make an untrue statement of material fact with intent to defraud.

3. Receive any portion of the purchase, sale, or loan proceeds, or any other consideration paid or generated in connection with the closing of a residential mortgage loan when the recipient knows that the proceeds or other funds were paid as a result of a violation of new law.

New law provides that any person who violates the provisions of new law shall be imprisoned, with or without hard labor, for not more than 10

years, or may be fined not more than \$100,000, or both.

New law further provides that a person convicted under the provisions of new law shall be ordered to make full restitution to the victim and any other person who has suffered a financial loss as a result of the offense.

(Adds R.S. 14:71.3)

Unauthorized Use of a Wireless Router System (Act No. 193)

New law creates the crime of unauthorized use of a wireless router system.

New law provides that the unauthorized use of a wireless router system is the accessing or causing to be accessed of any computer, computer system, computer network, or any part thereof via any wireless router system for the purposes of uploading, downloading or selling of pornography involving juveniles.

New law provides that whoever commits the crime of unauthorized use of a wireless router system will be fined not more than \$10,000 and be imprisoned at hard labor for not less than two years or more than 10 years, without benefit of parole, probation or suspension of sentence.

New law provides that whoever commits the crime of unauthorized use of a wireless router system for the purpose of accessing pornography, when the victim is under the age of 13 years, and the offender is 17 years of age or older, will be punished by imprisonment at hard labor for not less than 25 years nor more than 99 years. At least 25 years of the sentence imposed will be served without benefit of parole, probation, or suspension of sentence.

(Adds R.S. 14:73.8)

Creation of Human-Animal Hybrids (Act No. 108)

New law provides that it shall be unlawful for any person to knowingly (i) create or attempt to create a human-animal hybrid, (ii) transfer or attempt to transfer a human embryo into a nonhuman womb, or (iii) transfer or attempt to transfer a nonhuman embryo into a human womb.

New law provides that whoever violates new law shall be imprisoned at hard labor for not more than ten years, or fined not more than ten thousand dollars, or both.

New law provides that whoever violates new law and derives pecuniary gain from such violation shall be subject to a civil fine of \$1,000,000 or an amount equal to the amount of the gross gain multiplied by two.

New law provides eight (8) separate and distinct definitions of human-animal hybrid.

(Adds R.S. 14:89.6)

Cruelty to Animals (Act No. 106)

New law reclassifies "the mistreatment of any living animal by any act or omission whereby unnecessary or unjustifiable physical pain, suffering," or death is caused to or permitted upon the animal shall also be guilty of aggravated cruelty to animals.

Medicaid Crime (Act No. 337)

New law creates the crime of unauthorized participation in medical assistance programs (Medicaid) and provides penalties of (i) imprisonment for not more than six months or a fine of not more than \$1,000, or both, when the state or federal exclusion is based on an underlying criminal conviction defined by La. law as a misdemeanor, or when the exclusion is based on any reason other than a criminal conviction, and (ii) imprisonment for not more than five years with or without hard labor, or fined not less than \$1,000, nor more than \$20,000, or both, when the exclusion is based on an underlying criminal conviction defined by La. law as a felony.

New law defines "participation", "medical assistance program", "exclusion", "provider", "payment", and "oversight agency".

(Adds R.S. 14:126.3.1)

Reckless Discharge of Firearms at Parades (Act No. 150)

New law creates the crime of reckless discharge of a firearm at a parade or demonstration as the reckless or criminally negligent discharge of a firearm within one thousand feet of any parade,

demonstration, or gathering for which a permit is issued by a governmental entity.

New law defines "firearm," "parade," and "reckless or criminally negligent."

New law does not apply to the discharge of any firearm which has been authorized as part of the parade itself.

New law creates exceptions for hunting or sport shooting activity, law enforcement, private residences, and historic reenactments.

New law provides for penalties of imprisonment at hard labor for not less than five nor more than 10 years, at least three years of which shall be served without benefit of parole, probation, or suspension of sentence, and fines of not more than \$5,000.

(Adds R.S. 14:95.2.2)

Change to Definition of First Degree Murder (Act No. 79)

New law adds to definition of first degree murder when the offender has a specific intent to kill or inflict great bodily harm and the offender has previously acted with a specific intent to kill or inflict great bodily harm that resulted in the killing of one or more persons.

New law adds to considerations of aggravated circumstances when the offender has knowingly killed two or more persons in a series of separate incidents.

(Adds R.S. 14:30(A)(10) and C.Cr.P. 905.4(A)(13))

TITLE 15: CRIMINAL PROCEDURE

Taking of DNA Samples from Convicts (Act No. 9)

New law authorizes the taking of DNA samples from those persons convicted of a felony or "other specified offense".

New law provides for a limitation of liability with regard to the taking of DNA samples.

(Amends R.S. 15:609(B)(1) and (C) and 610)

Racketeering Violations (Act No. 91)

New law adds a five-year minimum mandatory sentence for violating racketeering activity prohibitions under the La. Racketeering Act (R.S. 15:1353) which involve securities violations in excess of \$10,000.

(Amends R.S. 15:1354(A))

TITLE 16: DISTRICT ATTORNEYS

TITLE 17: EDUCATION

Teacher Certification Appeals Process (Act No. 31)

New law requires the State Board of Elementary and Secondary Education (BESE) to establish an appeals process through which applicants denied teacher certification may appeal to the Teacher Certification Appeals Council.

(Adds R.S. 17:7(6)(f))

Public/Charter School Funding (Act No. 310)

New law requires BESE, beginning with the 2010-2011 school year, to require public school (include charter school) boards to expend funds generated by applying weighted factors contained in a specified formula, and submit annually a written report to BESE on how these funds were expended.

New law further requires BESE, beginning with the 2009-2010 school year, to assist public school boards in making strategic fiscal decisions that promote improved student achievement, and annually publish certain revenue and expenditure data on the state Dept. of Education website.

(Adds R.S. 17:7(2)(f))

Public School Fire Policies (Act No. 413)

New law requires that each local school board (including a charter school board) adopt and implement policies providing for inspections by qualified persons of all fire safety and prevention equipment, and related matters.

New law is applicable to the governing authority of any public elementary or secondary school, including a charter school.

(Adds R.S. 17:81(Q) and 3996(B)(21))

High School Career Option Program (Act No. 246)

New law requires the Board of Elementary and Secondary Education (BESE), in addition to any other diplomas issued by the board, to develop and adopt course and curriculum requirements for career major programs offered by local school boards and to issue a career diploma to students who successfully complete the requirements for each approved career major program curriculum. New law provides that a career diploma shall be considered a regular standard diploma and shall be recognized by all institutions in the Louisiana Community and Technical College System.

New law requires high school students to pursue the curriculum for their chosen majors as approved by BESE.

New law makes career major requirements applicable only to students enrolled in a school system that offers a career major program.

New law requires each local school system to develop and offer one or more career major programs, subject to BESE approval, but allows school systems to obtain a waiver of this requirement from BESE for good cause.

(Amends R.S. 17:183.1, 183.2, and 183.3, repeals R.S. 17:183.4, 183.6, 183.7, 183.8, and 183.9)

Habitual Tardiness (Act No. 305)

New law requires that parent or other person having charge of a child shall assure that the child is not habitually tardy from school. Court may impose as a minimum condition of probation participation in 40 hours of school or community service activities, attendance in court-approved parenting classes or family counseling programs, or the suspension of any state-issued recreational license.

(Amends R.S. 14:92.2 and R.S. 17:221 and Ch.C. Art. 728(4); Adds R.S. 14:92.2(B)(4) and R.S. 17:233(B)(1)(d)(iii) and (iv))

Simulation Medical Training (Act No. 421)

New law creates the Simulation Medical Training and Education Council for La., with the

purpose of coordinating and maximizing statewide resources to provide greater access for health care students and professionals to receive simulation medical training.

(Amends R.S. 36:801.5(B); Adds R.S. 17:2048.52 and R.S. 36:651(AA)(3))

College Review Commission (Act No. 309)

New law requires the Board of Regents to establish the Postsecondary Education Review Commission to review all aspects of postsecondary education and submit a report of its findings and recommendations.

(Adds R.S. 17:3138 and R.S. 36:651(N))

Public College Credits (Act No. 356)

New law provides for a comprehensive system of articulation and transfer of credit between and among public secondary and postsecondary educational institutions.

(Adds R.S. 17:3161 - 3169)

TITLE 18: LOUISIANA ELECTION CODE

Election Code Clean-Up (Act No. 369)

New law makes numerous minor revisions to the election code.

(Amends numerous sections of Title 18)

Special Needs Voters (Act No. 436)

New law makes various revisions to the election code to provide with respect to voters with special needs.

Effective January 1, 2010. (Amends numerous sections of Title 18)

TITLE 19: EXPROPRIATION

TITLE 20: HOMESTEADS AND EXEMPTIONS

See Act No. 201 listed under Title 13.

TITLE 21: HOTELS AND LODGING HOUSES

TITLE 22: INSURANCE

Disclosures on Homeowners' Insurance (Act No. 36)

Old law provides for certain disclosures on fire insurance policies on commercial property, including: which coverages are included; whether an increased deductible is required for hurricane damage; whether the insured has coverage for flooding or mold; that flood insurance is available through the National Flood Insurance Program; and that excess flood insurance may be available by a separate policy.

New law makes such disclosures applicable to all fire insurance policies; however, deletes the disclosure of whether an increased deductible is required for hurricane damage. Instead new law requires disclosure of whether a separate deductible is required for hurricane, wind, or named-storm damage, and, if so, one standardized example of how such separate deductible will be applied under the policy.

New law provides that any disclosure shall be for informational purposes only and shall not amend, extend, or alter the coverages provided in the policy. New law provides that any such notice shall not be admissible in any action brought concerning the policy except for the sole purpose of showing that the notice was or was not provided pursuant to law.

Effective Jan. 1, 2010. (Amends R.S. 22:1319 and 1332)

Administrative and Other Hearings (Act No. 317)

New law updates La. Insurance Code Act to accurately reflect the Administrative Procedure Act, requiring administrative hearings for the Department of Insurance (DOI) to be held by the

Division of Administrative Law (DAL). However, new law retains the authority of the DOI and its commissioner to hold public hearings on certain matters such as rules and regulations, acquisition of control or merger of a domestic insurer, conversion of mutual insurers and mutual insurance holding companies, ratemaking, or approval of the plan of operation of the La. Consortium of Insurance and Financial Services.

A demand for a hearing by an aggrieved party shall be filed with DAL and the commissioner of insurance within 30 days after notice of the act or order is mailed, faxed, or delivered to the aggrieved party at his last known address. The aggrieved in his demand must reference the particular sections of the statutes and rules involved, provide a short and plain statement of matters asserted for review, and attach a copy of any order or decision of the commissioner for review. A demand for an administrative hearing shall not stay any order issued by the commissioner unless a stay is granted by DAL upon request of the party seeking the hearing. DAL shall designate the hearing place and issues notice for its hearings. However, new law retains the authority of the commissioner of insurance to issue subpoenas relative to investigations or use of the injunctive process.

(Amends numerous sections of Title 22)

Confidential Health Information Held by DOI (Act No. 367)

New law provides that protected health information in the custody of DOI shall be confidential and privileged, shall not be subject to disclosure under present law relative to public records, and shall not be subject to subpoena. New law requires that confidentiality and privilege shall be strictly maintained by the commissioner of insurance and all DOI employees and that the protected health information be used exclusively for the purpose of discharging the duties and responsibilities of DOI under present law relative to insurance, with various exceptions.

New law defines "protected health information" as:

1. Any health or medical information, documents, or records designated as confidential by state or federal law.

2. Any information that is in DOI's possession which relates to the past, present, or future physical or mental health or condition of an individual, the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual; and that reveals the identity of the individual whose health care is the subject of the information or where there is a reasonable basis to believe the information could be utilized to reveal that individual's identity.

(Amends R.S. 44:4.1(B)(10); Adds R.S. 22:42.1)

Re-Organization of Lines of Insurance (Act No. 326)

Old law specifies 17 kinds or "lines" of insurance as follows: life; health and accident; vehicle; liability; workers' compensation; burglary and forgery; glass; fidelity and surety; title; fire and extended coverage; steam boiler and sprinkler leakage; crop and livestock; marine and transportation; marine protection and indemnity; miscellaneous; homeowners'; credit life, health, and accident and credit property and casualty; and annuity.

New law changes the kinds or "lines" of insurance by:

1. Separating out health stop loss insurance as a separate subcategory under health and accident insurance.

2. Eliminating insurance against loss or damage to an aircraft or accidental death or injury associated with an aircraft from the definition of vehicle insurance, as such losses or damages are included under the definition of marine and transportation insurance.

3. Adding as a subcategory under liability insurance that coverage which provides indemnity, on behalf of an insured, for any legal responsibility from the damage to or the destruction of another person's property or the infliction of injury on another person that is caused by an insured's negligence, carelessness, or failure to act.

4. Adding employer's liability insurance to the definition of workers' compensation insurance.

5. Adding coverage of expenses associated with kidnapping or ransom demands to the definition of burglary and forgery insurance.

6. Separating the definitions of fidelity and surety insurance.

7. Changing the designation of fire and extended coverage insurance to fire and allied lines insurance.

8. Eliminating glass as a separate kind of insurance and making it a subcategory under the definition of fire and allied lines insurance.

9. Separating livestock insurance from crop insurance and making it a subcategory under the definition of fire and allied lines insurance.

10. Adding insurance against loss or damage from hail to trees, crops, or other products of the soil to the definition of crop insurance.

11. Adding insurance against loss or damage to live animals during transport as a subcategory under the definition of marine and transportation insurance.

12. Adding veterinary care plan insurance providing care for a pet animal of an insured owner in the event of illness, accident, or death as a subcategory under the definition of marine and transportation insurance.

13. Adding insurance against financial loss due to trip cancellation or interruption, lost or damaged baggage, trip or baggage delay, missed connections, or changes in itinerary as a subcategory under the definition of marine and transportation insurance.

14. Changing the definition of credit life, health, and accident insurance to provide that it is insurance sold in connection with a credit transaction which is not limited to partially or wholly extinguishing the credit obligation.

15. Adding industrial insurance as a kind of insurance and defining it as fire and allied lines insurance policies issued through producers

operating on the debit agency system, under which system a weekly or monthly collection percentage is paid, where the face amount of the insurance provided covering buildings and other structures or contents under the same ownership shall not exceed \$40,000 for the structure and \$40,000 for contents.

New law provides that a life insurer shall not be authorized to transact any additional kind of insurance other than annuity or credit life, health, and accident insurance.

New law provides that domestic mutual insurers which applied for a certificate of authority prior to Sept. 1, 1989 shall not be authorized to transact any additional kind of insurance other than health and accident insurance.

New law further changes references in old law to correspond to the recategorized kinds of insurance.

Effective January 1, 2010. (Amends R.S. 22:47, 81, 82, 111, 112, 165, 851(A), 861(A)(1), 864(D), 1460(D)(2), 1594(1), 2053(A), 2322(5), and 2336(5); Adds R.S. 22:47(18) and (19); Repeals R.S. 22:47(7))

Insurance Company Reorganizations (Act No. 234)

New law creates a process by which domestic mutual non-life insurers and mutual insurance holding companies may reorganize into a stock insurance company that may be or become a subsidiary of a parent corporation or a stock insurance holding company.

(Adds R.S. 22:237 through 237.13)

Workers' Compensation Coverage for Volunteer Firemen (Act No. 304)

New law requires the state fire marshal to obtain workers' compensation coverage for volunteer members of fire companies.

