2013 LOUISIANA

LEGISLATIVE ACTS

SUMMARY

2013 Legislative Acts Summary

Contents

This book summarizes those new laws passed by the Louisiana Legislature in 2013 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 2013 in Act number order.

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 all edits, and assembled all of the summaries in proper order

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

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

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CONSTITUTION

Homestead Exemption for Disabled Persons (Act No. 432)

Present constitution requires eligible homeowners, in order to receive the homestead exemption special assessment level in a year subsequent to the year in which they first applied for it, to certify to the assessor of the parish or district that their adjusted gross income in the prior tax year satisfied a specified income requirement.

Proposed constitutional amendment excludes from this annual certification requirement owners who are permanently totally disabled.

Proposed to become effective January 1, 2015. Specifies submission to the voters on Nov. 4, 2014.

(Amends Const. Art. VII, Sec. 18(G)(1)(a)(iv))

Homestead Exemption for Disabled or Unemployable Veterans (Act No. 433)

Proposed constitutional amendment adds the rating of "totally disabled or unemployable" to the ratings of veterans eligible for an additional $7,500 homestead exemption.

Proposed amendment provides that a parish wide election to implement the proposed amendment is not required for those parishes which have already approved.

Specifies submission to the voters on November 4, 2014.

(Amends Const. Art. VII, Sec. 21(K)(1) and (3))

Reef Development (Act No. 434)

Proposed constitutional amendment creates the Artificial Reef Development Fund, which is to be comprised of grants, donations of monies, and other forms of assistance from private and public sources and allocated for siting, designing, constructing, permitting, monitoring, and otherwise managing an artificial reef system and for salaries and operating expenses associated with the program.

Not more than 10% of the funds may be used for a subsidy to seafood harvesters or processors to assist their efforts to comply with the certification program requirements.

Not more than 10% of the funds may be used to provide funding for inshore fisheries habitat enhancement projects and nonprofit conservation organizations.

Proposed to become effective December 25, 2014.

Specifies submission to the voters on November 4, 2014.

(Adds Const. Art. VII, Sec. 10.11)

Further Tax Items Treated as Fiscal Matters (Act No. 435)

Proposed constitutional amendment adds rebates, tax incentives, and tax abatements to the list of measures for which introduction and enactment are prohibited during a regular session convening in an even-numbered year and is specifically authorized during a regular session convening in an odd-numbered year.

Provides for submission to the voters on November 4, 2014.

(Amends Const. Art. III, §2(A)(3)(b) and (4)(b)(intro. para.))

Redemption of Abandoned Property (Act No. 436)

Present constitution provides that in the city of New Orleans, abandoned or blighted property shall be redeemable for 18 months after the date of recordation of the tax sale.

Proposed constitutional amendment adds a provision that in parishes other than Orleans, vacant residential or commercial property which is blighted or abandoned shall be redeemable for 18 months after recordation of the tax sale.

Provides for submission to the voters on Nov. 4, 2014.

Effective Jan. 1, 2015.

(Adds Const. Art. VII, §25(B)(3))

Wildlife and Fisheries Commission (Act No. 437)

Proposed constitutional amendment would require that two of the at-large members be

residents of parishes from north of a line created by the northern boundary of the parishes of Beauregard, Allen, Evangeline, Avoyelles, and Pointe Coupee.

Provides for submission to the voters on Nov. 4, 2014.

Effective Jan. 1, 2015

(Amends Const Art. IX, §7(A))

Hospital Funding (Act No. 438)

Proposed constitutional amendment authorizes the annual adoption of a Hospital Stabilization Formula, hereinafter "formula". The first formula shall be established by concurrent resolution and shall require a favorable vote of 2/3 of the elected members of each house. In subsequent years, the resolution shall require a favorable vote of a majority of the elected members of each house. The formula provided for in the resolution includes:

(1) A base reimbursement level which is the payment levels under the Medicaid Program to hospitals for inpatient and outpatient services in FY2012-2013 in the first year and each subsequent formula may apply a rate of inflation to the base reimbursement level rate from the previous fiscal year.

(2) Assessments to be paid by La. hospitals, provided the amount of the assessment does not exceed the nonfederal share of the reimbursement enhancement.

(3) Reimbursement enhancements for those hospitals subject to an assessment provided for in the formula.

(4) Any additional provisions necessary to the implementation of the formula. Neither the assessments nor the reimbursement enhancements established in the formula adopted by the legislature shall be implemented until each has been approved by the federal authority which administers the Medicaid Program.

Proposed constitutional amendment prohibits the base reimbursement level from being paid from the Hospital Stabilization Fund.

Proposed constitutional amendment provides that no additional assessment shall be collected and any assessment shall be terminated for the remainder of the fiscal year from the date on which any of the following occur:

(1) The legislature fails to adopt a formula for the subsequent fiscal year.

(2) The Dept. of Health and Hospitals reduces or does not pay reimbursement enhancements established in the current formula.

(3) The appropriations provided for in proposed constitutional amendment are reduced.

Proposed constitutional amendment provides for annual appropriation of an amount necessary to fund the base reimbursement level for hospitals and appropriate the balance of the Hospital Stabilization Fund created in the proposed constitutional amendment for reimbursement enhancements.

Proposed constitutional amendment provides for reductions to the appropriations if the following occur:

(1) The reduction does not exceed the average reduction of those made to the appropriations and reimbursement for other providers under the Medicaid Program.

(2) If the legislature is in session, the reduction is consented to in writing by two-thirds of the elected members of each house in a manner provided by law, or if the legislature is not in session, the reduction is approved by two-thirds of the members of the Joint Legislative Committee on the Budget.

Proposed constitutional amendment creates the Hospital Stabilization Fund and provides appropriations only for funding the reimbursement enhancement established in the Hospital Stabilization Formula for the fiscal year in which the assessment is collected.

Provides for submission to the voters on Nov. 4, 2014, or the first statewide election before then.

(Adds Const. Art. VII, §10.13)

Medicaid Fund (Act No. 439)

Proposed constitutional amendment elevates the La. Medical Assistance Trust Fund into a constitutional fund; establishes accounts within the fund to deposit provider fees; uses the

accounts to provide reimbursement for Medicaid services; and establishes a Medicaid base rate of reimbursement for certain provider groups.

Proposed constitutional amendment establishes separate accounts within the fund for each health care provider group in which fees are collected and deposits the monies collected from each provider group into the account created for that provider group. The balance of each account can be appropriated for reimbursement of services to the provider group which paid the fee into the account in any fiscal year.

Proposed constitutional amendment requires the legislature to annually appropriate the funds necessary to provide for Medicaid Program rates for each provider group which pays fees into the fund that is no less than the average Medicaid Program rates established for FY 2013-2014 and adjusted annually for inflation, which shall not be negative.

Proposed constitutional amendment further provides for reductions to the base rate if the following occur:

(1) The reduction does not exceed the average reduction of those made to the appropriations and reimbursement for other providers under the Medicaid Program.

(2) If the legislature is in session, the reduction is consented to in writing by two-thirds of the elected members of each house in a manner provided by law, or if the legislature is not in session, the reduction is approved by two-thirds of the members of the Joint Legislative Committee on the Budget.

Provides for submission to the voters on Nov. 4, 2014, or the first statewide election before then.

(Adds Const. Art. VII, §10.14)

CIVIL CODE

Revocatory Action; Extensions of Prescription (Act No. 88)

Old law provides a one-year prescriptive period and three-year preemptive period for revocatory actions. New law provides that the three-year preemptive period shall not apply in cases of fraud.

New law provides that an obligor may extend a period of liberative prescription by juridical act after it has commenced to run, and that an obligor may grant successive extensions, each of which may not exceed one year.

New law provides that an extension of liberative prescription must be express and in writing. New law provides that the period of extension commences to run on the date of the juridical act granting it.

New law provides that the extension of liberative prescription is effective against only the obligor granting it. Further provides that the extension benefits all joint obligees of an indivisible obligation and all solidary obligees.

New law provides that an extension of liberative prescription by a principal obligor is effective against his surety and provides that an extension of liberative prescription by a surety is effective only if the principal obligor has also granted it.

New law provides that prescription may be interrupted or suspended during the period of extension.

Effective August 1, 2013.

(Amends C.C. Art. 2041; Adds C.C. Arts. 3505-3505.4)

CODE OF CIVIL PROCEDURE

Class Actions (Act No. 254)

Old law requires that five prerequisites be satisfied to maintain an action as a class action: numerosity of the class, commonality of law or facts, typicality of the claims or defenses, adequate protection of the interests of the class, and ascertainability of the class.

New law adds that the prerequisite regarding ascertainability shall not be satisfied if the court has to inquire into each member's cause of action to determine whether they are members of the class.

New law adds that the proponent of a class has the burden of proof to establish that all prerequisites have been satisfied to maintain a class action.

New law prohibits the court from ordering a trial on an issue that would require proof that is individual to a member of the class when the outcome of the trial would have an effect on the entire class.

Effective August 1, 2013.

(Amends C.C.P. Arts. 591 and 592)

Venue, Judgments, and Motions for New Trial (Act No. 78)

New law adds actions involving voting trusts and actions involving applications for wrongful conviction and imprisonment as exceptions to the general rules of venue.

New law adds articles addressing proper venue in actions involving certain retirement systems and employee benefit programs, actions involving voting trusts, and actions involving application for compensation for wrongful conviction and imprisonment to the list of articles providing exclusive venue and the rules for application when two or more articles conflict.

New law requires the proof supporting confirmation of a default judgment to be placed into the court record prior to judgment. New law provides that the court may permit documentary evidence to be filed in an electronic format authorized by the local rules or the clerk of the district court.

New law requires a hearing before amending a final judgment, unless the parties consent or no opposition is filed after notice of the proposed amendment.

New law requires the court to specify its reasons for granting a motion for a new trial.

(Amends C.C.P. Arts. 43, 45, 1702(A), 1951, and 1979)

Summary Judgments and Right to Jury Trial (Act No. 391)

New law clarifies that summary judgment on a particular issue may be rendered in favor of one or more parties even if the granting of the summary judgment does not dispose of the case as to that party or parties.

New law provides that the court may only render a decision as to those issues raised in the motion under consideration.

New law allows the court to consider evidence submitted for the purposes of summary judgment and provides that a party can object to evidence submitted for the purposes of the motion for summary judgment through a memorandum in support or opposition or in a motion to strike that provides the specific grounds for the objection.

Old law provides that a trial by jury shall not be available in a suit where the amount of no individual petitioner's cause of action exceeds $50,000 exclusive of interests and costs. New law provides that a party may retain the right to a trial by jury even if the petitioner has stipulated that the cause of action does not exceed $50,000 when that party is entitled to trial by jury pursuant to present law and has complied with the procedural requirements for asserting that right if the stipulation has occurred less than 60 days prior to trial. New law provides that a defendant shall not be entitled to a trial by jury when a petitioner stipulates that his cause of action is less than $50,000 if the stipulation occurs more than 60 days before trial.

(Amends C.C.P. 966, 1732, and 1915)

Small Tutorships (Act No. 118)

Old law, relative to small tutorships, provided that a small tutorship is the tutorship of a minor whose property in Louisiana has gross value of $20,000 or less. New law changes $20,000 to $50,000.

New law adds that the court may dispense with the appointment of an undertutor.

Effective upon signature of the governor (June 5, 2013).

(Amends C.C.P. Arts. 4461, 4463, and 4464)

CODE OF CRIMINAL PROCEDURE

Discovery (Act No. 250)

Prior law provided relative to motions by the state and by the defendant in criminal cases for

discovery and inspection of various types of evidence.

New law substantially amends old law, including but not limited to the following changes:

(1) Provides that motions for discovery made by the defendant shall be in writing and shall be filed within the time periods for filing pretrial motions as provided for in existing law.

(2) Provides that motions for discovery made by the defendant relative to oral statements made by the defendant, or the substance of any oral statement made by the defendant in response to interrogation, shall also apply to such statements by any codefendant.

(3) Provides that nothing in new law shall be construed to require that testimony before a grand jury be recorded nor shall it obligate the state to provide any defendant a witness list for any trial or pretrial matter.

(4) Authorizes the district attorney to delete or excise from information identifying a certain witness, otherwise required to be disclosed pursuant to existing law or new law, if the district attorney believes that the witness's safety may be compromised by such disclosure. Provides for the procedure by which a defendant may object to such action by the district attorney and the procedure by which such information shall be disclosed to the defendant.

(5) Provides that the district attorney, when ordered to do so by the court, is only required to disclose to the defendant the record of arrests and convictions of the defendant, any codefendant, or any witness, and removes the requirement that the state furnish such records to the defense. Further provides that such records for any witness called by the state in its rebuttal case and any inducement offered to secure such witness's testimony shall be disclosed immediately prior to the witness being sworn.

(6) Authorizes the defendant to request, and the court to order the district attorney to authorize the defendant to inspect, copy, photograph, or otherwise reproduce, initial offense reports created and known to the prosecutor made in connection with the particular case.

(7) Removes the requirement that documents and tangible objects be favorable to the defendant and be material and relevant to the issue of guilt or punishment, in order for the district attorney to be ordered to permit or authorize the defendant, or an expert working with the defendant, to inspect, copy, photograph, or otherwise reproduce such items.

(8) Provides that if the results or reports intended to be used by either party have not been reduced to writing, each party shall produce for the other party a summary which includes the name of the witness, his qualifications, a list of materials upon which his conclusion is based, his opinion, and his reasons therefor.

(9) Clarifies that motions for discovery by the defendant relative to statements of coconspirators shall include written, recorded, or oral statements that the state intends to introduce in its case in chief.

(10) Removes the requirement that in order for the state to be required to permit or authorize inspection or reproduction of confessions and statements of codefendants, the statements shall be inculpatory, the written or recorded confessions shall be relevant, and the confessions or statements shall be intended for use at trial.

(11) Adds internal documents, notes, or other items which contain the mental impressions of the attorney, or any investigator working for the attorney, to the list of items which are not discoverable or subject to inspection.

(12) Provides that the state shall provide the defendant with any exculpatory evidence that is material to the defendant's guilt or punishment, as constitutionally required by the case Brady v. Maryland, 373 U.S. 83 (1963).

(13) Provides for prospective application.

(14) Provides that if a witness preparing a report will be called as an expert, the report shall contain the witness's area of expertise, his qualifications, a list of materials upon which his conclusion is based, his opinion, and the reason therefor.

(15) Provides that if either the state or defendant moves for the disclosure of statements of

witnesses, the court shall order the state and defendant to disclose such statements and to authorize the inspection and copying of any written or recorded statements of any witnesses intended to be called at trial.

Effective January 1, 2014.

(Amends C.Cr.P. Arts. 716, 717, 718, 719(A), 720, 721, 722, 723, 724, 725, 725.1, and 728; Adds C.Cr.P. Art. 729.7)

Post-Conviction Relief (Act No. 251)

Old law provides that no application for post-conviction relief shall be considered if it is filed more than two years after the judgment of conviction and sentence has become final, unless the application alleges, and the petitioner proves or the state admits, that the facts upon which the claim is predicated were not known to the petitioner or his attorney.

New law makes old law applicable to information known by the defendant or his prior attorneys. New law requires that the petitioner prove that he exercised diligence in attempting to discover any post-conviction claims that may exist.

New law defines "diligence" as a subjective inquiry that must take into account the circumstances of the petitioner, including but not limited to the educational background of the petitioner, the petitioner's access to formally trained inmate counsel, the financial resources of the petitioner, the age of the petitioner, the mental abilities of the petitioner, or whether the interests of justice will be served by the consideration of new evidence.

New law requires new facts discovered to be submitted to the court within two years of discovery.

Old law provided that the court *may* deny relief for claims which were known at trial but not raised on appeal, claims raised at trial but not appealed, new claims which were not raised in subsequent applications, or claims which raise new issues which could have been raised in previous applications. New law provides that the court *shall* deny relief for those same reasons.

Effective August 1, 2014.

(Amends C.Cr.P. Arts. 930.4 and 930.8)

Release on Own Recognizance (Act No. 261)

Old law provides that any defendant who has been arrested for certain crimes shall not be released by the court on his own recognizance or on the signature of any other person.

New law further provides for a rebuttable presumption that any defendant who has previously been released on his own recognizance or on the signature of any other person on a felony charge, who has either been arrested for a new felony offense or has at any time failed to appear in court as ordered, shall not again be released by the court on the defendant's own recognizance or on the signature of any other person.

New law provides for the presumption to be overcome if the judge determines after a contradictory hearing in open court that a review of the relevant factors warrants the release.

(Amends C.Cr.P. Art. 334.4)

Waiver of Trial by Jury (Act No. 343)

Old law provided that the court must inform the defendant of his right to waive trial by jury. New law deletes this provision.

Old law provided that the defendant must waive his right to trial by jury pursuant to time limits or with the court's permission at any time prior to the commencement of trial. New law deletes these provisions and adds that the defendant must exercise his right to waive trial by jury by written motion not later than 45 days prior to the date his case is set for trial. New law provides that this motion must be signed by defendant, and also signed by defendant's counsel unless the defendant has waived his right to counsel. New law provides that the defendant may waive trial by jury within 45 days prior to the commencement of trial with the consent of the district attorney.

Old law provided that the defendant may withdraw a waiver of trial by jury unless the court finds that withdrawal of the waiver would result in interference with the administration of justice, unnecessary delay, unnecessary

inconvenience to witnesses, or prejudice to the state. New law deletes this provision.

New law provides that the waiver of trial by jury is irrevocable and the defendant cannot withdraw his waiver of trial by jury.

Effective upon signature of the governor (June 17, 2013).

(Amends C.Cr.P. Art. 780)

Sentencing of Military or Veterans (Act No. 29)

New law provides that if a member or a veteran of the armed forces of the United States is convicted, prior to sentencing the court may inquire and receive a response, orally or in writing, as to the current military status of the convicted defendant, and the court may order a presentence investigation to determine whether military and veteran resources are available.

New law provides that if a convicted defendant is currently serving in the military or is a veteran and has been diagnosed as having a mental illness by a qualified psychiatrist or clinical psychologist or physician, the court may order a presentence investigation.

Effective August 1, 2013.

(Adds C.Cr.P. Arts. 871.2 and 875(F))

CHILDREN'S CODE

Surrender of Infant to State (Act No. 186)

Old law provides a mechanism whereby any parent may relinquish the care of an infant to the state in safety, anonymity, and without fear of prosecution. Old law defined an infant as a child not previously subjected to abuse or neglect, who is not more than 30 days old. New law changes the age requirement in the definition of an infant from "not more than 30 days old" to "not more than 60 days old".

Effective August 1, 2013.

(Amends Ch. C. Art. 1150(3))

Adoption by Ex-Cons (Act No. 187)

Old law (Ch.C. Art. 1178) requires the court to render a decision approving or disapproving placement of a child with the prospective adoptive parents after a hearing on the matter and requires the court to include specific reasons when disapproving placement.

Old law requires the court to consider various factors with respect to preplacement approval of adoptive homes in private adoptions.

New law retains present law and requires the court to render a decision that is in the best interest of the child considering those factors.

New law prohibits the court from disapproving the placement of a child with the prospective adoptive parent solely based on the existence of the prospective adoptive parent's criminal record, and instead requires the court to consider certain factors.

Old law provides the procedure for the court in setting a hearing on a petition for agency, private, and intrafamily adoptions, and requires court to consider various items.

New law retains present law and requires the court, in conjunction with considering the petitioner's criminal record, to consider certain factors.

New law provides that the existence of a petitioner's criminal record does not, by itself, serve as a bar to the petitioner adopting.

(Amends Ch.C. Arts. 1178, 1208, 1230, and 1253)

Coerced Abortion (Act No. 260)

New law adds coercion of a female child to undergo an abortion as a defined form of child abuse.

New law defines "coerced abortion" as the use of force, intimidation, threat of force, threat of deprivation of food and shelter, or the deprivation of food and shelter by a parent or any other person in order to compel a female child to undergo an abortion against her will.

(Amends Ch.C. Art. 1569(A)(1); Adds Ch.C. Art. 603(1)(d), (26), and (27))

Intercountry Adoption (Act No. 86)

New law changes prior law to incorporate terminology used in the Intercountry Adoption Act. New law provides the following definitions:

(1) "agency" or "child placing agency", (2) "birth certificate", (3) "Convention adoptee" or "Hague Convention adoptee", (5) "foreign orphan", and (6) "Hague Convention Adoption" or "Hague adoption" or "Convention adoption" and "orphan adoption" or "Non-Hague adoption".

Old law (Ch.C. Art.1281.4(A)) defined the two types of intercountry adoption in Louisiana as recognition of a foreign decree of adoption and adoption of a foreign orphan. New law changes old law to mean adoption or recognition of a foreign decree of adoption of a foreign orphan from a country outside the U.S. that is not a party to the Hague Adoption Convention and adoption or recognition of a foreign decree of adoption of a convention adoptee from a Hague Adoption Convention country.

Old law provided that no foreign orphan, in an intercountry adoption, may be placed in prospective parents' home prior to obtaining certification for adoption. New law changes "foreign orphan" to "child" and requires prior approval from U.S. Citizenship and Immigration Services.

New law retains existing law but deletes the reference to "a foreign orphan".

Old law provides that a U.S. citizen and spouse or unmarried U.S. citizen who is at least 25 years old may petition for an intercountry adoption. New law requires that the spouse be either a U.S. citizen or have lawful immigration status.

Old law provides for the petition's contents, form, and attachments for recognition of a foreign adoption. New law narrows old law to recognition of a Non-Hague Convention Country adoption and requires a copy of the child's immigrant visa or resident alien card be included.

Old law provides for the contents and form of the petition of adoption of a foreign orphan. New law narrows applicability to Non-Hague Convention Country adoptions and requires a certified copy of the documentation of orphan status certified by the USCIS, rather than by the Immigration and Naturalization Service, and a copy of the child's immigrant visa or permanent resident card to accompany the petition.

Old law provided for the final decree of adoption's effect to include relieving the parents of the child of all duties and rights in regard to the child and conversely with the child in regards to the parents with the exception of inheritance rights. New law deletes prior law and provides that the final decree has the same force and effect as final decree of adoption and automatically entitles the child to U.S. citizenship under the Intercountry Adoption Act.

New law provides the content and form of a petition to recognize a foreign adoption from a Hague Convention Country.

New law requires the court to render a final decree of adoption upon finding the following: (1) at least one of the adoptive parents is a domiciliary of Louisiana, (2) the original or a certified copy of the foreign adoption decree and a notarized transcript has been filed, (3) the foreign adoption has been completed in accordance with the Hague Convention and the Intercountry Adoption Act, (4) the child is either a permanent resident or a naturalized citizen of the U.S., and (5) the petitioners have the ability to care for, maintain, and educate the child.

New law authorizes the court to either grant or deny the final decree of adoption, but requires the adoption to be contrary to public policy, taking into account the best interests of the child, in order for the court to deny the final decree.

New law provides that the final decree of adoption has the same force and effect of a final decree of adoption rendered by a state court.

New law provides that the adopted child's name may be changed in the final decree of recognition of foreign adoption and if changed it shall be the surname of the adoptive parent.

New law provides for the content, form, and attachments for a petition to adopt a Hague Convention adoptee.

New law requires a petitioner to file a preliminary estimate and accounting of fees and charges and to file a final affidavit not later than ten days prior to the final adoption hearing. New law provides for permissible expenditures made

by or on behalf of the adoptive parents or representative to include medical expenses incurred by the biological mother and on behalf of the child, counseling and training provided to the adoptive parents, the department's administrative expenses, emigration permit costs, and attorney fees. New law requires the adoptive parents to pay expenses imposed by the department. New law authorizes the court to reduce unreasonable expenses, to issue an injunction prohibiting disbursements that are not permitted, to inform the district attorney for consideration of criminal charges, or to refuse to approve the adoption.

New law requires a copy of the petition for adoption of a Hague Convention adoptee to be served on the department and any agency having legal custody of the child.

New law requires the department to investigate the proposed adoption and to submit a confidential report to the court.

New law requires the court to set a hearing not less than 30 nor more than 60 days after the filing of a petition for adoption of a Hague Convention adoptee. New law requires the court to consider various information, including the wishes of the child to be adopted if the child is 12 years of age or older.

New law prohibits intervention in agency adoption proceedings unless there is good cause shown. New law limits an intervention to persons with a substantial caretaking relationship and requires presentation of evidence as to the best interest of the child.

New law authorizes the court to either grant or deny the interlocutory decree of adoption.

New law authorizes the court to render a final decree of adoption at the first hearing if a licensed agency placed the child in the petitioner's home and the child has lived in the home for at least six months prior to the hearing.

New law requires the department to maintain contact with the proposed adoptive home before the final decree of adoption. New law requires a home visit within 30 days before the final decree of adoption and that a second confidential report be issued to the court preceding the hearing on the final decree of approval.

New law provides that the interlocutory decree shall be null and void if no petition for a final decree of adoption is filed within two years of the granting of the interlocutory decree.

New law authorizes the court, for good cause shown, to revoke the interlocutory decree of adoption.

New law provides for the petition for a final decree of adoption following an interlocutory degree. New law requires the child to have lived with the petitioner for at least one year and at least six months to have elapsed after the granting of an interlocutory decree. New law authorizes the court to either grant or deny the petition for a final decree and that the basic consideration is the best interest of the child.

New law provides that the final decree of adoption relieves the parents of all legal duties and divests them of all legal rights with regard to the adopted child, and the adopted child is relieved of all of his legal duties and divested of all his legal rights with regard to the parents, except the right to inherit from his parents. New law provides that a final decree automatically entitles the child to U.S. citizenship under the Intercountry Adoption Act.

New law provides that the child's name may be changed in the final decree of adoption and, if changed, the surname shall be the same as that of the adoptive parent.

New law authorizes the court, upon refusal to grant the final decree of adoption because it is not in the child's best interest, to remove the child from the petitioner.

Effective August 1, 2013.

(Amends Ch.C. Arts. 1281.3, 1281.4, 1281.5, 1281.6, 1281.7, 1281.9, the heading of Chapter 2 and 1282.1, 1282.2(3), 1282.5, the heading of Chapter 3 and 1283.1, 1283.2, 1283.4, 1283.10(C), the heading of Art. 1283.13, 1283.15, and 1283.16; Adds Ch.C. Arts. 1281.3(6), 1284.1-1284.5, and 1285.1-1285.17)

Child Abuse Reporting Training (Act No. 163)

With respect to child abuse, new law establishes training for all mandatory reporters to familiarize these reporters with their legal mandate for reporting suspected child abuse and neglect.

New law specifies that the training is to be made available by the Dept. of Children and Family Services.

New law provides that each mandatory reporter may obtain mandatory reporting training as each mandatory reporter believes to be necessary.

New law authorizes the appropriate state regulatory department, board, commission, or agency for each category of mandatory reporter to provide continuing education credit for the completion of the training.

New law authorizes any entity, including but not limited to hospitals, educational and religious institutions, and nonprofits, to provide its employees, volunteers, or educational attendees with equivalent training.

Effective August 1, 2013.

(Adds Ch. C. Art. 609(A)(3))

Child Abuse or Neglect (Act No. 225)

New law provides that when the Dept. of Children and Family Services receives a report from a health care practitioner of abuse or neglect of a child who is not in the custody of the state, upon request of the child's parent or caretaker, the department shall provide copies of all medical information pertaining to the child's condition to the child's parents or caregiver for the purpose of having a medical expert chosen by the parents or caregiver conduct an independent review of the information provided.

Old law provided that the court may order a physical, psychological, or psychiatric examination of the child, parent, or caretaker upon application by the investigator in certain circumstances. New law authorizes the parents or caretaker of a child to execute an affidavit requesting further examination and authorizes the court to order the additional physical evaluation of child or other children in the household when the court has conducted a contradictory hearing and has found that good cause exists. New law does not apply in cases of alleged sexual abuse.

Effective August 1, 2013.

(Amends Ch.C. Art. 612 and 614)

Adoption and Education of Foster Children (Act No. 66)

New law enacts the "Louisiana Has Faith in Families Act".

New law provides incentives to facilitate the recruitment of new families for children who have been adopted from the custody of the state and meet eligibility requirements.

New law requires Department of Children and Family Services (DCFS) to make every effort to declare every child in its custody eligible for certain adoption assistance or subsidy.

Old law authorized DCFS to adopt, promulgate, and enforce necessary rules and regulations to implement prior law in accordance with the APA. New law requires that DCFS adopt, promulgate, and enforce these rules and regulations.

New law authorizes the adoptive parents to be awarded a one-time payment to cover nonrecurring expenses of the adoption, such as attorney fees and court costs, which are directly related to the legal adoption of a child with special needs, in an amount to be approved by DCFS.

New law requires that any child in the custody of DCFS who is eligible for adoption and is placed in an approved adoptive home is to be eligible for dependent coverage pursuant to the prospective adoptive parents' health insurance policy as a dependent. New law provides that any additional costs for the child are to be added to the adoptive parents' health insurance policy and shall not be paid for by DCFS. New law provides the adoptive parents may qualify for premium assistance.

New law provides that any child who is in the custody of DCFS or has been adopted from the custody of DCFS shall be qualified for Medicaid if the child meets the guidelines set forth in

present law regarding The Louisiana Children and Youth Health Insurance Program.

New law provides that any child in the custody of DCFS who is Medicaid eligible, is eligible for adoption, and has been placed in an approved prospective adoptive home or has been adopted from the custody of the department, shall be considered eligible for premium assistance for employer sponsored insurance.

New law requires that a child in custody of DCFS shall be allowed to remain enrolled in the public school in which the child was enrolled at the time he entered foster care for the duration of the child's stay in the custody of the state or until he completes the highest grade offered at the school, if DCFS determines that remaining in that school is in the best interest of the child.

New law requires that a child in the custody of DCFS is eligible to attend a school in the school district or parish of the foster care placement. New law requires that a child in the custody of the department be given preference in enrollment in the same manner as children already receiving a preference to attend a charter school.

New law provides that if a child in the custody of DCFS is placed with foster parents who have other children living in the home who already attend a nonpublic or parochial school, then the foster child may attend the same nonpublic or parochial school if DCFS finds it is in the best interest of the child, and if the child meets the admission requirements of the nonpublic or parochial school. New law provides that DCFS shall not be directly responsible for paying for the expenses associated with that education.

New law provides that if a child in the custody of DCFS is placed with foster parents who have other children in the home who are participants in an approved home study program, DCFS may approve the placement of the foster child in an approved home study program if it finds it is in the best interest of the child. New law requires that the home study programs approved by the Department of Education to educate foster children offer a sustained curriculum of quality at least equal to that offered by public schools at the same grade level.