(Amends R.S. 22:347 and R.S. 23:1036)

Regulation of Home Service Contract Providers (Act No. 101)

New law provides for regulation of home service contract providers by the commissioner of insurance.

New law provides that "home service contract" means "a contract or agreement for a separately stated consideration for a specific duration to perform the service, repair, replacement, or maintenance of property or indemnification for service, repair, replacement, or maintenance, for the operational or structural failure of any residential property due to a defect in materials, workmanship, inherent defect, or normal wear and tear, with or without additional provisions for incidental payment or indemnity under limited circumstances."

New law provides that home service contract providers registered as required shall be exempt from all other provisions of the Insurance Code, except where such provisions are specifically incorporated in new law by reference.

New law exempts warranties, maintenance agreements, and service contracts sold or offered for sale to persons other than consumers.

New law prohibits home service contracts from being issued, sold, or offered for sale unless the provider has (i) provided a receipt for or other written evidence of the purchase of the contract to the contract holder; (ii) provided a copy of the contract to the service contract holder within a reasonable period of time from the date of purchase; and (iii) complied with proposed law.

New law requires that home service contract providers file a registration with the commissioner of insurance, consisting of certain specific information.

New law specifies that except for the registration requirements, providers and other persons marketing, selling, or offering to sell home service contracts are exempt from other licensing requirements, registration information, or security requirements of law. New law provides that any such activities related to home service contracts shall be exempt from the Insurance Code, other than new law.

New law provides that reimbursement insurance policies insuring home service contracts state that the insurer shall either reimburse or pay on behalf of the provider any covered sums the provider is legally obligated to pay or, in the event of the provider's nonperformance, shall provide the service which the provider is legally

obligated to perform. New law provides that if the covered service is not provided by the home service contract provider within 60 days of proof of loss by the service contract holder, the contract holder is entitled to apply directly to the reimbursement insurance company.

New law requires home service contracts to be in clear, understandable language and provides for certain required disclosures.

New law requires that home service contracts require the provider to permit the contract holder to return the contract within 20 days of the date the contract was mailed to the contract holder or within 10 days of delivery if the contract is delivered to the contract holder at the time of sale or within a longer time period permitted under the contract. Voids the contract on return of the service contract to the provider within the applicable time period if no claim has been made under the service contract prior to its return to the provider, and requires that the provider refund to the contract holder or credit the account of the service contract holder with the full purchase price of the contract. Further provides that this right to void the contract is not transferable and shall apply only to the original contract holder and only if no claim has been made prior to its return to the provider. Provides for a 10% penalty per month to be added to a refund that is not paid or credited within 45 days after return of the contract to the provider.

New law prohibits providers from using in its name the words insurance, casualty, and surety or any other words descriptive of the insurance, casualty, or surety business, a name deceptively similar to the name or description of any insurance or surety corporation, or to the name of any other provider, but allows the word "guaranty" or similar word to be used by a provider. New law exempts from the prohibition a company that was using any of the prohibited language in its name prior to Jan. 1, 2010, but requires a company using the prohibited language in its name to include in its service contracts the statement: "This agreement is not an insurance contract.". New law prohibits a provider from making any false or misleading statement or deliberately omitting any material statement that would be considered misleading if

omitted in its home service contracts or literature.

New law requires that a provider keep accurate accounts, books, and records, including dates and descriptions related to its contracts. A provider shall retain all required records at least three years after coverage has expired, and shall make all required records available to the commissioner upon request.

New law authorizes the commissioner to conduct examinations of providers, administrators, insurers, or other persons to enforce the provisions of new law and protect home service contract holders in this state.

Effective Jan. 1, 2010. (Adds R.S. 22:821(B)(28) and 1806.1-1806.9)

Insurance Certificates (Act No. 335)

New law defines a "certificate of insurance," as used by property and casualty insurers, as a document issued on or behalf of an insurer to a third party who has not contracted with the insurer to purchase an insurance policy and is provided for informational purposes only to advise a third party of the existence and limits of insurance coverage issued to the named insured.

New law prohibits any property or casualty insurer or insurance producer from issuing a certificate of insurance or any other type of document purporting to be a certificate of insurance that will affirmatively or negatively alter, amend, or extend the coverage provided by the referenced insurance policy.

New law further provides that any insurer or insurance producer issuing such a certificate shall only be authorized to use certain specific forms or a form filed with and approved by the commissioner of insurance.

New law defines an "insurance producer" as a person required to be licensed under the laws of this state to sell, solicit, or negotiate insurance, including all persons or business entities otherwise referred to in present law as "insurance agent" or "agent", "insurance broker" or "broker", "insurance solicitor" or "solicitor", or "surplus lines broker".

(Adds R.S. 22:881.1)

Homeowner Insurance Cancellation (Act No. 333)

New law requires a homeowner's insurer to notify any mortgagee, pledgee, or other known person shown by the policy to have an interest in any loss which may occur, of a cancellation or substitution.

(Amends R.S. 22:887(A))

Standard Reference Compendia For Cancer Treatment (Act No. 87)

Old law provides that every hospital, health, or medical expense insurance policy, contract, or plan, including coverage by a health maintenance organization or preferred provider organization, that covers the treatment of cancer in this state shall not exclude coverage of any drug prescribed for the treatment of cancer on the ground that the drug is not approved by the U.S. Food and Drug Administration for a particular indication if that drug is recognized for treatment of the covered indication in a standard reference compendia or in substantially accepted peer-reviewed medical literature.

Old law defines "standard reference compendia" as the U.S. Pharmacopeia Drug Information or the American Hospital Formulary Service Drug Information.

New law defines "standard reference compendia" as authoritative compendia as identified by the secretary of the U.S. Department of Health and Human Services.

(Amends R.S. 22:999(A)(2))

Limits on Use of Genetic Testing and Information (Act No. 419)

New law prohibits an insurer from requesting, requiring, or purchasing genetic information of an individual or his family member for underwriting purposes; or with respect to any individual or his family member prior to such individual's enrollment under the plan or coverage in connection with such enrollment.

New law prohibits an insurer from requesting or requiring that an individual, his family member, or a group member undergo a genetic test; but does not limit the authority of a health care professional who is providing health care

services to an individual to request that such individual undergo a genetic test.

New law prohibits an insurer from establishing rules for eligibility, including continued eligibility, of any individual or an individual's family member to enroll or continue enrollment based on genetic information; but an insurer may establish rules for eligibility for an individual to enroll in individual health insurance coverage based on the manifestation of a disease or disorder in that individual or in his family member where such family member is covered under the policy that covers such individual.

New law prohibits an insurer from imposing any preexisting condition exclusion on the basis of genetic information of an individual, his family member, or group member, but an insurer may impose a preexisting condition exclusion for an individual with respect to health insurance coverage on the basis of a manifestation of a disease or disorder in that individual.

New law prohibits an insurer from adjusting premium or contribution amounts for an individual or group health plan on the basis of genetic information concerning the individual or a family member of the individual; but an insurer may adjust premium or contribution amounts for an individual on the basis of a manifestation of a disease or disorder in that individual, or in his family member where such family member is covered under the policy that covers such individual and may increase the premium for an employer based upon the manifestation of a disease or disorder of an individual who is enrolled in the plan.

New law provides that an insurer may obtain and use the results of a genetic test in making a determination regarding payment.

New law provides that "genetic information" shall also include an individual's genetic test, the genetic tests of an individual's family members, the manifestation of a disease or disorder in an individual's family members, genetic information of any fetus or embryo carried by such pregnant woman, and genetic information of any embryo legally held by the individual or family member, but further specifies that "genetic information" shall not

mean information about the sex or age of any individual.

Present law defines "genetic test" as any test for determining the presence or absence of genetic characteristics in an individual, including tests of nucleic acids, such as DNA, RNA, and mitochondrial DNA, chromosomes, or proteins in order to diagnose or identify a genetic characteristic.

New law defines "genetic test" as any test that detects genotypes, mutation, or chromosomal changes, and specifies that "genetic test" shall not mean an analysis of proteins or metabolites that does not detect genotypes, mutations, or chromosomal changes or that is directly related to a manifested disease, disorder, or pathological condition that could be reasonably detected by a health care professional with appropriate training and expertise in the field of medicine involved.

New law defines "genetic services" as a genetic test, genetic counseling, including obtaining, interpreting, or assessing genetic information, or genetic education.

(Amends R.S. 22:1023)

Coverage of Small Employers under Health Benefit Plans (Act No. 93)

Old law, relative to rate limitation provisions for health benefit plans, defines a small employer as any person, firm, corporation, partnership, or association actively engaged in business which, on at least 50% of its working days during the preceding year, employed no less than 3 nor more than 35 eligible employees.

New law additionally requires that in order to be a small employer, the majority of its employees must be employed within this state, it must not be formed primarily for purposes of buying health insurance, and a bona fide employer-employee relationship must exist.

(Amends R.S. 22:1091(B)(13))

Increasing Deductible Is Not Cancellation (Act No. 472)

Old law provides that after an insurer has paid and satisfied an insured's third physical damage claim, modifying his physical damage coverage

by including a deductible not exceeding \$50 shall not be deemed a cancellation of the coverage or policy.

New law provides that the inclusion of or a change in deductible not exceeding \$500 shall not be deemed a cancellation of coverage or the policy.

(Amends R.S. 22:1266(B)(2))

New Car Insurance in Face of Hurricane (Act No. 324)

New law prohibits insurers from refusing to issue an automobile insurance policy providing collision or comprehensive coverage on a newly purchased motor vehicle to one of the insurer's existing automobile policyholders who is an otherwise qualified purchaser based solely on an impending named tropical storm or hurricane in the Gulf of Mexico.

(Adds R.S. 22:1289.1)

Fire, Lightning and Windstorm Property Insurance Requirements (Act No. 250)

New law prohibits fire and extended coverage insurance from containing any clause or provisions requiring the insured to maintain a larger amount of insurance than that covered by the policy. New law prohibits the insured from liability as a co-insurer unless such clause has been approved by the commissioner of insurance.

(Amends R.S. 22:1317)

Limitation on Application of Separate Deductibles for Damage Resulting from a Named Storm or Hurricane (Act No. 134)

New law limits separate deductibles which apply to damage resulting from a named storm or hurricane to being applied on an annual basis.

New law defines a "named storm" or a "hurricane" as a storm system that has been declared as such by the National Hurricane Center of the National Weather Service. New law defines a "separate deductible" as a deductible that applies to damage incurred during a specified weather event and may be expressed as a percentage of the insured value of the property or as a specific dollar amount,

including hurricane, named-storm, and wind and hail deductibles.

(Adds R.S. 22:1337)

Insurance Licensing Matters (Act No. 485)

New law excludes from various insurance producer licensing requirements persons who hold various accreditations and degrees.

New law authorizes commissioner of insurance to require fingerprints and run criminal history record checks on license applicants.

New law clarifies the lines of authority for which a licensed insurance producer may receive qualification for a license.

New law requires continuing insurance education for various insurance professionals.

New law abolishes the Insurance Education Advisory Council.

Effective January 1, 2010. (Amends R.S. 22:1545, 1546, 1547(A), R.S. 22:1547(I)(intro para), R.S. 22:1551(C), 1571, and 1573, and R.S. 44:4.1(B)(10) and repeals R.S. 22:1553(C) and 1572)

Insurance Agent Deposits (Act No. 332)

New law requires that all funds collected for an insurer's account that are held by a managing general agent shall be held in a bank that is a member of the Federal Deposit Insurance Corporation.

(Amends R.S. 22:1624(C))

Web Posting of List of Contracted Health Care Providers (Act No. 354)

New law requires health insurance issuers to develop and maintain a database which shall allow an enrollee (i) web access to determine if a health care provider or health care facility is a contracted health care provider with their health insurance issuer and (ii) web access to a health insurance issuer's network of providers accessed or utilized by a health insurance issuer.

New law requires that the health care issuer maintain the specific insurance coverage in which each health care provider is contracted to provide health care services.

New law requires that the database include (i) the name, address and contact information of the health care provider; (ii) all applicable specialties and subspecialties of such health care provider, if any; and (iii) the National Provider Identifier unique identification number of such health care provider.

New law does not apply to individually underwritten guaranteed renewable limited benefit health insurance policies.

(Adds R.S. 22:1879)

Loss Adjustment Initiation Deadline (Act No. 488)

Old law, in cases of a catastrophic loss, requires the insurer to initiate loss adjustment of a property damage claim within 30 days after notification. New law authorizes the commissioner of insurance to promulgate a rule to extend this 30 day period if the damage arises from a presidentially declared emergency or disaster or a gubernatorially declared emergency or disaster.

(Amends R.S. 22:1892(A)(3))

La. Citizens Rate Changes (Act No. 483)

Old law provides that the state's insurance company, the Louisiana Citizens Property Insurance Corporation, be the market-of-last-resort for homeowners' insurance and commercial structure property insurance. New law changes the method by which the insurance rates are calculated.

(Amends R.S. 22:2303)

Homeowner Policy Premiums (Act No. 404)

Old law created the homeowner policy premium assistance program for individuals needing assistance with payment of the homeowner's premium due on the homeowner's residence. New law repeals the homeowner policy premium assistance program.

(Repeals R.S. 22:2372)

Essential Property Insurance (Act No. 239)

Present law, relative to the Louisiana Citizens Property Insurance Corporation, defines essential property insurance as fire, windstorm

and hail without fire coverage, and homeowners' insurance.

New law includes business interruption insurance only with respect to commercial properties on a monoline basis as essential property insurance.

New law defines subject lines of business to include the business interruption insurance portion of commercial multiperil policies or such interruption insurance with respect to commercial properties on a monoline basis.

(Amends R.S. 22:2292(6) and (12))

Technical Revisions to Insurance Code (Act No. 503)

New law makes numerous technical changes to old law, approximately one-third of the Louisiana Insurance Code. Such changes include correction of citations, updates of terms and language, reorganization of provisions, elimination of obsolete or ineffective provisions, such as transition provisions and past effective dates, and harmonizing of inconsistent provisions.

(Amends numerous provisions of Title 22)

Regulation of Third Party Administrators of Life and/or Health Insurance (Act No. 99)

New law defines third-party administrators (TPAs) as those who handle life or health insurance coverage or annuities, or plans of self-insurance providing accident and health protection or self-insurance of workers' compensation coverage, or any person who contracts directly or indirectly with a group self-insurance fund licensed as a trade or professional association to provide certain services to the fund or its membership.

New law deletes certain exceptions as to who may be considered a third-party administrator, including:

1. An insurer authorized to transact insurance in this state, but only with respect to a fully insured policy.
2. An insurer authorized to transact insurance in this state that has capital and surplus of at least \$50 million.

3. An adjuster licensed by this state whose activities are limited to the adjustment of claims.

New law excepts from licensure a TPA that has its principal place of business in another state, is not soliciting business as a TPA in this state, has fewer than 100 certificate holders residing in this state, and is an insurer authorized to transact the business of insurance in this state.

TITLE 23: LABOR AND WORKERS' COMPENSATION

TITLE 24: LEGISLATURE AND LAWS

Commission on Streamlining Government (Act No. 491)

New law establishes the Commission on Streamlining Government to examine each agency's constitutional and statutory activities, functions, programs, services, powers, duties, and responsibilities, and to determine which of these activities, functions, programs, services, powers, duties, and responsibilities can be eliminated, streamlined, consolidated, privatized, or outsourced in an effort to reduce the size of state government.

New law provides that the commission may hold public hearings as part of its evaluation process, may appoint advisory groups to conduct studies, research or analyses, and may make reports and recommendations with respect to a matter within the jurisdiction of the commission.

(Adds R.S. 24:101-109)

Social Gatherings under Ethics and Lobbying Laws (Act No. 534)

Old law prohibits certain persons from giving to a public servant or public employee any food, drink, or refreshment the total value of which exceeds \$50 for a single event, unless at a gathering held in conjunction with a meeting related to a national or regional organization or a meeting of a statewide organization of governmental officials or employees.

New law provides that the exception includes an event held during the same time period and in the same general locale as a meeting of such an

organization and to which some persons associated with the organization are invited.

New law eliminates similar exception from lobbying laws and provides instead that expenditures for any such reception or social gathering shall be reported by including the name of the organization, the date and location of the reception or social gathering, a general description of invitees, and the amount of the expenditure.

New law (excluding the provisions regarding the reporting of expenditures relative to lobbyist disclosure) is remedial, curative, interpretive, and procedural and therefore is to be applied retroactively as well as prospectively.

(Amends R.S. 24:55, R.S. 42:1115.1(F), and R.S. 49:76)

TITLE 25: LIBRARIES, MUSEUMS, AND OTHER SCIENTIFIC AND CULTURAL FACILITIES

French Quarter – Marigny Taxes (Act No. 490)

New law authorizes the board of the French Quarter – Marigny Historic Area Management District to cite violations if the governing authority of the city of New Orleans delegates the authority to the board.

New law authorizes the board to levy taxes.

New law provides that the governing authority of the city of New Orleans is authorized to levy annually a special ad valorem tax or parcel fee on each parcel located in the district.

New law provides for the amount of the annual tax or parcel fee, based on the classification of the parcel.

New law provides that each condominium parcel and each time share unit shall be classified as a separate parcel.

The tax or parcel fee will be levied and collected only if approved by a majority of registered voters of the district.

(Amends R.S. 25:799)

TITLE 26: LIQUORS – ALCOHOLIC BEVERAGES

Defining "Restaurant Establishment" (Act No. 233)

New law defines "restaurant establishment" as an establishment:

- Which operates a place of business whose average monthly revenue from food and nonalcoholic beverages shall exceed fifty percent of its total average monthly revenue from the sale of food, nonalcoholic beverages, and alcoholic beverages.
- Which serves food on all days of operation.
- Which maintains separate sales figures for alcoholic beverages.
- Which operates a fully equipped kitchen used for the preparation of uncooked foods for service and consumption of such foods on the premises when food is being offered and served.
- Which has a public habitable floor area of no less than 500 square feet.

New law does not apply to business locations that applied to or have been licensed to sell or serve alcoholic beverages prior to August 1, 2006, and have not discontinued the sale and service of such beverages for more than six months.

New law does not prohibit adoption of municipal or parish ordinance that are more restrictive in order to obtain a municipal or parish permit to sell alcoholic beverages at a restaurant.

(Amends R.S. 26:73, 272, and 583(C))

Liquor Wholesalers (Act No. 355)

New law provides that when a person obtains the required local wholesaler's permit to engage in business as a wholesaler of beverages of high alcoholic content, he may do business in other municipalities or parishes. Such municipalities and parishes shall not impose a tax or license of any nature on him to do business within their territorial limits unless he maintains a regular

branch of his wholesale business within their respective limits.

(Adds R.S. 26:74(E))

TITLE 27: LOUISIANA GAMING CONTROL LAW

Video Draw Poker Devices at Truck Stop Facilities (Act No. 248)

New law prohibits issuance of a license to a truck stop facility to operate a video draw poker device within 2,500 feet of any residential property unless the facility was licensed before the residential property was occupied.

Defines "residential property" to mean any property which is wholly or partly used for or intended to be used for living or sleeping by human occupants and which includes one or more rooms, including a bathroom and complete kitchen facilities. Includes a mobile home or manufactured housing if it has been in its present location for at least 60 days.

Effective June 1, 2010. (Adds R.S. 27:306(C)(5))

Operation of Video Draw Poker Devices at Qualified Truck Stop Facilities (Act No. 274)

New law provides that the owner or lessor of a qualified truck stop facility may close the restaurant on the premises of the qualified truck stop facility during a legal holiday as defined in R.S. 1:55(B)(1)(a).

(Adds R.S. 27:306(A)(5)(d))

Video Draw Poker Employee Permits (Act No. 92)

New law removes the requirement that designated representatives have video draw poker employee permits.

New law provides that a licensee who employs a designated representative at a licensed qualified truck stop facility, La. State Racing Commission licensed pari-mutuel wagering facility, or an off-track wagering facility shall, prior to employing the person, obtain conviction records and determine that the applicant meets the suitability requirements.

New law provides that the licensee shall have a continuing duty to inform the division of any action taken by the designated representative which they believe would violate the law.

New law provides that the licensee shall maintain the information and have it readily available for inspection by the division.

(Adds R.S. 27:310(H); Repeals R.S. 27:311.1(B)(3))

TITLE 28: MENTAL HEALTH

OMH and OAD Combined to Form New OBH (Act No. 384)

New law dissolves the office of mental health (OMH) and the office for addictive disorders (OAD) and transfers the administrative functions and purposes of both offices into a new consolidated office within DHH called the office of behavioral health (OBH).

New law provides for an advisory committee to recommend to the secretary of DHH a specific plan for the implementation of the consolidated administrative functions of the office of behavioral health.

Effective July 1, 2010. (Amends R.S. 28:21 and 771 and R.S. 36:251 and 258; Adds R.S. 28:4)

TITLE 29: MILITARY, NAVAL, AND VETERANS' AFFAIRS

Veterans Homes (Act No. 18)

New law provides that La. state war veterans homes may be used by veterans and any service-connected disabled veterans who served on active duty during certain specified time periods.

New law provides that certain nonveterans, such as parents of veterans who were killed in action, and spouses of veterans, may be eligible for admission into Louisiana's state war veterans homes if they are eligible to reside in war veterans homes under Title 38 of the U.S.C.

(Amends R.S. 29:381)

Public Evacuation Shelters (Act No. 353)

New law provides that public facilities, including schools, postsecondary education

facilities, and other facilities owned or leased by the state or local governments, but excluding hospitals or nursing homes, which are suitable for use as public evacuation shelters will be made available at the request of the director of the parish Office of Homeland Security and Emergency Preparedness.

(Adds R.S. 29:726.2)

Limitation of Liability for Health Care Providers and/or Personnel in Emergencies (Act No. 231)

New law provides for limitation of liability for any health care provider or health care personnel who renders or fails to render health care services, first aid, ambulatory or mobile medical unit assistance, transportation or care delivery in the course of an evacuation, sheltering, care delivery, transportation or repopulation of a health care provider facility or a failed evacuation, sheltering, care delivery, transportation or repopulation of a health care provider facility, during and following a declared state of emergency, unless the damages are caused by gross negligence or willful misconduct.

(Adds R.S. 29:735.5)

Uniform Emergency Volunteer Health Practitioners Act (Act No. 397)

New law applies to registered volunteer health practitioners who provide health services for a host entity while an emergency declaration is in effect.

New law provides that while an emergency declaration is in effect, DHH may limit, restrict, or otherwise regulate the duration of practice by volunteer health practitioners, the geographical areas in which volunteer health practitioners may practice, the types of volunteer health practitioners who may practice, and any other matters necessary to coordinate effectively the provision of health services during the emergency.

New law provides that an order issued pursuant to new law may take effect immediately, without prior notice or comment, and is not a rule within the meaning of the APA.

New law provides that a host entity that uses volunteer health practitioners to provide health services shall take various actions.

New law provides that, except for certain circumstances, a volunteer health practitioner who provides health services pursuant to new law shall not be liable for damages for an act or omission of the practitioner in providing those services.

New law provides that no person shall be vicariously liable for damages for an act or omission of a volunteer health practitioner if the practitioner is not liable for the damages under the new law.

New law does not limit the liability of a volunteer health practitioner willful misconduct or wanton, grossly negligent, reckless, or criminal conduct; an intentional tort; a breach of contract; a claim asserted by a host entity or by an entity that employs or uses the services of the practitioner; or an act or omission relating to the operation of a motor vehicle, vessel, aircraft, or other vehicle.

New law provides that no person that operates, uses, or relies upon information provided by a volunteer health practitioner registration system shall be liable for damages for an act or omission relating to that operation, use, or reliance, unless the act or omission is an intentional tort or is willful misconduct or wanton, grossly negligent, reckless, or criminal conduct.

(Adds R.S. 29:781-792; repeals R.S. 29:735.2(A))

Designated Emergency Areas and Price Gouging (Act No. 512)

New law provides that the governor may reduce the time period for a declared state of emergency in a designated emergency area as circumstances improve to reduce or terminate the declared state of emergency.

New law provides that the designated emergency area shall be limited to the actual affected local area or parish or parishes as designated in an executive order or proclamation of the governor or parish president.

New law modifies provisions regarding price gouging.

New law provides that the price gouging prohibition is effective for an initial 30-day period pursuant to the initial declared state of emergency and shall be renewed by subsequent proclamations renewing the declared state of emergency by the governor.

(Amends R.S. 29:723, 724(B), and 732)

Price Gouging (Act No. 494)

New law provides that statute shall not be construed to create a private cause of action in favor of any person damaged by price gouging.

(Amends R.S. 14:329.6(A)(9); adds R.S. 29:732(E) and (F) and R.S. 51:422.1(C)(5))

TITLE 30: MINERALS, OIL, GAS AND ENVIRONMENTAL QUALITY

La. Geologic Sequestration of Carbon Dioxide Act (Act No. 517)

New law provides for policy and jurisdiction of the commissioner of conservation over the geologic storage and withdrawal of carbon dioxide.

New law provides that only a storage operator is responsible for performance required by law.

New law provides that no reservoir or any part of which is producing or is capable of producing oil, gas, condensate, or other commercial mineral in paying quantities, shall be subject to such use, unless all owners have agreed to the use.

New law provides that no reservoir shall be subject to such use unless either (i) the volumes of original reservoir gas and condensate content therein which are capable of being produced in paying quantities have all been produced, or (ii) such reservoir has a greater value or utility as a reservoir for storage, and at least three-fourths of the owners have consented to such use in writing.

New law authorizes the commissioner to issue orders to ensure that carbon dioxide reduced to possession and then injected into such a reservoir remains the property of the owner of

the carbon dioxide, not the surface or mineral rights owner, and to issue orders to protect the reservoir.

New law authorizes the commissioner to issue certificates of public convenience and necessity or certificates of completion of injection operations after a public hearing.

New law authorizes a storage operator that has been issued a permit and a certificate of public necessity to exercise eminent domain to construct, operate, and modify a storage facility or lay, maintain, and operate pipelines for the transportation of carbon dioxide to storage.

New law provides that after 10 years, or other time established by rule, after cessation of operations, the commissioner shall issue a certificate of completion of injection operations by showing the reservoir is expected to retain integrity, at which time ownership is transferred to the state, and the storage operator and all generators of the carbon dioxide shall be released from any and all duties under new law and any and all liability.

New law provides that the last operator or owner shall not be released of liability if the Carbon Dioxide Geologic Trust Fund has been depleted.

New law provides that after issuance of the certificate of completion of injection operations any performance bonds shall be released and the monitoring or remediation of the site shall become the responsibility of the Carbon Dioxide Geologic Storage Trust Fund.

New law provides that the state shall not assume or have any liability by the act of assuming ownership of a storage facility after the issuance of the certificate of completion of injection operations.

New law limits the civil liability of an owner or operator of a storage facility or such transmission pipeline, or generator of the carbon dioxide for noneconomic damages to \$250,000 per occurrence; however, in an action for wrongful death, permanent and substantial physical deformity, loss of use of limb or organ systems or permanent physical or mental injury that prevents independent care and prevents life-

sustaining activities, noneconomic damages shall not exceed \$500,000.

New law establishes the Carbon Dioxide Geologic Storage Trust Fund, which shall be funded by fees, penalties, bond forfeitures, private contributions, interest on deposited funds, civil penalties, costs recovered from responsible parties, grants, donations, and site-specific trust accounts.

New law provides that the commissioner shall levy, per tonnage of carbon dioxide stored, a fee on operators up to a maximum of \$5,000,000.

New law provides for a regulatory fee payable to the commissioner in the form and schedule set by the commissioner not to exceed \$50,000 for FY 2010-2011 and thereafter.

New law authorizes the commissioner to enter into agreements and contracts to monitor sites, to remediate mechanical problems, and to repair leaks.

New law provides for site-specific accounts that are established for long-term maintenance and restoration when a storage facility is transferred from one party to another.

(Adds R.S. 19:2(12) and R.S. 30:1101-1111)

One-Year Mineral Drilling Permits (Act No. 126)

Old law provides that no well or test well may be drilled in search of minerals without first obtaining a permit from the commissioner of conservation. The permit is valid for 180 days from the date of issuance. If a permit expires, a new permit must be obtained.

New law creates a drilling permit valid for one year, with a fee of twice the six-month permit fee.

(Amends R.S. 30:28(B))

Gas Stations Must Have Generators (Act No. 527)

New law requires newly constructed or completely rebuilt motor fuel dispensing facilities in the southern half of the state to have alternate generated power capabilities during and after gubernatorially declared emergencies and disasters.

New law applies to any self-service, full-service, or combination self-service and full-service motor fuel retail outlet, regardless of whether the retail outlet is located on the grounds of, or is owned by, another retail business establishment that does not engage in the business of selling motor fuel.

(Adds R.S. 30:2195.12)

TITLE 31: MINERAL CODE

TITLE 32: MOTOR VEHICLES AND TRAFFIC REGULATION

Seat Belts for All (Act No. 166)

New law requires that all occupants in a motor vehicle wear a seat belt.

(Amends R.S. 32:295.1(B))

No Installation of Stereo Speakers Outside of a Vehicle (Act No. 124)

New law prohibits the installation and use of speakers on the outside of the chassis of a vehicle and the use of a horn to make nonstandard sounds.

New law does not apply to emergency response vehicles, vehicles used solely for commercial purposes, recreational vehicles, vehicles while in a parade, or vehicles towing trailers.

(Adds R.S. 32:378.3)

Drug Testing after Boating Fatalities (Act No. 5)

New law requires post-accident drug testing of the operator of any watercraft that is involved in a collision, crash, or other casualty that results in a fatality. New law provides that such person shall be deemed to have given consent to a chemical test or tests of his blood, urine, or other bodily substance for the purpose of determining the presence of any abused substance or controlled dangerous substance or any other "impairing substance".

New law requires the coroner to perform or cause to be performed a toxicology screen on the victim or victims of all boating fatalities for determining evidence of the presence of any abused substance or controlled dangerous

substance or any other "impairing substance," which includes the extracting of all bodily substance samples necessary for such toxicology screen.

(Amends R.S. 32:681)

Motor Vehicle Dealerships (Act No. 403)

New law transfers authority over new recreational products from the La. Recreational and Used Motor Vehicle Commission to La. Motor Vehicle Commission.

New law changes the name of the La. Recreational and Used Motor Vehicle Commission to the La. Used Motor Vehicle Commission.

New law makes a variety of minor revisions to the motor vehicle dealership laws, generally favoring motor vehicle dealers at the expense of manufacturers.