New law requires that the Department of Education provide DCFS, upon request, verification that a home study program in which a foster child is participating in has been approved and requires the foster parent to provide DCFS appropriate documentation, including but not limited to copies of standardized tests, to substantiate that the child is progressing on grade level and at a rate equal to one grade level for each year in the program.

New law provides that in order to shorten the waiting time for finalizing the adoption when the child is eligible for adoption and has been in foster care with the prospective adoptive parents, any necessary waiting period as required by law shall be applied retroactively.

New law requires that any additional home study required by law may be waived by the court if the adoptive parents have been the foster parents of the child for the required six month time period.

New law provides whenever a child has been placed in the custody of DCFS and the child is eligible for adoption, the prospective adoptive parents may file an adoption proceeding in the court which terminated the parental rights and requires that the case be allotted to the judge who presided over the termination proceedings. New law authorizes the court to order the approval of the adoptive placement ex parte without the need for a hearing where the prospective adoptive parents were previously approved by DCFS as foster parents for the child.

Effective upon signature of the governor (May 31, 2013).

(Adds Ch. C. Arts. 1279.1 - 1279.7; repeals R.S. 46:1790-1794)

MULTIPLE CODES OR TITLES

Louisiana Home Protection Act (Act No. 339)

Old law provided that, for notices of seizure, the sheriff to whom the writ is directed shall make three notices setting forth specified information.

New law provides that the sheriff's notice of seizure shall also provide information

concerning the availability of housing counseling services. New law provides that the initial sheriff's sale date shall not be scheduled any earlier than 60 days after the date the order commanding the issuance of the writ is signed.

Old law provided that the sheriff may use the form provided in R.S. 13:3852 for a notice of seizure. New law requires the sheriff to use the form provided in R.S. 13:3852.

New law adds the following to the old law form:

(1) Notice that the sheriff's sale date may change, that the defendant (judgment debtor) may contact the sheriff's office to find out the new date when the property is scheduled to be sold, and that the new sale date will be published in the local newspaper.

(2) Notice that, if the seized property is residential property, the defendant may be afforded the opportunity to bring his account in good standing by entering into a loss mitigation agreement with the lender, or by paying all past due payments plus permitted costs and expenses within the time permitted by law for reinstatement of his account.

(3) Notice that the defendant (judgment debtor) is strongly encouraged to seek legal counsel, and that, if he cannot afford to pay an attorney, he may be able to qualify for free legal services.

(4) Notice that foreclosure prevention counseling services through a housing counselor, including loss mitigation, are provided free of charge, and notice that the U.S. Department of Housing and Urban Development and the Louisiana Housing Corporation provide local housing counseling services.

Old law provided that after seizure of property, the sheriff shall serve promptly upon the judgment debtor a written notice of seizure and list of property seized, in the manner provided for service of citation. If service cannot be made on the judgment debtor or his attorney of record, the court shall appoint an attorney to serve. The notice of seizure shall be substantially similar to the form provided in R.S. 13:3852.

New law provides that the sheriff's service of the notice of seizure shall be accomplished by personal or domiciliary service. New law further provides that the notice of seizure shall be in the form provided in R.S. 13:3852, and provides that the form shall include information concerning the availability of housing counseling services, as well as time, date, and place of sheriff's sale.

Old law provided that, in the execution of a writ of seizure and sale, the sheriff shall serve upon the defendant a written notice of the seizure of the property.

New law provides that the sheriff shall serve such written notice upon the defendant by personal or domiciliary service. New law further provides that the notice of seizure shall include information concerning the availability of housing counseling services, as well as time, date, and place of the sheriff's sale, in accordance with the form provided in R.S. 13:3852(B).

Effective August 1, 2013.

(Amends R.S. 13:3852 and C.C.P. Arts. 2293(B)(1) and 2721(B))

Governmental Reorganization (Act No. 184)

New law provides for the abolition of certain boards, commissions, authorities, and like entities; in some cases also abolishes the functions and responsibilities of the entity; in other cases provides that some other person or entity is responsible for the functions and responsibilities of the abolished entity.

Academic Advisory Council: New law abolishes.

Ambulance Standards Committee: New law abolishes the committee and its advisory functions, and transfers its certification functions to the department.

Commission on Men's Health and Wellness: New law abolishes the commission and its functions.

Emergency Medical Services for Children Advisory Council: New law abolishes council.

Funding Review Panel: New law abolishes panel.

Louisiana Bio-Fuel Panel: New law abolishes the panel and transfers its functions to the commissioner of agriculture and forestry.

Louisiana Council on Obesity Prevention and Management: New law abolishes the council and its functions.

Louisiana Information Technology Advisory Board and Technology Advisory Group: New law abolishes the advisory board and the advisory group and their functions.

Louisiana Postsecondary Education Information Technology Council: New law abolishes council.

Louisiana Sustainable Local Food Policy Council: New law abolishes council.

Methadone Maintenance Program Needs Assessment Task Force: New law abolishes task force.

Mullet Task Force: New law abolishes task force.

Post Employment Benefits Trust Fund Board of Trustees: New law abolishes the fund and the board.

Reptile and Amphibian Task Force: New law abolishes the task force and its functions.

Uniform Grading Scale Task Force: New law abolishes task force.

New law provides that the property and funds, if any, of the entities abolished by new law shall be the property of the state and the state treasurer shall provide for the deposit of such funds in the state treasury to the credit of the state general fund, after deposit in the Bond Security and Redemption Fund as otherwise provided by existing law.

Old law requires the commissioner of administration to establish and maintain a website to post certain specified information concerning certain boards and commissions.

Old law required information other than notices and minutes, including any change in information previously submitted, to be submitted no later than 30 days after the information became available to the board, commission, or like entity. New law provides instead that such information must be submitted by Feb. 1 of each year. New law provides that, except for information required to be reported by fiscal year, the information shall be complete for the previous calendar year. New law provides that the information must be submitted by an appropriate officer of the board, commission, or like entity and that the officer shall certify that the information submitted is true and correct to the best of his knowledge, information, and belief.

New law provides that if the commissioner of administration determines that a board, commission, or like entity has failed to submit the information other than notices and minutes in the required manner, the commissioner shall send the board, commission, or like entity a notice of noncompliance by certified mail, return receipt requested. New law provides that if the board, commission, or like entity fails to submit the information within the response period, the commissioner shall send notice detailing the failure to comply to the board, commission, or like entity and to the chief administrative officer of the department of which the board, commission, or like entity is a part, if applicable. New law provides that the commissioner shall also send notice detailing the failure to comply to the legislative governmental affairs committees and the oversight committees for the board, commission, or like entity.

New law provides that each oversight committee that receives a notice pursuant new law shall within 60 days of receiving the notice evaluate the board, commission, or like entity and determine whether the board, commission, or like entity should be continued, modified, or terminated. New law provides that the committee may direct the board, commission, or like entity to begin to terminate its operations and to prepare for the orderly transfer or termination of its powers, duties, responsibilities, and functions, as appropriate.

New law defines "oversight committees" as the standing committees of the two houses of the legislature which have usual jurisdiction over the affairs of the board, commission, or like entity.

New law provides that it does not apply to any board which is responsible for the administration of any statewide retirement fund held in trust for the benefit of its participants and which retirement fund is not the direct financial responsibility of the state.

Effective August 1, 2013.

(Amends R.S. 3:3712(D)(4), R.S. 17:17.1 and 17.5, R.S. 39:15.3, R.S. 40:1058.3, 1235, 1235.1, and 1300.104, R.S. 49:1301 and 1304(B), R.S. 56:632(B) and 633(F); Repeals §2 of Act No. 701 of 2010 R.S., R.S. 3:299, R.S. 11:108, R.S. 17:17.3(C)(5), 17.4(C)(2), 17.5, and 1519.13, R.S. 36:4(B)(14), 259(D)(2), (M), and (R), 459(D), 610(B)(9) and (G)(1), 629(M), and 919.10, R.S. 39:15.4-15.6 and 100.111-100.117, R.S. 40:1058.3(C)(4), 1235(A)(4), 1300.103(2), and 1300.105, R.S. 46:2611-2613, R.S. 56:333.2 and 632.8)

Technical Corrections (Act No. 220)

New law makes technical corrections in provisions of the La. Revised Statutes, the Children's Code, and the Code of Criminal Procedure, including corrections in legal citations, corrections in names of agencies, department offices, publications, officers, and other entities, correction in designation of election in provisions for legal holidays of state departments, removing references to agencies that have otherwise been repealed or no longer exist, placement of agencies in the appropriate listing for each department in Title 36 (Executive Branch Organization), listing of a human services district in appropriate provisions for such districts, designating undesignated statutory provisions, removing conflicting provisions, and making conforming changes and other clarifying changes in language.

Effective upon signature of governor (June 11, 2013).

(Amends numerous statutes, Ch.C. Arts. 1302.1(7) and 1437(B), and C.Cr.P. Arts. 405, 406, 409, and 410)

Tobacco Settlement (Act No. 221)

Old law established procedural enhancements to prevent violations and to aid in the enforcement of the Master Settlement Agreement between the state and leading U.S. tobacco product manufacturers. New law provides for numerous substantive changes.

Old law provided for the regulation of tobacco products and the issuance of permits by the commissioner of the office of alcohol and tobacco control. New law provides for numerous substantive changes.

Old law provided for levy of tobacco taxes. R.S. 47:871 et seq. provided for the delivery sales of cigarettes. New law provides for numerous substantive changes.

Effective August 1, 2013.

(Amends R.S. 13:5072, 5073, 5074, 5075, 5076, and 5077; R.S. 26:901, 902, 904, 906, 916, 918 and 921; R.S. 47:842, 843, 847, 849, 851, 857, 862, 865, 871, 872, 876-878, and 1508; Adds R.S. 13:5078, R.S. 26:908(D), R.S. 47:1520(A)(1)(g); Repeals R.S. 47:873-875)

Government Debt Collection (Act No. 399)

New law adds the office of debt recovery (office) within the Department of Revenue (DOR) for the purpose of collecting taxes payable to DOR, and under certain circumstances, to collect delinquent debts, accounts, or claims due on behalf of all other state agencies.

New law requires that all debts owed to any executive branch agency of the state be referred to either the office or the attorney general (AG) for collection.

New law provides for the specific circumstances under which a debt shall be referred to DOR or to the AG, as well as time lines and procedures related thereto. New law provides for the authority of the office to collect delinquent debts. The office is required to evaluate and recommend any uncollectible debt for sale or securitization in accordance with existing law after the office exercises and employs its collection methods and tools.

New law requires the office to charge the debtor a fee not to exceed 25% of the total delinquent debt liability which becomes final after the effective date of new law.

New law authorizes the secretary of DOR to contract for outside "legal services" after first having requested assistance from the AG.

New law authorizes the office to submit a request for the suspension, revocation or denial of any type of professional or other license, permit, or certification to the entity or body that regulates them. New law provides that the Louisiana Supreme Court is requested to consider rules and regulations relative to attorneys licensed to practice law for such purposes.

New law provides that financial institutions are required to provide to DOR certain specific personal identification and account data for each account owner who maintains an account at the institution and who the office purports is a tax or nontax debtor. If a financial institution has a current data match system developed or used to comply with the child support data match system, the financial institution may use that system to comply with the provisions of new law. Further, new law provides for compliance requirements for La. domiciled financial institutions having no branch offices outside the state for purposes of the transmission of data match files.

New law provides that any fee which a financial institution may assesses upon its customer for processing a state tax or non-tax levy received from DOR shall be collected by the financial institution from the proceeds of the customer's account before any account proceeds are remitted to DOR to satisfy the state tax or non-tax levy.

New law authorizes a financial institution to disclose to its account holders that DOR has the authority to request and receive certain identifying information for state tax and non-tax debt collection purposes.

New law limits the liability of a financial institution, its directors, officers, employees, or other agents, with respect to the provision of account information to DOR as required by new law.

Effective June 17, 2013.

(Amends R.S. 6:333 and R.S. 36:451; Adds R.S. 36:458(H), and R.S. 47:1508(B)(33), 1676, 1676.1, and 1677)

Handgun Permits (Act Nos. 403 and 404)

New law provides a process for a person to petition for restoration of his rights to possess, ship, transport, or receive a firearm or apply for a permit to carry a concealed handgun. Such a person may, upon release from involuntary commitment, file a civil petition seeking judgment ordering the removal of such disability.

New law provides that the court shall grant the relief requested if it finds, by a preponderance of the evidence, that the petitioner's record and reputation are such that he will not be likely to act in a manner dangerous to public safety and that the granting of the relief requested would not be contrary to the public interest.

New law provides that, to qualify for a concealed handgun permit, a La. resident shall not have been adjudicated to be mentally deficient or been committed to a mental institution, unless the resident's right to possess a firearm has been restored pursuant to the petition for restoration process in the proposed law.

Effective Jan. 1, 2014.

(Amends R.S. 28:54 and R.S. 40:1379.3; Adds R.S. 13:752 and 753 and R.S. 28:57)

UNCODIFIED

BioDistrict New Orleans (Act No. 227)

New law authorizes the state to enter into a cooperative endeavor agreement with BioDistrict New Orleans providing for use of the La. State Supreme Court site and state office building site located at 325 Loyola Avenue, New Orleans, Louisiana.

Effective upon signature of the governor (June 12, 2013).

Tax Delinquency Amnesty Act (Act No. 421)

New law requires the Dept. of Revenue (DOR) to develop and implement a tax amnesty program to be effective for the following three periods of time, the specific dates of which shall

be determined by the secretary of DOR (secretary):

(1) A period of at least two months duration occurring prior to Dec. 31, 2013.

(2) A period of at least one month occurring between July 1, 2014 and Dec. 31, 2014.

(3) A period of at least one month occurring between July 1, 2015 and Dec. 31, 2015.

The amnesty program applies to all taxes administered by DOR, except for motor fuel taxes, and penalties for failure to submit information reports that are not based on an underpayment of tax.

New law provides that the amnesty program shall apply to taxes for all of the following:

(1) Taxes due prior to Jan. 1, 2013, for which DOR has issued a proposed assessment, notice of assessment, bill, notice, or demand for payment not later than May 31, 2013.

(2) Taxes for taxable periods that began before Jan. 1, 2013.

(3) Taxes for which the taxpayer and DOR have entered into an agreement to interrupt prescription until Dec. 31, 2013.

New law authorizes amnesty only for a taxpayer who applies for amnesty during the amnesty period and who pays all of the tax, fees, costs, and interest due upon filing the amnesty application. The secretary may waive penalties and interest associated with the tax periods for which amnesty is applied as follows:

(1) All penalties and 50% of the interest owed if the amnesty application is approved during the 2013 amnesty period.

(2) 15% of penalties owed if the amnesty application is approved during the 2014 amnesty period.

(3) 10% of penalties owed if the amnesty application is approved during the 2015 amnesty period.

New law provides various requirements relative to amnesty for matters under examination or litigation.

New law prohibits the extension of amnesty to a taxpayer who is party to any criminal investigation or litigation in any court of the U.S. or La. for nonpayment, delinquency, or fraud in relation to any state tax administered by DOR.

New law authorizes DOR, by regulation after the expiration of the tax amnesty period, a cost of collection penalty not to exceed 20% of any deficiency assessed for any taxable period for which amnesty was taken. This penalty shall be in addition to all other applicable penalties, fees, or costs.

New law authorizes tax refunds or credits associated with overpayments arising after the amnesty application is submitted under certain circumstances.

Effective June 21, 2013.

TITLE 3: AGRICULTURE AND FORESTRY

Agricultural Chemistry and Seed Commission (Act No. 26)

Old law provided for the La. Feed, Fertilizer, and Agricultural Liming Commission, within the La. Department of Agriculture and Forestry (LDAF).

New law changes old law to create the La. Agricultural Chemistry and Seed Commission, within the LDAF.

Old law provided for the Seed Commission. New law repeals old law and transfers the powers, duties, and functions of the Seed Commission to the Agricultural Chemistry and Seed Commission.

New law repeals prohibition against a person from relabeling seeds more than one time.

New law changes "shall" to "may" on civil penalties for violations.

New law provides that the commission is not required to institute adjudicatory proceedings for minor violations when the department believes that the public interest will best be served by a suitable notice of noncompliance in writing.

Old law provided for the Seed Commission Fund and authorized the Seed Commission to determine the expenses of the program. New law changes the name to "Seed Fund" and authorizes the commissioner to determine the expenses of the program.

New law repeals bond requirements for agents of nurserymen.

New law provides for technical corrections and corrects internal references.

Effective upon signature of the governor (May 23, 2013).

(Amends R.S. 3:1381(1), 1382, 1407, 1430.13, 1431, 1433, 1434, 1435, 1436, 1437, 1438, 1440, 1441, 1443, 1444, 1445, 1446, 1449, and R.S. 36:629; adds R.S. 3:1431 and 1446; repeals R.S. 3:1421, 1432, 1551, 1552, and R.S. 36:629)

Architects (Act No. 103)

New law requires Council of Landscape Architects Registration Boards (CLARB), or its successor, to prepare the national landscape architect examination.

New law requires the applicant to pass the La. Landscape Architect Examination.

New law requires that an applicant meet the minimum qualification standards approved by CLARB in order to take the national landscape architect examination. New law requires the applicant to submit evidence of passing the national examination prepared by CLARB, or its successor, in order to qualify to take the La. Landscape Architect Examination.

Effective August 1, 2013.

(Amends R.S. 3:3806, 3807, and 3808)

Sweet Potato Dealers (Act No. 332)

New law creates the sweet potato dealer's permit and requires any person, including sweet potato growers and farmers, who commercially grow, sell, or offer sweet potatoes for sale to possess a sweet potato dealer's permit. New law requires applicants for a sweet potato dealer's permit to complete and file an application as required by the La. Dept. of Agriculture and Forestry (department), which requires:

(1) A guarantee to reimburse the purchase price for any sweet potatoes confiscated due to sweet potato weevil infestation or unauthorized sale.

(2) An agreement to permit, at the dealer's cost, the disposal by the department or return to the point of origin any sweet potatoes sold without authorization or infested with sweet potato weevils.

(3) A signed agreement to comply with all sweet potato quarantine regulations and specified conditions.

New law does not apply to retail grocers and other retail outlets selling sweet potatoes possessing a valid inspection certificate permit or permit tag, and that are sold directly to the consumer from a permanent location.

Effective upon signature of governor (June 17, 2013).

(Amends R.S. 3:1731-1735 and 1736; Adds R.S. 3:1733.1, 1733.2, 1735.1, and 1737)

TITLE 6: BANKS AND BANKING

Deposits of Public Funds (Act No. 32)

New law repeals requirement that a financial institution may not receive public funds for deposit if it had received two consecutive less-than-satisfactory ratings under the federal Community Reinvestment Act of 1977.

Effective August 1, 2013.

(Amends R.S. 49:317; Repeals R.S. 6:124.1(C) and R.S. 39:1220(A)(4))

Transfers of Financial Accounts after Death (Act No. 65)

New law provides that for all purposes, a bank may deal with a safety deposit box or money, and any other property in its possession titled in the name of a deceased customer in accordance with its contract with its deceased customer until the bank receives notice in writing specifically addressed to it of the death of its customer.

New law provides that regardless whether a bank receives written notice of the death of its customer and regardless of any prior action by a bank to freeze or restrict access and transactions

related to its deceased customer's accounts or safety deposit box, upon receipt of letters testamentary, letters of administration, or letters of independent administration, issued by a court of competent jurisdiction appointing an authorized succession representative, a bank may grant access to or allow the transfer of contents of a safety deposit box or money or other property titled in the name of the bank's deceased customer to the succession representative.

New law provides that the letters appointing the succession representative shall constitute full and proper authority for allowing the succession representative to access, withdraw, or transfer money or property of the bank's deceased customer, and the bank shall have no liability related to such activity or transaction involving the deceased customer's safety deposit box or money or other property in the bank's possession.

New law provides that the bank may continue to follow the direction of the authorized succession representative related to the safety deposit box or money or other property of its deceased customer, unless and until the bank receives a subsequent court order, issued by a court of competent jurisdiction, specifically naming and directing the bank to cease following the written direction of the succession representative, or the bank receives a subsequent court order, issued by a court of competent jurisdiction, limiting or terminating the authority of or replacing the succession representative.

New law provides that the judgment of possession recognizing and putting the legatees or heirs in possession of the bank's deceased customer's estate shall constitute full and proper authority for the bank holding a safety deposit box or money or other property titled in the name of its deceased customer to transfer those assets to the legatees or heirs entitled to such property under the judgment of possession. New law provides that when a bank makes such a transfer, the bank shall have full protection from any heir, legatee, creditor, or other person having any right or claim to money or other property of its deceased customer.

New law provides that the bank shall have no liability related to any such transfer or transaction involving its deceased customer's safety deposit box or money or other property in the bank's possession.

Old law provided for the form of the receipt of the written notice by the bank of the death of its customer. New law removes this provision of law.

New law provides for similar rules for credit unions and associations as described above for banks.

Old law required the credit union which has received notice addressed to it in writing of the death of any account owner report payments made out of the account to the secretary of the Department of Revenue within 15 days after payment is made.

New law retains these provisions but removes the requirement that the credit union report payments to the secretary of the Department of Revenue within 15 days after payment is made.

Old law provided that upon the death of a member or depositor, the rights of membership of a depositor shall continue in the executor, administrator, heirs, or surviving spouse of the deceased depositor, as the case may be. New law provides that upon the death of a member or depositor, the rights of membership or of a depositor shall continue in the succession representatives, legatees, or heirs of the deceased depositor, as the case may be.

Effective upon signature of the governor (May 30, 2013).

(Amends R.S. 6:325, 653.4, 664(A), 767, and 768)

Check Cashing Facilities (Act No. 315)

New law prohibits check cashing facility licensees from cashing a U.S. Treasury check or state tax refund check in the amount of $1,000 or more unless the person requesting the check be cashed submits a photo ID. New law requires licensees to maintain records with certain information for each of those types of checks cashed for three years.

Effective November 1, 2013.

(Adds R.S. 6:1013.1)

Debtor-Creditor Relations (Act No. 356)

New law provides that in actions by a creditor, the debtor is prohibited from asserting a defense based on the terms and conditions of a credit agreement unless the agreement is in writing, expresses the conditions, sets forth the relevant terms and conditions, and is signed by both the creditor and the debtor.

New law does not apply to unsecured revolving loan accounts, including those accessed by debit cards, or to any other unsecured consumer loan.

New law does not limit a debtor's ability to assert a defense of forgery, identity theft, mistaken identity, lack of authorization, lack of contractual capacity, or payment of the debt.

Defines "consumer loan", "credit card", and "revolving loan account" to have the same meaning as in the Consumer Credit Law.

Effective upon signature of the governor (June 17, 2013).

(Adds R.S. 6:1122.1)

TITLE 9: CIVIL CODE ANCILLARIES

Online Certification in Lieu of Sworn Application for License or Permit (Act No. 176)

New law provides when a governmental agency offers online applications through an internet interface for any license or permit, and the particular law for such license or permit requires a sworn application for such license or permit, the governmental agency may accept an online certification from the applicant in lieu of the sworn application.

New law provides that the online certification shall require the applicant to certify that all of the information and documentation the applicant submits via the online application through an internet interface must be true and correct, and that the applicant has not used a false or fictitious name in such application, and that the applicant has not knowingly made a false statement or has not knowingly concealed any material fact or otherwise committed any fraud in any such application for a license or permit. New law provides that use by a governmental agency of any online certification provisions included in a nationwide online licensing or registration system complies with new law.

New law provides that a governmental agency that elects to accept online applications through an internet interface, and thus accept an online certification in lieu of a sworn application, shall promulgate such rules and regulations as are necessary to implement such online certification.

New law provides that the acceptance of an online application with the certification, in lieu of the sworn application otherwise required by law, shall not result in, or create any liability on the part of the state or the governmental agency.

Effective upon signature of the governor (June 7, 2013).

(Adds R.S. 9:2621)

Unclaimed Property (Act No. 247)

Old law provides, relative to the Uniform Unclaimed Property Act, that certain properties held for various amounts of time are presumed abandoned and are required to be turned over to the state treasurer. Old law requires the holder of abandoned property to file a report with the state treasurer of the property being held.

Old law provides that an action or proceeding may not be maintained by the administrator to enforce law more than 10 years after the holder specifically identified the property reported to the administrator or gave express notice to the administrator of a dispute regarding the property.

Existing law requires a holder to maintain its records containing the information required to be included in the report until the holder files the report and for 10 years after the date of filing, with certain exceptions.

New law provides that an action or proceeding by the administrator to enforce old law shall not be maintained against a federally insured financial institution for any violation that occurred more than six years prior to the most recently completed auditable period which ends on June 30th of each year.

New law provides that a federally insured financial institution shall maintain its report filed pursuant to existing law for six years after the date the report is filed, and that a federally insured financial institution shall maintain its records containing the information required to be included in the report until the holder files the report and for six years after the date of filing.

Provisions become effective August 1, 2013.

(Amends R.S. 9:173(A); Adds R.S. 9:154(2), 171(C), and 173(C))

Statement of Claim or Privilege (Act No. 277)

Old law provides that if a notice of contract is properly and timely filed, the persons to whom a claim or privilege is granted shall, within 30 days after the filing of a notice of termination of the work, file a statement of their claims or privilege, and deliver to the owner a copy of the statement of claim or privilege.

New law specifies that the claimant is not required to attach copies of unpaid invoices unless the statement of claim or privilege specifically states that the invoices are attached.

Effective August 1, 2013.

(Amends R.S. 9:4822(G)(4))

Residential Lessee's Right to Notice of Foreclosure Actions (Act No. 354)

New law provides for residential lessee's right to notification of foreclosure actions.

New law provides that, prior to entering into a lease agreement and during the term of a lease agreement for a residential dwelling, the lessor shall disclose in writing to the prospective lessee any pending foreclosure action to which the residential dwelling is subject, and the right of the lessee to receive notification of a foreclosure action pursuant to new law.

New law provides that, within seven calendar days after being served pursuant to CCP Article 2293 with a notice of seizure in a foreclosure action, a lessor of a residential dwelling subject to a notice of seizure in a foreclosure action shall provide written notice of the seizure to all lessees of the premises.

New law provides that the written disclosure required under new law shall be signed by the lessor and shall include the name of the district court in which the foreclosure action is pending, the case name and docket number and the following statement:

"This is not a notice to vacate the premises. This notice does not mean ownership of the building has changed. All lessees are still responsible for payment of rent and other obligations under the rental agreement. The lessor is still responsible for his obligations under the rental agreement. You will receive additional notice if there is a change in owner."

New law shall apply to all lessors in residential leases, including lessors who are leasing residential dwellings subject to a federally-related mortgage loan, as defined by 12 USC 2602, or who have entered into a housing assistance payments contract with the public housing agency to receive housing subsidies on behalf of a lessee, and to all lessees in residential leases, including such lessees receiving vouchers or housing assistance pursuant to Section 8 of the United States Housing Act of 1937.

New law notice requirements shall not apply to a federally insured financial institution which is asserting its rights as an assignee of a lessor whose property is under foreclosure or as a mortgage holder.

Effective August 1, 2013.

(Adds R.S. 9:3260.1)

Lessor's Privilege (Act No. 357)

New law provides that for the privilege to arise, the lessor of the movables shall deliver notice (rather than a copy of the lease) to the owner and to the contractor not more than 10 days after the movables are first placed at the site of the immovable for use in a work.

New law provides the notice shall contain the name and mailing address of the lessor and lessee and a description sufficient to identify the movable property placed at the site of the immovable for use in a work. The notice shall state the term of rental and terms of payment and shall be signed by the lessor and lessee.

Effective August 1, 2013.

(Amends R.S. 9:4802(G)(1))

TITLE 13: COURTS AND JUDICIAL PROCEDURE

St. Tammany Coroner (Act No. 181)

New law requires the governing authority of St. Tammany Parish to receive all tax revenues collected from the ad valorem tax levied by the parish for coroner purposes and approved by a majority of the voters on Nov. 2, 2004, including any extensions or renewals.

New law requires the coroner's office to transfer any and all funds received from the ad valorem tax to the governing authority less and except amounts needed for operation for the remainder of the 2013 calendar year as determined by the St. Tammany Parish finance department, and requires that any contracts or purchase agreements entered into by the coroner's office be approved or ratified by the governing authority.

New law requires all revenues collected by the governing authority to be deposited into a special account and expended solely for the purposes set forth in the tax proposition approved by the voters, less and except the following fees: the parish's administrative fees; the parish's costs associated with administration of the ad valorem tax levied; the parish's costs associated with oversight of the coroner's office; and the amounts necessary to service bonds or other obligation secured by the ad valorem tax.

New law provides that the parish shall be deemed to have fully and completely met its obligations to the coroner's office and shall not be obligated to pay any other fee or cost after the transfer of certain proceeds for certain purposes.

New law requires the governing authority to establish an annual salary in lieu of all fees and services for the coroner and all employees associated with the operation of the coroner's office to be funded from the revenues collected from the ad valorem tax and paid by the governing authority.

New law prohibits the coroner from owning or acquiring any immovable property and requires all previously owned immovable property owned by the parish that was transferred to the coroner's office to be transferred back to the parish free and clear of all mortgages, liens, or other encumbrance within six months.

New law requires, within six months, for the governing authority and the coroner to enter into a restated cooperative endeavor agreement, including but not limited to the following provisions:

(1) Requiring use of all tax revenues in strict conformity with the tax proposition approved by the voters.

(2) Requiring compliance with public bid and procurement laws.

(3) Annual forensic audits as required at the sole discretion of the governing authority of the parish in addition to any other audits required by law for review by the parish.

Effective upon signature of governor (June 7, 2013).

(Adds R.S. 13:5725; Repeals R.S.13:5724)

New Orleans Municipal Court Fees (Act No. 199)

New law authorizes the clerk of the New Orleans Municipal Court to collect $1 per page for uncertified copies; $2 per page for certified copies; $2 per page for uncertified computer generated chronologies; $3 per page for certified computer-generated chronologies; and $20 for file retrievals.

Effective August 1, 2013.

(Adds R.S. 13:2500.4)

Blighted and Abandoned Property (Act No. 223)

New law provides that any municipality or parish may adopt an ordinance or ordinances establishing an administrative adjudication hearing procedure for blighted or abandoned property.