New law forbids an employee of a licensed motor vehicle dealer, specialty vehicle dealer or used motor vehicle dealer, while acting in the scope of his employment, to accept any payment, commission, fee, or compensation of any kind from any person other than the employing dealer, unless said payment is fully disclosed to and approved by the employing dealer.

New law requires a manufacturer of motor vehicles, distributor, wholesaler, distributor branch, factory branch, officer, agent or other representative thereof, to pay dealers all monies due such dealers, except manufacturer hold-back amounts, within 30 days of the date earned by the dealer.

New law provides that the obligation of the manufacturer or converter to purchase a dealership facility is equally applicable if an affiliated entity or person affiliated with the dealer is the owner/lessor of the facility.

(Amends R.S. 32:781, 782, 783, 784, 785, 787, 789, 790, 802, 1251, 1252, 1253, 1254, 1255, 1256, 1261, 1265, and 1268; adds 1257.1, 1258(A)(10), 1261.1, 1261.2, 1262(A)(5), 1268.1, and 1268.2; and repeals 32:811 through 822)

TITLE 33: MUNICIPALITIES AND PARISHES

Sustainable Energy Financing Districts (Act No. 348)

New law authorizes the creation of a special district to be known as a sustainable energy financing district by the governing authority of any local governmental subdivision that is otherwise authorized to collect property taxes and to issue and sell bonds. The governing authority of the local governmental subdivision shall be the governing authority for any district so created.

A sustainable energy financing district shall include only residential or commercial immovable property for which the owner has executed a contract or agreement consenting to the inclusion of such property within the district, in return for a loan from the district and a cooperative endeavor agreement with the district.

The purpose of a financing district shall be to encourage, accommodate, and provide a source of revenue and means for financing capital improvements for energy efficiency improvements, and the installation of renewable energy improvements within the district, whether commercial or residential.

The local governmental subdivision creating such district may incur debt for the purpose of providing to such district sufficient funds to make the loans.

If agreed by the district, the amount of the loan shall be assessed against the immovable property upon which the improvements are placed and shall be collected in the same manner as is provided for ad valorem taxes.

(Adds R.S. 33:130.790 - 130.793)

Omnibus Auto Theft Prevention and Recovery Act (Act No. 435)

New law amends the procedure to apply for a title for salvaged vehicles; requires verification of ownership and legal representation by a contracted storage facility; requires notification to lien holders prior to sale by a contracted storage facility; standardizes the appraisal

method for dismantled and crushed vehicles; requires a VIN verification through a physical inspection by a full-time POST certified law enforcement officer who is trained by the office of state police; establishes procedures for application of a reconstructed title for a restored total loss salvage motor vehicle; provides for reporting requirements for auto hulks; and authorizes representatives of DPS&C to enter the premises of a dealer whose license is suspended or revoked to recover state credentials.

Effective Jan. 1, 2010. (Amends R.S. 32:702, 706.1, 707, 718, 1722, 1728.2, and 1728.3; Adds R.S. 32:706.2, 707.5, 1720(C), and R.S. 47:522)

Due Process for Fire Employees (Act No. 328)

New law provides that prior to commencing a formal investigation or an interrogation of a fire employee, the appointing authority shall notify the employee in writing of the nature of the investigation, of the identity and authority of the person conducting the investigation, and of the specific charges or violations being investigated. The fire employee's representative or counsel shall be allowed to be present at any interrogation of the fire employee and offer advice and make statements on the record during such interrogation. The fire employee may obtain a recording or transcript of the interrogation upon submitting a written request to the fire chief.

(Amends R.S. 33:2181(A) and (B))

Permissible Governmental Investments (Act No. 424)

New law authorizes political subdivisions to invest in debt instruments issued by the state or its political subdivisions.

New law requires that the investments meet a certain minimum national investment grade rating, and that the debt instruments have a final maturity of three years or less.

New law prohibits a political subdivision from buying its own debt.

(Adds R.S. 33:2955(A)(1)(j))

Police Juries and Surplus Property (Act No. 425)

New law authorizes police juries to exchange (not just sell or lease) surplus property with private persons.

(Amends R.S. 33:4711)

Notice to Owners of Condemned Buildings (Act No. 334)

New law addresses method of serving notice on the owner of the building or structure, requiring him to show cause at a meeting why the building or structure should not be condemned.

New law shall not become effective in any parish damaged 95% or more by Hurricane Katrina until Aug. 15, 2011.

(Amends R.S. 33:4762(A) and (C))

TITLE 34: NAVIGATION AND SHIPPING

Definition of "Motorboat" (Act No. 52)

Old law provides for the definition of "motorboat" to mean any vessel propelled by machinery, but not a vessel, other than recreational vessels or commercial fishing vessels, documented by the U.S. Bureau of Customs.

New law excludes from the definition documented commercial fishing vessels.

Old law prohibits operation of motorboats or sailboats unless the vessel displays numbers in accordance with both state law and federal law or a federally approved number system of another state.

New law requires the numbers to be in accordance with state law or federal law, but not both.

New law provides a credit towards any license issued by the department to an owner of a commercial vessels of Aug. 15, 2008, who paid a state numbering application fee for that vessel. The credit shall expire on Dec. 31, 2010.

(Amends R.S. 34:851.2(3) and 851.19)

Must Be 16 to Operate a Personal Watercraft (Act No. 27)

New law provides that no person under 16 years of age shall operate a personal watercraft.

New law provides that a livery shall not lease, hire, or rent a personal watercraft to or for any person under 16 years of age.

(Amends R.S. 34:855.3 and 855.4(A))

Title for Outboard Motors (Act No. 508)

New law adds the titling of outboard motors to the Vessel Titling Act.

New law provides that a security interest in a titled outboard motor may be perfected only by compliance with provisions of the UCC and new law, that certain provisions of the UCC do not apply to outboard motors held in inventory for sale or lease, that the filing office for the perfection of security interest is the Dept. of Wildlife and Fisheries, and that certain outboard motor information must be included in the financing statement.

Effective on Jan. 1, 2011. (Amends R.S. 10:9-309(1), 311(b), 501(a)(3), 515(i), and 516(a)(3) and R.S. 34:851.20, 852.1, 852.2, 852.3(A), 852.4, 852.5, 852.6, 852.7, 852.8, 852.10, 852.11, 852.12, 852.14, 852.15, 852.16, 852.17, and 852.20; Adds R.S. 10:9-504(5) and 852.2(18), and 852.23)

Watercraft Operation (Act No. 513)

New law suspends the privilege to operate a watercraft when a test shows a blood alcohol level above the limit, requires every person 16 years of age or younger to wear a life jacket in a watercraft less than 26 feet in length that is underway, and changes the age for those required to take boating safety education.

Effective date of educational requirement change is July 1, 2010. (Amends R.S. 34:851.24(F)(2), 415.1, and 851.36(A); Adds R.S. 32:414(V) and 667(B)(5) and R.S. 34:851.8 and 851.31(B))

TITLE 35: NOTARIES PUBLIC AND COMMISSIONERS

TITLE 36: ORGANIZATION OF EXECUTIVE BRANCH OF STATE GOVERNMENT

Child Care Facilities and Child-Placing (Act No. 400)

New law transfers the functions related to the licensure of child care facilities and agencies from the secretary of the Department of Social Services (DSS) to the office of community services (OCS) within the DSS.

New law provides that all child-placing agency licenses shall be Class A only.

New law provides that OCS shall perform its child placing functions in accordance with the established standards or certifications for licensed child placing agencies.

(Amends R.S. 36:477(C)(1) and R.S. 46:1404; repeals R.S. 36:474(A)(10))

TITLE 37: PROFESSIONS AND OCCUPATIONS

Mobile Dental Clinics (Act No. 429)

New law requires the La. State Board of Dentistry to adopt rules relative to providing dental services at mobile dental clinics and locations other than a dental office.

New law provides that on or after Jan. 1, 2010, a person offering dental services at a mobile dental clinic or a location other than the dental office shall be a dentist licensed in La. who is in good standing with the La. Board of Dentistry; have received a permit from La. State Board of Dentistry to provide dental services at a mobile dental clinic or a location other than a dental office; and have executed a written agreement with the school board, school or other facility to hold harmless and indemnify the school board, school, or other facility for any and all liability arising from the provision of dental services at a mobile dental clinic or a location other than a dental office.

New law provides that if a dentist contracts with any entity domiciled out of the state of La. to

assist or facilitate the delivery of dental care at a mobile dental clinic or location other than a dental office, all officers such as the president, vice president, and secretary shall be licensed to practice dentistry and be in good standing in the state of La. and must also be licensed to practice dentistry and be in good standing in the state where the officer is domiciled.

New law provides that on or after Jan. 1, 2010, no dental services shall be offered at a mobile clinic or a location other than a dental office unless the dentist has been issued a permit to provide those services.

New law requires any dentist providing dental services at a mobile clinic or a location other than the dental office to continuously have in effect a minimum of one million dollars in medical malpractice liability insurance.

New law excludes mobile dental units owned or operated by the state or local government from the requirements that such entity have a written agreement and medical malpractice liability insurance.

(Adds R.S. 37:796, 796.1, and 796.2)

Marriage & Family Therapists (Act No. 311)

New law requires the completion of specified coursework for licensing as a marriage and family therapist.

(Amends R.S. 37:1103(12) and 1116)

Sanitarian Licensing (Act No. 28)

New law authorizes the State Board of Examiners for Sanitarians to issue sanitarian trainee permits to applicants who have met the minimum educational requirements but either do not possess the required year of experience and training in environmental sanitation or environmental health or have not yet passed the board required written and oral examinations.

New law specifies that a person aspiring to become a licensed sanitarian in this state shall be a graduate of an accredited college or university with a bachelor's degree and concentration of courses in environmental sanitation or the general area of environmental health. All sanitarian trainees must have completed a minimum of one year of field experience, which

includes the successful completion of a board approved training course in environmental sanitation or environmental health.

New law specifies that the types of required training are environmental sanitation or environmental health.

(Amends R.S. 37:2102, 2104, 2110, and 2111)

Nursing Facility Administrators (Act No. 434)

New law requires the Board of Nursing Facility Administrators to require an applicant to submit a full set of fingerprints to permit the board to request and obtain state and national criminal history record information on the applicant.

New law provides that any and all state or national criminal history record information obtained by the board from the La. Bureau of Criminal Identification and Information or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information, restricted to the exclusive use of the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure.

(Amends R.S. 44:4.1(B)(21) and R.S. 37:2501; Adds R.S. 37:2505.1)

Auctioneers (Act No. 411)

New law repeals the six-hour continuing education requirement for licensed auctioneers.

(Repeals R.S. 37:3112(B)(2) and 3115.1)

Real Estate Appraisers (Act No. 502)

New law provides that any person or firm contracted by a state, parish, or municipal tax authority to perform mass appraisal assignments is exempt from the real estate appraiser licensing requirements.

(Amends R.S. 37:3393(H))

Physical Therapy Practice Act (Act No. 535)

New law makes numerous changes to the physical therapy licensing statute.

New law adds the following provisions to the duties the physical therapy board may perform:

1. Establish requirements for continuing education by licensees.

2. Issue cease and desist orders to licensees and other persons or entities who are engaged in any activity, conduct, or practice constituting a violation.

3. Conduct disciplinary proceedings and impose sanctions on the practice of licensees who have violated the law, the rules of the board, or standards of practice.

4. Adopt by reference all or part of various codes, guides, and standards of the American Physical Therapy Association.

New law adds attorneys to the group of individuals who have immunity from personal liability. New law adds a health care entity and its reports to the immunity provision in old law and specifies that such immunity from liability must be in accordance with the "relief from liability for reporting" provisions of old law.

New law consolidates definitions of "physical therapist assistant", deletes a provision that outlines the types of acts that cannot be performed by a physical therapist, adds an "initial physical therapy evaluation" is considered a physical therapy diagnosis and does not constitute the practice of medicine, and deletes "physiotherapy assistant" from the definition of "physical therapist assistant".

New law requires an applicant for a license to obtain legal authority to work in the U.S. and prove the same with proper documentation. New law allows the board to conduct a criminal background check and acquire fingerprints from the La. State Police.

New law deletes the provision that allows a physical therapist or physical therapist assistant holding a temporary license to practice under the direction and supervision of a licensed physical therapist.

New law requires the board to issue a license to practice physical therapy to an applicant who meets the licensing requirements of new law.

New law authorizes a physical therapist who is licensed in a jurisdiction of the U.S. and who enters this state to provide physical therapy

during a declared local, state, or national disaster or emergency to temporarily practice physical therapy without a La. license.

New law exempts a physical therapist assistant who is licensed in a jurisdiction of the U.S. and is assisting a physical therapist engaged specifically in activities related to new law from the licensing requirements in La.

New law requires a physical therapist to be responsible for managing all aspects of the physical therapy care of a patient.

New law provides the refusal to grant a license for failure to pass the licensing examination does not require notice and a hearing.

Effective Jan. 1, 2010. (Amends and reenacts R.S. 36:259(E)(2), R.S. 37:2401-2424, and R.S. 44.4.1(B)(21))

TITLE 38: PUBLIC CONTRACTS, WORKS AND IMPROVEMENTS

Drain Maintenance (Act No. 336)

New law authorizes governing authorities to adopt ordinances to make it unlawful for any person, firm, or corporation who owns property in a city or town or a tenant of property that is closely connected to a drainage or street ditch to permit trash, rubbish, debris, tree or log limbs, scrap material, or any kind of rubble to remain in the drainage or street ditch which is in front of their property or to cause obstruction to the natural flow of runoff waters within the territorial jurisdiction of the governing authority.

(Adds R.S. 38:214.1)

Bidding on Public Works Contracts (Act No. 174)

Old law provides procedures for advertising and letting public works contracts to the lowest responsible bidder.

Old law requires that any documentation that is required to be furnished by the low bidder, be done so in accordance with the Bidding Documents.

New law makes requirement for submission of other documents applicable to all bidders in accordance with the Bidding Documents.

(Amends R.S. 38:2212(A)(1)(b)(ii)(bb) and (3)(c)(ii))

Public Bid Law (Act No. 392)

Old law requires all purchases of any materials or supplies exceeding \$20,000 to be paid out of public funds be advertised and let to the lowest responsible bidder. New law increases the purchase limit from \$20,000 to \$30,000 without the necessity of advertisement.

Old law requires purchases between \$10,000 and \$20,000 to be made by obtaining telephone or facsimile quotations. New law increases the upper limit that requires telephone or facsimile quotations from \$20,000 to \$30,000.

(Amends R.S. 38:2212.1(A)(1))

Public Bid Eligibility (Act No. 433)

Old law prohibits a contractor who holds a contract with an agency to develop bid specifications or request for proposals to compete for the contract.

New law provides exceptions for architectural and engineering programming, master planning, budgeting, feasibility analysis, constructability review, furnishing specification data or other product information, or any other services that do not establish selection qualifications or evaluation criteria for the procurement of an architect or engineer.

(Amends R.S. 38:2212.7 and R.S. 39:1496.2 and 1594.3)

Percent for Universal Design Program (Act No. 368)

New law provides that the purpose of the Percent for Universal Design Program is to provide for the implementation of universal design principles in or on state buildings and grounds to move beyond minimum accessibility requirements, maximize accessibility for all users regardless of their functional capabilities, and bring to the attention of architects, builders, and the public at large the benefits that can be realized by implementing universal design principles in the construction and renovation of all buildings.

New law provides that whenever more than \$2 million of state funds is to be spent by a state

agency for the construction or renovation of a state building let after Jan. 1, 2010, the agency that contracts for the construction or renovation shall expend 2% of the state money to utilize and incorporate universal design principles.

New law provides for design disciplines and guidelines such as equitable use, flexibility in use, simple and intuitive use, perceptible information, tolerance for error, low physical effort, and size and space for approach and use.

Effective Jan. 1, 2010. (Adds R.S. 38:2318.2)

Ground Water Resources (Act No. 437)

New law transfers responsibilities relative to ground water resources, ground water resource management, and subsurface water well drillers from the Dept. of Transportation and Development, office of public works, to the office of conservation, Dept. of Natural Resources.

(Amends R.S. 38:3092(6), 3093, 3094, 3097.3, 3098, 3098.1(4), 3098.2, 3098.4(7), 3098.5, 3098.6, and 3098.7(B); Adds R.S. 38:3092(7) and 3097.3(F)(2)(h) and (i); Repeals R.S. 38:3096, 3097, 3098.3, and 3098.7(C))

Use of Relief Water Wells (Act No. 4)

Old law provided for the commissioner to authorize the temporary use of relief wells for agricultural use in times of drought upon a determination that other water resources are not available. Old law provided that the commissioner shall issue an emergency order to fix the allowable production, spacing, and depth for such wells to ensure that the groundwater production will not have long-term adverse effects on the aquifer.

New law deletes the requirement for a determination of availability of other water resources and deletes the requirement that the commissioner issue an emergency order fixing the allowable production, spacing, and depth for such relief wells.

(Amends R.S. 38:3097.3(C)(9))

Utilization of the Design-Build Method for Projects of Certain Parishes or Entities (Act No. 184)

New law authorizes sheriffs, housing authorities, and any public building or structure to be constructed or repaired to meet a homeland security or criminal justice need pursuant to a hurricane recovery plan to utilize the design-build method.

New law removes the requirement to adopt an ordinance of the selection process by the governing authority of a public entity when utilizing the design-build method for construction or repair of a public building or structure.

New law extends the length of time from two years to three years for the utilization of the design-build method for projects of certain parishes or entities under present law.

(Amends R.S. 38:2225.2.1(A))

TITLE 39: PUBLIC FINANCE

School Bonds (Act No. 415)

New law permits school systems created by the legislature after Jan. 1, 1999, in any parish having a population of at least 300,000 persons and fewer than 450,000 persons at the time any bonds are issued, with the approval of a majority of the voters, to incur debt and issue bonds which may exceed 10% but shall not exceed 50% of the assessed valuation of the taxable property within the geographic boundaries of the school system, including (1) homestead exempt property, which must be included on the assessment roll for the purpose of calculating debt limitation, and (2) nonexempt property.

(Adds R.S. 39:562(P))

Long-Term State Services Contracts; New Orleans Centre Leasing (Act No. 432)

New law authorizes multiyear contracts for professional, personal, consulting, or social services for periods of not more than five years, but requires any contracts of longer than three years but not more than five years to receive prior approval of the Joint Legislative Committee on the Budget.

New law authorizes the Office Facilities Corporation to enter into leases or subleases by the corporation, for a period not to exceed 20 years, of portions of the property commonly referred to as the New Orleans Centre property, including the office tower formerly known as the Dominion Tower, the retail property formerly known as the New Orleans Centre, and the associated parking garage facility, for the purpose of accommodating various agencies of the state government, and provided that the lease or sublease between the corporation and the owner of the New Orleans Centre property is perfected and entered into before July 1, 2010.

New law requires prior approval of the Joint Legislative Committee on the Budget of any lease or sublease.

(Amends R.S. 39:1514 and 1798.6(A)(2); Adds R.S. 39:1514(D); Repeals R.S. 39:1514(A)(1)(a) and (e))

TITLE 40: PUBLIC HEALTH AND SAFETY

Chinese Seafood Warnings (Act No. 330)

New law creates a separate public safety campaign to warn the public of the risks of consuming Chinese seafood even if it is deemed safe by the seafood inspection program.

New law requires the state health officer to promulgate rules and regulations to ensure consumers are warned of potential health risks of Chinese seafood.

New law requires the state health officer and the La. Restaurant Association to employ a marketing campaign that highlights the benefits of eating domestic seafood.

Effective Jan. 1, 2010. (Amends R.S. 40:4(A)(1)(b); Adds R.S. 40:5.5.2 and 5.5.3)

Local Housing Authorities are Not State Agencies (Act No. 128)

New law clarifies that local housing authorities are not state agencies for any purpose, including specifically certain provisions of present law relative to the accrual of annual leave by state employees.

(Amends R.S. 40:384(16))

Housing Authority Developments (Act No. 407)

New law deletes the former provision that a landlord of a local housing authority development shall be a commissioner of the authority.

New law provides that the commissioner who is a recipient of other assistance shall be chosen from a list of names submitted to the appointing authority by tenants of a local housing authority development.

(Amends R.S. 40:531(E), repeals Sections 2 and 3 of Act No. 874 of the 2008 Regular Session)

The Road Home Corporation (Act No. 428)

New law authorizes The Road Home Corporation to rename itself the Louisiana Land Trust.

New law provides that the corporation is not an instrumentality of the state or of any political subdivision.

New law provides that laws regarding sale of state lands are not applicable to The Road Home Corporation or any property conveyed by the corporation.

New law provides that the corporation is subject to the Public Records Law, the Open Meetings Law, and the Code of Governmental Ethics.

New law provides that the corporation is also subject to examination, audit, and review by the legislative auditor.

(Amends R.S. 40:600.62, 600.63, 600.65, and 600.67)

Food Processing (Act No. 341)

New law provides that beginning January 1, 2011, every food processing plant shall maintain a written food processing plan, which shall be immediately available for review by the department upon request. Any food processing plant that maintains a Hazard Analysis Critical Control Point Plan shall be deemed to have satisfied the requirement of maintaining a written food processing plan.

New law provides that beginning January 1, 2011, every food processing plant shall maintain a written food recall plan, which shall be

immediately available for review by the department upon request.

New law provides that whenever any person or firm that operates a food processing plant in this state obtains information from testing of samples or specimens of finished foods or finished ingredients that indicates a confirmed positive test result, the person or firm shall report such test results to the department within 24 hours of obtaining such information.

New law provides that the state health officer may, based upon a showing of probable cause that the food processing facility is producing food that may be adulterated or in a manner that may cause an imminent menace to the public health, order the food processing facility to submit samples to a laboratory, specified by the department, for testing at the expense of the food processing facility. The results of such testing shall be furnished to the department.

(Adds R.S. 40:651 - 654)

New Controlled Drugs (Act No. 314)

New law limits the sale of nonprescription compounds containing ephedrine, pseudoephedrine, and phenylpropanolamine to permitted pharmacies and makes those compounds Schedule V controlled dangerous substances.

(Amends R.S. 40:962.1, 964(Schedule V)(E), 1006, and R.S.40:1049.1- 1049.11; Repeals R.S. 40:962.1.2)

Certain Dispensers are Exempt from Prescription Monitoring Program (Act No. 129)

New law authorizes the board to exempt a dispenser whose practice activities are inconsistent with the intent of the prescription monitoring program from the statutory reporting requirement.

New law allows the board to rescind any exemptions that are issued without the necessity of having an informal or formal hearing.

(Amends R.S. 40:1006(C))

New Providers under Medical Malpractice Act (Act No. 14)

New law adds nurse practitioner and clinical nurse specialist to the definition of "health care provider" under both the state and private medical malpractice acts.

(Amends R.S. 40:1299.39(A)(1)(a)(ii)(intro. para.) and 1299.41(A)(10))

Right Not to Provide Certain Health Care Services (Act No. 372)

New law allows a person, or public employer, or public entity, to elect not to provide certain health care services that violate its conscience. New law further protects persons from punitive measures such as liability, discrimination, adverse employment action, prejudice, or general damage for refusing to provide certain health care services.

New law defines "conscience" as a sincerely held religious belief or moral conviction.

New law defines "health care service" to be limited to abortion, dispensation of abortifacient drugs, human embryonic stem cell research, human embryo cloning, euthanasia, or physician-assisted suicide.

New law shall not prevent any employer or patient from inquiring whether a person, public employer, or public entity declines to participate in certain health care services.

New law provides that when a patient requests certain health care services, a person, public employer, or public entity shall identify in writing its declination to provide those services in accordance with new law.

New law shall not be construed to relieve any health care provider from providing emergency care as required by law.

(Adds R.S. 40:1299.35.9)

Electronic Health Records Loan Program Act (Act No. 489)

New law provides the state shall satisfy the federal match requirements of the loan program provisions of ARRA (the federal Stimulus Act). To the extent permitted by law, the debt service associated with loans made to eligible providers

shall be serviced from funds received by such providers as enhanced reimbursements under ARRA.

New law authorizes the secretary to enter into cooperative endeavor agreements necessary to facilitate access to ARRA loan funding and to make loans to eligible providers to provide for acquisition and implementation of certified electronic health record technology by eligible providers, and where integrated, telemedicine technology.

(Adds R.S. 40:1299.97.1 through 1299.97.4)

Criminal History Checks for Certain Healthcare Personnel (Act No. 35)

New law amends the definition of employer to include pediatric day health care facilities.

New law expands mandatory criminal history checks on non-licensed persons and licensed ambulance personnel to include all crimes arrested for, convicted of, or pled nolo contendere to and the dates when such crimes were committed.

Old law allowed an employer to waive criminal history checks or any of the provisions of law, relative to such checks on non-licensed persons and licensed ambulance personnel. New law eliminates an employer's discretion with respect to numerous serious crimes. New law provides that the employer shall not hire or contract with a person convicted of an enumerated crime.

(Amends R.S. 40:1300.51(3), 1300.52(D)(1), and 1300.53(C)(1); Adds 40:1300.51(2)(n))

Health Professional Development Program (Act No. 383)

New law narrows the program to increase the number of primary care practitioners and dentists in rural or urban underserved areas. In order to be considered for the rural primary care scholarship the student must be from a rural area. In order to be considered for the urban underserved primary care scholarship the student must be from an urban underserved area.

New law eliminates the scholarship program for registered and licensed practical nursing and for students enrolled in a doctoral program at LSUHSC, but retains a scholarship program for

students enrolled in a medical or dentistry program at LSUHSC. New law allows students enrolled in a medical or dentistry program at a professional school in La. to apply and receive a scholarship. New law requires students to come from a rural area or an underserved area and continuously participate in a rural primary care, general primary care, or dentistry track program within a La. medical or dental school.

New law specifies that the amount of the scholarship is equal to the lowest base tuition of a public medical school in the state.

New law specifies that the student must agree in writing to serve in a rural or urban underserved area one and one half years for each year of receiving the scholarship, not to exceed a total of five years of service.

New law specifies that the student must be willing to agree in writing to accept Medicaid, Medicare, and uninsured patients during his service.

New law eliminates the requirement to provide a certain number of scholarships in any given year.

New law creates the nursing scholarship program subject to the availability of funds.

(Amends R.S. 40:1300.1, 1300.2, 1300.3(A), 1300.4(B) and (C), and 1300.5; Adds R.S. 40:1300.5.1)

10-Year Lithium Battery Smoke Detectors Required in All One- or Two-Family Dwellings (Act No. 163)

New law requires that on Jan. 1, 2011, all existing one- or two-family dwellings that are sold or leased must have a 10-year, sealed lithium battery smoke detector.

New law clarifies that a one- or two-family dwelling is a building containing not more than two dwelling units in which one or each dwelling unit is occupied by members of a single family, with not more than three outsiders, if any, accommodated in rented rooms.

New law provides that a failure to comply shall not cause a delay or a stoppage in the transfer of the property.

New law provides that the real estate agent shall not be liable for the seller's failure to comply.

(Amends R.S. 40:1573(2) and 1581)

Home Energy Raters (Act No. 325)

New law authorizes residential contractors and homeowners to utilize a home energy rating from a home energy rater certified by and in good standing with the Residential Energy Services Network (RESNET) to document compliance with the energy efficiency provisions of the state uniform construction code for residential buildings.

(Amends R.S. 40:1730.35(C); Adds R.S. 40:1730.24(C))

Modular Home Construction (Act No. 327)

New law requires a modular home with a value of less than \$37,500 to be installed pursuant to the La. State Uniform Construction Code (LSUCC) by a contractor licensed by the La. Manufactured Housing Commission or the La. State Licensing Board for Contractors (SLBC).

New law requires a modular home with a value equal to or greater than \$37,500 to be installed pursuant to the LSUCC by a residential building contractor licensed by the SLBC.

(Adds R.S. 40:1730.71)

Review of Deaths of Elderly and Retarded Persons (Act No. 345)

New law provides that the DHH office for citizens with developmental disabilities (OCDD) and office of aging and adult services (OAAS):

1. shall obtain data and records relevant to the causes and circumstances of death from providers, including health care providers, as well as from other sources.
2. shall identify patterns and systemic problems to determine what changes, if any, should be made in service delivery.
3. shall each prepare an annual report for public distribution setting forth aggregate information.

New law provides that the OCDD and OAAS are authorized to access records of all service providers, including medical records in the

custody of health care providers, of persons being served through the offices at the time of death.

New law provides that all records obtained by the offices, as well as any work product, chart, or any other document prepared by the offices in death reviews, except for the annual reports, shall be confidential, shall not be public record, and shall not be available for subpoena. Nor shall such information be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding or admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason.

New law provides that no person or entity who furnishes information to the offices pursuant to new law may be found liable or in violation of a duty of confidentiality, provided the person or entity has acted in good faith.

(Amends R.S. 44:4.1(B)(24); adds R.S. 40:2020)

Certified Nurse Aides (Act No. 357)

New law requires that beginning after August 15, 2010, a certified nurse aide (CNA) employed by a nursing facility or contracted by a nursing facility shall be registered with the department.

New law provides that DHH is authorized to promulgate rules regarding minimum training requirements; complaint procedures and investigations; denial, revocation, suspension, non-renewal of registration, and procedures for appeal; and unrestricted and restricted registration, and the procedures for appeal.

DHH shall investigate the complaints and allegations against certified nurse aides in nursing facilities and, if DHH substantiates allegations, shall, at its discretion, issue a notice of restricted registration to the certified nurse aide or issue a notice of revocation or suspension of registration to the certified nurse aide.

New law requires any medical staffing agency employing or contracting with a certified nurse aide to verify that the certified nurse aide is certified and listed on the Louisiana's Certified Nurse Aide Registry and perform or have

performed a criminal background check on each such certified nurse aide.

New law requires that all medical staffing agencies shall submit to the department any complaints or grievances received against a certified nurse aide whom they have employed.

New law provides that no medical staffing agency shall employ or contract with a certified nurse aide who holds a restricted registration.

Effective August 15, 2010. (Adds R.S. 40:2120.51 - 2120.57)

Adult Residential Care Providers (Including Assisted Living Facilities) (Act No. 381)

New law defines "adult residential care home" to mean a publicly or privately operated residence that provides personal assistance, lodging, and meals for compensation to two or more adults who are unrelated to the residence licensee, operator, or administrator.

New law adds assistance with self administration of medications to the list of illustrative enumerated services that are included under adult residential care.

New law transfers the authority to license adult residential care homes from the Dept. of Social Services to the Dept. of Health and Hospitals on July 1, 2010. New law requires each adult residential care home that has a valid license issued by the Dept. of Social Services to apply to the Dept. of Health and Hospitals to become an adult residential care provider 60 days prior to the expiration of the current adult residential care home license. The adult residential care home license must be valid until its expiration date, unless otherwise revoked, suspended, or terminated. Also, effective July 1, 2010, new law authorizes the Dept. of Health and Hospitals to monitor, survey, and regulate the adult residential care home under the existing Dept. of Social Services regulations until the Dept. of Health and Hospitals publishes minimum licensing standards for all modules of adult residential care providers.