New law provides that failure to pay certain liens in any municipality or parish shall cause

such liens and privileges to be subject to enforcement in accordance with R.S. 13:2576.

New law provides that if property for which tax sale title was acquired and held by a political subdivision pursuant to R.S. 47:2196 is sold pursuant to law, upon recordation of such sale the property shall no longer be deemed adjudicated property. For purposes of any rights of redemption required pursuant to state law, the redemption period shall be deemed to have commenced on the date of the recordation of the initial adjudication to the political subdivision and not on the date of sale pursuant to the prior and new law.

Effective upon signature of the governor (June 12, 2013).

(Amends R.S. 13:2575 and 2576)

New Orleans/Louisiana Relations (Act No. 229)

New law provides that amounts paid by the city of New Orleans for expenses, including salaries and maintenance of constitutional officers, their deputies, subordinates, and employees, to adequately fund the office of the clerk of the Criminal District Court for Orleans Parish are necessary for the efficient performance of the powers and duties required of a judicial officer of the state and prohibits reduction of these amounts by the city without the consent of the legislature.

New law provides that the legislature finds that state statutes mandating payment by the city to the state's employees and officers of the clerk constitute a valid exercise of state's police power and do not violate the Louisiana Constitution of 1921 or the Louisiana Constitution of 1974.

New law is not to be construed as granting the city any rights, powers, authority, or jurisdiction over any constitutional officers, their deputies, employees, subordinates, or over any state or district officers, their deputies, subordinates, or employees.

Effective on July 1, 2013.

(Adds R.S. 13:1381.7)

Orleans Justice Commission (Act No. 268)

New law creates the Orleans Justice and Rehabilitation Reform Commission to analyze, study, and recommend improved methods for managing and coordinating justices services in Orleans Parish.

Effective August 1, 2013.

(Adds R.S. 13:5981-5985)

Mental Health Court Treatment Programs (Act No. 346)

New law authorizes each judicial district, by rule, to create mental health court treatment programs.

New law provides criteria for exclusion from mental health court programs, including enumerated crimes which require such exclusion.

New law provides procedures to be utilized in operating a mental health court treatment program, including a regimen of graduated requirements, rewards, and sanctions.

New law provides for mental health court treatment programs to maintain or collaborate with a network of programs which deal with mental illness and co-occurring mental illness and substance abuse issues. New law provides that the mental health court program may designate a court liaison to monitor the progress of defendants in their assigned treatment programs on behalf of the court.

New law provides that when appropriate, the imposition of execution of sentence shall be postponed and the defendant placed on probation for the duration of the program. At the conclusion of the period of probation, the district attorney, on advice of the person providing the probationer's treatment and the probation officer, may recommend that (1) the probationer's probation be revoked and the probationer be sentenced if the probationer has not successfully completed the treatment or violated probation; (2) probation be extended; or (3) the conviction be set aside and the prosecution dismissed if the probationer successfully completed the program.

New law provides that if the defendant violates any of the conditions of his probation and

treatment or appears to be performing unsatisfactorily, the district attorney may move the court to dismiss the defendant from the program. If the court grants the motion, the reasons for the dismissal shall be provided to the defendant.

Effective August 1, 2013.

(Adds R.S. 13:5351-5358)

21st JDC Judgeships (Act No. 102)

Old law provided for the creation of a new judgeship on Jan. 1, 2015, or when the former Division H becomes vacant. Old law provided that the judge and his successors shall preside over Division J, and the subject matter jurisdiction of Division J shall be limited to family matters.

New law removes the provision which allows for the creation of a new judgeship when the former Division H becomes vacant. New law adds juvenile matters to the subject matter jurisdiction for Division J.

New law requires the judgeship comprising Division G to be abolished on midnight on Dec. 31, 2014.

New law provides for the creation of a new judgeship effective Jan. 1, 2015, to preside over Division K with limited subject matter jurisdiction over family and juvenile matters.

New law authorizes the judges on the 21st JDC, by en banc order, to assign and transfer all family matters in Division G or H, should a vacancy occur in either division prior to Dec. 31, 2014.

New law requires the judges to be elected at large for a six-year term at the congressional election held in 2014 and every sixth year thereafter.

New law requires the judges and their successors to receive the same compensation and expense allowances from the same sources and in the same manner as the other judges in the 21st JDC.

Effective June 5, 2013.

(Amends R.S. 13:621)

TITLE 14: CRIMINAL LAW

GPS Tracking of Others (Act No. 249)

Old law prohibits the use of tracking devices to determine the location or movement of another person without the consent of that person. Old law further provides for certain exceptions to this prohibition, including a parent or legal guardian of a minor child whose location or movements are being tracked by the parent or legal guardian.

New law adds that when the parents of the minor child are living separate and apart or are divorced from one another, this exception shall only apply if both parents consent to the tracking of the minor child's location and movements, unless one parent has been granted sole custody, in which case consent of the noncustodial parent shall not be required.

Effective August 1, 2013.

(Amends R.S. 14:323(C)(4))

False Veteran Status (Act No. 90)

New law creates the crime of false personation of a veteran or fraudulent representation of a veteran-owned business.

New law defines false personation of a veteran as the false representation by a person of being a veteran, with the intent to injure, defraud, obtain economic gain, or obtain or secure any special privilege or advantage.

New law defines fraudulent representation of a veteran-owned business as the false representation by an owner, operator, principal, or employee of a business that the business is owned by a veteran or is a service-connected disabled veteran-owned business, with the intent to injure, defraud, obtain economic gain, or obtain or secure any special privilege or advantage.

New law defines "veteran" as a person who has served in the armed services or reserve forces of the United States or La. National Guard.

Effective upon signature of the governor (June 4, 2013).

(Adds R.S. 14:67.29)

TITLE 15: CRIMINAL PROCEDURE

Racketeering (Act No. 144)

Old law defines "racketeering activity" by enumerating various crimes which can be prosecuted as a pattern of racketeering activity if at least two incidents of the crimes occur.

New law adds the following to the definition of racketeering activity: female genital mutilation, aggravated kidnapping of a child, human trafficking, trafficking of children for sexual purposes, bigamy, abetting in bigamy, and the sale of minor children.

Effective August 1, 2013.

(Amends R.S. 15:1352(A))

Public Defender Personnel (Act No. 175)

Old law required executive staff, regional directors, secretarial, clerical, and other personnel directly employed in the operations of the La. Public Defender Board be state employees. All other personnel employed or who serve under contract in a district office are considered local employees of the public defender district. New law removes requirement that non-board employees be local employees of the district.

New law reduces the required meetings from eight times per year to four times per year and removes the requirement that three board meetings be held in parishes outside East Baton Rouge.

New law merely requires the director of juvenile defender services and the juvenile justice compliance officer to have experience as a criminal defense attorney or in juvenile law.

Effective upon signature of the governor (June 7, 2013).

(Amends R.S. 15:147, 149.2, 154, and 158)

Human Trafficking Hotline (Act No. 430)

Old law required certain establishments to post information regarding the National Human Trafficking Resource Center hotline in specific areas on the premises.

New law changes highway truck stop establishment to a full service fuel facility adjacent to an interstate highway.

Old law required that the information regarding the hotline must be posted prominently both inside and outside the premises of the establishments. New law deletes this requirement.

New law removes certain language from the required postings.

Effective August 1, 2013.

(Amends R.S. 15:541.1 and R.S. 26:96(A))

Inmate Work on Churches (Act No. 52)

Old law provided that whenever a prisoner in a parish prison is willing of his own free will to perform manual labor upon any cemetery or graveyard or work in a solid waste recycling program administered by a state agency or political subdivision and approved by the sheriff, the criminal sheriff may set the prisoner to work upon labor determined by the governing authority of the parishes and the municipal authorities of the towns and cities.

New law adds religious buildings to the list of places upon which a criminal sheriff may set a willing prisoner to work. New law defines "religious building" as a church, synagogue, mosque, or other building or structure used primarily for religious worship.

Effective upon signature of the governor (May 29, 2013).

(Amends R.S. 15:708(A)(2))

TITLE 17: EDUCATION

School Bus Drivers (Act No. 137)

New law requires the immediate dismissal of a probationary school bus operator and the immediate termination of school bus operator hired on or after July 1, 2012, if he is convicted of or has pled nolo contendere to a violation of a local ordinance that prohibits operating a vehicle while intoxicated or any of various other offenses, regardless of whether the violation occurred while the operator was performing an

official duty or responsibility as a school bus operator at the time of the offense.

Effective July 1, 2013.

(Amends R.S. 17:492 and 493)

School Voucher Criteria (Act No. 139)

Old law, relative to administration of the Student Scholarships for Educational Excellence (voucher) Program, requires the state Dept. of Education to develop criteria for participation that includes an accountability system for participating students at participating schools. New law permits changes to the numeric performance targets and thresholds in the accountability system by the state superintendent of education made pursuant to rules and regulations adopted by the State Bd. of Elementary and Secondary Education.

Effective upon signature of governor (June 7, 2013).

TOPS (Act No. 140)

New law additionally provides eligibility for TOPS awards under alternative academic guidelines if the student graduated during the 2009-2010 school year or thereafter with an International Baccalaureate Diploma from a high school located outside La. or the U.S. and approved by the International Baccalaureate Organization to issue such a diploma.

Effective upon signature of governor (June 7, 2013).

(Amends R.S. 17:3048.1)

No LEAP or ACT Tests for Certain Students (Act No. 151)

New law prohibits a public high school student with exceptionalities, except a gifted or talented student, who is not pursuing a high school diploma from being administered any examination pursuant to the La. Educational Assessment Program or the school and district accountability system, including the American College Test, unless the student's Individualized Education Plan provides for it or the student's parent requests it. New law prohibits penalizing a student for failure to take an examination. New law provides that the resulting absence of test results shall not be factored into or negatively impact the performance score or letter grade assigned to a school or school system, nor shall a school or school system otherwise be penalized, provided that such absence does not violate any federal law or requirement.

Effective August 1, 2013.

(Adds R.S. 17:24.4(K))

La. Technical College Merged into B.R. Community College (Act No. 171)

New law merges the Baton Rouge, Folkes, Jumonville Memorial, and Westside campuses of the Louisiana Technical College with Baton Rouge Community College.

Effective upon signature of the governor (June 7, 2013).

(Adds R.S. 17:1994(E) and 3217.5)

College Credit for Equivalent Education (Act No. 174)

Old law provided for the seamless transfer of credits between and among public secondary and postsecondary educational institutions and charges the Statewide Articulation and Transfer Council (SATC) with the responsibility to coordinate, oversee, and monitor transfer and articulation activities.

New law additionally requires SATC, in consultation and collaboration with the Bd. of Supervisors of Community and Technical Colleges (board), to oversee the development and implementation of a process to award and transfer college credit for the academic content embedded in career and technical education and industry-based certification courses.

New law requires the board to develop "academic transfer modules" to recognize the academic content embedded in career and technical education and industry-based certification courses which can be applied to award a student with partial or full credit in an equivalent academic course offered by any public state community college.

New law provides that the content of each academic transfer module may be contained in a single course or a sequence of courses. New law provides that each academic transfer module shall be equal to at least one college credit hour

and that modules can be combined to become the academic equivalent of a complete academic college course.

New law further requires the board to:

(1) Align the content contained in each academic transfer module with the content standards and learning competencies established for the equivalent academic college course to which the module will be applied.

(2) Develop testing, as necessary, to validate the content of each academic transfer module to ensure its academic equivalency to the college course to which the module will be applied.

(3) Develop a process whereby academic transfer modules may be banked until such time as the student enrolls in an academic degree program offered by a public state community college and such modules can be transferred for academic college credit.

(4) Ensure that career and technical education and industry-based certification course instructors are trained and meet the standards required for such courses and course work to be eligible for transfer for college credit.

(5) Collaborate and coordinate with the State Board of Elementary and Secondary Education (BESE) to ensure that students enrolled in postsecondary career and technical education and industry-based certification courses offered through local public school systems and secondary schools shall also be eligible to earn academic transfer modules.

(6) Submit the individual academic transfer modules and the process developed to transfer the postsecondary credit earned through such modules to the receiving community college to SATC for consideration and recommendations. With SATC approval, the board shall submit the proposed transfer process to the Board of Regents for approval prior to implementation.

Effective upon signature of the governor (June 7, 2013).

(Adds R.S. 17:3162(D), 3165.1, and 3168(5))

Transfer of Schools (Act No. 275)

New law provides that parents of students attending a school that is directly operated by the Recovery School District (RSD), that has not been identified for conversion to a charter school pursuant to a charter contract between the State Bd. of Elementary and Secondary Education (BESE) and a nonprofit charter organization, and that had a letter grade of "D" or "F" for five consecutive years while under the jurisdiction of the RSD may submit a petition to BESE requesting that the school be returned to the local school system from which it was transferred. New law requires approval of BESE and the respective local school board for such transfer to occur. New law requires signatures of parents representing at least a majority of the students who have been enrolled in the school for at least two years, for the transfer to occur. New law prohibits the use of local school and school district resources to support or oppose any effort by parents to gather signatures or submit petitions.

Effective August 1, 2013.

(Adds R.S. 17:10.5(G))

Prayer at School (Act No. 286)

New law authorizes school authorities to permit public school students to gather for prayer before or after school or at any non-instructional time during the school day, and provides for attendance by school employees, parents, and persons from the community under certain circumstances.

(Adds R.S. 17:2115.11)

No Testing of Exceptional Students (Act No. 291)

New law provides that a student with exceptionalities who is not pursuing a regular diploma shall not be administered any test pursuant to the La. Competency-Based Education Program or the La. Educational Assessment Program or the state's school and district accountability system, including the American College Test (ACT) as part of the state's school and district accountability system, unless the student's parent or legal guardian requests, in writing, that the test be administered to the student or the student's Individualized Education Plan (IEP) indicates that the test is an

appropriate assessment instrument for the student.

New law provides that nonparticipation of a student with exceptionalities in any test shall not, in any manner, be factored into the calculation of any performance score or performance letter grade assigned to any school or school system in which the student is enrolled, provided such exclusion does not violate any federal law or regulation, including the No Child Left Behind Act of 2001 or the Individuals with Disabilities Education Act.

New law provides that a student who is not administered a test pursuant to new law shall not be penalized for failure to take the test.

Effective upon signature of the governor (June 14, 2013).

(Adds R.S. 17:10.3)

New Baton Rouge School System (Act No. 295)

New law provides extensively for the establishment of the Southeast Baton Rouge (SEBR) Community School System and school board in East Baton Rouge Parish, and its operations.

New law is effective if and when a proposed amendment to Article VIII, Section 13(D) of the Constitution of Louisiana is adopted at a statewide election and authorizes the SEBR Community School System, as created in this Act or authorizes the creation of school districts by legislative act, as a system to be regarded and treated as a parish and have the authority granted to a parish school system as provided in Article VIII, Section 13 of the Constitution of Louisiana.

(Adds R.S. 17:58.2(I), 67, and 67.1-67.4)

Charter Schools (Act No. 330)

Old law defined a Type 5 charter school to include a preexisting public school that was a failing school transferred to the RSD but later transferred back to the jurisdiction of the local school board or other public entity and operated pursuant to a charter between a nonprofit corporation and a local school board or other public entity. New law deletes old law.

New law adds definition for a Type 3B charter school to mean a former Type 5 school transferred from the RSD to the transferring local system. New law provides that the local school board shall permit a Type 3B charter school to remain in the facility in which it was located at the time of transfer or shall provide the Type 3B charter school with another facility for use. New law authorizes BESE to require a Type 3B charter school to participate in unified processes common to other public schools located in the same parish or school district boundaries that are critical to providing equity and access to students and families. New law provides that a Type 5 charter school transferred from the RSD to the transferring local school system shall no longer be determined to be failing and shall be converted to a Type 3B charter school.

New law permits Types 1B and 3B charter schools to have a residential component.

Old law provides certain requirements for charter schools (except Type 5 schools) relative to the enrollment of at-risk students. New law additionally exempts Type 3B schools from this requirement.

New law requires a district with one or more Type 3B charter schools to distribute MFP funds to each Type 1, 3, 3B, and 4 charter school using the weighted allocations provided for in the most recently adopted MFP formula, except that any school board in a parish that contains a municipality of 300,000 or more persons shall use the allocation method provided for in new law no earlier than the 2018-2019 fiscal year for Types 1 and 3 charter schools in operation prior to the 2013-2014 school year.

New law adds that the state Dept. of Education may withhold and retain from state funds otherwise allocated to a local public school system through the MFP an amount equal to 0.25% of the administrative fee amount charged to a Type 3B charter school for administrative costs incurred by the department for providing financial oversight and monitoring of such charter schools.

New law provides that Types 1B, 2, and 5 charter schools shall be considered the local

education agency for the purposes of any funding. New law provides that a Type 5 charter school may choose to remain its own local education agency for funding purposes and statutory definitions upon conversion to a Type 3B charter school. New law requires BESE to adopt rules for a Type 3B charter school considered its own local education agency.

Effective August 1, 2013.

(Amends R.S. 17:3973)

Immersion School Choice Act (Act No. 361)

New law authorizes a local public school board to establish a foreign language immersion program in any school under its jurisdiction that shall be open to the enrollment of any student who resides within the jurisdictional boundaries of the school district.

New law provides that, beginning with the 2014-2015 school year, a local public school board, if requested in writing signed by the parent or legal guardian of at least 25 students enrolled in kindergarten who reside within the jurisdictional boundaries of the school district, shall establish a foreign language immersion program for such students, provided certain requirements are met.

Effective August 1, 2013.

(Adds R.S. 17:273.3)

Public School Crisis Management and Response Plans (Act No. 50)

New law is applicable to all public schools, including charter schools.

New law provides that school crisis management and response plans shall not be subject to the Public Records Law.

Effective August 1, 2013.

(Amends R.S. 17:416.16; Adds R.S. 17:3996(B)(33))

Naming of Public College Buildings (Act No. 79)

New law authorizes each public postsecondary education management board to name buildings at institutions under its supervision and management in honor of living persons pursuant to board policy. New law provides that such policy may include criteria to be used for such naming and that if the policy requires a monetary donation as a condition of such naming, the policy shall require that the donation be made to an alumni association or a foundation that raises private funds for the support of the institution.

Effective August 1, 2013.

(Adds R.S. 17:3351(F))

TITLE 18: LOUISIANA ELECTION CODE

Election Code (Act No. 381)

New law extensively revises the system of laws comprising the La. Election Code, including:

New law provides that the secretary of state shall provide for the voluntary registration of individuals or entities that conduct voter registration drives in the state.

Old law provides that an electronic voter registration application accepted by the secretary of state shall be considered an application for registration by mail and provides for a verification mailing procedure to determine the eligibility of the applicant. New law repeals old law. New law provides that provisions of present law that require a person to vote in person the first time after registering by mail shall apply to a person who has registered to vote electronically and who has not previously voted in the parish in which he is registered.

Old law provides specific procedures for determining the eligibility of applicants who submit voter registration applications through voter registration agencies. New law repeals old law. New law provides that the eligibility of applicants who submit applications through voter registration agencies shall be determined according to procedures applicable to applicants who apply by mail for voter registration, which procedures include an initial verification mailing.

New law prohibits the disclosure by the government of the short message service number of a registered voter and an application or information contained therein of an applicant to

vote absentee by mail until the applicant has returned his voted ballot to the registrar.

New law provides that a candidate who has filed a notice of candidacy may change the information contained therein by filing a new notice of candidacy and paying the qualifying fee. New law provides that a candidate who is serving in the armed forces of the United States who is stationed or deployed outside of the U.S. shall not be required to pay the qualifying fee.

New law specifies that the special absentee ballots cast by members of the U.S. Service or persons who reside outside of the U.S. shall be counted by hand.

New law provides that no person shall knowingly, willfully, or intentionally for purposes other than fulfilling the person's duties relative to registration of voters as provided by law, copy or reproduce a voter registration application that has been submitted by an applicant.

Proposed law makes various technical changes.

Effective upon signature of governor or lapse of time for gubernatorial action, except some provisions are effective on Aug. 1, 2013, and others are effective Jan. 1, 2014.

(Amends R.S. 18:112, 115.1, 116, 154, 172, 425, 431, 433, 463, 465, 468, 469, 501, 513, 561, 571, 573, 1253, 1254, 1255, 1308, 1308.2, 1309, 1309.3, 1313, 1314, 1373, 1402, and 1462; Adds R.S. 18:18(A)(9), and 1461.2(A)(9); Repeals R.S. 18:115(A)(3))

Early Voting Procedures (Act No. 395)

New law provides instead that early voting each day of the early voting period (not just the last day) shall terminate when all persons who were in line to vote at the close of the registrar's office have been allowed to vote.

Old law provides that the precinct register may be used to establish the identity of the voter. Old law allowed the registrar to use a list kept by him for this purpose. New law repeals the list kept by the registrar as a means to identify a voter and provides instead that the registrar may use the state voter registration computer system as an alternative to the precinct register.

Old law provided for application to vote during early voting and provided for the content of an early voting application. New law repeals prior law, and provides that the registrar or deputy registrar shall generate an early voting confirmation sheet for each voter using the state voter registration computer system or a form prepared by the secretary of state, which sheet shall be used to verify each early voter at the end of the early voting period.

New law makes various technical changes.

Effective upon signature of governor (June 18, 2013).

(Amends R.S. 18:154, 1306, 1309, 1309.3, 1310, 1311, 1312, 1313, and 1315; Adds R.S. 18, 1309.1(D))

Guns and Voting (Act No. 405)

New law provides that voter registration application forms may be made available to purchasers of firearms at the point of purchase from firearms retailers located in the state. New law provides that firearm retailers who make voter registration applications available may register with the secretary of state to receive voter registration information and procedures.

Effective upon signature of the governor (June 19, 2013).

(Adds R.S. 18:118)

Police at the Polls (Act No. 189)

Old law prohibits law enforcement officers from being stationed at polling places on election day.

New law authorizes law enforcement officers to be stationed at polling places if in the regular course and scope of their duties such officers provide security for the public building housing the polling place and the personnel in such building. New law provides that such law enforcement officers shall not interfere with the conduct of the election, the voters, or the election officials.

Effective August 1, 2013.

(Amends R.S. 18:428)

Election Dates (Act No. 95)

New law changes the dates of parochial and municipal elections in a parish containing a municipality with a population of 300,000 or more as follows:

(1) Primary elections for parochial and municipal officers are held on the third Sat. in Oct. of an election year instead of the first Sat. in Feb.

(2) General elections for parochial and municipal officers are held on the fourth Sat. after the third Sat. in Oct. of an election year instead of the fourth Sat. after the first Sat. in Feb. of an election year.

New law provides that special primary and general elections and bond, tax, or other elections at which a proposition or question is to be submitted to the voters may be held on these dates.

New law provides that the qualifying period for candidates in a primary election begins on the second Wed. in Aug. of an election year instead of the second Wed. in Dec.

Effective Jan. 1, 2015.

(Amends R.S. 18:402 and (F)(6) and 467(4))

(Adds R.S. 13:2105.2)

Voting (Act No. 241)

Existing law (La. Election Code) provides for absentee by mail and early voting for registered voters who are unable to vote at the polls on election day. Provides that any qualified voter may vote in person during the early voting period (the period between 14 days to seven days before the election) at certain locations.

Old law provides that only specified persons may vote absentee by mail, including a member of the U.S. service and his spouse and dependents, a person who resides outside of the U.S., and a person who expects to be temporarily outside the normal territorial limits of the state or absent from the parish in which he is qualified to vote during the early voting period and on election day. Requires a person to make application to the registrar by letter. Provides deadlines. Allows for electronic transmission of ballot information to members of the U.S. service and persons residing outside the U.S. Allows a voter to fax a voted ballot to the registrar if he feels he will not have sufficient time to vote timely by mail.

Old law requires the secretary of state to take all actions reasonably necessary to allow members of the U.S. service and persons residing outside the U.S. to vote according to federal law (the Uniformed and Overseas Citizens Absentee Voting Act) or otherwise, whether by mail, facsimile, or other means of transmission of the ballot. Old law limited the applicability of this requirement to periods of declared emergency. New law repeals this limit.

New law additionally provides that the secretary of state shall take all actions reasonably necessary to allow registered voters who are unable to vote during early voting or on election day due to out-of-state work responsibilities relating to a declared emergency to vote, whether by mail, facsimile, or other means of transmission of the ballot.

Effective upon signature of governor (June 12, 2013).

(Amends R.S. 18:1308(A)(2)(j))

TITLE 21: HOTELS AND LODGING HOUSES

New Orleans Hotel Trade Guild (Act No. 410)

New law provides that a tourism organization, under authority of its articles or bylaws, may levy a hotel assessment of up to one and three quarters percent of the daily room charge upon its hotel members in Orleans Parish for destination marketing, sales, public relations and for other matters deemed by the tourism organization to benefit directly or indirectly economic development, the traveler economy and tourism growth as shall be approved by resolution of the board of directors of the tourism organization and ratified by a vote of the assessed hotels in a referendum conducted in accordance with new law. "Tourism organization" means any private nonprofit corporation domiciled in Orleans Parish that is a nationally accredited comprehensive membership based organization engaged in

destination sales and marketing, visitor support and other tourism related activities including the New Orleans Convention and Visitors Bureau.

A hotel operator shall not be liable for payment of a hotel assessment under new law for any time period in which it is not a member of the tourism organization. In addition to the right to resign from the tourism organization as provided in the governing documents of the tourism organization, an assessed hotel shall have the right to resign its membership in the tourism organization by written notice given to the tourism organization within 30 days of the announcement of the results of the referendum approving the hotel assessment and, for purposes of new law, such resignation shall be effective as of the date of the referendum.

New law provides that an assessed hotel shall place the hotel assessment as a mandatory surcharge on the folio. "Surcharge" means any charge in addition to the daily room charge for services to a hotel guest that is required to be paid in order to occupy a room and any hotel assessment that is passed through to hotel guests as a charge on the guest folio.

New law provides that receipts from any hotel assessments levied pursuant to new law are not part of gross receipts or gross revenue for any purpose, including the calculation of hotel sales or occupancy taxes or state income taxes and are not part of income pursuant to any lease or operator agreement.

New law provides that payment of the assessment to the tourism organization shall not be taken as a deduction from income for state income tax purposes.

New law provides that any hotel assessment levied and passed through to a guest as a surcharge in accordance with new law is an enforceable obligation of the guest to the same extent as daily room charges and other lawful surcharges.

New law provides that procedures for collection of hotel assessments, interest charges and penalties for delinquent remittance of hotel assessments to the tourism organization or other matters incident to the hotel assessment shall be as provided by resolution or in the bylaws of the tourism organization.

New law provides that rate schedules setting forth room charges and any surcharges as required by new law for hotels shall be posted or disclosed in all hotels.

New law provides that each operator of a hotel shall comply with applicable local ordinances relating to furnishing a schedule of charges for the rental or use of hotel rooms and shall include therein surcharges in effect for the following year, a schedule of binding rates, applicable surcharges, and length-of-stay requirements.

New law provides that an operator of a hotel shall place line itemization of any hotel assessment for which the operator is responsible on the guest folio as a charge to the guest immediately after, or included in, the itemization of hotel tax and occupancy tax.

New law provides that all hotel assessments to be passed through to guests as surcharges shall be disclosed on all information or communication platforms of the hotel in the same manner as are other surcharges and hotel and occupancy taxes as required by applicable laws and regulations.

New law provides that a referendum of all assessed hotels shall be called by the president of the Greater New Orleans Hotel and Lodging Association, Inc., by written notice mailed to all hotel operators identified by the tourism organization as its members in accordance with such procedures as the tourism organization may establish in its discretion.

New law provides that in any referendum, each assessed hotel shall have a number of votes equal to the number of its hotel rooms as shown on its occupational license. In any referendum, 2/3 of the votes cast shall be required to approve or ratify any hotel assessment.

New law provides that the costs of the referendum, in the first instance, shall be paid by the tourism organization and shall be reimbursed from hotel assessments as received.

Effective upon signature of the governor (June 20, 2013).

(Adds R.S. 21:201-208)

TITLE 22: INSURANCE

Blanket Health & Accident Insurance (Act No. 201)

Old law recognized blanket health and accident insurance as a type of group health and accident insurance that covers special groups of persons. New law adds to the list of special groups with respect to blanket health and accident insurance.

New law clarifies that the special group of "common carriers" includes any operator, owner, or lessee of a means of transportation that operates as a common carrier.

Old law listed employers as a special group, and stated that the policy of insurance shall cover employees. New law includes coverage for dependents or guests of an employer, as defined by reference to hazards incident to any activities or operations of the employer-policyholder.

Old law listed colleges, schools, and other institutions of learning as a special group, stating that the head or principal of such institution of learning is the policyholder and stating that coverage may extend to students and teachers. New law adds school districts and school jurisdiction units to the type of institutions of learning which may be recognized as a special group and includes a governing board of such institution as a potential policyholder. New law extends coverage to employees and volunteers of such institutions.

Old law listed volunteer fire departments, first aid groups, and other such groups as a special group, stating that coverage extends to all members of such fire departments and first aid groups. New law adds governmental fire departments, as well as civil defense groups, and extends coverage to "participants" and "volunteers" of such departments and first aid or civil defense group, incident to sponsored or supervised activities.

New law adds sports teams, camps, and their sponsors to the list of special groups, with coverage extended to members, campers, employees, officials, supervisors, and volunteers.

New law adds religious, charitable, recreational, educational, and civic organizations to the list of special groups, with coverage extended to members participants, and volunteers.

New law adds newspapers and their publishers to the list of special groups, with coverage extended to carriers of such newspapers.

New law adds restaurants, hotels, motels, resorts, innkeepers, and establishments with a high degree of customer liability to the list of special groups, with coverage extended to patrons, guests, and volunteers.

New law adds health maintenance organizations, health care providers and other arrangers of health services, with coverage extended to subscribers, patients, donors, and surrogates. New law stipulates that such coverage shall not be made a condition precedent to such individuals receipt of care. New law stipulates that major medical health and accident coverage may not be provided to subscribers or other enrollees.

New law adds banks and other financial associations or institutions to the list of special groups, with coverage extended to account holders, credit card holders, debtors, guarantors, and purchasers.

New law adds incorporated and unincorporated associations of persons who have a common interest other than the purpose of obtaining insurance to the list of special groups. Coverage extends to members and participants of such associations.

New law adds travel agencies and organizations that provide travel related services to the list of special groups, with coverage extended to all persons for which travel related services are provided.