New law provides that all waivers in effect on the effective date of the Act granted to adult residential care facilities licensed by the Dept. of Social Services shall remain in effect when those

facilities are transferred to the Dept. of Health and Hospitals subject to licensing rules and regulations.

New law establishes four modules of adult residential care providers: Level 1 – personal care homes; Level 2 – shelter care homes; Level 3 – assisted living facilities; and Level 4 – adult residential care providers.

New law specifies that present law provision relative to the establishment of criteria for facility need review of beds is applicable to Level 4 adult residential care providers.

(Generally effective July 1, 2010.) (Amends R.S. 40:1300.51(3), 2116(B)(1), 2166.2, 2166.3, 2166.4, and 2166.7(A); Adds R.S. 40:1300.51(2)(n), and 2166.5(B)(11) and (C)(intro. para.), (4), and (5); Repeals R.S. 40:2151-2163)

La. Industrialized Building Act (Act No. 514)

New law allows for the state fire marshal to exempt an industrialized building that is installed in a manner other than on a permanent foundation and is either not open to the public or less than 1,500 square feet in total area and used other than as a school or a place of religious worship.

(Amends R.S. 40:1730.53, 1730.60, 1730.62, and 1730.65(C)(1); Adds R.S. 40:1730.63(C), 1730.67, and 1730.68)

TITLE 41: PUBLIC LANDS

TITLE 42: PUBLIC OFFICERS AND EMPLOYEES

Employment with the U. S. Government of Part-Time Elected Officials (Act No. 178)

New law expands the exceptions in present law to authorize "part-time elected officials" to hold employment with the U.S. government while serving in their part-time elective office, unless the particular combination of duties is adverse to the public interest. New law defines "part-time elective office" to mean those persons or offices established in La. Constitution Art. X, §29.1(A) as "part-time public servants":

1. Any legislator or any member of a school board, levee board, police jury, or parish council.

2. Any member of a city council, city-parish council, or town council or any alderman or any constable.

3. Any member of a board or commission established by the state or a political subdivision.

4. Any person holding or serving in an elective or appointed position defined by law to be part-time public service.

(Amends R.S. 42:63(A)(3))

Appointments by Parish and City Governing Bodies (Act No. 308)

New law permits the governing authority of a municipality or parish to appoint one of its own members to a vacancy in elective office, but the appointed person shall not be eligible to qualify or qualify in the next election as a candidate for the office to which he is appointed.

New law permits the governing authority of a municipality or parish to appoint one of its own members to a board or commission for which the governing authority is the appropriate appointing authority, if a member of the governing authority is required to be appointed to the board or commission by the home rule charter, ordinance, or resolution which created or established the board or commission.

(Amends R.S. 42:1113(A)(1))

Nepotism Exception (Act No. 452)

New law provides that an elected official of a constitutionally created district office whose jurisdiction encompasses at least one parish, where eligibility for the office requires admission to a professional practice, may employ an immediate family member in a position that requires admission to the same professional practice, if the immediate family member was previously employed in such position for a period of at least nine months prior to, and within six months of, the elected official taking office.

New law specifies that the elected official may participate in transactions regarding such employment.

New law is remedial and retroactive.

(Adds R.S. 42:1119(G))

Filing of Financial Disclosure Statements with the Board of Ethics (Act No. 238)

Old law requires the filing of financial disclosure statements with the Board of Ethics by certain elected and appointed public officials.

New law provides that individuals who contributed or loaned over \$1,000 to a campaign and who were employed as an agency head or who were appointed to a state board or commission subject to the financial disclosure requirements of present law are required to record such contribution on their personal financial disclosure forms when the contribution or loan occurred within one year of the employment or appointment.

New law requires that such agency heads or appointees disclose the following:

1. Date of employment or appointment
2. Salary or compensation
3. Name of the candidate or candidates to whom contributions or loans were made
4. The amount of the contributions or loans

(Adds R.S. 42:1124.6)

Contributions to Governor-Elect (Act No. 430)

New law changes the maximum amount that may be accepted by a governor-elect to support his transition and inauguration from \$10,000 to \$5,000.

New law provides that all records of the transition and inauguration, including those of any legal entity that accepts contributions or makes expenditures for the transition or the inauguration, shall be public records (R.S. 44:1 et seq.).

(Amends R.S. 42:1125; Adds R.S. 42:1125(F))

Civil Service Training and Compliance Program Regarding Hiring and Termination (Act No. 377)

New law requires the Dept. of State Civil Service and the division of administration to institute, develop, conduct, and otherwise provide for an educational program designed to improve (1) the supervisory and managerial skills and expertise of state unclassified officials and employees concerning performance planning and review and (2) the rules and procedures of the State Civil Service Commission regarding hiring and termination of state classified employees.

New law prohibits any state unclassified official or employee who is responsible for conducting performance planning and review sessions for a state classified employee from receiving an increase in compensation unless his certifying official determines in writing that the official or employee has conducted his performance planning and review sessions in conformance with the rules of the State Civil Service Commission. New law provides the same requirement on receiving an increase in compensation to any official or employee in the direct line of supervision of a person required to conduct performance planning and review sessions.

Proposed law provides that "certifying official" means the commissioner of administration, except as follows:

1. If the unclassified official or employee serves in a department headed by a statewide elected official, the statewide elected official shall be the certifying official.
2. If the unclassified official or employee serves in the division of administration, the governor shall be the certifying official.
3. If the unclassified official or employee serves in the Dept. of Public Service, the chairman of the Public Service Commission shall be the certifying official.

Effective July 1, 2010. (Adds R.S. 42:1266 and 1501)

TITLE 43: PUBLIC PRINTING AND ADVERTISEMENTS

Publication of Legal Notices (Act No. 312)

New law provides that a weekly publication may be selected to publish judicial advertisements and legal notices in Jefferson Parish when the publication has maintained a public business office in the parish for at least five consecutive months prior to June 1, 2006, and maintained a total circulation of at least 25,000 for at least three years immediately prior to being selected.

(Adds R.S. 43:201(D))

TITLE 44: PUBLIC RECORDS AND RECORDERS

Records of the Governor (Act No. 495)

New law limits the governor's office exemption from the Public Records Law to any records having been used, being in use, or prepared, possessed, or retained for use by the governor in the usual course of the duties and business of his office and that relate to the deliberative process of the governor, intra-office communications of the governor and his internal staff, or the governor's security and schedule.

Records "relating to the deliberative process of the governor" include all forms of predecisional advice, opinions, deliberations, or recommendations made for the purpose of assisting the governor in the usual course of the duties and business of his office.

Old law provides that the governor's office exception from the Public Records Law does not apply to any agency transferred or placed within the office of the governor. New law deletes present law.

New law provides that if any record is withheld, the custodian shall not dispose of or destroy such record for 30 days following the date of receipt of the request.

New law provides that the law shall not prevent any person from examining and copying any records pertaining to any money or monies or any financial transactions in the control of or handled by or through the governor.

New law requires state police to maintain a travel log identifying the date and location of all travel by the governor in a state police helicopter, which record shall be available for inspection and copying in accordance with the provision of the Public Records Law.

(Amends R.S. 44:5)

TITLE 45: PUBLIC UTILITIES AND CARRIERS

TITLE 46: PUBLIC WELFARE AND ASSISTANCE

Medicaid Qui Tam Actions Made Easier (Act No. 426)

New law prohibits persons from knowingly making or using a false record or statement to obtain payment for a false claim from the medical assistance program's (Medicaid) funds.

New law allows a qui tam plaintiff to recover a civil monetary penalty, even if the secretary or attorney general intervenes or the court determines that the allegations are based on information from sources other than the qui tam plaintiff.

New law provides that a qui tam action shall not be instituted later than six years after the violation was committed or more than three years after the facts are known or should have been known, but never more than 10 years after the commission of the violation.

New law provides that if certain actions are taken against an employee for acts committed in furtherance of a qui tam action, the employee shall be entitled to relief, including reinstatement, two times back pay, interest on back pay, and special damages.

New law deletes requirement that the qui tam complaint and written disclosure of all material evidence be filed with the secretary or the attorney general within one year of the date the qui tam plaintiff knew of the information forming the complaint.

New law provides that if the secretary or attorney general pursues an alternate remedy against a qui tam defendant, the person initiating

the action shall have the same rights he would have if the action proceeds according to the Medical Assistance Program Integrity Law (MAPIL).

New law provides that if any finding of fact or conclusion of law made in another proceeding has become final, it shall be conclusive to all parties in a MAPIL action.

Old law provided that if a person participated in the violation, the court may reduce his share of the proceeds and if he planned the violation, he shall not be entitled to recovery. New law merely provides that if a person planned or initiated the violation, the court may reduce his share of the proceeds.

Old law provided that the percentage of the share awarded to the qui tam plaintiff is based on the total amount of the award or settlement of liquidated damages, and Medicaid shall be made whole prior to disbursement. New law provides that the percentage of the share awarded to the qui tam plaintiff is based on the total amount of the award or settlement.

(Amends R.S. 46:438.3(B), 439.1, 439.2(A)(2)(b), 439.3, and 439.4)

Flu and Flu Shot Education (Act No. 343)

New law provides that each licensed child care facility, before November first of each year, shall make available to each child's parent or legal guardian information relative to the risks associated with influenza and the availability, effectiveness, known contraindications, and possible side effects of the influenza immunization. Such information shall include the causes and symptoms of influenza, the means by which influenza is spread, and the places where a parent or legal guardian may obtain additional information and where a child may be immunized against influenza.

DHH shall develop and provide such information to the DSS, which shall provide such information to each licensed child care facility, which shall make the information available to each child's parent or legal guardian.

(Adds R.S. 46:1414)

Child Care Facilities (Act No. 388)

New law provides that each owner, operator, current or prospective employee, and volunteer of a child care facility shall disclose annually, or upon request by DSS, whether or not his name is currently recorded on the state central registry for a justified finding of abuse or neglect. The affected person shall sign a state central registry disclosure statement and shall submit the statement to the owner or operator of the child care facility, and the owner or operator shall maintain the statement in accordance with DSS licensing requirements.

New law provides that the state central registry disclosure form is confidential and subject to the provisions of R.S. 46:56(F).

New law provides that any owner, current or prospective employee, or volunteer of a child care or operator of the child care facility who discloses that they are currently recorded on the state central registry for a justified finding of abuse or neglect shall be entitled to a risk assessment evaluation provided by DSS to determine that the individual does not pose a risk to children. Any such individual who is determined to pose a risk to children shall have the right to file an appeal in accordance with R.S. 49:992.

Effective January 1, 2010. (Adds R.S. 46:1414.1)

Child Care Licensing Surveys (Act No. 351)

New law requires day care centers to make available to parents or legal guardians information on how to view or obtain copies of child care licensing surveys from DSS.

New law requires day care centers to post information that explains that the licensing surveys are available online.

New law requires DSS to develop a form suitable for display which shall be posted at each licensed day care center.

(Amends R.S. 46:1426(C))

Domestic Abuse Cases Procedure (Act No. 427)

Old law provides, relative to domestic abuse cases, that if a temporary restraining order is

granted without notice, the matter shall be set within 15 days for a rule to show cause why the protective order should not be issued, at which time the petitioner must prove the allegations of abuse by a preponderance of the evidence. New law provides that the rule to show cause shall be set within 21 days.

Old law provides that any continuance of the rule to show cause shall not exceed 10 days. New law authorizes continuances not to exceed 15 days unless good cause is shown for further continuance.

(Amends R.S. 46:2135 and Ch.C. Art. 1569)

TITLE 47: REVENUE AND TAXATION

Individual Income Tax Deduction for Capital Gain from Sale of Private Equity (Act No. 457)

New law provides for an individual income tax deduction for income from net capital gains arising from the sale or exchange of an equity interest in or substantially all of the assets of a non-publicly traded corporation, partnership, limited liability company, or other business organization commercially domiciled in this state.

Effective for all taxable periods beginning on or after Jan. 1, 2010. (Amends R.S. 47:293)

Individual Income Tax Deduction for Dependent's School Tuition and Expenses (Act No. 460)

Old law provides an individual income tax deduction for elementary and secondary school tuition and other educational expenses at a private school, a public school, or home-schooling.

New law adds requirement that the child must qualify as a dependency exemption on the taxpayer's La. income tax return.

(Amends R.S. 47:293, 297.10(A), 297.11, and 297.12)

Individual Income Tax Deduction for School Tuition and Expenses (Act No. 451)

Old law provides a limited deduction from individual income tax for 50% of tuition, fees,

and other expenses paid for students in public and private elementary and secondary schools and for home-schooled children.

Old law requires payments for school uniforms, certain instructional materials, and school supplies to be paid to public schools. New law deletes this requirement.

Old law limits all the deductions granted to the amount paid, or \$5,000 per child, whichever is less. New law specifies that no more than \$5,000 of deduction per child may be allowed to one or more taxpayers.

Old law allows the deduction for amounts "incurred." New law requires the amounts to be "paid" in order to be deductible.

New law is applicable to amounts paid on and after January 1, 2009.

(Amends R.S. 47:297.10(A), 297.11, and 297.12)

Sales Tax Exclusion for CO₂ Used in Certain Recovery Projects (Act No. 450)

Old law provides that no severance tax is due in regard to production from a qualified tertiary recovery project approved by the assistant secretary of the office of conservation of the Department of Natural Resources until such project reaches payout.

New law grants a state and local sales and use tax exclusion for manmade or anthropogenic carbon dioxide used in such a qualified tertiary recovery project.

(Adds R.S. 47:301(10)(ff) and (18)(p))

Sales Tax Exemption for the Homeless (Act No. 456)

New law, for purposes of sales tax, excludes from the definition of "hotel" a temporary lodging facility operated by a §501(c)(3) nonprofit organization which is devoted exclusively to the temporary housing of homeless transient persons.

Effective July 1, 2009. (Adds R.S. 47:301(6)(c))

Sales Tax Exemption for Glass Maker Equipment (Act No. 459)

New law adds a sales tax exemption for machinery and equipment used by a glass container manufacturer with a NAICS Code of 327213.

(Amends R.S. 47:301(16), and 337.10(I))

Sales Tax Reduction on Property Consumed in the Manufacturing Process (Act No. 466)

New law provides that for purposes of the state sales tax, the tax on the cost price of tangible property consumed in the manufacturing process, such as fuses, belts, felts, wires, conveyor belts, lubricants, and motor oils, and the tax on the cost price of repairs and maintenance of manufacturing machinery and equipment, shall be reduced in increments to 0 by July 1, 2012.

(Adds R.S. 47:301(3)(k))

Sales Tax Exemption for Factory-Built Homes (Act No. 500)

Old law exempts from sales tax a portion of the retail sales price of a new manufactured home. New law changes the exemption from "manufactured home" to "factory built home".

New law defines "factory built home" to mean a residential structure built in a factory in one or more sections which has a chassis or integrated wheel delivery system, which are built in accordance with federal or La. construction codes, or are a manufactured home, modular home, mobile home, or residential mobile home with or without a permanent foundation, which includes plumbing, heating, and electrical systems.

New law retains existing exclusion of self-propelled vehicles and also excludes "travel trailers" from the list of those structures considered to be factory built homes.