Old law listed "substantially similar groups" as a special group, subject to the discretion of the commissioner of insurance. New law changes "substantially similar group" to "risk or class of risks" and authorizes the commissioner to exercise his discretion on an individual risk basis or as a class of risks, or both.

New law provides that no policy issued pursuant to the provisions of new law shall conflict with

other provisions of Title 22 of the La. Revised Statutes of 1950 or with other provisions of federal law.

Effective August 1, 2013.

(Amends R.S. 22:1000)

Surplus Lines Insurance (Act No. 203)

New law provides relative to the regulation of surplus lines insurance (property and casualty insurance coverage procured from insurers that do not have certificates of authority to sell insurance in this state), as follows:

Prior law defined an "approved unauthorized insurer" as an insurer without a certificate of authority that is on the list of approved unauthorized insurers maintained by the commissioner of insurance. New law additionally stipulates that such an insurer shall meet the eligibility criteria of authorization in its domiciliary jurisdiction to write the type of insurance placed and of certain capital and surplus requirements as provided in new law.

New law adds the definition of an "eligible unauthorized insurer" as an insurer which meets the definition of approved unauthorized insurer except that it is not on the list of approved unauthorized insurers maintained by the commissioner of insurance.

New law adds the definition of "home state", with respect to an insured on a surplus lines insurance policy, as a state which may be identified as any one of the following:

(a) The state in which an insured maintains its principal place of business or, with respect to an individual, that individual's place of residence.

(b) When 100% of the insured risk is located outside of the state wherein the insured's principal place of business or residence is located, the state to which the greatest percentage of the insured's taxable premium for that insurance contract is allocated.

(c) When more than one insured from an affiliated group are named insureds on a single surplus lines insurance contract, the state shall be determined according to the member of the affiliated group that has the largest percentage of premium attributed to it under the surplus lines contract.

New law provides that an insured's home state shall be the state to have sole statutory and regulatory jurisdiction over the placement of surplus lines insurance pursuant to federal law.

New law provides that the insured's home state shall have exclusive authority to require the payment of any premium tax on surplus lines insurance pursuant to federal law.

Old law defined "surplus lines insurance" as a type of property and casualty insurance on property, risk, or exposure located or to be performed in this state, permitted to be placed through a licensed surplus lines broker with an approved unauthorized insurer. New law includes such insurance placed with an eligible unauthorized insurer as surplus lines insurance.

Old law provided that the placement of insurance coverage with a surplus lines insurer (otherwise referred to as an approved unauthorized insurer or a non-admitted insurer) through a surplus lines broker may occur only if such coverage is not available from an authorized insurer (otherwise known as an admitted insurer). New law removes the requirement that insurance not be available from an authorized insurer, thus authorizing placement of insurance with a surplus lines insurer without regard to the availability of authorized insurance. New law specifically includes eligible unauthorized insurers as surplus lines insurers and authorizes such placement with those insurers.

Old law required that a list of approved authorized insurers be maintained by the commissioner and prohibits placement of surplus lines insurance with an insurer which is not on such list.

New law specifies that the commissioner maintain a list of approved unauthorized insurers from those eligible unauthorized insurers that apply for approval and satisfy the criteria established by the commissioner. Placement on the list of approved unauthorized insurers shall be prima facie evidence that an unauthorized insurer meets the financial and eligibility criteria of new law.

New law eliminates certification of documents available through online systems for regulators accessible to the Dept. of Insurance. New law deletes provisions for mandatory removal from the list for failure to timely file an annual statement. New law consolidates the causes for removal from the approved list and makes removal discretionary with the commissioner.

Old law provided extensive eligibility requirements for surplus lines insurers, including specific capital, surplus, bond, and deposit requirements.

New law deletes many of these eligibility requirements in order to conform to the federal Nonadmitted and Reinsurance Reform Act (NRRA) of 2010, which preempts numerous state laws and regulations regarding surplus lines insurance. New law establishes new minimum capital and surplus requirements that conform to the NRRA for foreign surplus lines insurers, specifically requiring that they have either the minimum capital and surplus required in this state or $15 million. New law gives the commissioner of insurance the discretion to approve a surplus lines insurer with a smaller capital and surplus, but at least $4.5 million, upon a finding that the insurer is acceptable after considering factors listed in new law. New law provides that alien insurers that are on the Quarterly Listing of Alien Insurers maintained by the National Association of Insurance Commissioners (NAIC) or that meet the requirements for foreign insurers may be approved by the commissioner.

Old law authorized the commissioner, by regulation or directive, to require that the insured met minimum financial requirements and to require certification from the producer or broker that the insurer met the financial and any other requirements promulgated by the Dept. of Insurance for insurance coverage by an unauthorized insurer which had not been approved by the department pursuant to prior law. New law deletes this authorization.

Old law prohibited persons from acting as producers or brokers to unauthorized insurers that had not been approved by the Dept. of Insurance unless each of various criteria were met. New law deletes this prohibition.

Old law required a submitting producer (agent) to submit an affidavit to the surplus lines broker, prior to obtaining surplus lines coverage, affirming that the applicant for insurance is not able to obtain authorized personal lines insurance after diligent efforts by the producer.

New law eliminates the requirement for an affidavit for personal lines policies, including the requirement that the applicant for insurance is not able to obtain authorized personal lines insurance after diligent efforts by the producer. New law instead requires that a producer obtain an acknowledgment from the applicant for personal lines insurance prior to obtaining surplus lines coverage, whether from an approved or an eligible unauthorized insurer. New law makes contents of the certificate those of the acknowledgment, but adds a statement that the applicant of insurance expressly authorizes the procurement of surplus lines insurance coverage.

Effective upon signature of governor (June 10, 2013).

(Amends R.S. 22:46, 431, 432, 433, 435, 436, 438, and 439)

Network Adequacy Act (Act No. 205)

New law requires a health insurance issuer (issuer) providing a health benefit plan (plan), excluding excepted benefits policies, to maintain a network that is sufficient in numbers and types of health care providers (providers) to ensure that all health care services to covered persons will be accessible without unreasonable delay.

New law defines a "health insurance issuer" as an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the commissioner, that contracts or offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a preferred provider organization or any similar entity, or any other entity providing a plan of health insurance or health benefits.

New law places various requirements upon issuers, including:

(a) Maintenance of a network of providers that includes providers that specialize in mental health and substance abuse services, facility-based physicians, and providers that are essential community providers.

(b) Reasonable proximity of its providers to the primary residences of covered persons.

(c) Monitoring of the ability, clinical capacity, and legal authority of its providers to furnish all contracted health care services.

(d) Maintenance of a directory of its network of providers on the Internet.

New law requires an issuer, beginning Jan. 1, 2014, to either: (a) submit proof of accreditation from the National Committee for Quality Assurance (NCQA) or from the American Accreditation HealthCare Commission, Inc./URAC, including an affidavit of compliance with new law, to the commissioner of insurance; or (b) submit all filings required by new law to the commissioner of insurance in order for him to conduct a review for the purposes of ascertaining network adequacy. New law provides that an issuer who is in the process of applying for accreditation from NCQA or URAC shall be deemed accredited upon submission of an affidavit to that effect to the commissioner, but if such accreditation is withdrawn or not subsequently received by such an issuer by July 1, 2015, that issuer shall submit specified filings to the commissioner. New law also requires such submission if an issuer subsequently loses its NCQA or URAC accreditation. New law further requires an issuer submitting proof of accreditation or in the process of applying for accreditation to maintain an access plan at its principal place of business that is in accordance with the requirements of the accrediting entity.

New law requires an issuer not submitting proof of accreditation to annually file an access plan with the commissioner, portions of which may be deemed proprietary or trade secret information, or protected health information. Absent such information, new law requires issuers to make such plans available under certain conditions. New law provides that such a plan shall be subject to written approval by the commissioner, and updated upon material change, for existing plans and prior to offering a new health benefit plan. New law also requires an issuer to inform the commissioner when the issuer enters a new service or market area and to submit an updated access plan. New law specifies numerous components of the access plan.

New law requires that an issuer not submitting proof of accreditation file any proposed material changes to the access plan with the commissioner prior to implementation of any such changes, including the removal or withdrawal of any hospital or multi-specialty clinic from an issuer's network.

New law provides that filings containing any proposed material changes to an access plan shall include: a listing of health care facilities and the number of hospital beds at each network health care facility; the ratio of participating providers to current covered persons; and any other information requested by the commissioner.

New law provides that if the commissioner determines that an issuer has not contracted with enough participating providers to ensure that covered persons have accessible health care services in a geographic area, that an issuer's access plan does not ensure reasonable access to covered health care services, or that an issuer has entered into a contract that does not comply with new law, he may institute a corrective action plan that shall be followed by the issuer within 30 days of notice or use any of his other enforcement powers to obtain the issuer's compliance with new law. New law prohibits the commissioner from acting to arbitrate, mediate, or settle disputes regarding a decision not to include a provider in a plan or a provider network if the issuer has an adequate network.

Effective upon signature of the governor (June 10, 2013).

(Amends R.S. 44:4.1(B)(11); Adds R.S. 22:1019.1-1019.3)

Insurance Department Reorganization (Act No. 217)

New law creates a division of insurance fraud and a deputy commissioner of insurance fraud within the department with the responsibilities provided in prior law for the insurance fraud section and adds certain powers and duties as they relate to the investigation and prevention of administrative or civil violations of La. insurance laws.

New law eliminates the office of receivership within the Dept. of Insurance.

Effective August 1, 2013.

(Amends R.S. 22:3, 1921, 1922, 1926, 1927, 1928, 1929, and R.S. 36:681; adds R.S. 36:691.1; repeals R.S. 36:691)

Health Insurance (Act No. 283)

New law authorizes a producer to receive reimbursement from the insured for expenses and to charge a reasonable agency fee related to the services provided by the producer on health and accident insurance policies.

New law requires health insurance issuers to establish one or more schedules of commission for the sale of each health insurance product by an insurance producer.

New law allows health insurance producers, in addition to a commission, to negotiate charges, fees, and any other forms of compensation directly with the health insurance product sponsor or employer group.

New law provides that such a health insurance contract shall commence compliance with new law upon the first annual anniversary or renewal date following the effective date of new law.

Effective upon signature of governor (June 14, 2013).

(Amends R.S. 22:855(H); Adds R.S. 22:1568)

La. Health Plan (Act No. 325)

Old law provided for the La. Health Plan (the plan) for the purpose of establishing a mechanism to insure the availability of health and accident insurance coverage to citizens of this state who, because of preexisting health conditions, cannot secure such coverage in the individual market.

New law, in consideration of federal legislation which will prohibit health insurance providers in the individual market from denying applicants based on preexisting health conditions, seeks to provide for the cessation of operation of the La. Health Plan.

New law requires the plan to cease enrollment and coverage under the plan by Jan. 1, 2014.

New law requires the plan's board of directors to take reasonable steps to assist individuals currently covered by the plan as they transition into the individual health insurance market.

New law requires the board to notify current policyholders and their agents, as well as providers, that claims for payment or reimbursement must be filed by the earlier of 180 days after plan coverage ends on Dec. 31, 2013, or by 365 days after the date of service giving rise to the claim.

New law provides that the billing of hospital service charges to the plan for claims incurred before Jan. 14, 2014, shall cease on Jan. 31, 2014.

New law provides for the cessation of fee assessment on insurers by Dec. 31, 2013.

New law requires participating health insurers to pay any assessments due from the 2013 calendar year by March 31, 2014.

New law requires the state attorney general to defend any legal action against the plan, board, or its employees which are filed after the certification of cessation of the plan.

New law states that causes of action against the plan, board, or its employees shall have a preemptive period of the earlier of one year after the cause of action or Dec. 31, 2014.

New law allows the plan to charge service charges and assess fees against participating insurers.

New law repeals old law that provided for any health and accident policy issued in this state to provide coverage without regard to any obligation an insured has for deductibles or copayments for the service charges assessed to

the insured for treatment received through the La. Health Plan.

New law repeals old law that required insurers, upon rejection of applicants for health and accident insurance, to provide such applicants with information stating that health insurance may be available through the La. Health Plan.

New law repeals old law that exempted health coverage issued by the La. Health Plan from mandatory policy conversion in the event that the policy was issued through a group plan which was subsequently terminated.

Substantive provisions of new law shall become effective upon signature of governor (June 17, 2013). Sections relative to the repeal of old law shall become effective on December 31, 2014.

(Adds R.S. 22:1201(H), 1205(C)(7), and 1215.1; Repeals R.S. 22:976, 981, 988, 1209 and 1210)

Utilization Review (Act No. 326)

Old law generally established minimum standards required for entities that determine what medical services or procedures will be covered under a health benefit plan based on medical necessity. Old law designated such entities as medical necessity review organizations (MNROs) and independent review organizations (IROs).

New law revises these standards and additionally provides for grievances and review of adverse determinations not limited to those solely based on medical necessity, as follows:

(1) Old law required the licensing of MNROs and requires IROs to be certified by the department. New law requires the licensing of any entity that conducts a utilization review (URO) unless it is a health insurance issuer, which must then be approved by the commissioner of insurance to conduct utilization review. New law requires the approval by the commissioner of IROs and provides standards and criteria for an IRO.

(2) New law deletes the existing medical necessity appeals process and external review process and replaces it with a utilization appeals process, grievance appeals process, and external review process. New law establishes utilization and benefit determination procedures, standards, and criteria for the structure and operation of utilization review and benefit determination processes designed to facilitate ongoing assessment and management of health services. New law also provides standards for the establishment and maintenance of procedures by health insurance issuers to assure that covered persons have the opportunity for an independent review of an adverse determination or final adverse determination. New law provides uniform standards for the establishment and maintenance of external review procedures to assure that covered persons have the opportunity for an independent review of an adverse determination or final adverse determination. New law relative to external reviews shall apply only to adverse determinations and final adverse determinations that involve medical necessity, appropriateness, health care setting, level of care, effectiveness, experimental or investigational treatment, or a rescission.

(3) Old law, relative to internal reviews, established minimum standards for informal consideration and first level and second level appeals required for entities that determine what medical services or procedures would be covered under a health benefit plan based on medical necessity. Old law provided for informal reconsideration and a two-level internal appeals process all for review of adverse determinations based on a lack of medical necessity.

New law requires that health insurance issuers shall implement effective processes for appeal of coverage determinations and claims pursuant to provisions of applicable federal law, the Public Health Services Act, as amended by the Patient Protection and Affordable Care Act (PPACA), and regulations promulgated pursuant to that law by the U.S. Dept. of Labor and the U.S. Dept. of Health and Human Services. Such federal law requires only one level of appeal in the internal grievance process, under new time frames consistent with federal law for making benefit determinations, which is now considered a utilization review. New law expands such utilization review to include rescission, denial, or reduction in payment and eligibility issues. New law provides for timely notification to

health care providers and covered persons of health insurance issuers' determinations. New law additionally establishes new procedures for a first level review of grievances involving an adverse determination, a standard review of grievances not involving an adverse determination, and a voluntary internal second level of review of grievances at the discretion of the covered person, which may include an adverse determination or a grievance not involving an adverse determination.

New law specifies that such appeal processes shall, at a minimum, have in effect an internal claims appeal process, provide notice to covered persons of available internal and external appeals processes and the availability of the office of consumer advocacy of the state's Dept. of Insurance to assist such persons with the appeals process, and allow covered persons to review all documents relevant to the claim for benefits, to submit comments and documents relating to the claim, and to receive continued coverage pending the outcome of the appeals process.

(4) Old law provides for an expedited internal appeal for emergency services. New law, pursuant to applicable federal law and regulations, adds an expedited internal appeal for urgent care requests.

(5) Old law required that a request for internal review be filed by the covered person within 60 days of receipt of an adverse determination. New law, pursuant to applicable federal law and regulations, allows for at least 180 days to file a request for internal review after the receipt of notice of an adverse benefit determination. New law allows four months to file a request for an external appeal of a final adverse benefit determination.

(6) Old law provides for an expedited external appeal for emergency services or investigational or experimental services. New law adds an expedited external appeal for urgent care requests.

(7) Old law restricted requests for an internal or external review of experimental or investigational appeals to a minimum claim of $500 before being eligible for external review. New law provides that a covered person may make a request, regardless of the claim amount, for any type of external review.

(8) Old law provided that unless the covered person has an emergency medical condition or the MNRO agreed to waive the requirements for the first level appeal, the second level appeal, or both, then the MNRO would not be required to grant a request for an external review until the second level appeal process has been exhausted.

New law, pursuant to applicable federal law and regulations, states that if exhaustion of internal appeals is required prior to external review, exhaustion shall be unnecessary if: (a) the health insurance issuer waives the exhaustion requirement; (b) the issuer is considered to have exhausted the internal appeals process by failing to comply with the requirements of the internal appeals process (except those failures that are based on de minimus violations that do not cause, and are not likely to cause, prejudice, or harm to the covered person); or (c) the covered person simultaneously requests an expedited internal appeal and an expedited external review when the covered person has a medical condition when any delay in appealing the adverse determination may pose an imminent threat to the covered person's health, including but not limited to severe pain, potential loss of life, limb, or major bodily function, or the immediate deterioration of the health of the covered person.

(9) Old law was silent on the issue of which person or entity would be responsible for the cost of an external review. New law provides that the cost of an IRO for conducting an external review shall be paid by the health insurance issuer against which a request for such review is filed. New law specifies that no fee or other charge may be levied upon a covered person for any costs of an external review.

(10) Old law required that a request for an external review be filed by the covered person within 60 days of receipt of the second level appeal adverse determination. New law, pursuant to applicable federal law and regulations, allows four months to file a request for external review after the receipt of notice of

an adverse benefit determination or final internal adverse benefit determination.

(11) Old law required an MNRO to provide covered persons with a notice explaining their rights to an external review. New law requires that health insurance issuers include a description of the external review procedures in their materials provided to covered persons, including a statement that informs such persons of their rights to an external review.

(12) Old law required a health insurance issuer to provide for an independent review process to examine its coverage decisions based on medical necessity and required the MNRO to forward documents and any information used in making the second level appeal adverse determination to its designated IRO. New law requires that an IRO be assigned to an external review by the commissioner on a random basis. New law provides for the impartiality of the IRO and clinical peers conducting the external review.

(13) Old law required that an IRO hold a non-restricted license in a state of the U.S. and, in the case of a physician, hold a current certification by a recognized American medical specialty board in the area or areas appropriate to the subject of the external review.

New law requires that the process for assigning the IRO provide for the maintenance of a list by the commissioner of approved IROs (only those that are accredited by a nationally recognized private accrediting organization) qualified to conduct the external review, based on the nature of the health care service that is the subject of the review. New law requires that any clinical peer assigned to an external review by an IRO hold an unrestricted license in a state of the U.S. New law provides for the avoidance of conflicts of interest by an IRO or a clinical peer assigned by an IRO to conduct an external review.

(14) Old law required an IRO to review all information and documents received and any other information submitted in writing by a covered person or the covered person's health care provider. New law provides that a covered person shall be allowed to submit information to the IRO which the IRO shall consider, if timely submitted, when conducting the external review, and the covered person shall be notified of the right to submit additional information to the IRO. New law requires that the IRO allow the covered person at least five business days to submit any additional information, and any additional information submitted by the covered person shall be forwarded to the health insurance issuer within one business day of receipt by the IRO.

(15) Old law provided that a covered person's health care provider may request an expedited external review at the time that he received an adverse determination involving an emergency medical condition. Within 72 hours after receiving appropriate medical information, old law required the IRO to make a decision to uphold or reverse the adverse determination and notify the covered person, the MNRO, and the covered person's health care provider of the decision.

New law requires that the process provide for an expedited external review in certain circumstances and, in such cases, provide notice of the decision as expeditiously as possible, but not later than 72 hours after receipt of the request for external review. New law provides that if notice of the IRO's decision is not in writing, the IRO shall provide written confirmation of its decision within 48 hours after the date of the notice of the decision.

(16) New law provides that no IRO, clinical peer working on its behalf, or its employee, agent, or contractor shall be liable in damages to any person for opinions rendered or acts or omissions performed within the scope of the organization's or person's duties under new law during or upon completion of an external review, unless the opinion was rendered or act or omission was performed in bad faith or involved negligence or gross negligence.

(17) Old law required that an MNRO maintain written records in the aggregate and by health insurance issuer and health benefit plan on all requests for external review for which an external review was conducted during a calendar year, referred to as the "register". New law requires an IRO to maintain written records in the aggregate, by state, and by health insurance issuer on all requests for external review for

which it conducted an external review during a calendar year and, upon request, to submit a report to the commissioner. New law requires submission of an annual report to the commissioner.

(18) New law requires health insurance issuers to provide a description of the external review process in or attached to the summary plan descriptions, policy, certificate, membership booklet, outline of coverage, or other evidence of coverage provided to covered persons.

(19) New law makes all external review decisions binding on the health insurance issuer and the covered person except to the extent that either has other remedies available under applicable federal or state law.

(20) New law provides that if at any time any of its provisions is in conflict with federal law or applicable regulations, such a provision shall be preempted only to the extent necessary to avoid direct conflict with such federal law or regulations.

(21) Prior law provided for penalties to be imposed by the commissioner for violations of prior law, including fines and suspension or revocation of licensure. New law provides for penalties to be imposed by the commissioner for violations of new law, including fines or suspension or revocation of licensure or approval, as well as granting him cease and desist authority and the authority to bring a cause of action in the 19th Judicial District Court.

Effective January 1, 2015.

(Adds R.S. 22:821(B)(36) and (37) and 2391-2453; Repeals R.S. 22:821(B)(28) and 1121-1144)

Valuation of Reserve Liabilities (Act No. 349)

Old law required the commissioner of insurance to annually value, or cause to be valued, the reserve liabilities of all outstanding life insurance contracts, annuity and pure endowment contracts, accident and health contracts, and deposit-type contracts of every company. Old law provided that the valuation method was rule and formula-based.

New law requires the valuation method to be principles-based in accordance with a valuation manual approved by the National Association of Insurance Commissioners (NAIC) for all policies issued on or after the operative date of the valuation manual.

New law requires every company with outstanding life insurance contracts, accident and health insurance contracts, or deposit-type contracts to annually submit the opinion of the appointed actuary as to whether the reserves are computed appropriately, are based on assumptions that satisfy contractual provisions, are consistent with prior reported amounts, and comply with the laws of the state. New law requires that each opinion of the appointed actuary issued on or after the operative date of the valuation manual meet specified requirements.

New law provides for principle-based reserve valuations for policies after the operative date of the valuation manual. New law provides for alternative methods of valuation for policies not subject to principle-based valuation pursuant to the valuation manual. New law provides for submission of mortality, morbidity, policyholder behavior, or expense experience and other data as prescribed by the valuation manual for all policies in force on or after the operative date of the valuation manual.

New law provides relative to a privilege for, and the confidentiality of, confidential information used in valuation.

New law provides that if the commissioner approves by regulation any commissioners' standard ordinary mortality table adopted by the NAIC for use in determining the minimum nonforfeiture standard for policies issued on or after the operative date of the valuation manual then that minimum nonforfeiture standard supersedes the minimum nonforfeiture standard provided by the valuation manual for all policies issued on or after the operative date of the valuation manual.

Effective January 1, 2014.

(Amends R.S. 22:752, 753, 936, and 44:4.1)

Captive Insurers and Reinsurers (Act No. 23)

New law provides that, subject to approval by the commissioner, a captive insurer may take credit for reserves on risks or portions of risks ceded to a reinsurer or to a pool, exchange, or association acting as a reinsurer which does not comply with the requirements of old law regarding reinsurance and credits for reserves on risks in certain circumstances.

Old law authorized the commissioner to require documents or information necessary to show that the entity will be able to provide adequate security for its financial obligations and allows him to impose limitations on the activities of the entity deemed necessary and proper to provide adequate security for the ceding captive insurer and for the protection and benefit of the general public. New law retains these provisions relative to a pool, exchange or association acting as a reinsurer but also applies them to a reinsurer.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 22:550.17(C))

Property Insurance Association (Act No. 33)

New law changes membership and operation requirements for Property Insurance Association of Louisiana.

(Amends R.S. 22:1460)

Title Insurance Producers (Act No. 21)

Old law required title insurance producers to complete six hours of approved instruction prior to license renewal. New law requires, with renewals effective in 2015, 12 hours of approved instruction or verifiable approved self-study prior to license renewal, with at least two hours dedicated to matters related to state and federal consumer finance protection laws.

Effective August 1, 2013.

(Amends R.S. 22:1573(L))

TITLE 23: LABOR AND WORKERS' COMPENSATION

Discrimination Against Veterans (Act No. 165)

New law provides that employers shall not discriminate against veterans who must attend medical appointments necessary to receive his veterans benefits.

New law provides that upon demand by the employer, the veteran shall submit proof of attendance of the medical appointment by producing a bill, receipt, or excuse from the provider.

New law defines "veteran" as any honorably discharged veteran of the armed forces of the U.S. including the reserves, National Guard, the commissioned corps of the Public Health Service, and any other category of persons designated by the president in time of war or emergency.

Effective August 1, 2013.

(Adds R.S. 23:331)

Workers' Comp Procedures (Act No. 317)

New law provides that if a conflict of interest exists among any party to the suit, the director or the associate medical director, that the conflict shall be communicated, in writing, to the director, who shall make a determination within two business days on whether a conflict exists.

New law requires that in the event of a conflict of interest, the director shall notify the patient, the physician, and if represented, the attorney, within two business days.

New law provides that in instances in which a treatment is not covered by the medical treatment schedule, the employer is liable to pay when it has been demonstrated by a preponderance of the scientific evidence to the medical director that the treatment is appropriate.

Effective August 1, 2013.

(Amends R.S. 23:1203.1; Adds R.S. 23:1203.1.1)

More Workers' Comp Procedures (Act No. 337)

Old law provided that an employer or insurer who seeks to compel an employee's compliance with a medical examination shall be granted an expedited hearing. New law deletes old law. New law provides that an employee shall have a right to an expedited hearing when denied his right to an initial physician of choice. New law provides that the workers' compensation judge shall set a hearing date within three days of receiving the employee's motion, and that the hearing shall be held between 10 and 30 days after the employee files the motion. New law requires the authorization of the employee's choice of physician unless good cause is shown as to why it should not be authorized.

New law defines "payor" to mean the entity responsible, whether by law or contract, for the payment of benefits incurred by a claimant as a result of a work related injury, and changes references to "employer or insurer" to "employer or payor". New law requires the payor to send notice to the office, the employee, and the employee's representative upon making the first payment of compensation, and upon any payment, modification, suspension, termination, or controversion of compensation or medical benefits.

New law provides that if an injured employee disagrees with any information on the notice form, he shall notify the employer or payor of the basis for disagreement by returning the form to the employer or payor, or by letter of amicable demand, and provide any amounts of compensation he believes appropriate.

New law provides that if the employer or payor provides the benefits that the employee claims he is due, including any arrearage, within seven days of the demand, he shall not be subject to any penalties or attorney fees. New law provides that if the employer or payor does not provide the benefits that the employee claims are due, the employee may file a disputed claim for benefits.

New law provides that only the employer or payor who initially sent the notice as required and has complied with the provisions of new law, who wishes to have a preliminary determination hearing shall request the hearing in his answer to the disputed claim arising from the notice.

New law provides that an employer or payor who does not comply may be subject to penalties and attorney fees.

New law provides that the preliminary determination hearing shall be a contradictory hearing at which all parties may introduce evidence. New law requires the preliminary determination hearing to be held no later than 90 days from the scheduling conference, unless a 30 day extension is allowed for good cause.

New law allows witnesses to testify or offer testimony by deposition. New law allows the testimony of physicians by certified records or deposition, or, when the parties agree, uncertified medical records and physician reports may be introduced into evidence.

New law requires that any employer or payor who requests a preliminary hearing must produce all documentation he relied upon in calculating the employee's benefits.

New law requires the employer to, within 10 calendar days, either accept and comply with the preliminary determination of the workers' compensation judge and mail a revised notice to the injured employee or notify the injured employee that he does not accept the determination. New law reserves the right of the employer or payor who does comply with the determination, to further controvert future matters. The acceptance of the preliminary determination by the employer or payor shall not be considered an admission.

New law provides that if the injured employee disagrees with the preliminary determination, he shall notify the court within 10 days of his desire to proceed to a trial on the merits.

New law provides that when an employee has filed a disputed claim and the employer or payor is not entitled to a preliminary determination, then the matter shall proceed to a trial on the merits.

New law provides that the workers' compensation judge's ruling in a hearing shall be

conducted as an expedited summary proceeding and shall be considered an order of the court in certain matters outlined in new law. New law provides that if an employee can show good cause for his refusal, the judge shall order the suspension or reduction in benefits lifted and the payment of any arrearage due.

New law provides that if the employee fails to show good cause for refusal, the judge shall order the suspension or reduction in benefits to continue until the employee complies.

New law provides that an employer or payor who is entitled to a preliminary determination and who complies with an order of the court issued pursuant to a hearing within 10 days shall not be subject to any penalty or attorney fees arising out of the original notice which was the subject of the hearing.

New law retains prior law.

Old law provided that if the employer refuses to provide the services of a vocational rehabilitation counselor, the employee may file a claim to review the need for the services. New law provides that disputes shall be heard in an expedited hearing. New law requires the workers' compensation judge to set a hearing date within three days of receiving the motion, and that the hearing shall take place between 10 and 30 days after the employee receives the notice of the motion. New law requires the workers' compensation judge to provide the notice and the hearing date to the employer or the payor at the same time and in the same manner as it is provided to the injured employee and his representative. New law provides that the hearing shall be conducted as a rule to show cause.

New law provides that the employer or payor may file a disputed claim against an employee, his dependent, or his beneficiary when the employer or payor alleges the employee has committed fraud.

New law shall be remedial, curative, and procedural and shall be applied retroactively unless part of the Act is declared to be prospective only, then the whole Act shall be applied prospectively.

Effective August 1, 2013.

(Amends R.S. 23:1121, 1124, 1201, 1208, 1226, 1310.8 and 1314; Adds R.S. 23:1021(13) and 1201.1)

State Employees' Equal Pay Act (Act No. 374)

New law provides that a woman performing public service for the state is entitled to be paid the same compensation as is paid to a man who performs the same service and that a distinction in compensation may not be made because of sex.

New law defines "employee" as any female individual employed to work 40 or more hours a week and who is employed by the employer.

New law defines "employer" as any department, office, division, agency, commission, board, committee, or other organizational unit of the state.

New law makes it unlawful for an employer to pay wages to an employee at a rate less than the rate at which the employer pays wages to another employee of the opposite sex for the same or substantially similar work within the same agency.