New law provides that beginning Jan. 1, 2010, and thereafter, the provisions of new law apply for purposes of sales and use taxes notwithstanding the provisions of R.S. 9:1149.1, et seq. regarding the immobilization of a manufactured home.

(Amends R.S. 47:301(16)(g))

Tax Exemption for Water Craft Demonstrators (Act No. 442)

New law grants a sales tax exemption for new boats, vessels, or other water craft used by dealers as demonstrators in accordance with various requirements.

(Amends R.S. 47:303 and 305; adds R.S. 47:321(H)(3))

Sales Tax Exemption for Purchases by Steelworks of Utilities (Act No. 443)

Old law provides a sales tax exemption on purchases of utilities by steelworks, blast furnaces, coke ovens, and rolling mills with more than 125 employees. To be eligible for the exemption, the business must be classified within Sector 3312 of the Standard Industrial Classification System.

Old law changes the business classification qualification for the exemption of utilities to Sector 331111 of the North American Industry Classification System.

Old law provides for the exemption of "utilities" defined as sales of steam, water, electric power or energy, and natural gas.

(Amends R.S. 47:305.51)

Sales Tax Exemption for Commercial Fishing (Act No. 446)

New law modifies the sales tax exemption for commercial fishing vessels and processing facilities.

(Amends R.S. 47:305.20, R.S. 56:303)

Sales Tax Holiday for Guns and ATVs (Act No. 453)

New law provides for a "Second Amendment Weekend Holiday" on the first consecutive Friday through Sunday of September each year to exempt state and local sales and use tax for consumer purchases of firearms, ammunition and hunting supplies.

New law applies only to consumers and not businesses.

New law defines "firearms" as a shotgun, rifle, pistol, revolver, or other handgun.

New law defines "hunting supplies" as any tangible personal property for the use of hunting, including but not limited to vehicles and vessels such as ATVs and airboats.

(Adds R.S. 47:305.62)

Sales Tax Exemption for Crawfish Feed and Bait (Act No. 455)

New law provides that the sales tax exemption for bait and feed used in the production or harvesting of crawfish shall be applicable, operable, and effective from July 1, 2009, notwithstanding any other provision of law to the contrary.

(Amends R.S. 47:305(A)(5); Adds R.S. 47:302(T), 321(J), and 331(R))

Sales Tax Exemption for Large Home Food Purchases (Act No. 458)

New law provides that the state sales tax exemption on the sale of food for preparation and consumption in the home applies regardless of the quantity or size of the package purchased by the consumer.

Effective if and when the proposed amendment of Article VII, § 2.2(B)(1) of the Constitution of La. contained in the Act which originated as House Bill No. 317 of the 2009 regular session of the Legislature is adopted at the statewide election to be held on Nov. 2, 2010, and becomes effective.

(Amends R.S. 47:305(D)(1)(n))

Sales Tax Exemption for Polyroll Tubing (Act No. 461)

New law provides for a sales tax exemption for the sale of polyroll tubing sold or used for commercial farm irrigation.

(Adds R.S. 47:305.62 and 321(H)(3))

Sales Tax Exemption on Farm Equipment (Act No. 464)

New law specifies that in order to obtain the sales tax exemption on the first \$50,000 of the sales price of farm equipment, a farmer or facility must be certified by the Dept. of Revenue.

(Amends R.S. 47:305.25(A)(intro. para.))

Tax Litigation (Act No. 493)

Old law authorizes the secretary of the Department of Revenue and local tax collectors to employ private counsel to assist in collection of taxes, interest, and penalties or to represent the collector in any proceeding, and authorizes an additional charge for attorney fees in the amount of 10% of the taxes, penalties and interest due to be paid by the tax debtor.

New law provides that the private counsel employed by the collector may be paid reasonable attorney fees and reasonable expenses out of current collections of the particular tax at issue, but they cannot exceed 10% of the taxes, penalties, and interest recovered by the collector. If private counsel is employed to collect a delinquent account after an assessment has become final, an additional charge for attorney fees of 10% of the taxes, penalties and interest due must be paid by the taxpayer.

New law provides alternative remedies for taxpayers who have received a final notice of assessment for sales and use taxes from any collector or taxing authority and now seek a remedy instead of making a payment under protest.

Old law requires a taxpayer contesting local sales taxes, as an alternative to paying the contested taxes, penalty, and interest under protest, to file with the court a rule to set bond within 30 days of receipt of a notice of final assessment, which must be set for hearing within 30 days of the filing of the rule. Old law requires the court to authorize the posting of a commercial bond or other security in lieu of a payment under protest if the taxpayer establishes that it does not have the resources to pay under protest or that a payment under protest would seriously disrupt the ability of the taxpayer to manage its business affairs. If taxpayer does so, no collection action can be taken in connection with the tax assessment.

New law authorizes the taxpayer to file a rule and post a bond or other security and deletes the requirement to show no resources or business disruption as set forth above. New law defines "other security" as including, but not being

limited to a pledge, collateral assignment, lien, mortgage, factoring of accounts receivable, or other encumbrance of assets.

New law specifically allows a collector to file a reconventional demand against the taxpayer in the suit but retains the prohibition on any other collection action.

(Amends R.S. 47:337.64 and 1512)

Corporate Franchise Tax Reduced (Act No. 476)

New law exempts the first \$150,000 of taxable capital from corporation franchise tax and eliminates the minimum amount of the tax for all corporations.

Effective for all taxable periods beginning on or after Jan. 1, 2010. (Amends R.S. 47:601 and 611)

Allocation of Limited Tax Credits (Act No. 445)

New law changes the general provision applicable to the administration of all tax credits to provide that, unless otherwise provided in the statute granting the tax credit, all tax credits which have an annual or total program "cap" will be administered on a first-come, first-serve basis. An exception to this rule is provided in instances where the total tax credits requested on a single day exceed the tax credits available under the cap, in which case the credits will be approved on a pro rata basis, unless otherwise provided by the statute granting the tax credit.

(Adds R.S. 47:1675(A)(6))

Public Hearings on Higher Millages (Act No. 498)

Old law provides for the requirements and procedures necessary for a public hearing at which a taxing authority may consider the levy of additional or increased millages without voter approval. Specifically, the notice must contain a statement that the taxing authority intends to levy additional or increased millages, and be published on two separate days and in two different newspapers. The notice must also be furnished to the assessor, who shall maintain a list of all such hearing notices, and may post them on his website.

New law retains existing law and requires that the newspaper advertisement must be made no less than 30 days before the hearing date. New law requires that on the first day of newspaper publication, the notice shall also be posted on the Internet website of the taxing authority, if such taxing authority maintains a website.

New law provides for circumstances where the public hearing was cancelled or postponed, or in the event that such a proposal was considered at the public hearing without action or vote. In these cases, for any future public hearing to consider such proposal, the public notice and advertisement requirements of new law shall be met, except that no newspaper advertisement shall be required.

(Amends R.S. 47:1705(B)(2)(c)(ii); Adds R.S. 47:1705(B)(2)(f))

Tax Credit for Motion Picture Productions (Act No. 478)

Old law provides for a tax credit of 25% of the base investment made by an investor for state certified motion picture productions approved by the office and the secretary before July 1, 2010, if the total base investment is greater than \$300,000.

New law makes the 25% tax credit permanent.

New law defines a base investment as a cash or cash equivalent investment made and used for production expenditures in the state for a state-certified production.

New law requires the motion picture production company to submit an audit of the production expenditures certified by an independent certified public accountant.

New law provides that as a condition for receiving certification of tax credits under new law, state-certified productions may be required to display an animated state brand or logo, or both.

(Amends R.S. 47:6007)

Income and Franchise Tax Credits for Increasing Research Activities (Act No. 477)

Old law authorizes a state income and corporation franchise tax credit for taxpayers

who claim a federal income tax credit for increasing research activities.

New law provides that the tax credit shall be refundable.

New law provides that the amount of the tax credit shall be equal to either:

1. 8% of the state's apportioned share of the taxpayer's expenditures for increasing research activities, if the taxpayer is an entity that employs 100 or more La. residents.

2. 20% of the state's apportioned share of the taxpayer's expenditures for increasing research activities, if the taxpayer is an entity that employs 50-99 La. residents.

3. 25% of the state's apportioned share of the federal research credit claimed for research expenditures in the state, if the taxpayer claims the alternative incremental tax credit under federal law.

4. 40% of the state's apportioned share of the taxpayer's qualified research expenses conducted in this state, if the taxpayer is an entity that employs fewer than 50 La. residents.

New law provides that a taxpayer who receives a federal Small Business Innovation Research Grant shall be allowed a tax credit equal to 40% (rather than previous 20%) of the award received during the taxable year.

New law extends the deadline for issuance of the tax credit from Dec. 31, 2009, to Dec. 31, 2013.

(Amends R.S. 47:6015 and §2 of Act No. 9 of the 2002 1st E.S.)

New Markets Tax Credit Program (Act No. 463)

New law requires the Dept. of Economic Development to grant or deny a request for certification as an investment consistent with the target industries no more than 60 days after the request is submitted. If the request is not denied within 30 days, the request is deemed to be granted.

New law changes various dates, amounts, and percentages relating to qualified investments under the new markets tax credit program.

New law requires that all tax credit requests received on the same business day be treated as received at the same time, and if the aggregate amount of requests received on a single business day exceed the total amount of available tax credits, tax credits shall be approved on a pro rata basis.

New law adds requirement that the secretary of the Dept. of Economic Development must review all applications for tax credits and provide a response no more than 60 days after submission of the application.

(Amends R.S. 47:6016)

Tax Credits for Digital Interactive Media Companies (Act No. 454)

New law provides an income and franchise tax credit for funds expended in Louisiana on a state-certified production by a digital interactive media company.

New law provides that examples of digital interactive media are video or interactive games, simulation software, interactive educational or training products, internet sites designed and developed as social media, software applications that provide connectivity and communications between mobile devices and digital interactive media web platforms, and technology designed to stream live or pre-recorded video content over the Internet to large simultaneous audiences.

New law provides that any tax credits allocated to a person and not previously claimed by any taxpayer against his La. state income or franchise tax may be transferred or sold to another person.

New law requires the transferee to apply such credits in the same manner and against the same taxes as the taxpayer originally awarded the credit.

Old law provides that any producer who has received the tax credit shall commit to continue business operations in this state for at least one year after the certification of any tax credit pursuant to present law. New law deletes this provision of present law.

New law provides that prior to final certification of a state-certified production or any portion

thereof, the digital interactive media company shall submit to the office a cost report of production expenditures audited by an independent certified public accountant.

New law authorizes state-certified productions, as a condition for receiving certification of tax credits under present law, to display the state brand or logo, or both, as prescribed by the secretary of Dept. of Economic Development.

New law shall not apply to any investments or expenditures that qualify for motion picture investor tax credits under R.S. 47:6007 (motion picture investor tax credit).

New law prohibits a production which receives tax credits from receiving the rebates provided for in the Quality Jobs program in connection with the activity for which the tax credits were received.

Old law provides that any producer who earns tax credits shall pledge to continue business operations in this state until such time as such producer can demonstrate to the director that the net positive fiscal impact to the state resulting from such producer's operations in connection with the state-certified production has met or exceeded the value of any tax credits issued under present law. New law deletes this provision from present law.

(Amends R.S. 47:6022)

Tax Credits for Sound Recording Investors (Act No. 475)

New law removes the Jan. 1, 2010, sunset date for the sound recording investor tax credit and deletes the prohibition against allowing a sound recording production company from earning a sound recording investor tax credit in more than three years out of any five-year period.

New law provides that as a condition for receiving certification of tax credits, state-certified productions may be required to display the state brand or logo, or both, as prescribed by DED.

(Amends R.S. 47:6023)

Tax Credits for Wind or Solar Energy Systems (Act No. 467)

Old law provides for a wind or solar energy systems tax credit against individual or corporate income tax equal to 50% of the first \$25,000 of the cost of purchase and installation of each wind or solar energy system by a resident individual at his residence located in this state or by the owner of a residential rental apartment project.

New law adds eligibility for a taxpayer who purchases and installs a wind or solar energy system in a residential property which is located in Louisiana.

New law limits to one the number of tax credits that shall be available for any eligible system. Once a tax credit is claimed by a taxpayer for a particular system, that same system shall not be eligible for any other tax credit pursuant to new law. If the residential property or the system is sold, the taxpayer who claimed the tax credit shall disclose his use of the tax credit to the purchaser.

(Amends R.S. 47:6030(A) and (B)(2))

Apprenticeship Tax Credit (Act No. 172)

Old law grants an "apprenticeship tax credit" each tax year equal to one dollar for each hour of employment of each eligible apprentice, not to exceed 1,000 hours for each eligible apprentice.

New law repeals a requirement that the Workforce Development Commission provide the Department of Revenue an annual list of businesses which participate in the registered apprenticeship program as well as the number of eligible employees that each employer has employed for the taxable year.

(Repeals R.S. 47:6033(B)(4))

Tax Credits for Musical or Theatrical Productions (Act No. 448)

New law authorizes a tax credit for a limited state-certified musical or theatrical production equal to 10% of the base investment by a non-profit community theater, if the base investment is greater than \$25,000 and less than \$300,000 for each of the 2009 and 2010 calendar years.

The total amount of tax credits eligible to be issued shall not exceed \$250,000 for each of the 2009 and 2010 calendar years, and applicants shall be limited to a maximum of two applications per year for the 2009 and 2010 calendar years.

(Adds R.S. 47:6034(B)(11) and (C)(1)(e))

Musical and Theatrical Productions and Infrastructure (Act No. 465)

New law provides that projects which do not qualify as state-certified musical or theatrical productions include non-touring music and cultural festivals, industry seminars, and trade shows.

New law provides that if all or a portion of an infrastructure project is a facility which may be used for purposes unrelated to live performance production or production-related activities, then the proposed base investment shall be approved only if DED determines that the facility will support and be necessary to secure live performance production activity for the project and the applicant provides sufficient contractual assurance that the project will be used as a live performance production facility or as a support for a live performance production facility.

New law requires that as a condition for receiving certification of tax credits, state-certified productions and infrastructure projects may be required to display the state brand or logo, or both, as prescribed by the Dept. of Economic Development.

New law makes various other changes, including revisions of defined terms.

(Amends R.S. 47:6034)

Tax Credit for Buying Equipment to Use Alternative Fuel (Act No. 469)

Old law provides an incentive to persons or corporations to invest in qualified clean-burning motor vehicle fuel property.

New law defines "qualified clean-burning motor vehicle fuel property" as equipment necessary for a motor vehicle to operate on an alternative fuel, but shall not include equipment necessary for operation of a motor vehicle on gasoline or diesel.

New law defines "cost of qualified clean-burning motor vehicle fuel property."

New law increases the amount of the tax credit from 20% to 50% of the cost of the qualified clean-burning motor vehicle fuel property.

New law provides that in cases in which a motor vehicle is purchased by a taxpayer with qualified clean-burning motor vehicle fuel property installed by the manufacturer and the taxpayer is unable to or elects not to determine the exact basis which is attributable to such property, the taxpayer may claim a credit in an amount of 10% of the cost of the motor vehicle or \$3,000, whichever is less.

New law makes the tax credit refundable if the amount of the tax credit exceeds the amount of income taxes due.