New law allows exceptions for instances when pay is made under a seniority system, a merit system, a system that measures earnings by quantity or quality of production, or a differential based on a factor other than sex as long as the system is job related or furthers a legitimate business purpose.

New law prohibits an employer from reducing another employee's pay in order to comply with new law. New law declares it unlawful for a person to discharge or discriminate against an individual who has filed any charges, given any information, or testified in any inquiry relating to any right provided under new law.

New law provides that it shall be unlawful for an employer to interfere with, restrain, or deny the exercise of, or attempt to exercise, any right provided under new law.

New law provides it shall be unlawful for any employer to discharge or in any other manner discriminate against any individual for inquiring about, disclosing, comparing, or otherwise

discussing the employee's wages or the wages of any other employee, or aiding or encouraging any person to exercise his or her rights under new law.

New law provides that an employee who believes that her employer has violated a provision of new law may provide written notice to the employer of the violation. An employer who receives written notice of a violation shall have 60 days to remedy the violation. If the employer does not remedy the violation within the 60 days, the employee may bring an action against the employer with the Human Rights Commission.

New law provides that if the commission finds evidence of discriminatory action on the part of the employer but fails to resolve the dispute, or fails to render a decision on the dispute within 120 days, the employee may institute a civil suit in the 19th Judicial District Court.

New law provides that an employer in violation of the provisions of new law may be liable for damages inclusive of unpaid wages and reasonable attorney fees and costs.

New law provides that monetary relief for a violation of new law is limited to a 36-month period prior to the employee's written notice. Monetary relief cannot be awarded for losses incurred between the time of the district court's final decision and the final determination of any higher appellate court, as the case may be.

New law provides that interim earnings by the employee shall reduce the amount of damages. The employer and employee may settle for a lesser amount of damages.

New law provides an employer with reasonable damages, attorney fees, and court costs when an employee is found by a court to have brought a frivolous claim.

New law provides for a one-year prescriptive period in bringing any action to recover from the time the employee knows about the violation. New law provides for a suspension of this period during the 60-day period in which the employer has to respond to the employee's written notice and during the pendency of any administrative review or investigation by the commission or the U.S. Dept. of Labor.

New law requires employers to make and preserve records that document names, addresses, positions of employees, and their wages. The records shall be preserved for not less than three years.

New law shall not supercede old law prohibiting discrimination based on sex.

Effective August 1, 2013.

(Adds R.S. 23:661-669)

More Workers Comp Procedures (Act No. 39)

Old law requires that certain notices and determinations be transmitted to parties in an unemployment compensation case by certified mail. New law provides that an employer, his representative, or the claimant may waive the right to receive any notice or determination by certified mail. New law provides that the waiver shall be in writing and be mailed or submitted electronically to La. Workforce Commission (LWC).

New law provides that when the right to delivery by certified mail has been waived, the parties may receive notices and determinations by first class mail or by electronic transmission.

Old law provides that within 15 days of receiving notification of a determination that a claimant is disqualified from collecting unemployment benefits, the claimant may file an appeal. Old law provides that the claimant may mail or deliver the appeal to the appeal tribunal.

Old law provides that the appeal tribunal shall mail a "notice to appear for a hearing" to all parties to the appeal at least 10 days prior to the date of hearing. New law changes the time period from 10 days to seven days.

New law allows a party to the appeal to expressly waive the seven day advance notice requirement by written waiver. New law requires that a copy of the written waiver be included in the record.

New law provides that a waiver of the seven day advance notice does not extinguish the

requirement that a "notice to appear for a hearing" be sent.

(Amends R.S. 23:1629(A); Adds R.S. 23:1599)

Unemployment Benefit Coordination (Act No. 48)

New law allows the administrator to enter into reciprocal arrangements regarding the recovery of overpaid benefits with appropriate agencies of other states or with the U.S.

New law provides for the recovery of state or federal benefits by providing the procedure both the requesting state and the recovering state must follow.

New law requires the requesting state to send the recovering state a request for overpayment, as well as a notice of such to the claimant. New law further requires the requesting state to send a new overpayment balance to the recovering state whenever the requesting state receives any amount of repayment from a source other than the recovering state.

New law requires the recovering state to issue an overpayment recovery determination to the claimant and provides what this determination shall include. New law provides that the recovering state shall offset benefits payable for each week claimed in the amount determined under state law and to notify the claimant of the offset.

New law requires that the recovering state shall prepare and forward, at least once a month, a payment representing the amount recovered, made payable to the requesting state except as provided for in combined wage claims.

New law requires the recovering state to retain a record of the overpayment balance, not redetermine the original overpayment determination, recover across benefit years and programs, and use the ET Handbook for determining priorities for offsetting overpayments.

New law provides for combined wage claims, and outlines the procedure for both the paying state and the recovering state.

New law requires the paying state to offset any outstanding overpayment in a transferring state prior to honoring a request from any other participating state and credit the deductions against the statement of benefits paid to combined wage claimants, or forward a payment to the transferring state.

New law provides that withdrawal of a combined wage claim after benefits have been paid shall be honored only if the claimant has repaid any benefits paid or authorizes the new liable state to offset the overpayment.

New law requires the paying state to issue an overpayment determination and forward a copy of the determination, with an overpayment recovery request and an authorization to offset, to the liable state.

New law requires the recovering state to prioritize the offset of overpayments, and offset the total amount of any overpayment prior to the release of any payments to the claimant. New law requires the recovering state to provide the claimant with a notice of the amount offset and prepare and forward a payment representing the amount recovered to the requesting state.

(Amends R.S. 23:1665; Adds R.S. 23:1665.1, 1665.2, and 1665.3)

Second Injury Fund (Act No. 314)

Existing law creates the Second Injury Board and Second Injury Fund to encourage the employment, re-employment, or retention of employees who have a permanent, partial disability. Old law provided for the sunset of the fund. New law repeals the sunset of the fund.

Effective August 1, 2013.

(Repeals R.S. 23:1371.2)

TITLE 24: LEGISLATURE AND LAWS

Audit of Local Auditees (Act No. 255)

Old law grants the legislative auditor the authority to compile financial statements and to examine, audit, or review the books and accounts of auditees. For local auditees, old law provides that their financial statements shall be audited or reviewed by licensed certified public accountants.

New law provides that if the type of audit report received by a local auditee from a licensed certified public accountant for three consecutive years is a disclaimer of opinion as defined by Generally Accepted Auditing Standards, the same person has served as agency head of the local auditee for those three consecutive years, and the legislative auditor determines that the agency head willfully failed to provide or maintain the necessary records to conduct the audit, then the three audit reports shall be evidence of malfeasance in office (which is a crime) by the agency head.

Old law defines "local auditees" as independently elected public local officials, including judges, sheriffs, clerks of court, assessors, and district attorneys, all parish governing authorities and all districts, boards, and commissions created by parish governing authorities either independently or in conjunction with other units of government, school boards, district public defender offices, municipalities, and all boards and commissions created by municipalities, either independently or in conjunction with other units of government, city courts, quasi public agencies, housing authorities, mortgage authorities, or other political subdivisions of the state not included within the state's Comprehensive Annual Financial Reports.

Effective August 1, 2013.

(Adds R.S. 24:518(D))

Status of General Appropriation Bill (Act No. 307)

New law requires the Legislative Fiscal Office to analyze the General Appropriation Bill and issue reports as soon as possible upon each step of the progress of the bill through the legislative process regarding major differences compared to the previous year's budget. The reports shall be accessible by the public through the joint legislative website as information linked to the General Appropriation Bill.

Effective August 1, 2013.

(Adds R.S. 24:604.2)

TITLE 26: LIQUORS – ALCOHOLIC BEVERAGES

Liquor and Restaurant Permits (Act No. 256)

Old law required the commissioner to issue a Class A Retail Liquor Permit and a Class "R" restaurant permit and the municipal governing authority or parish governing authority to issue any and all required local permits to serve high and low alcohol content beverages for certain restaurant establishments located within any municipality which had been designated by the appropriate authority of the U.S. Dept. of the Interior as a national historic landmark district, provided that the establishment grossed 60% of its monthly sales from the retail sale of food or food items that are prepared for service and consumption on the premises of the establishment.

New law changes the permit issued from a Class A Retail Liquor Permit to a Class A-General Permit or a Class A-Restaurant Permit and adds areas designated by the appropriate municipal authority as local historic districts for purposes of receiving a permit to serve high and low alcohol content beverages for certain restaurant establishments or hotels.

Effective August 1, 2013.

(Amends R.S. 26:73(H) and 272(H))

Permits (Act No. 252)

Old law requires applicants for state and local permits to demonstrate that they meet certain qualifications and conditions, which includes that the applicant not be the spouse of a person who does not meet certain requirements.

New law provides for the definition of "spouse" to include persons who are considered married outside of the United States, persons who ordinarily hold themselves out as husband and wife, or persons who file their state and federal income tax returns as either "married filing jointly" or "married filing separate".

Old law provides that if a partner of a partnership applying for a retail permit is a corporation or limited liability company, the requirements as to citizenship and residency shall not apply to officers, directors, and

stockholders of the corporation or members of the limited liability company. New law provides that these provisions shall also apply to applicants for manufacturer's permits.

Old law provided that the requirements as to citizenship and residence do not apply to officers, directors, or stockholders of corporations or members of limited liability companies applying for retail permits; to officers, directors, or stockholders or members of a manufacturer that does not maintain one or more establishments in this state; or to officers, directors, or stockholders of any corporation which on Jan. 31, 2003, had held a wholesale dealer permit continuously for at least the past three years. New law provides that this exception shall apply to officers, directors, or stockholders or members of a manufacturer regardless of whether the manufacturer maintains an establishment in the state.

Effective June 12, 2013.

(Adds R.S. 26:80(A)(11), (B), and (C)(2))

TITLE 27: LOUISIANA GAMING CONTROL LAW

Video Poker (Act No. 355)

New law provides that there is no limit on the number of video draw poker devices which may be placed at a licensed pari-mutuel wagering facility or off-track wagering facility and that video draw poker devices in these facilities may schedule games with no minimum wager.

New law prohibits the location of no more than five licensed pari-mutuel facilities or off-track wagering facilities that operate video draw poker devices within Jefferson Parish.

New law provides that regardless of the date a facility applied for or was issued a certificate of compliance or a valid building permit, locations on which a truck stop facility has not been completely constructed, if application for licensing is made on or before August 1, 2012, the prohibited distance shall be one mile from any property on the National Register of Historic Places, any public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.

Effective August 1, 2013.

(Amends R.S. 27:415 and 422(D)(1))

Truck Stop Gambling (Act No. 216)

Old law authorized up to 25 video poker machines be temporarily placed at a truck stop facility upon such facility meeting licensing and amenity requirements.

Old law provided that the number of video poker machines that will be finally placed in such facility is based on the average monthly fuel sales from the first three months of operation. For each calendar year thereafter, the number of video draw poker devices placed at the qualified truck stop facility is based upon the average fuel sales calculated annually.

Old law allowed a qualified truck stop facility to temporarily continue operating the number of devices it was operating prior to an interruption in fuel sales when such interruption was caused by reasons of force majeure or due to other noncommercial circumstances, such as road or other governmental construction projects contiguous to, or otherwise directly affecting fuel sales, as determined by the gaming division of the office of state police.

New law restricts temporary authority for devices in instances of fuel sales interrupted by force majeure and road or other governmental construction projects to qualified truck stop facilities that have been licensed for one year and met fuel sale requirements during that year.

Effective upon signature of the governor (June 10, 2013).

(Amends R.S. 27:421(B))

TITLE 28: MENTAL HEALTH

Involuntary Outpatient Treatment (Act No. 226)

Old law provided that a petition to obtain an order authorizing involuntary outpatient treatment may be initiated by certain persons. New law provides that the petition may also be initiated by any interested person through counsel with written concurrence of the coroner in the jurisdiction in which the person is found.

Old law required the court to assign a time and place for a hearing to determine whether to authorize involuntary outpatient treatment, which may be conducted before any judge in the judicial district, within five days, and that reasonable notice and a copy of the petition to be served upon the respondent, respondent's attorney, the petitioner and the director of the human service district or the regional manager of the Department of Health and Hospitals, office of behavioral health, in the parish where the petition has been filed.

New law adds that if the respondent is interdicted, notice of the hearing and a copy of the petition shall be served upon the curator for the interdict and the attorney who represented the interdict in the interdict proceedings.

Effective August 1, 2013.

(Amends R.S. 28:69(A); adds R.S. 28:53.3 and 67(4))

Disabled Infants and Toddlers (Act No. 417)

New law provides extensively for policies, goals, and requirements of a statewide comprehensive, coordinated, multidisciplinary, interagency system to provide early intervention services for infants and toddlers with disabilities and their families, including:

New law provides for requirements of individualized family service plans for infants, toddlers, and families who receive services through the EarlySteps program.

New law authorizes DHH to establish a statewide system of payments for services provided pursuant to new law which comports with federal regulations relative to early intervention programs for infants and toddlers with disabilities and their families (34 CFR Part 303).

New law authorizes DHH to establish procedures by which a service provider may notify the department that a family is not complying with the cost participation requirements and procedures for suspending services.

New law prohibits DHH from making any administrative decision regarding suspension or termination of services for a family prior to the family having been in arrears, with respect to fees or other charges assessed pursuant to cost participation, for a duration of three months.

New law prohibits DHH from limiting early intervention services for a child in any month if the cost of such services in that month exceeds the maximum monthly contribution from the child's family as provided in new law.

Effective upon signature of governor (June 21, 2013).

(Amends R.S. 36:4(R); Adds R.S. 28:461-470; Repeals R.S. 17:1971-1979)

TITLE 29: MILITARY, NAVAL, AND VETERANS' AFFAIRS

Military Justice (Act No. 303)

New law creates the offenses of sexual assault, staking, forcible pandering, and indecent exposure in the La. Code of Military Justice and provides for definitions, defenses, and punishment for the offense.

New law provides for the creation of additional offenses related to sexual misconduct, indecent viewing, visual recording, or broadcasting and further provides for the definitions and punishments for violation of any of the offenses.

Effective August 1, 2013.

(Adds R.S. 29:220, 220a, and 220b)

Homeland Security and Schools (Act No. 136)

Old law requires the Governor's Office of Homeland Security and Emergency Preparedness (GOHSEP) to create a statewide critical incident planning and mapping system for all public buildings in this state to assist first responders when responding to a disaster or emergency.

New law requires that each nonpublic school, proprietary school, and nonpublic college or university provide critical information for their buildings located in this state to their local parish office of emergency preparedness, to be uploaded to the Virtual La. System for inclusion in the system by GOHSEP, and further provides

for the use of critical information by first responders.

New law requires GOHSEP to adopt rules in accordance with the APA to implement new law and provides that new law is contingent upon the appropriation of funds.

Effective upon signature of governor (June 7, 2013).

(Amends R.S. 29:726.3)

TITLE 30: MINERALS, OIL, GAS AND ENVIRONMENTAL QUALITY

Solution Mining (Act No. 368)

New law requires the commissioner of conservation to make, after notice and hearings, any reasonable rules, regulations, and orders that are necessary to control solution mining injection wells, the permitting of such wells, and the resulting solution mined cavern.

New law provides that the rules and regulation adopted pursuant to the Administrative Procedure Act shall provide for, though not be limited to, a long list of matters.

Effective August 1, 2013.

(Adds R.S. 30:3(16) and (17) and 4(M))

Underground Caverns (Act No. 367)

New law provides that any person found to be in violation of any requirement, rule, regulation, or order related to the drilling or use of underground caverns issued by the commissioner may be liable for a civil penalty, to be assessed by the commissioner or the court, of not more than the cost to the state of any response action made necessary by the violation and a penalty of not more than $32,500 per day of the violation.

New law provides that if the violation is done intentionally, willfully, or knowingly, and results in either a discharge or disposal which causes severe damage to the environment, or a discharge or disposal which endangers human life or death, the person may be liable for an additional penalty of not more than $1 million.

New law provides that any person found to be in violation of any rule, regulation, or order related to the drilling or use of underground caverns may be subject to revocation or suspension of any permit, license, or variance which has been issued.

New law provides that any person who has been issued a compliance order or a cease and desist order and who fails to take corrective action within the time specified will be liable for a civil penalty to be assessed by the commissioner or the court of no more than $50,000 per day of the violation. New law provides criteria for assessing the amount of the penalty.

New law requires the commissioner to provide an opportunity for relevant and material public comment relative to any penalty which may be imposed at a penalty determination hearing.

Effective upon signature of governor (June 12, 2013).

(Amends R.S. 30:148.9(B); adds R.S. 30:18(A)(6))

Sales of Real Estate (Act No. 369)

Existing law requires the seller of property to disclose known features about the property for sale. New law includes among those disclosures, a statement as to whether or not the seller is aware of a cavity created within salt stock by dissolution with water lies under the property or whether the property is within 2,640 feet of a solution mining injection well.

New law requires the owner or operator of a solution mined cavern to provide notification of the location of such cavern in the mortgage and conveyance records of the parish where the property is located. If the owner or operator fails to provide such notification, the commissioner may cause such notice to be recorded.

New law provides that failure of an owner to file, or to ensure that the operator files, the required notice may constitute grounds for an action of redhibition unless the purchaser has actual or constructive knowledge that the property overlays or is in proximity to a solution mined cavern.

New law provides a period of prescription of one year from the date of knowledge of the fact that gives rise to an action and three years after the purchase of the property, the purchaser shall have no right of action.

New law provides venue for any action to be in the parish in which the property is located.

Effective August 1, 2013.

(Adds R.S. 9:3198(A)(2)(c) and R.S. 30:23.1)

Stays of DEQ Decisions (Act No. 108)

Old law provides for stays of agency decisions through judicial review in the Administrative Procedure Act. Old law specifies that these stays may be granted by the agency or the court ex parte and may be granted in accordance with local court rules pertaining to injunctive relief and issuance of temporary restraining orders.

New law removes the reference to stays from the Administrative Procedure Act for decisions of the Dept. of Environmental Quality.

Old law provides that the filing of an appeal of a compliance order, final permit action, or declaratory ruling does not stay such decision of the Dept. of Environmental Quality, but that the secretary or a court may grant a stay.

New law adds that the stay of a final permit action may only be ordered by a court after notice to the parties and an opportunity for a hearing.

Effective June 5, 2013.

(Amends R.S. 30:2050.21(F) and 2050.22(B))

(Amends R.S. 48:229(B))

Waste Tires (Act No. 323)

Old law required DEQ rules to establish a priority system for the clean-up of existing waste tires. New law repeals old law and requires the establishment of a procedure to accept payments from tire retailers to defray the cost of transporting and recycling any tire collected at those facilities.

Old law required a waste tire processing facility to be paid by DEQ a minimum of 7-½¢ per pound of waste tire material that is recycled or that reaches end-market uses or per whole waste tires marketed and shipped to a qualified recycler.

New law changes the requirement for payment for whole waste tires to that whole waste tires be recycled or reach end-market uses.

New law requires the payments to waste tire processors by the 12th day of the month following the request for payment.

New law provides that beginning August 1, 2013, payments to processors shall be applied in priority from the earliest incurred undisputed obligation to the most current undisputed obligation.

Old law required the secretary to make rules for payments to processors on the basis of weight or tire count at the option of the processor. New law removes the option of the processor.

Effective August 1, 2013.

(Amends R.S. 30:2418)

(Amends R.S. 56:104(A)(9))

Oil Transfer Fees (Act No. 394)

Old law imposed a fee of either two or four cents per barrel of crude oil transferred to or from a vessel to a marine terminal within the state. New law changes the amount of the fee to one quarter or one-half cent. New law changes the point of imposition of the fee from oil transferred to or from a vessel to a marine terminal to oil received by a refinery for storage or processing.

Old law required that the fee be paid by the owner of the oil and collected by the operator of the marine terminal. New law requires the operator of the refinery to collect the fee.

New law changes the amount of the fee from two cents to one-quarter cent per barrel, and makes the levy of the fee permanent. New law provides that the fee shall be levied at one-half cent per barrel until Dec. 31, 2015.

New law changes prior law with respect to the amount the fee, the period of time within which an unauthorized discharge could trigger an increase in the fee, the level of impact on the fund balance caused by certain expenditures which could trigger an increase in the fee, and

the continued levy of the fee once the fund balance reaches $7 million.

Effective July 1, 2014.

(Amends R.S. 30:2483, 2484, and 2485; Adds R.S. 30:2454(32); Repeals R.S. 30:2486 and 2487)

TITLE 32: MOTOR VEHICLES AND TRAFFIC REGULATION

Autocycles (Act No. 81)

Old law defines "autocycle" as meaning an enclosed motorcycle that is equipped with safety belts, rollbar, windshield wipers, steering wheel, and equipment otherwise required on a motorcycle and which has no more than three wheels in contact with the roadway at any one time. New law adds that an "autocycle" shall also include enclosed motorcycles with a roll cage.

Old law exempts persons operating or riding in an autocycle with a roof that meets or exceeds standards from having to wear a safety helmet. New law exempts persons operating or riding in an autocycle with a roll cage from having to wear a safety helmet.

Old law requires operators of motorcycles to obtain a special endorsement on their driver's license. New law exempts operators of autocycles with certain features from the requirement to obtain a special endorsement on their driver's license.

Effective Jan. 1, 2014.

(Amends R.S. 32:1 and 190; Adds R.S. 32:401(24) and 408(C)(3))

Traffic Light Rules (Act No. 43)

Old law provides that traffic facing a steady yellow signal alone shall be warned that the related green light signal is being terminated or that a red light signal will be exhibited immediately following the yellow signal and that vehicular traffic shall not enter or be crossing the intersection. New law modifies old law to restrict vehicular traffic from crossing such intersection.

Old law provides when a traffic sign prohibits a turn, vehicular traffic facing any steady red signal may cautiously enter the intersection to turn right, or to turn left from a one-way street into a one-way street, after stopping. Such vehicular traffic shall yield the right-of-way to pedestrians lawfully within an adjacent crosswalk and to other traffic lawfully using the intersection. New law includes vehicular traffic making a U-turn at a signalized U-turn in this provision.

Old law provides that during a flashing YELLOW arrow indication, vehicular traffic, on an approach to an intersection, facing a flashing yellow arrow signal indication, displayed alone or in combination with another signal indication, is permitted to cautiously enter the intersection only to make the movement indicated by such arrow. In addition, vehicular traffic facing a flashing yellow arrow, turning left or making a U-turn to the left shall yield the right-of-way to other vehicles approaching from the opposite direction. Such vehicular traffic, including vehicles making a U-Turn, shall yield the right-of-way to pedestrians lawfully within the associated crosswalk, and to other vehicles lawfully within the intersection.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 32:232)

Social Media While Driving (Act No. 62)

New law prohibits a person from operating a motor vehicle on a public road or highway while using a wireless communications device to assess, read, or post to a social networking site, with no exceptions for certain persons or reasons.

New law defines "access, read, or post to a social networking site" to mean using a wireless telecommunications device to access, read, or post on the device to any web-based service that allows individuals to construct a profile within a bounded system, articulate a list of other users with whom they share a connection, and communicate with other members of the site.

New law requires that the road knowledge test include knowledge of distracted driving issues.

Effective August 1, 2013.

(Amends R.S. 32:300.5)

Off-Road Vehicle Permits (Act No. 130)

Old law provides for an annual non-critical off-road equipment permit to be issued by the Dept. of Transportation and Development (DOTD) for vehicles or combinations of vehicles without booster units, or vehicles with a single-single, single-tandem, or tandem-tandem axle configuration in which no single axle is in excess of 30,000 pounds nor tandem axles in excess of 54,000 pounds.

New law includes single-triple axles not in excess of 30,000 pounds and triple axles not in excess of 54,000 pounds in the list of vehicles eligible for such permits.

Effective August 1, 2013.

(Amends R.S. 32:387.12(A))

Cellphoning While Driving (Act No. 253)

Old law provides for a series of offenses constituting "serious traffic violations" for which the conviction can disqualify the holder of a commercial driver's license from driving commercial motor vehicles. New law adds use of a handheld mobile telephone while driving a commercial motor vehicle to the list of serious traffic violations.

Effective August 1, 2013.

(Amends R.S. 32:393 and 414.2)

Driver's Licenses (Act No. 213)

New law authorizes any person whose driver's license is suspended, revoked, or cancelled for a first or a subsequent violation of R.S. 32:415 [driving with a suspended license on any public highway] which suspension, revocation, or cancellation resulted from violation of R.S. 32:57.1 [failure to honor a written promise to appear] to apply to the department or petition the district court for a restricted license.

Effective August 1, 2013.

(Amends R.S. 32:415.1)

Used Motor Vehicles (No. 204)

Old law defines "dismantler and parts recycler sales representative" as anyone who for compensation sells any used motor vehicle. New law adds those who sell any usable part of a used motor vehicle. Old law defines "place of business" as a place owned or leased for the purpose of selling used motor vehicles, crushing and selling, or dismantling or recycling. New law adds to the place of business those owned or leased for the purpose of auctioning or renting used motor vehicles. Old law defines "used motor vehicle salesperson" as anyone who is actively engaged in selling a used motor vehicle or recreational product, including those engaged in finance and insurance who are compensated for referral of a prospective buyer. New law deletes those who sell recreational products and includes those in management who are compensated for referral of a prospective buyer.

Old law prohibits any person from conducting the business of a rental dealer without being licensed by the commission. New law specifies that any person conducting business as a rent-to-own dealer or rents used motor vehicles on a daily basis must be licensed by the commission. New law provides for licensure of used motor vehicle salespersons for any licensed dealer.

New law makes various changes to the procedures for denial, suspension, or revocation of a license and notice, hearing, and appeals.

Old law allows for the denial of a license as a used motor vehicle dealer, dealer in used parts or used accessories, used motor vehicle auctioneer, or salesperson for various reasons. New law specifies that the commission is allowed to deny any license issued under the provisions of existing law. New law provides that where the applicant is the immediate family member of, the former employee of, or a former business associate of a dealer whose license was previously revoked or suspended, and the applicant plans to operate the same or similar business or will be participating with the revoked licensee, the commission may deny licensure.

Old law provided for unlawful acts by wholesale motor vehicle auctioneers, including prohibiting

any person other than a licensed dealer or salesperson to participate in the bid process for the purchase of a used motor vehicle at auction. New law deletes the reference to salesperson and specifies that any person other than one who holds a current authorization to bid for a licensed dealer is prohibited from participating in the auction.

Effective August 1, 2013.

(Amends R.S. 32:781, 784, 785, 790, 792, and 794)

Motorcycles and ATVs (Act No. 53)

New law removes from the definition of "community or territory" or "area of responsibility" the requirement that the area of responsibility for a motorcycle or all-terrain vehicle dealership be an area within at least a 30-mile radius of the location of his dealership.

New law changes criteria to determine which existing licensed motorcycle or all-terrain vehicle dealership or dealerships the Louisiana Motor Vehicle Commission must notify if a new dealership or if an existing dealership relocates in a particular area. The new criteria will be based on a 30-mile radius of the proposed new dealership or the proposed relocation address of a dealership.

Effective August 1, 2013.

(Amends R.S. 32:1252(7) and 1270.10)

All-Terrain Vehicles (Act No. 158)

New law defines "all-terrain vehicle" as any vehicle manufactured for off-road use, issued a manufacturer's statement or certificate of origin, that cannot be issued a registration certificate and license to operate on the public roads of this state because at the time of manufacture the vehicle does not meet the safety requirements prescribed by R.S. 32:1301 through 1310. The definition includes vehicles that are issued a title by the Dept. of Public Safety and Corrections, public safety services, such as recreational and sports vehicles, but it does not include off-road vehicles used for farm purposes, farm equipment, or heavy construction equipment.

New law provides that for purposes of issuance of an off-road decal for any off-road or all-terrain vehicle purchased on or before Dec. 31, 2013, the vehicle commissioner is authorized to provide a decal to a taxpayer who provides proof of payment of sales and use tax and a certificate of origin.

Effective upon signature by governor.

(Amends R.S. 32:1252 and R.S. 47:301 and 337.15)

Motor Vehicle Dealers and Manufacturers (Act No. 61)

New law provides that a dealer shall not be charged back for any rebate paid to a consumer pursuant to a manufacturer's rebate program, provided the dealer acted in good faith when relying on the consumer's qualifying information and otherwise complied with the program guidelines and documentation requirements. A manufacturer's rebate program shall include but not be limited to a rebate program that targets college graduates, military personnel, first time buyers, owner loyalty, family relationships, and any other similar program.

Old law provided for obtaining and maintaining a bond by a motor vehicle manufacturer, converter, distributor or wholesale, factory branch, and distributor branch licenses. New law removes the bond requirement.

Effective August 1, 2013.

(Amends R.S. 32:1252; adds R.S. 32, 1261(A)(1)(x), and 1262(B)(8); repeals R.S. 32:1254(D)(6))

Commercial Drivers (Act No. 193)

Old law prohibits a driver from operating a vehicle for more than 10 hours in any 24- hour period without eight consecutive hours off-duty. New law changes this regulation to 12 hours following eight consecutive hours of uninterrupted rest.

Old law prohibits drivers from operating a vehicle after the driver has been on-duty for 15 hours without eight consecutive hours of off-duty time. New law changes this regulation to 15 hours of combined on-duty and drive time after the driver completes eight consecutive hours of off duty time.

Old law prohibits drivers from operating a vehicle after the driver has been on-duty for a total of 70 hours within eight consecutive days until the beginning of the next eight consecutive days. New law changes this regulation to 70 hours of combined on-duty and drive time in any period of seven consecutive days.

Old law prohibits a driver from performing any compensated work for a person who is not a motor carrier within eight hours prior to coming on duty. New law removes this regulation and adds that after an off-duty period of at least 24 hours, a driver shall begin a new consecutive work period, and the driver's off-duty time shall reset to zero.

New law provides that a transport vehicle driver who cannot safely complete a transportation assignment within the 12 hour maximum driving time permitted due to an emergency shall be permitted to drive a motor vehicle for not more than two additional hours to complete the transport assignment or to reach a destination offering safety and security for the transport motor vehicle and its passengers.

New law provides that a contract carrier shall maintain time records for a period of six months indicating the time all transport vehicle drivers report for duty, the time of relief from duty, hours driven, hours on duty, and hours off duty.

New law provides that a contract carrier shall maintain a transport vehicle driver qualification and personnel file for each driver it employs.

New law shall not limit the right of a railroad company to contract with an employee of a contract carrier, transportation company, or entity that certifies to the railroad company that it is in compliance with the provisions of new law or any applicable federal requirements.

New law provides that a driver shall be disqualified from employment as a transport vehicle driver for a contract carrier if the driver has committed two or more traffic violations resulting in the suspension or revocation of license or driving privileges by the office of motor vehicles for conviction of any of various specified offenses.

New law requires transport vehicle drivers performing transport assignments for contract carriers to undergo alcohol and controlled substance testing provided by federal transportation guidelines.

New law provides that in the event of a motor vehicle accident occurring in the duty of a transport assignment, involving a motor vehicle owned or operated by a transport vehicle driver, the contract carrier shall test each surviving transport vehicle driver for alcohol or controlled substances if certain conditions are met.

New law provides that alcohol and controlled substance testing shall be completed immediately following a motor vehicle accident. The results of such testing shall be submitted to the office of motor vehicles.

New law provides that a contract carrier shall maintain all records of alcohol and controlled substance testing for each driver it employs for a period of five years from the date the test is administered.

New law provides that a contract carrier shall inspect all motor vehicles and components utilized for the transportation of railroad employees at least once in each 12-month period in compliance with federal law.

New law provides that contract carriers shall require each transport vehicle driver it employs to complete a written motor vehicle report upon completion of operation of the motor vehicle in accordance with federal law.

New law provides that a contract carrier shall establish a maintenance and repair program to include weekly inspections of the motor vehicles operated in the transportation of railroad employees.

New law provides that a contract carrier shall maintain records for its maintenance and repair program for each motor vehicle for a time period of one year. In the event a motor vehicle changes ownership, records shall be maintained by the contract carrier for a period of six months.

New law provides that all motor vehicles operated by contract carriers shall meet certain standards.

New law provides that all motor vehicles operated by contract carriers shall be equipped with an operable amber light or strobe light which shall be mounted to the roof of the motor vehicle in the rear 1/3 portion in order to provide warning to motorist the vehicle has slowed or stopped on a roadway.

New law provides that all motor vehicles operated by contract carriers shall not be operated in a condition that is likely to cause a motor vehicle accident or mechanical breakdown.

New law provides that a contract carrier shall allow an employee of DPS&C or its designee access to a facility to determine compliance of new law and records or information related to a motor vehicle accident investigation.

New law shall be considered minimum standards and shall not be construed to supercede or abrogate any law, rule, or regulation which imposes stricter standards or regulations upon the operation of contract carriers which transport railroad employees.

Effective August 1, 2013.

(Amends R.S. 32:1524; Adds R.S. 32:1524.1, 1524.2, and 1524.3)

TITLE 33: MUNICIPALITIES AND PARISHES

Waterworks Districts (Act No. 11)

Old law provided that a waterworks district shall elect a fiscal agent every year, and required an advertisement in a local newspaper prior to each election.

New law allows a waterworks district to elect a fiscal agent to serve a period of up to three years, and authorizes a district to renew the election of a fiscal agent for one term without advertisement.

Effective on the first Monday in June (June 2), 2014.

(Amends R.S. 33:3817(C)(1))

N. O. Regional Business Park (Act No. 269)

Prior law created the New Orleans Regional Business Park (NORBP) as a political subdivision of the state for the purpose of stimulating industrial and commercial development in Orleans Parish and the adjacent parishes.

New law makes numerous changes to the board's appointing authorities and membership provisions.

Effective upon signature of the governor (June 13, 2013).

(Amends R.S. 33:4702)

N.O. Dep't of Safety and Permits (Act No. 328)

New law requires the New Orleans Dept. of Safety and Permits, including the Board of Building Standards and Appeals and any other board within the department, to make available on the Internet all information pertaining to the regulatory activities of the department, including but not limited to information about all applications received; inspections made; tests and examinations given or to be given; zoning verifications; licenses, permits, certifications, or other credentials and renewals thereof issued, denied or refused, revoked, suspended, or cancelled; notices issued; enforcement actions taken or to be taken; determinations made or to be made; and demolitions proposed or considered, authorized, denied or refused, and action taken.

New law provides that the following also applies to any document that new law requires to be posted on the Internet: (1) Such posting shall be made within three business days after the decision; (2) The posting shall include the date and time that the document was initially posted; and (3) If such posting is not timely made, no appeal delay shall commence on any decision until such posting is made.

Effective August 1, 2013.

(Adds R.S. 33:4778)

BioDistrict New Orleans (Act No. 67)

Old law created the BioDistrict New Orleans, governed by a board of commissioners, to

facilitate public and private research functions relative to the biosciences within the territorial jurisdiction of the district.

New law authorizes the board to create a separate subdistrict by a reduction of the original district and requires legislative approval for any subdistrict created outside the original district boundaries instead of local approval.

New law provides that a land owner may petition to have his land excluded from the district or subdistrict.

New law provides that district boundary or territorial jurisdiction shall not be expanded, reduced, or extended and no subdistrict created that includes any area not entirely within the New Orleans Metropolitan Statistical Area unless approved by the legislature.

New law provides that the Downtown Development District of the City of New Orleans and the BioDistrict New Orleans may exercise all their authority within their boundaries regardless of any overlapping jurisdiction and may undertake economic development projects within the original boundaries of the Downtown Development District and the BioDistrict New Orleans.

Effective August 1, 2013.

(Amends R.S. 33:9039.68(B))

TITLE 34: NAVIGATION AND SHIPPING

Deep Water Gulf Terminal (Act No. 22)

New law expands the geographic jurisdiction of the La. International Deep Water Gulf Transfer Terminal Authority.

Effective August 1, 2013.

(Amends R.S. 34:3493(A)(1))

Coastal Port Advisory Authority (Act No. 180)

New law creates the Coastal Port Advisory Authority in the office of multimodal planning, Department of Transportation and Development (DOTD), to perform its duties, functions, and responsibilities in an advisory capacity in order for the state to determine how it may best position itself to take advantage of pending private sector investments in deepwater oil and gas resources in the Gulf of Mexico.

Effective August 1, 2013.

(Adds R.S. 34:3551-3552 and R.S. 36:509(U))

TITLE 37: PROFESSIONS AND OCCUPATIONS

Accountants (Act No. 188)

Old law requires applicants for initial certification as a certified public accountant to show at least one year of experience which shall be obtained during the four-year period preceding the application. Old law required the experience be supervised and verified by a licensee.

New law deletes the requirement that the experience be supervised by a licensee thereby requiring only verification by a licensee.

Effective August 1, 2013.

(Amends R.S. 37:75(G) and 79(B)(3))

Medication Attendants (Act No. 105)

New law expands the applicability of provisions regarding medication attendants to include the office of aging and adult services in DHH.

New law changes the term "Medicaid waiver services provided to persons with developmental disabilities" to the term "Medicaid home- and community based services".

New law changes the term "mental retardation" to the term "developmental disabilities".

Effective upon signature of governor (June 5, 2013).

(Amends R.S. 37:1021, 1023, and 1025)

Professional Counselors (Act No. 173)

New law authorizes the La. Licensed Professional Counselors Board of Examiners ("board")to assess all costs incurred in connection with any disciplinary proceeding, including but not limited to the costs of an investigator, a stenographer, legal fees, or witness fees, and any costs and fees incurred by the board on any judicial review or appeal.

New law provides that a person aggrieved by a final decision of the board who prevails upon judicial review may recover reasonable costs, attorney fees, and other expenses incurred as a result of the administrative investigation, adjudication, and judicial review, in addition to other remedies provided by law.

New law allows the board to issue a registration as a counselor intern to an applicant who meets qualifications established by the board. New law requires that the qualifications shall include at a minimum that the applicant be at least 21 years of age, be of good moral character, in compliant with all applicable provisions of law or board regulations, and possess a graduate degree the substance of which is mental health counseling.

New law authorizes the board to issue a registration as a marriage and family therapist intern to an applicant who meets qualifications established by the board. New law requires that the qualifications include at a minimum that the applicant be at least 21 years of age, be of good moral character, in compliant with applicable provisions of the law or board regulations, and possess a graduate degree in marriage and family therapy, or a related clinical mental health field from a regionally accredited institution of higher education, or a certificate from a postgraduate training institute in marriage and family therapy.

New law provides for the issuance of temporary licenses and registrations effective for a period of 90 calendar days from the date of issuance.

New law authorizes the board to require an applicant, as a condition of eligibility for licensure, to do the following:

(1) Submit a full set of fingerprints, in a form and manner prescribed by the board.

(2) Permit the board to request and obtain state and national criminal history and identification files required, along with a bureau survey of criminal history and identification files with a simultaneous request of the FBI for like information from other jurisdictions.

(3) Pay the reasonable costs incurred by the board in requesting and obtaining state and national criminal history record information on the applicant.

New law provides that the board may request and obtain state and national criminal history record information from the La. Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections ("bureau") and the Federal Bureau of Investigation ("FBI") relative to any applicant for licensure whose fingerprints the board has obtained pursuant to law for the purpose of determining the applicant's suitability and eligibility for licensure.

New law provides that any and all state or national criminal history record information obtained by the board from the bureau or FBI which is not already a matter of public record shall be deemed nonpublic and confidential information restricted to the exclusive use by the board, its members, officers, investigators, agents, and attorneys in evaluating the applicant's eligibility or disqualification for licensure. No such information or records related thereto shall, except with the written consent of the applicant or by order of a court of competent jurisdiction, be released or otherwise disclosed by the board to any other person or agency.

New law provides that upon investigation of the application and other evidence submitted, the board shall notify each applicant that the application and evidence submitted for consideration is satisfactory and accepted, or unsatisfactory and rejected. If an application is rejected, such notice shall state the reasons for such rejection and the applicant's right to a compliance hearing in accordance with the rules and regulations promulgated by the board.

Effective January 1, 2014.

(Amends R.S. 37:1106, 1107, 1110, 1116, and 1123 and R.S. 44:4.1(B)(23)

Pharmacies (Act No. 168)

Prior law required the filling, compounding, and dispensing of prescriptions to be limited to pharmacists and pharmacy technicians acting under the supervision of a pharmacist.

New law requires the filling, compounding, and dispensing of prescriptions, and the making of

pharmacy-generated drugs, to be accomplished in compliance with standards established by the La. Board of Pharmacy by administrative rule. New law requires the performance of these activities to be limited to pharmacists and pharmacy interns, pharmacy technicians, and pharmacy technician candidates acting under the supervision of a pharmacist.

Effective August 1, 2013.

(Amends R.S. 37:1224(A); Adds R.S. 37:1164(57))

Out-of-State Pharmacies (Act No. 282)

New law authorizes the La. Board of Pharmacy to assess and collect expenses incurred for the inspection of nonresident licensees.

New law adds that a nonresident pharmacy to which the board has granted a permit must also disclose the location, names, and titles of the nonresident pharmacy owner's managing officer and pharmacist-in-charge.

New law requires the nonresident pharmacy to submit all inspection reports produced by the Food and Drug Administration or the Drug Enforcement Administration.

New law also requires the nonresident pharmacy to submit any reports from any state pharmacy licensing agency that has conducted an inspection in the state in which it is located.

New law requires the nonresident pharmacy, after the grant of a nonresident pharmacy permit, to also submit any other inspection reports produced by the Food and Drug Administration or the Drug Enforcement Administration.

New law provides that in addition to, or in lieu of, any inspections conducted by the regulatory or licensing body of the state in which it is a resident, upon the board's grant of a nonresident permit, the nonresident pharmacy shall become subject to inspections by the board.

New law provides that the expense of such inspection shall be attributed to the nonresident pharmacy.

Effective August 1, 2013.

(Amends R.S. 37:1232; Adds R.S. 37:1182(B)(9))

Volunteer Firefighters (Act No. 196)

New law provides that a volunteer fireman shall not be individually liable for civil damages as a result of acts or omissions when rendering firefighting emergency or rescue services while in the performance of his duties at the scene of an emergency, or when conducting normal functions of the fire department or organization.

New law defines "normal function" as training sponsored by the fire department or organization, preparation for and maintenance requirements of the Louisiana Property Insurance fire suppression rating, and maintenance of all fire suppression equipment and emergency or rescue service equipment. The immunity provided by new law shall only apply to liability for civil damages as a result of acts or omissions resulting in injury or death of another volunteer fireman or damage to his property. New law shall not apply to travel by a volunteer fireman while in a personal vehicle or to damages caused by the intentional acts or omissions or gross negligence or willful or wanton misconduct.

New law further clarifies that a volunteer fireman shall not be individually liable for civil damages as a result of undertaking any normal functions that are assigned by the fire department or organization with which he is volunteering.

Effective August 1, 2013.

(Amends R.S. 37:1735)

Secondhand (Junk) Dealers (Act No. 381)

New law prohibits a secondhand dealer from entering into any cash transactions in payment for the purchase of a precious metal object. New law requires payment for a precious metal object to be made in the form of a check issued to the seller of the metal.

New law prohibits a secondhand dealer from entering into any cash transactions in excess of $300 for the purchase of metal property other than copper or a precious metal object. Payments in excess of $300 for metals other than copper or a precious metal object are to be made in the form of a check made payable to the seller of the metal and may be tendered to the

seller at the time of the transaction. The secondhand dealer, at his discretion, may make payment by either cash or other method for transactions of $300 or less for all metals other than copper or a precious metal object.

Effective August 1, 2013.

(Amends R.S. 37:1864.3; Adds R.S. 37:1861(A)(8) and 1864.3)

Scrap Metal Recyclers (Act No. 92)

New law provides that after five business days from the date of the transaction, payment for copper shall be made in the form of a check made payable to the name and address of the seller of the metal or a loadable payment card and shall be tended to the seller in one of three specified manners:

New law provides that payments in excess of $300 for metals other than copper shall be made in the form of a check made payable to the name and address of the seller or a loadable payment card and may be tendered to the seller at the time of the transaction.

New law provides that if an operator makes payment to the seller in the form of a loadable payment card, the operator shall require verification of the seller's identification by a driver's license or similar means, and shall require verification of the seller's address by a current utility bill.

Effective August 1, 2013.

(Amends R.S. 37:1973(A) and (C))

Improving Own Property (Act No. 60)

Old law provided no person shall undertake, offer to undertake, or agree to perform home improvement contracting services unless registered with and approved by the Residential Building Contractors Subcommittee (subcommittee) of the State Licensing Board for Contractors (board) as a home improvement contractor.

Old law provided for a list of exceptions to the registration requirement, one of which is an exception for a homeowner who physically performs home improvement work on his personal residence. New law expands the exception to a person who physically performs home improvement work on other property owned by him when the work has a value of less than $7,500.

Effective August 1, 2013.

(Amends R.S. 37:2175.5(A)(2))

Behavior Analysts Practice Act (Act No. 351)

New law creates the La. Behavior Analyst Board within the Department of Health and Hospitals.

New law provides for the powers and duties of the board, including establishing standards of practice, licensure, revocation and suspension of license, reinstatement for behavior analysts and assistant behavior analysts, and for registration of line technicians.

New law provides that no person shall hold himself out as a licensed behavior analyst, a state certified assistant behavior analyst, or a registered line technician, unless licensed, state certified, or registered in accordance with new law.

New law shall terminate and have no effect on and after July 1, 2018.

Effective August 1, 2013.

(Adds R.S. 36:259(E)(25) and R.S. 37:3701-3718)

TITLE 38: PUBLIC CONTRACTS, WORKS AND IMPROVEMENTS

Levee Restoration (Act No. 63)

New law provides an annual limit of $1,000,000 applies to any work undertaken by a public entity with its own resources and employees, or with the resources and employees of another public entity through a cooperative endeavor agreement, to restore or rehabilitate a levee not maintained with federal funds, including mitigation on public lands owned by the state or a political subdivision. New law provides that the annual limit includes labor, materials, and equipment, which is not publicly bid, as per the rates in the latest edition of the Associated Equipment Distributors Rental Rate Book and administrative overhead not to exceed 15%.

New law extends termination date to December 31, 2018.

Effective January 1, 2014.

(Amends R.S. 38:2212(A)(1)(d)(v))

Public Works in East B.R. Parish (Act No. 364)

New law provides that, notwithstanding any other provision of law to the contrary, all bidders shall submit all bid forms required by statute or by the La. Administrative Code to the governing authority of East Baton Rouge Parish prior to the opening of all bids relative to a contract for public works.

Effective upon signature of the governor (June 17, 2013).

(Adds R.S. 38:2212(A)(1)(b)(ii)(cc))

N. O. Aviation Board Contracting (Act No. 119)

New law permits the New Orleans Aviation Board (NOAB) to award a contract relative to the initial construction of an airport terminal and related support facility, aviation facility, or any combination thereof, by the "construction manager at risk" method.

New law defines the "construction management at risk method" to mean a delivery method by which the NOAB (i) utilizes architects or engineers employed by NOAB or contracts with an architect or engineer for design and construction phase services and (ii) contracts separately with a construction manager-at-risk to serve as the general contractor and to provide consultation during the design and construction of a facility.

New law requires NOAB, prior to using the construction management at risk method, to give written justification the method is preferred over the design-bid-build, the design-build, or public bid methods for the particular project.

New law requires that the construction manager at risk act as the general contractor; be properly licensed, bonded, and insured; and guarantee the maximum price for the project. New law authorizes NOAB to set the guaranteed maximum price for the project, which is to be disclosed in the RFP, and to include the maximum number of construction days required to complete the project.

New law provides that the review committee result, inclusive of its findings, grading, score sheets and recommendations, be made available for review by all proposers and be subject to a public records request.

New law provides that the proposer recommended by the committee serve as the construction manager at risk and work with NOAB's design professional for the project on constructability, the construction phasing and sequencing, prior to the board awarding the contract.

New law provides that if the parties agree upon constructability, construction phasing and sequencing, a guaranteed maximum price for the project, and the maximum number of construction days for completion of the project, then NOAB is to award the construction management at risk contract to the proposer recommended by the review committee.

New law provides that if the guaranteed maximum price provided by the recommended proposer exceeds NOAB's construction budget for the project, then the parties are to enter into negotiations to establish an agreed upon guaranteed maximum price. New law provides that if the parties are unable to agree, then the project is to be re-advertised and publicly bid under new law.

Effective August 1, 2013.

(Adds R.S. 38:2225.2.3)

Public Bid Law and Design-Build Method (Act No. 321)

Old law, relative to the Public Bid Law, authorizes specified public entities to utilize the design-build method in the construction or repair of any public building or structure which was destroyed or damaged by Hurricane Katrina, Hurricane Rita, or both.

Old law provides that the authority until July 10, 2013, after which time only those projects that were contracted for prior to such termination date may proceed.

New law extends the length of time until July 10, 2014, for certain schools.

New law extends the length of time until July 10, 2015 for projects of the Sewerage and Water Board of New Orleans, in a power plant not to exceed $30,400,000.

Effective July 1, 2013.

(Amends R.S. 38:2225.2.1)

TITLE 39: PUBLIC FINANCE

Fiscal Administrators (Act No. 336)

New law provides relative to fiscal administrators for political subdivisions as follows:

(1) Old law requires the legislative auditor, attorney general, and state treasurer, or their designees, to meet as often as necessary to review the financial stability of the state's political subdivisions. New law defines "financial stability" as a condition in which the political subdivision is capable of meeting its financial obligations in a timely manner as they become due without substantial disposition of assets outside the ordinary course of business, substantial layoffs of personnel, or interruption of its legally required services, restructuring of debt, revision of operations, or similar actions.

(2) Old law requires the attorney general to file a rule to appoint a fiscal administrator for the political subdivision, if the legislative auditor, the attorney general, and the state treasurer decide at a public meeting that a political subdivision is reasonably certain to: (a) not have sufficient revenue to pay current expenditures, excluding civil judgments, or (b) fail to make a debt service payment.

New law additionally provides that failure of a political subdivision to provide an audit required by law to the legislative auditor for a period of three consecutive fiscal years shall automatically remove the political subdivision from the category of "financial stability" and shall be prima facie evidence that the political subdivision is reasonably certain not to have sufficient revenue to pay current expenditures, excluding civil judgments.

(3) Existing law requires the trial court to appoint a fiscal administrator if the court finds that the political subdivision is reasonably certain to fail to make a debt service payment or reasonably certain to not have sufficient revenue to pay current expenditures, excluding civil judgments. New law additionally requires the court to appoint a fiscal administrator when a political subdivision has failed to provide an audit required by law to the legislative auditor for a period of three consecutive fiscal years.

(4) New law provides that a fiscal administrator shall be indemnified as a covered person under existing law, relative to indemnification of state officers and employees.

(5) New law requires that costs and expenses associated with fiscal administration of a political subdivision, including those incurred by the fiscal administrator, the legislative auditor, the attorney general, the state treasurer, and other persons, shall be borne by the political subdivision.

(6) Old law provides for the duties of a fiscal administrator, including investigating the financial affairs of the political subdivision, and grants him access to all records of the political subdivision and of the state as they relate to the political subdivision. New law additionally grants the fiscal administrator, subject to approval of the court, authority to direct all fiscal operations of the political subdivision and to take whatever action he deems necessary to return the political subdivision to financial stability in accordance with laws, rules, regulations, and policies applicable to the political subdivision.

(7) New law provides that the officers, officials, and employees of the political subdivision shall serve in an advisory capacity to the fiscal administrator and requires the fiscal administrator to allow them to serve their constituents and fulfill their duties by providing advice to the fiscal administrator.

(8) Old law requires the fiscal administrator to file a report with the court after his investigation containing specified estimates, proposals, and recommendations. New law requires the fiscal

administrator to file other reports the court requires.

(9) New law requires that the officers, officials, and employees of the political subdivision cooperate in providing all information the fiscal administrator requires within three business days of the fiscal administrator's request. New law requires, upon failure of a timely response that the attorney general or his designee file either or both of the following with the district court: (a) A writ of mandamus to compel the officer or official to perform the mandatory or ministerial duties correctly; and (b) A motion for injunctive relief seeking to compel the officer, official, or employee to act or refrain from acting, pending final resolution of the issue.

(10) New law provides that any person who violates the law relative to fiscal administrators shall be subject to: (a) An action for recovery of any funds, property, or other thing of value lost as a result of, and any other damages resulting from, such violation; and (b) For knowingly and willfully participating in a violation, a civil penalty not to exceed $1,000 per violation for which the violator shall be personally liable.

(11) New law requires that any person who violates the law relative to fiscal administrators shall be ordered to pay restitution to a political subdivision that suffers a loss as a result of the offense, including legal interest.

(12) New law provides that a violation of the law relative to fiscal administrators is prima facie evidence of malfeasance in office and gross misconduct.

(13) New law provides that it shall be a violation of law for any officer, official, or employee of a political subdivision to: (a) Neglect, fail, or refuse to furnish the fiscal administrator with such records that the fiscal administrator has the right to inspect and examine; (b) Deny the fiscal administrator access to the office, or to records that the fiscal administrator has the right to inspect or examine; (c) Refuse, fail, or neglect to transmit to the fiscal administrator reports, statements of accounts, or other documents upon request; or (d) Obstruct or impede the fiscal administrator, in any manner, in making the examination.

(14) New law prohibits reimbursement of an officer's, official's, or employee's costs or attorney fees related to any legal action pursuant to charges of misconduct or malfeasance or to any other matter related to or resulting from the appointment of a fiscal administrator, initiated by either a political subdivision or an officer, official, or employee thereof, unless the officer, official, or employee is acquitted or the suit is dismissed.

Effective August 1, 2013.

(Amends R.S. 39:1351 and 1352; Adds R.S. 39, 1355 and 1356)

TITLE 40: PUBLIC HEALTH AND SAFETY

Public Water Supply Systems (Act No. 292)

New law provides the state health officer and the office of public health shall use the Recommended Standards for Water Works (the Ten State Standards) promulgated by the Great Lakes and Upper Mississippi Board of State Sanitary Engineers only as a guide in the review of plans and specifications submitted in connection with an application for a permit for a new public water supply system or in connection with the modification of an existing public water system.

New law provides a public water supply system permit shall be issued for a design that complies with the National Primary Drinking Water Regulations, whether or not such design comports to the Ten State Standards. New law provides "National Primary Drinking Water Regulations" means the maximum contaminant levels and the maximum residual disinfectant levels as defined in federal regulations.

New law creates the Louisiana Standards for Water Works Construction, Operation, and Maintenance Committee within DHH to develop standards to be placed in the state Sanitary Code for water works construction, operation, and maintenance.

Effective upon signature of the governor (June 14, 2013).

(Adds R.S. 36:259(D)(10) and R.S. 40:4.13)

Non-Profit Food (Act No. 371)

New law allows a not-for-profit entity or a charitable organization to receive or use any commercial or game fish, migratory or resident game bird, game quadruped, as defined in R.S. 56:8, alligator, or feral hog in food or meal distribution at no cost to an individual.

Effective upon signature of the governor (June 18, 2013).

(Adds R.S. 40:4.13)

Food Establishment Permits (Act No. 281)

New law requires the Dept. of Health and Hospitals (DHH) to charge an annual fee for each required permit issued to a food establishment.

New law requires a permit for each non-mobile location of a food establishment that, if standing alone, would meet the definition of a food establishment.

New law requires DHH to charge each day care center an annual food establishment permit fee based upon the number of children for which the center is licensed.

New law provides that, for non-itinerant retail food stores/markets whose food sales are equal to or greater than 60% of the total gross sales, DHH shall charge a single annual fee per store, regardless of the number of permits issued to that store, based on the annual gross receipts of the store.

New law provides that, for non-itinerant retail food stores/markets whose food sales are less than 60% of the total gross sales, DHH shall charge a fee for each required permit issued to a store, based on the annual gross receipts of the store.

New law requires, upon written request by DHH, a retail food store/market to furnish, within 30 days, proof of gross receipts for the most recent 12-month period for which the proof is available. In the case of establishments doing business less than 12 months, proof for less than a 12-month period shall be submitted and DHH shall calculate a projected annual gross receipts figure.

New law provides that new retail food stores/markets shall be issued temporary permits upon payment of an initial fee. New law further requires the new retail food stores/markets to furnish, within 75 days of opening, proof of gross receipts for the first three months of operation, from which DHH shall calculate projected gross annual receipts and assess the appropriate fees, giving credit for the initial fee amount paid.

New law provides that failure to provide DHH with gross receipts data as required in new law shall result in assessment of the maximum applicable fees.

New law provides that temporary or special events, including fairs and festivals, requiring a food establishment permit, shall be charged a fee for the entire event. New law provides that food establishments that are seasonal shall not be charged an annual fee but shall instead be charged a fee for each month of operation.

State and local government-owned and operated facilities, churches, and nonprofit organizations, as defined by the U. S. IRS, are exempt from any fees authorized by new law.

New law prohibits the collection of retail food establishment fees in an amount that results in the office of public health's retail food section having a surplus of more than $3,000,000 at the end of any fiscal year.

Effective August 1, 2013.

(Adds R.S. 40:31.37)

Cakes and Cookies at Home (Act No. 370)

New law provides that the state Sanitary Code does not apply to the preparation of cakes and cookies in the home, except any preparer of cakes and cookies who employs any individual to assist in the preparation of cakes and cookies in the home for sale, and except preparers of cakes and cookies made at home for sale whose gross annual sales equal $20,000 or more.

New law requires numerous provisions of the state Sanitary Code to apply to the preparation of cakes and cookies in the home for sale.

New law provides that an individual selling cookies and cakes from the home for sale to the

public under new law shall not sell cakes and cookies to any retail business or individual for resale.

Effective August 1, 2013.

(Amends R.S. 40:4.9)

HANO Employees (Act No. 75)

Present constitution (Const. Art. X, §1(A)) provides that the state civil service includes all persons holding offices and positions of trust or employment in the employ of the state, or any instrumentality thereof, or any state/federal, state/parochial agency, or state/municipal agency, but excludes members of the state police service and persons holding offices and positions of any municipal board of health or local governmental subdivision.

Old law (R.S. 40:539(C)(8)) provides that all employees of housing authorities shall be in the classified state civil service, except as provided in the constitution or as may be authorized by the State Civil Service Commission. Old law excepts authority members, the executive director, and one other employee whom the authority designates, and professional employees employed on a contract basis.

New law provides that the Housing Authority of New Orleans shall not be considered an instrumentality of the state for purposes of Const. Art. X, §1(A) and that employees of the authority shall not be included in the state civil service.

(Amends R.S. 40:539(C)(8))

Access to Prescription Information (Act No. 110)

Old law provided that persons authorized to prescribe or dispense controlled substances or drugs of concern, after successful completion of the required educational courses, may access electronic state prescription monitoring information for the purpose of providing medical or pharmaceutical care for their patients or for verifying their prescribing records.

New law adds delegates of persons authorized to prescribe or dispense controlled substances or drugs of concern.

Effective August 1, 2013.

(Amends R.S. 40:1007(E)(1))

Veterinarians (Act No. 27)

New law removes the dispenser exception for a veterinarian who dispenses negligible amounts of controlled substances or drugs of concern.

New law provides a veterinarian exception to the Prescription Monitoring Program.

Old law authorizes the La. Board of Pharmacy to levy and collect an annual fee from veterinarians with the authority to prescribe or dispense controlled dangerous substances. New law removes this authority.

Effective upon signature of the governor (May 23, 2013).

(Amends R.S. 40:1013(C); adds R.S. 40:1004(C); repeals R.S. 40:1003(6)(e) and 1005(A)(5) and (26))

Abortion (Act No. 259)

New law defines "physician" as a person licensed to practice medicine in the state and who is currently enrolled in or has completed a residency in obstetrics and gynecology or family medicine.

New law provides when any drug or chemical is used for the purpose of inducing an abortion, the physician who prescribed the drug or chemical shall be in the same room and in the physical presence of the pregnant woman when the drug or chemical is initially administered, dispensed, or otherwise provided to the pregnant woman.

Effective upon signature of the governor (June 10, 2013).

(Amends R.S. 40:1299.35.1, 1299.35.2, and 1299.35.19; adds R.S. 40:1299.35.2.1)

Authorized Criminal History Checking Agencies (Act No. 270)

Old law required an individual seeking approval as an authorized agency shall be currently licensed in the state as a private investigator or detective by the La. State Board of Private Investigator Examiners.

New law provides an individual or business entity seeking approval as an authorized agency shall submit an application to the La. Bureau of

Criminal Identification and Information (bureau) along with a specified list of documents to prove the individual's or business entity's qualifications.

New law provides for the application to be approved as an authorized agency.

Effective August 1, 2013.