(Adds R.S. 47:6035; Repeals R.S. 47:38 and 287.757 and R.S. 51:2458(2))

Ports of La. Investor Tax Credit (Act No. 474)

New law authorizes a tax credit against state income tax equal to 5% of the capital costs of a project to be sponsored or undertaken by a public port and one or more investing companies that has a capital cost of not less than \$5 million and at which the predominant trade or business activity conducted will constitute port or port and harbor activities. Tax credits may not be applied against a tax liability or transferred until capital cost expenditures are certified by the Dept. of Economic Development (DED).

New law provides that "capital costs" shall include all costs and expenses incurred by one or more investing companies in connection with the acquisition, construction, installation, and equipping of a qualifying project. "Capital costs" shall not include property owned or leased by the investing company or a related party before the commencement of the acquisition, construction, installation, or equipping of the qualified project, unless the property was physically located outside the state for a period of at least one year prior to the date the qualifying project was placed in service.

New law requires execution of a cooperative endeavor between the investing company

proposing the qualifying project and the public port in whose geographic jurisdiction the qualifying project is to be located indicating cooperation and support among all the parties.

New law authorizes and provides for requirements for the transferability of an investor tax credit.

New law authorizes DED to determine, through the promulgation of rules, which projects and capital cost expenditures qualify for tax credits.

New law shall be effective until Jan. 1, 2015, and prohibits tax credits from being granted after such date.

New law prohibits DED from hiring any new employees to implement the provisions of proposed law.

(Amends R.S. 44:4.1(B)(29); Adds R.S. 47:6035)

Tax Collection and Tax Sales (Act No. 507)

New law authorizes the appointment of an agency to assist the parish tax collector and the hiring of attorneys to assist in collection of taxes that are delinquent, but excluding matters involving correctness and legality challenges.

New law authorizes the collection of penalties relative to the tax sale of movable and immovable property.

New law removes the authority of the tax collector to determine and establish the least quantity of property that can be sold to satisfy taxes due, but provides that if authorized by the state or local tax collector, any bidder may elect to bid down the 5% penalty, as provided by La. Const. Art. VII, §25(B)(1), in increments of 1/10th of 1%.

New law removes the authority for providing tax sale title to the undivided interest in the case of separate assessments for undivided interests in the property.

(Amends R.S. 47:2062, 2142, 2144, 2145, 2153, and 2155)

Tax Protest and Tax Sale Procedures (Act No. 511)

New law removes the ability to challenge a claim of exemption.

New law provides that on the day of sale, the tax collector shall sell the portion of the property which the debtor points out, but that if the debtor fails to point out any property or sufficient property, the tax collector shall sell immediately the least quantity of the property, determined by undivided interests, which any bidder will buy for the amount of taxes, interest, penalties, and costs.

New law authorizes an alternative bidding procedure allowing the bidder to bid down the 5% penalty.

New law revises the procedure whereby a taxpayer who has paid taxes under protest must give notice to the collector regarding the filing of a correctness challenge suit.

New law provides for tax sale title to the undivided interest bid in the entirety of the property or in the entirety of the undivided interest of the property.

New law provides that a public sale or donation of adjudicated property by a political subdivision may be made by sale or donation of an individual tax parcel, or by sale or donation of multiple tax parcels as a whole.

Old law provides that the governing authority may either elect to set a dollar amount as a minimum bid for the public sale of adjudicated property, which shall be at least the total amount of statutory impositions, governmental liens, and costs of sale, or that the governing authority may elect to require an appraisal of adjudicated property to be sold at public sale.

Old law provides that if the political subdivision elects to use the appraised value to establish a bidding floor, the political subdivision shall appoint a licensed appraiser to appraise the property, and provides that the minimum bid at the first public sale shall be at least 2/3 of the appraised value, and that if the property fails to sell, the minimum bid at the second sale shall be 1/3 of the appraised value.

New law provides that the governing authority may allow an adjoining landowner to purchase adjudicated property for any price set by the governing authority without public bidding if the adjoining landowner has maintained the

adjudicated property for a period of one year prior to the sale.

(Amends R.S. 47:1856, 1857, 1998, 2134, 2153, 2201, and 2202)

Tax Credit for Green Projects (Act No. 520)

New law authorizes a base investment tax credit for certified, verified, and approved expenditures in the state for the construction, repair, or renovation of a state-certified green project, or for investments made by a company or a financier in such project which are, in turn, expended for such construction, repair, or renovation, not to exceed \$1 million per state-certified green project. No more than \$5 million in tax credits shall be granted for state certified green projects per year.

New law defines "state-certified green project" as a capital infrastructure project in the state directly related to green job industries, and movable and immovable property and equipment related to it, or any other facility which supports and is a necessary component of such facility, and any expenditures in the state related to the construction, repair, or renovation of such project, which are certified, verified, and approved as required in new law.

New law defines "green job industry" or "green job industries" as energy efficiency and renewable energy industries, energy-efficient building, construction, and retrofit industries, the renewable electric power industry, the energy efficient and advanced drive train vehicle industry, the biofuels industry, the deconstruction and materials use industries, the energy efficiency assessment industry serving the residential, commercial, or industrial sectors, and manufacturers that produce sustainable products using environmentally sustainable processes and materials approved by a nationally recognized high performance environmental building rating system, or that have the ENERGY STAR designation from the United States Environmental Protection Agency.

New law defines a "base investment" as expenditures for the construction, repair, or renovation of state-certified green projects, or investments made by a company or financier which are for such expenditures.

New law provides that the base investment credit for state-certified green projects shall be for the following amounts:

1. If the total base investment is greater than \$100,000 and less than or equal to \$300,000, a company shall be allowed a tax credit of 10% of the base investment.
2. If the total base investment is greater than \$300,000 and less than or equal to \$1 million, a company shall be allowed a tax credit of 20% of the base investment.
3. If the total base investment is greater than \$1 million, a company shall be allowed a tax credit of 25% of the base investment.

New law provides for certain limitations on earning the tax credit for base investments.

New law provides that to the extent that base investment is expended on payroll for La. residents employed in connection with the construction of a state-certified green project, a company shall be allowed an additional tax credit of 10% of the payroll.

New law prohibits tax credits for state-certified green projects to exceed the total base investment in the project. New law provides that credits shall be granted on a first-come, first-served basis. If the total amount of credits applied for in any particular year exceeds the aggregate amount of tax credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

Effective upon receipt of a letter from the U.S. Department of Energy awarding La. an obligation of funding of at least \$5 million per year, for a minimum of three years. (Adds R.S. 47:6035)

Tax Credits for Rehab of Historic Structures (Act No. 444)

Old law provides tax credits awarded for rehabilitation of historic structures may be transferred twice.

New law allows an unlimited number of transfers of the tax credit.

(Amends R.S. 47:6019(A)(3)(b)(i)(aa))

Tax Credits for Movie Investors (Act No. 530)

Old law prohibits movie investor tax credits for expenditures made after December 31, 2008 for a movie infrastructure project which had not applied for initial certification or precertification prior to August 1, 2007, unless 50% of the "total base investment" provided for in the "initial certification" of the project had been expended prior to that date.

New law provides that transactions that will qualify for meeting or exceeding the 50% expenditure requirement include, but are not limited to, a transaction in which the obligation is secured by the subject of the transaction and the maturity date for such obligation occurs after December 31, 2008, if the transaction was executed prior to December 31, 2008.

New law applies retroactively. (Amends R.S. 47:6007(C)(2)(c)(iv))

Limits on Property Tax Increases (Act No. 528)

New law limits the amount by which a millage may be increased by a taxing authority with a governing authority where members are not elected by the voters to an amount which would increase the property taxes collected by no more than 2½% of the collections for the calendar year immediately preceding the year for which the increased millage rate would take effect.

New law does not apply to taxing authorities that are special fire protection or fire department districts, and millages levied by certain levee districts under authority granted by the Louisiana constitution.

(Amends R.S. 47:1705(B))

TITLE 48: ROADS, BRIDGES AND FERRIES

Minimum Safety Guidelines for Highways and Bridges (Act No. 219)

New law requires DOTD to adopt minimum safety guidelines for highway and bridge design, construction, and maintenance.

(Amends R.S. 48:35)

Use of Electronic Documents with DOTD (Act No. 42)

New law provides that an electronic record shall satisfy any provision of law which requires a contract, bond, or any other document to be reduced to writing.

New law provides that an electronic signature shall satisfy any provision of law which requires a signature on a contract, bond, or any other document.

New law provides that the office of the recorder of mortgages shall record any contract, bond, or other document, from the department, that has been created or executed by electronic means or electronic signature.

Effective Jan. 1, 2010. (Amends R.S. 48:250)

Disposal of Immovable Property in Jefferson Parish (Act No. 38)

Old law authorizes the governing authority of any parish having a population in excess of 325,000 persons, the parish of Orleans excepted, to dispose of immovable property owned by the parish or property to which the title is in the public, including but without limitation, streets, roads, and alleys, that is no longer needed for public use.

New law authorizes the municipalities in Jefferson Parish to dispose of any such property.

(Amends R.S. 48:711)

TITLE 49: STATE ADMINISTRATION

Coastal Protection and Restoration Authority (Act No. 320)

New law grants the Coastal Protection and Restoration Authority (CPRA) the power to enter into any agreement with a parish governing authority located wholly or partially within the coastal area, but which is not part of a levee district, for the construction, operation, maintenance, repair, rehabilitation, or replacement of any coastal protection, conservation and restoration, hurricane protection, infrastructure, storm damage reduction, or flood control project. The CPRA has the power to provide in the agreement for the use and exercise by the parish governing

authority of any and all powers of levee districts or levee and drainage districts.

(Adds R.S. 49:213.4(A)(9))

Emergency Rental Assistance Program (Act No. 487)

New law adds an Emergency Rental Assistance Program under the Louisiana Recovery Authority to provide rental assistance to families expiring out of FEMA's temporary housing program or HUD's Disaster Housing Program and whose income is less than 80% of the area median income and who are not receiving permanent housing vouchers or other permanent affordable housing assistance.

New law will become effective when a certain Action Plan Amendment is approved by the U.S. Department of Housing and Urban Development.

(Amends R.S. 49:220.5(A)(2); adds R.S. 49:220.8)

State Website for Licensing Agency Information (Act No. 12)

New law requires the commissioner of administration to establish and maintain a website to post certain specified information concerning certain boards and commissions, including notices and minutes, statutory citations, contact information, membership information, employee information, information concerning the budget and finances of the board or commission, and rules and regulations of the board or commission. New law provides deadlines for submitting such information to the commissioner of administration.

New law applies to any board, commission, or like entity that is a licensing agency and to the Louisiana Board of Cosmetology, and to any committee, subcommittee, or panel of any such licensing agency or of the Louisiana Board of Cosmetology.

Effective March 1, 2010. (Adds R.S. 49:1301-1306)

Department of Treasury "Sunset Law" (Act No. 73)

New law provides for the general re-creation of the Department of the Treasury and its statutory

entities, effective June 30, 2009, in accordance with the "sunset" law. New law supersedes the provisions of the "sunset" law that set out the procedures for review and recreation and that require a separate bill to re-create each statutory entity within the department, along with additional provisions. New law makes July 1, 2015, the new termination date, and termination would begin on July 1, 2014, unless the department is again re-created.

(Adds R.S. 49:191(5); repeals R.S. 49:191(2)(e))

TITLE 50: SURVEYS AND SURVEYORS

TITLE 51: TRADE AND COMMERCE

Megaprojects (Act No. 1)

New law re-defines "mega-project" to mean a project which provides:

1. Either 500 new direct jobs to the state or a minimal initial investment of \$500,000,000.
2. A substantial return on the investment by the state as measured by projected tax revenues.

New law provides that "mega-project" also means any project for a military or federal installation which is important to the state and may be subject to base realignment and closure or for the purchase of land for a mega-project.

New law provides that a mega-project also includes a project resulting in re-creating or saving at least 500 direct jobs in Louisiana, through the transfer of ownership of a facility that has been closed or is at risk of closure due to the conditions arising out of or relating to a proceeding under the Bankruptcy Code.

New law retains prohibition on the state investing more than 30% of the total cost of the project, but adds an exception for mega-projects that are a military or federal installation or for the purchase of land. New law adds requirement that cooperative endeavor agreement describe state investment and total mega-project.

(Amends R.S. 51:2365(F))

50 Years and Over Wanted (Act No. 342)

New law changes the name of the Louisiana Retirement Development Commission to the Encore Louisiana Commission and charges it with the duty to attract and develop residents and tourists in the age 50 years old and above demographic to the state.

(Amends R.S. 36:4(U), R.S. 43:111(A)(9), R.S. 51:1317, 1318, and 1319)

Caller ID Spoofing Act (Act No. 105)

New law defines the unlawful acts that constitute "caller ID spoofing."

New law makes it 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 the call.

New law exempts any blocking of caller identification information, any law enforcement agency pursuant to an active criminal investigation, any federal investigative or security agency pursuant to an active criminal investigation, any private investigator licensed by the state, and any duly authorized process server who is attempting to serve process on a person which the court has determined has purposely avoided the service of process.

New law provides for private civil actions against the violator seeking injunctive relief and money damages; provides for the attorney general or a district attorney to seek civil money penalties against violators; and specifically states that criminal sanctions are not precluded.

(Adds R.S. 51:1741.1-1741.5)

Tax Credits for Capital Companies (Act No. 449)

New law, relative to the Louisiana Capital Companies Tax Credit Program, allows a certified Louisiana capital company an extra year to place its investment pool in qualified investments.

(Amends R.S. 51:1927.1(C))

Modernization Tax Credit Program (Act No. 447)

New law provides for the modernization tax credit that an employer may earn and apply for,

and if qualified, be granted a refundable credit on any income or corporation franchise tax liability in the amount approved by the secretary of the Department of Economic Development, for the amount of qualified expenditures incurred by the employer for a modernization.

New law provides DED, after consulting with the executive director of the Louisiana Workforce Commission and the secretary of the Department of Revenue, may issue the modernization credits if the employer meets the requirements.

(Adds R.S. 51:2399.1-2399.6)

TITLE 52: UNITED STATES

TITLE 53: WAR EMERGENCY

TITLE 54: WAREHOUSES

TITLE 55: WEIGHTS AND MEASURES

TITLE 56: WILDLIFE AND FISHERIES

Laser-Sighted Hunting (Act No. 322)

Old law prohibits the use of an infrared or laser sighting device when hunting deer or turkey.

New law authorizes a person holding a physically challenged hunter permit whose eyesight is permanently uncorrectable at twenty-two hundred, or worse, to use a laser sighting device when hunting deer or turkey.

(Amends R.S. 56:116.1)

Oyster Harvest Vessel Permits (Act No. 376)

New law modifies the eligibility requirements to qualify for an oyster seed ground vessel permit.

(Amends R.S. 56:424.1(A) and 433.1(A) and (B); Adds R.S. 56:433.2)

Hunting Licenses (Act No. 339)

New law provides that no person born on or after September 1, 1969, shall procure a hunting license of any kind, unless that person has been issued a certificate of satisfactory completion of

a firearm and hunter education course taught or approved by the department.

New law provides that a nonresident who purchases a temporary firearm and hunter education deferral license does not have to purchase a nonresident basic hunting, big game, bow, primitive firearms, and state waterfowl licenses, turkey hunting stamps, or WMA hunting permits, as applicable.

(Amends R.S. 56:699.1, 699.2 and 699.8(B))

Natural and Scenic Rivers Act Permit Challenges (Act No. 365)

New law provides that legal proceedings may be brought in the 19th Judicial District Court against the Dept. of Wildlife and Fisheries for denials of permits authorized by the Natural and Scenic Rivers Act.

(Adds R.S. 56:1849(D))