(Adds R.S. 40:1300.57)

College Smoking Policies (Act No. 211)

New law requires public post secondary education institutions to develop smoke-free policies for its campuses and defines "smoke-free" to be the prohibition of smoking in old law.

New law does not prohibit a public post secondary education institution from developing a tobacco-free policy at its campus. New law defines "tobacco-free" to mean the prohibition on the use of tobacco derived or containing products, including but not limited to cigarettes, cigars, cigarillos, pipes, hookah-smoked products, and oral tobacco products.

New law does not supersede the general smoking prohibitions in old law.

Effective on August 1, 2014.

(Adds R.S. 40:1300.263)

Medicaid Information (Act No. 212)

New law requires that DHH make publicly available all informational bulletins, health plan advisories, and guidance published by the department concerning the La. Bayou Health Medicaid program. New law provides such information shall be published and available to the public on the department's website.

New law requires that DHH make available to the public on the department's website all Medicaid state plan amendments and any related correspondence within 24 hours of submission to the Centers for Medicare and Medicaid Services. New law provides all formal responses by the Centers for Medicare and Medicaid Services regarding any state plan amendment shall be made available to the public on the department's website within 24 hours of receipt of the correspondence by the department.

Effective August 1, 2013.

(Adds R.S. 40:1300.361-1300.365)

Newborn Screening (Act No. 407)

New law creates the Newborn Critical Congenital Heart Disease Screening Program to screen all La. newborns for congenital heart defects (CHDs).

New law requires that every birthing facility in La. perform pulse oximetry screening on each newborn before discharge, unless prohibited by the parent or guardian of the newborn.

Effective August 1, 2013.

(Adds R.S. 40:1300.361-1300.363)

Lifetime Concealed Handgun Permits (Act No. 84)

New law provides for the issuance of a lifetime concealed handgun permit to La. residents who meet the qualifications for the issuance of a concealed handgun permit.

New law requires that a lifetime concealed handgun permit holder provide proof of educational training every five years.

New law provides that the permit may be revoked for the same reasons existing law concealed handgun permits may be revoked under old law.

New law provides that a lifetime concealed handgun permit shall be suspended if the holder of that permit becomes a resident of another state. New law provides for the reactivation of the lifetime concealed handgun permit upon reestablishment of residency in La. if the applicant meets the requirements for issuance of the permit and upon successful completion of a criminal history records check.

Effective August 1, 2013.

(Adds R.S. 40:1379.3(V))

Handgun Permit Secrecy (Act Nos. 401 and 402)

New law prohibits the release of the identity of persons who applied for or received a permit for a concealed handgun.

Effective August 1, 2013.

(Adds R.S. 40:1379.3(A)(3))

(Amends R.S. 44:4.1(B)(26); Adds R.S. 40:1379.1.1; Repeals R.S. 40:1379.1(G))

Money for Volunteer Firefighters (Act No. 262)

New law allows the use of public funds by fire districts, municipal fire departments, and volunteer fire departments for the implementation of length of service awards programs, which provide a monetary benefit, based on service, to eligible volunteer firefighters.

New law provides that the program is not a vested right and does not entitle recipients to other benefits.

Effective August 1, 2013.

(Amends R.S. 40:1510)

Arson Investigation (Act No. 190)

New law adds the crimes of failure to register as a convicted arsonist and violations of a fire marshal's orders related to activities determined to pose an immediate danger to life to the list of offenses for which a fire marshal, the first assistant fire marshal, each deputy fire marshal, certified local authorities, and state or municipal arson investigators, while engaged in the performance of their duties as such, are authorized to conduct investigations and make arrests.

Effective August 1, 2013.

(Amends R.S. 40:1563.1)

More Money for Volunteer Firefighters (Act No. 310)

New law creates a Volunteer Firefighters' Tuition Reimbursement program to provide tuition reimbursement to an eligible volunteer firefighter attending a public college, university, or vocational or technical school.

New law requires eligible applicants to, at a minimum, reside in the state for at least one year prior to application, complete a two-year associate degree program or two years of a four year degree program or one year of a vocational or technical school, and volunteer for at least two years with a fire department and be a volunteer firefighter at the time of application.

Effective August 1, 2013.

(Adds R.S. 36:409(C)(6) and R.S. 40:1558.1-1558.7)

Lighters (Act No. 147)

New law changes prior law definition of "lighter" to mean a flame-producing device commonly used to ignite tobacco products and to include a device used to ignite fuel for fireplaces or charcoal and gas grills.

New law deletes prior law exemption for devices primarily used to ignite fuel for fireplaces or charcoal or gas grills.

Effective August 1, 2013.

(Amends R.S. 40:1601)

Construction and Other Codes (Act No. 390)

Old law requires the La. State Uniform Construction Code Council (LSUCCC) to review, evaluate, and update the state uniform construction code prior to the second regular legislative session after the release of the latest edition of the appropriate code. New law requires the LSUCCC to review, evaluate, and update the state uniform construction code no later than five years from the date of publication of the appropriate code.

Old law requires the LSUCCC to evaluate, adopt, and amend, as part of the state uniform construction code, only the latest editions of the International Residential Code, not including Parts I-Administrative, V-Mechanical, VII-Plumbing and VIII-Electrical. New law repeals the exception for Part V-Mechanical.

Old law required the LSUCCC to adopt the latest edition of Part IV-Energy Conservation of the International Residential Code. New law requires the adoption of the 2009 edition of Part IV-Energy Conservation of the International Residential Code instead of the latest edition.

New law requires all plumbing and sanitary references in Part V-Mechanical in the International Residential Code to be replaced with the applicable provisions of the La. State Plumbing Code, Part XIV (Plumbing) of the State Sanitary Code.

New law provides that, excluding the applicable requirements of the La. State Plumbing Code, the state uniform construction code shall not apply to the construction or improvement inside the secured or fenced confines of various specified types of industrial facilities.

New law authorizes the LSUCCC to adopt by rule compatible NAICS code designations updates.

Effective January 1, 2014.

(Amends R.S. 40:1730.26, 1730.28, and 1730.29)

Handicap Parking Spaces (Act No. 164)

New law requires, in addition to the ADA Standards specifications, each access aisle, or any other area of the pavement adjacent to a parking space reserved for mobility-impaired persons that is designated for the loading and unloading of vehicles parked in the space, to have the phrase "NO PARKING" written upon the pavement area using letters that are not less than twelve inches tall.

New law applies to all parking spaces newly constructed or existing parking spaces whose markings are repainted after the effective date of new law.

Effective August 1 , 2013.

(Adds R.S. 40:1742(A)(4))

Transfer of Guns (Act No. 398)

Existing federal law provisions (26 U.S.C. 5812) and regulations of the Federal Bureau of Alcohol Tobacco and Firearms (ATF Form 4) require both federal and local law enforcement approval as part of the federal requirements to transfer a firearm. Old La. law requires the same approval resulting in similar or identical information being collected on both a state and federal level to transfer certain firearms.

Old law prohibited the possession or transfer of a certain type of firearm without prior approval of DPS&C. Old law provided that when a person transfers ownership of a certain type of firearm, the transferor and transferee must submit an application to DPS&C to effectuate the transfer. New law repeals old law.

Old law provided that no person shall receive, possess, carry, conceal, buy, sell, or transport any firearm which has not been registered or transferred in accordance with old law.

New law changes prior law to prohibit the possession and purchase of firearms which have not been registered or transferred in accordance with federal law.

Effective August 1, 2013.

(Amends R.S. 40:1785; Repeals R.S. 40:1783, 1784, 1786, and 1787)

Sickle Cell Commission (Act No. 117)

New law provides for the creation of La. Sickle Cell Commission within the Department of Health and Hospitals.

Effective August 1, 2013.

(Adds R.S. 36:259(NN) and R.S. 40:2018.3)

Pertussis Vaccine (Act No. 159)

New law requires each hospital in the state offer the pertussis vaccine to each parent of a newborn.

New law stipulates that a hospital shall not be required to offer the pertussis vaccine to any person who has already received the vaccine or for whom such vaccination is medically inappropriate.

Effective upon signature of the governor (June 7, 2013).

(Amends R.S. 40:2022)

Behavioral Health Services (Act No. 308)

New law establishes the behavioral health services provider license for providers of mental health services, substance abuse/addiction treatment services, or a combination of such services.

New law requires all behavioral health services providers to be licensed, and sets forth the procedures for application for licensure, the issuance of the license including onsite inspections, and the renewal of licenses.

New law prohibits DHH from licensing any opioid treatment programs under the behavioral health services provider license unless DHH, in

its discretion, determines that there is a need for another opioid treatment program in a certain geographic location.

New law requires every behavioral health services provider that has applied for a license or is licensed to be open at all reasonable times for inspection by DHH, the state fire marshal, municipal boards of health, and any other authorized governmental entity.

New law defines a drug free zone as an area inclusive of any property used as a behavioral health services provider which has a substance abuse/addiction treatment module, or within 2,000 feet of the property, and requires visible signs or other markings to indicate the drug free zone.

Old law established licensing criteria and procedures for the licensing of mental health clinics. New law repeals old law.

Old law established licensing criteria and procedures for the licensing of substance abuse/addiction treatment facilities. New law repeals old law.

Effective June 17, 2013 with certain exceptions.

(Amends R.S. 40:2006; Adds R.S. 40:2151-2161; Repeals R.S. 28:567-573 and R.S. 40:1058.1-1058.10)

Auction of Forfeited Property (Act No. 348)

New law provides that any auction of property forfeited under the Uniform Controlled Dangerous Substances Law is to be a public auction.

Effective upon signature of the governor (June 17, 2013).

(Amends R.S. 40:2616(A)(1))

TITLE 42: PUBLIC OFFICERS AND EMPLOYEES

Public Meetings Agenda Procedures (Act No. 416)

Old law provides that before the public body may take action on an agenda item, the presiding officer or his designee must read aloud the description of the item.

New law provides an exception to this requirement applicable to governing authorities of parishes with populations of 200,000 or more and governing authorities of municipalities with populations of 100,000 or more. If such a governing authority has more than 50 items on the agenda, it may take action on consent agenda items without reading the description aloud.

New law requires the governing authority to allow a public comment period before any action is taken on items listed on a consent agenda. New law provides that any item listed on a consent agenda may be removed from the consent agenda by an individual member of the governing authority if a person objects to the presence of the item on the consent agenda and provides reasons for individual discussion at the meeting. New law defines "consent agenda" as a grouping of procedural or routine agenda items that can be approved with general discussion.

Effective August 1, 2013.

(Amends R.S. 42:19; Adds R.S. 42:13(A)(4))

Public Meetings on Property Taxes (Act No. 267)

New law requires special public notice of the date, time, and place of any meeting at which any political subdivision intends to consider or take action to (1) levy, increase, renew, or continue any ad valorem property tax or sales and use tax or (2) authorize the calling of an election for submittal of such question to the voters of the political subdivision. New law requires that such notice be published in the official journal of the political subdivision no more than 60 days nor less than 30 days before the public hearing and be announced to the public during the course of a public meeting of such political subdivision during that time period.

New law provides that if such a meeting is postponed or cancelled, notice of any subsequent meeting to consider such a proposal shall be published in the official journal of the political subdivision no less than 10 days before the subsequent meeting.

New law provides that if consideration of or action upon the proposal is postponed at the

scheduled meeting, or if the proposal is considered at the scheduled meeting without action or vote, then notice of any subsequent meeting to consider the proposal must be published 10 days before the subsequent meeting unless the date, time, and place of the subsequent meeting for consideration of the proposal was announced to the public during the course of such meeting.

Effective August 1, 2013.

(Adds R.S. 42:19.1)

Recordation of Public Meetings (Act No. 363)

New law requires any nonelected board or commission with the authority to levy a tax to video or audio record, film, or broadcast live all proceedings in a public meeting.

New law provides that all existing records or records hereafter accumulated pursuant to new law will be preserved and maintained for a period of at least two years from the date on which the public record was made.

Effective upon signature of the governor (June 17, 2013).

(Amends R.S. 42:23(A); adds R.S. 44:36(F))

Public Employees' Vehicles (Act No. 264)

New law requires any person hired or employed in an unclassified position, and whose annual salary or rate of compensation is equal to, or exceeds $100,000, to provide proof to his public employer that he has been issued a Louisiana driver's license and that all vehicles registered in his name are registered in Louisiana.

New law is to be deemed a qualification for the position for which the person was employed or hired, and for the duration of the person's employment in the event the person's salary is increased and the requirements of new law are triggered.

New law requires all government agencies which hire or employ any person in an unclassified position, whose annual salary or rate of compensation is equal to, or exceeds $100,000, to verify that such person has been issued a Louisiana driver's license and that all vehicles registered in his name are registered in Louisiana.

New law requires the public employer to verify that employees to which new law applies meet the requirements of new law for the duration of all such persons' employment.

New law provides that any person hired or employed in an unclassified position who does not meet the requirements of new law, or who no longer meets the driver's license and motor vehicle registration requirements of new law, shall be removed and terminated within 30 days of the public employer learning such person does not meet the requirements of new law.

Effective September 15, 2013.

(Adds R.S. 42:31)

Dual Officeholding (Act No. 414)

New law provides an exception to existing law to allow a member of the faculty or staff of a public higher education institution to also hold an appointive office or employment in the U.S. government in a health care facility as a health care provider or researcher.

Effective August 1, 2013.

(Adds R.S. 42:66(O))

Public Employees (Act No. 413)

Old law provided that "public employee" does not mean anyone whose public service is limited to periodic duty in the National Guard. New law adds an exception for contracts to provide attest services as a certified public accountant.

Effective upon signature of the governor (June 21, 2013).

(Amends R.S. 42:1102(18)(b))

Ethics Training (Act No. 415)

New law provides that a former public servant whose public service in a calendar year lasted less than 90 days shall not be required to receive education and training on the Code of Governmental Ethics pursuant to existing law during that year.

Effective August 1, 2013.

(Adds R.S. 42:1170(A)(5))

More Ethics Training (Act No. 422)

New law provides an additional exemption from ethics training for a non-salaried employee of a hospital owned or operated by a hospital service district as defined in existing law (R.S. 46:1072) unless the employee is authorized to enter into contracts on behalf of the hospital for goods or services or the duties of the employee include the supervision of another public employee.

New law additionally provides that commencing on Jan. 1, 2014, each head of a department of the executive branch, except a statewide elected official, shall be required to receive an additional one hour of education and training on the ethics code during each year of his public employment or term of office, as the case may be. Provides that the additional topic to be addressed shall be contract ethics.

Effective August 1, 2013.

(Amends R.S. 42:1170; Adds R.S. 46:1076.1)

TITLE 46: PUBLIC WELFARE AND ASSISTANCE

Medicaid Payments to Out-of-Plan Providers (Act No. 311)

New law requires each Medicaid managed care organization which contracts with DHH to compensate, at a minimum, 90% of the Medicaid fee-for-service rate in effect for the dates of service for each service coded as a primary care service rendered to a newborn Medicaid beneficiary within 30 days of the beneficiary's birth, regardless of whether the Medicaid provider rendering the services is contracted with the managed care organization, but subject to the same requirements as a contracted provider.

Effective August 1, 2013.

(Adds R.S. 46:460.41 and 460.42)

Medicaid and Managed Care (Act No. 312)

New law defines "prepaid coordinated care network" as a private entity that contracts with the department to provide Medicaid benefits and services to enrollees of the Medicaid coordinated care program known as "Bayou Health" in exchange for a monthly prepaid capitated amount per member.

New law requires each prepaid coordinated care network to form a pharmaceutical and therapeutics committee to develop a drug formulary and preferred drug list for the prepaid coordinated care network. New law requires that such committees: (1) Meet no less frequently than semiannually in Baton Rouge; (2) Make such meetings open to the public; and (3) Allow for public comment at such meetings prior to voting by the committee on any change in the preferred drug list or formulary.

New law requires that all managed care organizations participating in the La. Medicaid program accept a standard prior authorization form that has been duly promulgated by DHH.

New law provides that when medications are restricted for use by a managed care organization by a step therapy or fail first protocol, the prescribing physician shall be provided with and have access to a clear and convenient process to expeditiously request an override of such restriction from the managed care organization. New law requires the managed care organization to expeditiously grant an override of such restriction under specified circumstances.

New law provides that the duration of any step therapy or fail first protocol shall not be longer than the duration of action for the medication when such treatment is demonstrated by the prescribing physician to be clinically ineffective.

Effective January 1, 2014.

(Adds R.S. 46:460.31-460.35)

More Medicaid and Managed Care (Act No. 358)

New law provides for provider credentialing. New law requires managed care organizations requiring a health care provider to be credentialed, recredentialed, or approved prior to rendering health care services to a Medicaid recipient to do so within 90 days from the date receiving the information needed for credentialing.

New law requires a managed care organization to inform an applicant within 30 days of the date of the receipt of the application of all defects and reasons known for the application being deemed incorrectly or not fully completed.

New law requires a managed care organization to inform an applicant in the event verification or a verification supporting statement is not received within 60 days of the date of the managed care organization's request.

New law provides for interim credentialing requirements.

Effective January 1, 2014.

(Adds R.S. 46:460.31-460.32, 460.41-460.42, and 460.51)

Elderly Affairs (Act No. 384)

New law abolishes the Office of Elderly Affairs and creates the Department of Elderly Affairs, and grants the department all powers and duties of the abolished office and makes it responsible for the programs and functions of the abolished office.

New law places the La. Executive Board on Aging in the department and provides for the board to continue to exercise its powers, duties, functions, and responsibilities that are in the nature of policymaking, rulemaking, licensing, regulation, enforcement, or adjudication, including those that are advisory.

New law provides that the office of aging and adult services of the Dept. of Health and Hospitals shall have no responsibility or authority for any programs or functions assigned by the La. Revised Statutes of 1950 to the Dept. of Elderly Affairs.

Effective upon the abolition of one or more of the 20 departments in the executive branch of state government or upon the effective date of a constitutional amendment that authorizes creation of an additional executive branch department, whichever is earlier; except certain provisions are effective July 1, 2013.

(Amends R.S. 23:73, R.S. 35:406, R.S. 36:258, R.S. 39:33, R.S. 46:931, 932, 933, 934, 935, 936, 937, 937.1, 937.2, 937.3, 938, and 2351; Adds R.S. 36:4(A)(15) and 151-157; Repeals R.S. 36:4(B)(6))

Lease of EJ or WJ Hospital (Act No. 111)

New law exempts the lease of a hospital by a hospital service district in Jefferson Parish from voter approval.

Effective upon signature of governor (June 5, 2013).

(Amends R.S. 46:1064.2)

Various Provider Homes (Act No. 179)

Old law provided for licensing of child-placing agencies, community homes, day care centers, group homes, maternity homes, and residential homes with Class A and Class B licenses. New law provides for licensing of child-placing agencies, community homes, child day care centers, group homes, maternity homes, and residential homes with Type I, II and III licenses.

New law defines a "specialized provider" as a child-placing agency, maternity home, or residential home.

New law defines a "Type I license" as a license held by a child day care center or residential home that is owned or operated by a church or religious organization that does not wish to be licensed as a Type II, Type III or Type IV center. "Type I license" also means a license held by a child day care center or residential home holding a Class B license prior to the effective date of the new law. New law provides that "Type I license" provisions shall not require licensure of a children's religious program operated by a church or religious organization which is qualified as a tax exempt organization and which remains open for not more than 24 hours in a continuous seven-day week and in which no individual child remains for more than 24 hours in one continuous stay.

New law defines a "Type II license" as a license held by a privately-owned child day care center that either receives no state or federal funds from any source, whether directly or indirectly, or whose only source of state or federal funds is the federal food and nutrition program.

New law defines a "Type III license" as a license held by any publicly or privately owned early childhood learning center which receives state or federal funds, directly or indirectly, from any source other than the federal food and nutrition program. New law requires that Type III early childhood learning centers must meet the performance and academic standards of the Early Childhood Care and Education Network regarding kindergarten readiness, as determined by the State Board of Elementary and Secondary Education.

New law defines "Type IV license" as the license held by any publicly or privately owned specialized provider.

New law provides that all existing child day care centers or residential homes possessing a Class B license will be issued a Type I license.

New law provides that all child day care centers that meet the definition for a Type II license pursuant to new law shall be issued a Type II license.

New law provides any child day care center possessing a Class A license on the effective date of the new law that meets the definition of Type II license pursuant to new law shall be issued a Type II license.

New law provides that all existing childhood learning centers that meet the definition for a Type III license pursuant to new law shall be issued a Type III license.

New law provides that all existing child-placing agencies, maternity homes, and residential homes that meet the definition for a Type IV license pursuant to new law shall be issued a Type IV license.

New law provides any maternity home, residential home, or child-placing agency possessing a Class A license upon the effective date of the new law that meets the definition of a Type IV license pursuant to new law shall be issued a Type IV license.

New law provides any early childhood learning center requesting to change its license type shall apply with the department no later than December first of the preceding year.

New law requires the department to promulgate regulations for each category and type of license to carry out the provisions of new law in accordance with the provisions of the APA.

New law requires any entity approved by the department to do the following:

(1) Gain approval from the office of state fire marshal.

(2) Gain approval from the office of public health.

(3) Adhere by Type III early childhood learning centers to the performance and academic standards of the Early Childhood Care and Education Network regarding kindergarten readiness as determined by BESE.

New law provides no facility holding a Type I license shall receive any state or federal funds, from any source, whether directly or indirectly. If a facility holding a Type I license receives any state or federal funds, its license shall be automatically revoked.

New law requires that no facility holding a Type II license shall receive any state or federal funds, from any source, whether directly or indirectly, other than those received solely for food and nutrition. If a facility holding a Type II license receives any state or federal funds, whether directly or indirectly, other than those received solely for food and nutrition, its license or authorization certificate shall be automatically revoked.

New law requires the department to prepare standard forms for applications and for inspection reports.

New law allows the department secretary, in specific instances, to waive compliance with a minimum standard upon determination that the economic impact is sufficiently great to make compliance impractical, as long as the health and well-being of the staff or children is not imperiled. If it is determined that the facility or agency is meeting or exceeding the intent of a standard or regulation, the standard or regulation may be deemed to be met.

New law shall not restrict the hiring or admission policies of a church or religious

organization, which may give preference in hiring or admission to members of the church or denomination.

New law prohibits the department from regulating or attempting to regulate or control the religious or spiritual content of the curriculum of a school or facility sponsored by a church or religious organization.

New law shall not require medical examination, immunization, or treatment of any child whose parents object to such examination, immunization, or treatment on religious grounds.

New law requires that every facility have a written discipline policy, which shall be made available to parents and to authorized inspection personnel upon request. New law authorizes the department to seek judicial review of any final decision or order by the division of administrative law in any appeal hearing arising under new law. New law requires that venue for this judicial review be in the parish in which the licensee is located.

Effective January 1, 2014.

(Amends R.S. 46:1403, 1404(A), 1405, 1415, 1419-1422, 1425(A) and (B), 1426, 1428(A), and 1429; adds R.S. 46:1406-1407; and repeals R.S. 46:1408, 1409, 1412, 1413, and 1424)

Improved Outcomes for At-Risk Youth Act (Act No. 214)

New law creates the Integrated Case Management Planning System as a single, targeted case management system to better track "crossover youths" who are in need of mental health services or have experienced involvement in the child welfare system.

New law provides that the deputy secretary of the Department of Public Safety and Correction, Youth Services, Office of Juvenile Justice and the secretary of the Department of Children and Family Services shall evaluate programs to be included in the Integrated Case Management System.

New law provides that, not later than July 1, 2014, the departments shall jointly submit a written report to the legislature outlining the timelines and process by which implementation of an integrated case management system for at-risk youths shall be completed and the system fully operational not later than July 1, 2015.

Effective August 1, 2013.

(Adds R.S. 46:2758 – 2758.2)

TITLE 47: REVENUE AND TAXATION

Sales Tax Exemption Certificates (Act No. 93)

New law provides for automatic renewals of sales tax exemption certificates for Direct Pay Numbers, Sales for Resale by "dealers" (of tangible personal property for resale, or sales of services for resale, and Purchases of Manufacturing Machinery and Equipment for a period of up to three years. New law requires that the Department of Revenue [DOR] notify a qualifying taxpayer of its determination as to whether the certificates will be automatically renewed or whether the taxpayer is denied renewal and must reapply.

New law provides that the exemption certificate and the resale certificate must be renewed without having to reapply unless the department determines that the taxpayer is no longer qualified for the exemption, and DOR may suspend a taxpayer's exemption certificate or resale certificate if the taxpayer is no longer qualified as a manufacturer or as a dealer, respectively, or has become delinquent in its sales tax payment or filing responsibilities.

New law requires DOR to promulgate rules and regulations regarding its criteria for determining a taxpayer's ability to renew a sales tax exemption certificate without reapplying.

Effective January 1, 2014.

(Adds R.S. 47:13)

Net Operating Loss Carryback Deductions (Act No. 341)

Old law authorized a net operating loss carryback to each of the three taxable years preceding the taxable year of such loss.

New law authorizes, upon certification by the Department of Revenue, for corporations a net operating loss carryback of five years if the loss is "attributable to Hurricane Isaac". New law

provides that the aggregate amount of net operating loss carryback deduction allowed for all taxpayers during any taxable year shall not exceed ten million dollars.

New law provides that a loss is "attributable to Hurricane Isaac" if a portion of the Louisiana net loss for the taxable year is attributable to business activity or business property of the taxpayer located in any parish which is in whole or in part in the area with respect to which a disaster has been declared by the president of the United States before September 10, 2012, under Section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act by reason of Hurricane Isaac. New law is applicable to all tax years beginning August 1, 2011, and thereafter.

Effective if, as, and when the 113th Congress of the United States grants a similar benefit to taxpayers under federal income tax law.

(Amends R.S. 47:246(E) and 287.86(B)(1))

Home Rehabilitation Income Tax Credit (Act No. 272)

Old law authorized an individual income tax credit for the amount of eligible costs and expenses incurred during the rehabilitation of an owner-occupied residential or owner-occupied mixed use structure located in a National Register Historic District, a local historic district, a Main Street District, a cultural products district, or a downtown development district, or such owner-occupied residential structure which has been listed or is eligible for listing on the National Register, or such structure which has been certified as contributing to the historical significance of the district, or a vacant and blighted owner-occupied residential structure located anywhere in the state that is at least 50 years old.

New law retains prior law and extends the tax credit to taxable years ending prior to Jan. 1, 2018.

Effective upon signature of governor (June 13, 2013).

(Adds R.S. 47:297.6(C))

State Agency Tax Collections (Act No. 167)

Old law authorizes any agency of the state, excluding the city of New Orleans or the parish of Orleans, to make a claim of offset to the secretary of the Dept. of Revenue against any amounts refundable to an individual because of overpayments of La. individual income taxes for debts owed by the individual to such agencies.

New law removes the exclusion of the city of New Orleans and the parish of Orleans within the definition of an "agency".

Effective August 1, 2013.

(Amends R.S. 47:299.2(1)(d))

East Feliciana Sales Tax Exclusion for Repairs (No. 172)

Old law authorized an exclusion against state sales and use tax and sales and use tax levied by tax authorities in East Feliciana Parish for charges for the furnishing of repairs to tangible personal property when the repaired property is delivered to the customer in another state either by common carrier or the repair dealer's own vehicle.

New law changes the exclusion from a permissive exclusion to a mandatory exclusion.

New law specifically includes in the sales tax exclusion repairs to property (1) delivered to the U.S. Post Office for transportation outside the state and (2) delivered outside the state by use of an independent trucker.

Effective July 1, 2013.

(Amends R.S. 47:301(14)(g)(i)(bb) and 337.10(F))

Sales Tax Exclusion for Precious Metals (Act No. 396)

Old law defines "tangible personal property", for purposes of state and local sales and use taxes, and in such definition excludes from the tax base, gold, silver, or numismatic coins, or platinum, gold, or silver bullion having a total value of $1,000 or more. New law removes the dollar value threshold for the sales and use tax exclusion for gold, silver, or numismatic coins, or platinum, gold, or silver bullion.

Effective August 1, 2013.

(Amends R.S. 47:301(16)(b)(ii))

Sales Tax Exemption for Nonprofit Events (Act No. 157)

Old law provides an exemption from state and local sales and use tax on sales occurring at events sponsored by nonprofit domestic, civic, educational, historical, charitable, fraternal, or religious organizations. Old law requires that an exemption certificate be obtained from the secretary of the Dept. of Revenue in order for any such organization to qualify for the tax exemption.

New law requires that the exemption certificate be obtained annually. New law provides that the Dept. of Revenue may review transactions from any event held pursuant to the authority granted by an exemption certificate.

(Amends R.S. 47:305.14(C))

Sales Tax Exemptions for Institutional Meals (Act No. 271)

Old law, regarding exemptions or exclusions from sales tax, provided that no tax is paid on the sale of meals furnished to the staff and patients of hospitals.

New law retains these provisions but further exempts from sales tax, the sale of meals furnished to staff, patients, and residents of hospitals, nursing homes, adult residential care providers, and continuing care retirement communities.

New law provides for retroactive application.

Effective upon governor signature (June 13, 2013).

(Amends R.S. 47:305)

Sales Tax Exemption for St. Bernard Project (Act No. 300)

Old law provides for a local sales and use tax exemption for the sale of construction materials to "St. Bernard Project, Inc." when such materials are intended for use in rehabilitating existing residential dwellings or constructing new residential dwellings in this state.

New law extends the exemption to include state sales and use taxes.

Effective July 1, 2013.

(Amends R.S. 47:305.71)

Sales Tax Collection (Act No. 425)

Old law provided that a dealer may deduct and retain an amount equal to 1.1% of taxes collected as compensation for accounting for and remitting the taxes in a timely manner. New law changes the rate of dealer compensation from 1.1% to .935% of taxes collected.

New law provides that it is the duty of the secretary of the Dept. of Revenue to collect taxes due upon the sale in La. of tangible personal property or services by a remote seller. New law authorizes and directs the secretary to use all means available to ensure the collection of such taxes.

Effective July 1, 2013.

(Amends R.S. 47:306 and 318; Adds R.S. 47:302(U))

Timber Severance Tax (Act No. 185)

Old law requires the state tax levied on natural resources severed from the soil or water to be predicated on the quantity or value of the products or resources severed.

Old law provides that the rate of the tax levied on trees and timber is 2.25% of the current average stumpage market value of timber and the rate of the tax levied on pulpwood is 5% of the current average stumpage market value of pulpwood. Stumpage value is determined annually on the second Monday of Dec. by the La. Forestry Commission and the La. Tax Commission and is effective on the first day of Jan. in the following year, continuing until the next succeeding Jan.

New law changes requirement that the La. Tax Commission determine the annual stumpage value to an authorization that the La. Tax Commission assist the La. Forestry Commission in determining same. New law changes the time of determining the annual stumpage value from the second Monday in Dec. to Dec.

Old law requires the La. Forestry Commission and the La. Tax Commission to base the determination of the market value of trees, timber, and pulpwood exclusively on sales of

timber as reported to the Dept. of Revenue and as published in the "Quarterly Report of Forest Products" by the La. Dept. of Agriculture and Forestry.

New law deletes the reference to the La. Tax Commission since the La. Tax Commission's participation in determining the market value of trees, timber, and pulpwood is permissive rather than mandatory. New law changes the requirement that the determination of market value of trees, timber, and pulpwood be based exclusively on timber sales to a determination that considers timber sales.

Effective August 1, 2013.

(Amends R.S. 47:633(1), (2), and (3))

Tax Subsidy Report (Act No. 191)

New law requires, in order for the legislature and the legislative auditor's office to get accurate and complete information regarding how much tax credits and rebates cost the state each year, no later than March 1 of each year, each state agency which administers a tax credit or tax rebate, (tax incentives), to prepare and submit a report to the legislature regarding the tax incentive the agency administers.

New law requires the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs to conduct hearings on the reports every odd-numbered year, to be concluded 30 days before the beginning of the regular session of the legislature. New law requires the committees to analyze and consider tax incentives which caused revenue loss to the state and authorizes the committees to report their findings or recommendations developed as a result of the hearings to the legislature.

Effective August 1, 2013.

(Adds R.S. 47:1517.1)

Assessments (Act No. 72)

New law requires the assessor in Orleans Parish to certify the list as changed by the assessor and to submit such list to the board of review by Oct. 1 of each year.

New law requires, beginning in tax year 2013, that the period for inspection of assessment lists in Orleans Parish be for a period of 32 calendar days, beginning no earlier than July 15 and ending no later than Aug. 15 of each year.

New law extends the period of inspection of assessment lists in Orleans Parish from Aug. 1 through Aug. 15 of each year to July 15 through Aug. 15 of each year. New law changes the time for the assessor to certify his rolls to the board of review from the tenth business day after completion of public inspection to Oct. 1 of each year.

Old law required that complaints received by the assessor's office be forwarded to the board of review within seven business days after the last date in which the lists were exposed. New law requires that complaints received by the assessor's office be forwarded to the board of review within 10 business days after the last date in which written complaints are received by the assessor.

Effective June 15, 2013.

(Amends R.S. 47:1992)

Separate Assessments (Act No. 379)

New law authorizes, in the case of undivided interests in a tax parcel, an assessor, at the request of a tax debtor, to make separate assessments in each tax parcel.

(Amends R.S. 47:2126)

Homestead Exemption (Act No. 37)

Old law authorizes a taxpayer with a claim against a political subdivision for ad valorem taxes erroneously paid to present the claim to the La. Tax Commission within three years of the date of the payment.

New law retains old law and authorizes the presentation of a claim to the La. Tax Commission for a previously unclaimed homestead exemption within five years of the date of payment.

(Amends R.S. 47:2132(A))

Movie Tax Credits (Act No. 178)

Old law provided for motion picture investor tax credits for certain state-certified productions by a motion picture production company.

New law defines a " production audit report" as an audit report issued by a qualified accountant who is unrelated to the motion picture production company and that is a report of the qualified accountant's audit of the motion picture production's cost report of production expenditures. New law requires that the production audit report contain an opinion from the qualified accountant stating that the production's cost report of production expenditures presents fairly, the production expenditures expended in Louisiana.

Old law required transferors and transferees to submit to the Dept. of Revenue (DOR) in writing, a notification of any transfer or sale of tax credits within 30 days after the transfer or sale of such tax credits. New law changes the time frame from 30 days to seven days.

Old law required that the motion picture production company submit to the office of entertainment industry development and the secretary of DED an audit of the production expenditures certified by an independent certified public accountant. New law requires a production audit report by a qualified accountant.

New law provides if any expenditures for which tax credits were neither denied nor certified due to insufficient information or other issues, the office and secretary are to diligently work to resolve the outstanding issues in a timely manner, and the office and secretary may subsequently issue a supplemental tax credit certification.

New law requires DED and the office to promulgate rules in accordance with the APA for the allowance of tax credits for production expenditures made in related party transactions.

New law requires that when producing the production audit report, the qualified accountant perform certain minimum sampling and verification procedures enumerated in new law.

Effective August 1, 2013.

(Amends R.S. 47:6007)

Tax Credit Registry (Act No. 418)

New law establishes a central tax credit registry (registry) within the Dept. of Revenue (DOR) for the registration and recordation of tax credits authorized and issued by the state, including subsequent transfers of tax credits.

New law requires that, beginning Jan. 1, 2014, when a state agency grants, issues, or authorizes a new tax credit, the agency shall promptly send a copy of the tax credit certificate to DOR. DOR shall record each certificate in the registry, assigning each an identifying number.

New law requires that, by Jan. 1, 2014, any state agency that issues or authorizes tax credits to transmit to DOR an electronic report listing all certificates issued by that agency prior to Jan. 1, 2014. Further, DOR shall endeavor to record in the registry all tax credit transfers which occurred prior to Jan. 1, 2014.

New law, with respect to the transfer of a tax credit, requires that both the transferor and the transferee submit notice thereof to DOR. The notice shall include any information deemed necessary by the secretary of DOR. Upon receipt of the notice, DOR shall record the transfer of the tax credit in the registry.

New law provides that no issuance or transfer of a tax credit after Jan. 1, 2014 shall be effective as to third parties nor recognized by DOR until it has been recorded in the registry.

New law provides for the conditions, requirements, and policies related to the disallowance or recapture of tax credits, as well as disputed titles to tax credits.

New law requires that DOR warrant the validity of the information recorded in the registry for tax credits issued after Jan. 1, 2014. Further, if a transferor of a tax credit did not have the right to claim or use the tax credit at the time of the transfer, the transferee's recourse shall be against the transferor, as provided by agreement of the parties.

New law provides that information in the registry regarding the ownership, amount, and transfer of a tax credit shall be deemed privileged and confidential and shall not be available to the public. However, for purposes of

a public record request, the provisions of new law shall not be construed to prevent an agency which granted a tax credit from releasing information relative to the entity or individual initially issued a tax credit, the initial amount of a tax credit, or any transfer of a tax credit.

Old law required that upon the transfer of a tax credit both the transferor and transferee would submit to DOR written notification of the transfer within 30 days of the transaction. New law changes the time period to within 10 business days of the transaction.

Effective June 21, 2013.

(Amends R.S. 44:4.1(B)(32) and R.S. 47:6007, 6016, 6019, 6020, 6021, 6022, and 6034; Adds R.S. 47:1508(B)(33) and 1524)

R & D Income Tax Credits (Act No. 257)

Old law provides for a research and development income tax credit for a taxpayer (business) which incurs certain research expenses which qualify for a federal research and development tax credit (qualifying expenses).

Old law requires that an application for a tax credit by a business with 50 or more employees include a copy of a federal income tax return reflecting the amount of the federal research and development tax credit taken. New law adds authorization for the department to request additional information regarding the federal research and development tax credit taken by a business with 50 or more employees.

Old law required a business with less than 50 employees to provide documentation in its application reflecting the amount of qualified research expenditures. New law instead requires a report by a certified public accountant relative to the business' qualified research expenses and other information as may be required by departmental rule or policy.

New law provides limited eligibility for businesses primarily engaged in professional services or custom manufacturing and fabrication if the business has a U.S. patent issued or pending which is directly related to research expenditures for which the tax credit is sought, or if the business is invited to apply for a tax credit by the secretary of the department.

New law requires the department to perform a detailed examination of at least 10% of the tax credit applications each year prior to the award of tax credits.

New law does not preclude the department from examining applications after the issuance of tax credits. Any credits disallowed following an examination shall be subject to recover, recapture, or offset.

Applicable for tax years beginning on or after January, 1, 2013.

Effective July 1, 2013.

(Amends R.S. 47:6015)

Louisiana New Markets Jobs Act (Act No. 265)

Old law taxes insurers based on the amount of premiums, known as "premium tax".

New law establishes a tax credit which may be claimed against insurance premium tax. Eligibility for the credit is based on the investment of private capital in a low-income community business located in La.

New law defines "qualified active low-income community business" (QALICB or business) as an entity which under federal law is defined as a business located in either a census tract with a poverty rate of at least 20% or a census tract with a median income that does not exceed 80% of the benchmark median income.

New law further defines a "qualified community development entity" (QCDE or entity) as a privately managed investment entity that has received New Market Tax Credit allocation authority.

New law defines the types of investments required for tax credit eligibility.

New law provides that the amount of the tax credit shall be the product of multiplying the amount of the investment purchase price (investment authority) by the following percentages: 14% for the first and second years and 8.5% for the third and fourth years. The total of all such credits taken cannot exceed the

taxpayer's state premium tax liability for the tax year for which the credit is claimed; however, unused credits may be carried forward for up to 10 years. Unclaimed tax credits are transferable to one or more transferees.

New law authorizes a total of $55,000,000 of investment authority for certification and allocation for the purpose of earning tax credits. The department shall begin accepting applications on August 1, 2013, for allocation and certification of up to $55,000,000 of QEI.

New law requires that investments eligible for the award of tax credits be certified by the Dept. of Revenue.

New law requires the issuance of investments within 20 days of receiving certification.

New law provides for conditions under which the Dept. of Insurance shall recapture tax credits which include a recapture of federal tax credits by the federal government, or a failure to invest an amount equal to 100% of the purchase price of the investment within 12 months of the issuance of the investment.

New law requires the payment of a deposit of $500,000 for an application for qualification of an investment. The deposit shall be paid to the Dept. of Revenue and deposited into the New Markets performance guarantee account. The deposit is returnable after compliance.

New law requires reporting by a QCDE to the Dept. of Revenue within five days of the first anniversary of the initial credit allowance date, as well as annual reporting with regard to the number of employment positions created and retained as a result of the investments and the average annual salary of such positions.

New law requires the Dept. of Revenue to notify the Dept. of Insurance of the name of any insurance company allocated tax credits, as well as the amount of any credits.

New law applies to tax returns or reports originally due on or after Jan. 1, 2014.

Effective August 1, 2013.

(Adds R.S. 47:6016.1)

Historic Rehabilitation Tax Credits (Act No. 263)

Old law authorizes an income and corporation franchise tax credit for the amount of eligible costs and expenses incurred during the rehabilitation of a historic structure located in a downtown development or a cultural product district. The credit is limited to 25% of the eligible costs and expenses of the rehabilitation, limited to $5 million in tax credits per taxpayer for any number of structures rehabilitated within a particular district.

Old law required that a historic structure be located in a cultural product district or a downtown development district in order for the rehabilitation project to be eligible for a tax credit. New law changes the designation of "cultural product district" to "cultural district".

Old law authorizes taxpayers to sell their unused tax credits to other individuals or entities.

Old law required the notification of transfer of tax credits to be submitted to the state historic preservation office and to the Dept. of Revenue. New law removes the state historic preservation office from the notice requirements.

Old law was effective for all taxable years ending prior to Jan. 1, 2016. New law extends the sunset for tax credit applicability to those ending prior to Jan. 1, 2018.

Effective June 13, 2013.

(Amends R.S. 47:6019)

Sound Recording Tax Credits (Act No. 385)

Old law provides for the issuance of tax credits, until Jan. 1, 2015, against state income tax for investments made in state-certified productions and state-certified musical recording infrastructure projects. New law retains changes the sunset date to Jan. 1, 2020.

Old law authorizes a tax credit for 25% of the base investment of an investor made by that investor in excess of $15,000 for state-certified productions certified on and after July 1, 2007, and state-certified infrastructure projects certified on or before Aug. 1, 2009. New law reduces the threshold to $5,000 for La. residents.

(Amends R.S. 47:6023(C)(1))

Heritage-Based Cottage Industry Tax Credits (Act No. 304)

Old law authorizes a credit against any La. income or corporation franchise taxes for a heritage-based cottage industry located or to be located in the Cane River Heritage Area Development Zone. The Dept. of Culture, Recreation and Tourism (department) is authorized to enter into contracts for periods of up to five years with small businesses which qualify as heritage-based cottage industries for purposes of the tax credit.

Old law provided that authorization for the tax credit expired on Jan. 1, 2014, but, any business having a contract with the department prior to Jan. 1, 2014, would continue to receive tax benefits pursuant to the contract as long as the business retains its eligibility.

New law changes the sunset date of the tax credit from 2014 to 2018.

Effective August 1, 2013.

(Amends R.S. 47:6026(E)(1))

Energy Systems Tax Credits (Act No. 428)

New law eliminates the tax credit for wind energy systems and eliminates applicability of credits to apartment projects.

New law retains the solar energy system tax credit but expands the credit to include both solar electric and solar thermal systems, or any combination of components thereof (hereinafter system). Eligibility requirements for a system include: installation on the property of the residence to which the energy is delivered, sale and installation by a person who is licensed by the Louisiana State Licensing Board for Contractors, and the system must be compliant with the requirements of the federal American Recovery and Reinvestment Act (ARRA). System components purchased prior to July 1, 2013, and placed in service prior to Jan. 1, 2014, are not subject to the foregoing requirements.

New law limits the credit to one per single-family residence.

Old law authorizes a credit equal to 50% of the first $25,000 of the cost of each solar energy system purchased and installed on or after Jan. 1, 2008. New law establishes different criteria and credit amounts for a system which is purchased and installed in a home versus a system which is purchased by a third party and installed in a home through a lease agreement with the homeowner.

New law for a purchased system but sunsets the authority for the granting of credits on Dec. 31, 2017.

New law for a system which is purchased and installed by a third party through a lease with the owner of the residence, for systems installed on or after Jan. 1, 2014, and before Jan. 1, 2018, reduces the amount of the credit from 50% to 38% of the first $25,000 of the cost of purchase, and by further limiting eligibility according to specified criteria.

New law adds a requirement that proof of installation be provided with a claim for a credit.

Effective July 1, 2013.

(Amends R.S. 47:6030)

Arts-Related Tax Credits (Act No. 197)

Old law establishes tax credits for a variety of activities related to musical and theatrical productions. New law eliminates two of these tax credits: the credit for qualified transportation costs for performance-related property, and the credit for projects for nonprofit community theaters.

New law changes the state-certified musical or theatrical facility infrastructure project tax credit with respect to definitions, eligibility, and duration of the credit program.

Old law terminated the authority for the granting of tax credits for infrastructure projects on Jan. 1, 2014.

New law changes application of the Jan. 1, 2014 termination date from the granting of tax credits to the date by which a project shall have received initial certification of its expenditures. New law authorizes tax credits for projects which receive initial certification on or before Jan. 1, 2014, for expenditures made on or before Jan. 1, 2015, thus extending the termination date for the authority to grant tax credits for projects receiving initial certification before Jan. 1, 2014

from Jan 1, 2014 to the time at which expenditures made prior to Jan. 1, 2015 are certified.

New law changes prior law with respect to the types of infrastructure projects eligible for tax credits. New law provides that after Jan. 1, 2014, the availability of tax credits for such projects shall be limited to those projects situated on a parcel of land located on the campus of a higher education institution which is owned by a higher education campus institution or support foundation related to the campus and primarily operated to benefit and support campus students and faculty (higher education projects).

New law provides that higher education projects which receive initial certification on or before Jan. 1, 2018, may earn a tax credit for expenditures on or before Jan. 1, 2022. Further, 25% of the total investment shall have been expended on or before Jan. 1, 2020, in order for the project to earn a tax credit for any remaining estimated expenditures provided for in its initial certification letter, which shall have been made on or before Jan. 1, 2022.

New law requires that a higher education project be complete before any credits are certified.

New law makes changes to definitions used for tax credits for infrastructure projects, including higher education projects.

New law retains definition in existing law for "infrastructure project", but only for those projects which receive initial certification before July 1, 2013.

New law revises the definition of "infrastructure project" as a new or rehabilitated proscenium or black-box theatre infrastructure project located in La. and any expenditures in the state directly related to the construction, repair, or renovation of such project. The primary purpose of the proposed facility shall be to host live performances and the facility shall have a minimum capacity of 500. Expenditures attributable to areas other than where live performances will take place may comprise no more than 25% of total expenditures.

New law limits "higher education infrastructure projects" to those located on the campus of an institution of higher education.

New law defines "infrastructure expenditures" as those directly related to a state-certified infrastructure project or state-certified higher education infrastructure project including land and land acquisition costs, construction costs, design fees, furniture, fixtures, and equipment purchased subject to a sale agreement or capital lease. New law excludes from the definition of "infrastructure expenditures" indirect costs such as general administrative costs, insurance, or any costs related to the transfer or allocation of tax credits.

New law includes concerts, musical tours, ballet, dance, comedy revue, or live variety entertainment within the definition of "state certified musical or theatrical production".

New law rewords provisions of existing law regarding disallowance and recapture, but retains its substance.

Effective July 1, 2013.

(Amends R.S. 47:6034)

Tax Credits and Alternative Fuel (Act No. 427)

Old law authorizes an income tax credit for the cost of certain equipment necessary to convert a motor vehicle to operate on an "alternative fuel".

Old law defined "alternative fuel" as a fuel which results in emissions of oxides of nitrogen, volatile organic compounds, carbon monoxide, or particulates, or any combination of these which are comparably lower than emissions from gasoline or diesel and which meets or exceeds federal clean air standards, including but not limited to compressed natural gas, liquefied natural gas, liquefied petroleum gas, biofuel, biodiesel, methanol, ethanol, and electricity.

New law changes the definition of "alternative fuel" to natural gas, liquified petroleum gas, any non-ethanol based advanced biofuel, or electricity under certain circumstances.

New law provides that electricity shall be considered an alternative fuel only if the vehicle

has four wheels, is manufactured for use on public roads, can maintain a speed of 55 mph, and is propelled to a significant extent by a battery.

Effective Jan. 1, 2014.

(Amends R.S. 47:6035(B)(1))

Vehicle Tax Credit (Act No. 219)

Old law granted a refundable tax credit against income tax for 50% of the cost of purchase and installation of qualified clean-burning motor vehicle fuel property, or, as an alternative, 10% of the cost of a new motor vehicle or $3,000, whichever is less.

New law provides that nothing in the new law is to be construed to authorize a tax credit for the cost of a purchase of, or conversion of a vehicle to, a flexible fuel vehicle that is designed to run on an alternative fuel and either petroleum gasoline or petroleum diesel if the vehicle has only a single fuel storage and delivery system and retains the capability to be propelled by petroleum gasoline or petroleum diesel.

Effective upon signature of the governor (June 10, 2013).

(Amends R.S. 47:6035(C))

Port Activity Tax Credits (Act No. 431)

Old law authorized the Department of Economic Development (DED) to grant a credit against corporate income and franchise tax liability equal to the total capital costs of a "qualifying project", to be taken at 5% per tax year, limited to the total cost of the project.

Under old law, "Capital costs" was defined as all costs and expenses incurred by one or more investing companies in connection with the acquisition, construction, installation, and equipping of a qualifying project during the period commencing with the date on which the acquisition, construction, installation, and equipping commences and ending on the date on which the qualifying project is placed in service. New law provides in order to meet the definition of capital costs, the costs and expenses must be paid after July 1, 2013.

Under old law, "qualifying project" was defined as a project 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 industrial, warehousing, or port and harbor operations and cargo handling, including any port or port and harbor activity. New law reduces the capital cost of a qualifying project from $5 million to $1.5 million, and excludes projects at which the predominant trade or business activity conducted will constitute industrial operations and bulk liquid or gas facilities from the definition of "qualifying project".

Under old law, "port or port and harbor activity" means trade or business activity conducted on premises in a duly recognized port authority as described in the 2012 North American Industry Classification System (NAICS) within Subsector 493 (Warehousing and Storage), Industry Number 488310 (Port and Harbor Operations), or Industry Number 488320 (Marine Cargo Handling). New law expands the definition to any activity when the trade or business is conducted on port authority premises, including NAICS Code-described businesses set forth in present law (above) and adds Industry Number 336611 (Ship Building and Repair) and Industry Number 213112 (Support Activities for Oil and Gas Operations).

Old law authorized DED to issue the Investor Tax Credit for a "qualifying project" if the commissioner of administration, after approval of the Joint Legislative Committee on the Budget, which approval shall not be granted earlier than July 1, 2014, and the state bond commission certified to the secretary of DED that there will be sufficient revenue received by the state to offset the effect to the state of the tax credits provided, whether from increased port or port and harbor activity because of the grant of the tax credit or otherwise.

New law authorizes DED to issue the Investor Tax Credit if the commissioner of administration certifies, after approval of the Joint Legislative Committee on the Budget, that securing the project will result in a "significant positive economic benefit to the state". "Significant positive economic benefit" is defined as net positive tax revenue that must be determined by

taking into account direct, indirect, and induced impacts of the project based on a standard economic impact methodology utilized by the commissioner, and the value of the credit, and any other state tax and financial incentives that are used by DED to secure the project.

New law requires DED to grant, in lieu of a credit equal to the total capital costs of the project taken at 5% per tax year, another amount of tax credit to be taken at such other percentage which is warranted by the "significant positive economic benefit" determined by the commissioner.

New law provides that no tax credit may be granted for a qualifying project which exceeds $2.5 million per tax year. In addition, the total amount of the Investor Tax Credits which may be granted by DED for all recipients cannot exceed $6.25 million per fiscal year.

Old law provided that the tax credit will be earned by investors at the time expenditures are made by an investing company; however, tax credits will not be applied against a tax liability until the project is approved by the department after certification from the commissioner with the approval of the committee and the state bond commission and capital cost expenditures are certified by the department. New law provides that the tax credit will not apply to a tax liability before July 1, 2014, and not until capital cost expenditures are certified only by the department.

Old law authorized the secretary of DED to certify "international business entities" for an Import-Export Cargo Credit against the individual and corporate income and corporate franchise tax equal to the product of multiplying $5 by the "international business entity's" number of tons of "qualified cargo" for the taxable year, but only for all or a portion of a fiscal year if the commissioner of administration certifies to the secretary of DED that there will be sufficient revenue received by the state to offset the effect to the state of the tax credits provided whether from increased utilization of public port facilities because of the tax credit or otherwise, and the certification is approved by the Joint Legislative Committee on the Budget, which approval shall not be granted earlier than July 1, 2014, and the state bond commission.

New law authorizes the secretary of DED to certify the credit, for taxable years beginning on and after Jan. 1, 2014, for an international business entity if the commissioner of administration certifies to the secretary that the increased utilization of public port facilities and other activity in Louisiana associated with the import or export of the international business entities qualified cargo will result in a "significant positive economic benefit to the state". "Significant positive economic benefit" is defined as net positive tax revenue that shall be determined by taking into account direct, indirect, and induced impacts of the port and state activity based on a standard economic impact methodology utilized by the commissioner, and the value of the credit, and any other state tax and financial incentives that are used by DED to secure the port and state activity. Approval of the certification by the Joint Legislative Committee on the Budget, which approval shall not be granted earlier than July 1, 2014, and the state bond commission is still required.

New law authorizes DED the option to grant, in lieu of a credit equal to the product of multiplying $5 by the number of tons of cargo for the taxable year which exceeds the precertification tonnage or a portion of a fiscal year, a credit equal to the product of multiplying the number of dollars by the taxpayer's number of tons of qualified cargo for the taxable year or portion of a taxable year which exceeds the pre-certification tonnage and is warranted by the "significant positive economic benefit" determined by the commissioner, if it is less than $5.

New law provides that the total amount of the Import-Export Cargo Credits which may be granted by DED for all recipients cannot exceed $6.25 million per fiscal year.

New law specifies that the credit can be allowed only against the tax liability of the international business entity which receives the certification.

New law extends the termination date of the Investor Tax Credit from January 1, 2017, to

January 1, 2020, and terminates the Import-Export Credit on that same date.

Effective July 1, 2013.

(Amends R.S. 47:6036)

TITLE 48: ROADS, BRIDGES AND FERRIES

Billboards on DOTD Property (Act No. 41)

New law provides for the Department of Transportation and Development to regulate the sponsorship of signs on all rights-of-way and assets of the department.

New law provides that the rules and regulations promulgated by the department shall also be consistent with federal standards pursuant to Title 23 of the U.S. Code.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 48:274.2)

TITLE 49: STATE ADMINISTRATION

Secretary of State Filing (Act No. 316)

New law authorizes the secretary of state to collect higher fees for virtually every type of filing.

Effective August 1, 2013.

(Amends R.S. 49:222)

TITLE 51: TRADE AND COMMERCE

Enterprise Zones (Act No. 141)

With respect to the La. Enterprise Zone Act, old law allows a transit-oriented development to enter into contracts for the rebate of sales and use tax or a refundable investment income tax credit if certain conditions are met.

Old law defined "transit-oriented development" as a mixed-use development, consisting of at least 50% multifamily residential housing and at least 15% commercial or rental facilities, on a single contiguous site, all or part of which is located within 1/4 mile of a multimodal transit center, with at least $10,000,000 in capital expenditures for new construction or conversion of existing structure. New law changes the minimum commercial or rental space allowed from 15% commercial or rental facilities to 20,000 square feet of commercial or rental facilities.

Old law defined "multifamily residential housing" as a minimum of 90 and a maximum of 200 attached dwelling units providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. New law changes the maximum number of attached dwelling units allowed from 200 to 300.

Effective August 1, 2013.

(Amends R.S. 51:1783)

More on Enterprise Zones (Act No. 423)

New law deletes authorization for eligibility based on part-time jobs.

New law increases the percentage of employees required to meet eligibility qualifications from 35% to 50%, and requires that persons having received public assistance prior to employment shall have received such assistance for the six-month period prior to employment.

New law adds a limitation on eligibility for retail businesses. If such a business has more than 100 employees nationwide, eligibility shall be limited to pharmacies and grocery stores located within an enterprise zone.

New law applies to new contracts and renewals of contracts on or after June 21, 2013, or contracts for which "advanced notification" has been filed on or after June 21, 2013.

Effective upon signature of governor (June 21, 2013).

(Amends R.S. 51:1787 and 1791)

MediFund (Act No. 320)

New law establishes the MediFund as a special fund within the state treasury to support advancement of biosciences, biomedicine, and medical centers of excellence in Louisiana.

New law requires that no grants of state monies shall be made to a not-for-profit institution if the grant does not include a public institution, unless no such institution possesses the expertise or interest. New law requires that grants awarded to a public institution shall include a not-for-profit unless no not-for-profit in the state possesses the expertise or interest.

New law creates the MediFund Board within the Board of Regents and provides the board with rulemaking authority.

New law authorizes the board to:

(1) Form a Research Advisory Council to determine priority research concentrations and commercialization strategies, or other matters as maybe requested by the board; (2) Form special committees, advisory councils, or similar bodies to study and make policy recommendations to the board concerning priority research areas, research commercialization strategies, or other matters as may be requested by the board; and (3) Enter into contracts as necessary through the Sponsored Program Unit of the Board of Regents for development of proposal evaluation criteria, coordination of a proposal evaluation process, or other functions related to evaluation of funding proposals and applications for funding submitted to the board.

New law provides that the MediFund Program shall be administered by the Board of Regents through its Sponsored Programs Unit, in accordance with the policies promulgated by the MediFund Board. All grant application review and selection processes shall follow the competitive request for proposals process and external review process as may be utilized by the Sponsored Programs Unit.

New law requires the board to promulgate rules and regulations governing the use of monies of the MediFund and adopt policies for governance of any program or funding action that it implements prior to initiation of the program or funding action.

New law provides that the board shall implement a tiered system of funding to consist of awards known as "planning grants", "program grants", and "proof of concept grants" with corresponding monetary ranges for each grant type.

New law stipulates that grants and other funding of the MediFund be committed only to public or not-for-profit entities.

New law requires the board to apply specified guidelines for proposal selection, project monitoring, and matching funds.

New law shall terminate on Dec. 31, 2018.

New law repeals existing law which creates the Dedicated Research Investment Fund for support of biomedical and biotechnological research and development.

Effective upon signature of governor (June 17, 2013).

(Adds R.S. 36:651(CC), 802.23, and R.S. 51:2211-2216; Repeals R.S. 51:2201-2205)

TITLE 56: WILDLIFE AND FISHERIES

Atchafalaya Mooring Program (Act No. 155)

New law authorizes the Dept. of Wildlife and Fisheries to establish a mooring program in the Atchafalaya DeltaWMA. New law provides that a maximum of 40% of the mooring sites be leased through a bidding process and the remaining sites be leased through a lottery system.

Effective upon signature of governor (June 7, 2013).

(Adds R.S. 56:109.3)

Crab Traps (Act No. 16)

Old law requires each crab trap to have a minimum of two escape rings. New law adds an exemption for traps which are made of wire mesh 2-5/16ths inch square or larger.

Effective August 1, 2013.

(Amends R.S. 56:332(K))

Oyster Harvesting (Act No. 35)

New law greatly increases penalties for various oyster harvesting offenses.

Effective August 1, 2013.

(Amends R.S. 40:6 and R.S. 56:424 and 433; Adds LAC 51:IX.3.335(B))

Oyster Harvesting (Act No. 20)

Old law requires vessels engaged in the commercial harvest of oysters on state seed grounds and public natural reefs to possess a seed ground vessel permit, until Nov. 15, 2013. New law extends the requirement for such permit until Nov. 15, 2016.

Effective August 1, 2013.

(Amends R.S. 56:433.1(E))

Seafood Promotion (Act No. 228)

New law transfers the La. Seafood Promotion and Marketing Board from the Department of Wildlife and Fisheries to the Dept. of Culture, Recreation and Tourism (DCRT).

New law provides that the monies in the Shrimp Marketing and Promotion Fund shall be administered only by the La. Shrimp Task Force.

New law provides that the monies in the Crab Promotion and Marketing Fund shall be administered only by the Crab Task Force.

New law adds to the duties of the Oyster Task Force.

New law adds to the duties of the La. Shrimp Task Force.

Effective July 1, 2013.

(Amends R.S. 36:802 and R.S. 56:10, 421, 494, 578.1, 578.2, 578.3, 578.4, 578.7, and 578.9; Adds R.S. 36:209(Y); Repeals R.S. 36:610(E) and 802.5 and R.S. 56:578.5, 578.6, 578.8, and 578.12)