

**2015 LOUISIANA  
LEGISLATIVE ACTS  
SUMMARY**

## 2015 LEGISLATIVE ACTS SUMMARY

### Contents

In an experimental departure from past editions, this book summarizes all of the new laws passed by the Louisiana Legislature in 2015, not just those that were deemed material to SPWW's practice of law. The summaries of many laws that were deemed not material to our practice, however, have been shortened considerably. If you particularly like or dislike this experimental change, please let Mike Landry know.

### Organization

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 2015 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](http://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](http://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](http://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** – 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**

### **Property Taxes (Act 470)**

Present constitution provides an exemption from ad valorem property tax for public lands and other public property used for public purposes.

Proposed constitutional amendment specifies that the exemption does not apply to land or property owned by another state or by a political subdivision of another state.

Election is to be held Oct. 24, 2015.

(Would amend Const. Art. VII, §21(A))

### **Infrastructure Bank (Act 471)**

Present constitution prohibits the loan, pledge, or donation of funds, credit, property, or things of value of the state, with various exceptions.

Proposed constitutional amendment adds an exception for the investment of public funds to capitalize a state infrastructure bank.

Election is to be held on Oct. 24, 2015.

(Would amend Const. Art. 7, §14(B))

### **Odd-Year Legislation (Act 472)**

Proposed constitutional amendment, regarding the subject matters which may be considered during a regular legislative session convening in an odd-numbered year, replaces the phrase "dedicate revenue" with the broader "legislate with regard to the dedication of revenue," replaces "levy or authorize a new tax, increase an existing tax, and legislate with regard to tax exemptions, exclusions, deductions, reductions, repeals, or credits" with the broader "legislate with regard to taxes," and adds legislating with regard to rebates.

Election is to be held Oct. 24, 2015.

(Would amend Const. Art. III, §2(A)(4)(b))

### **Budget and Transportation Stabilization Trust (Act 473)**

Proposed constitutional amendment would change the name of the Budget Stabilization Fund to the Budget and Transportation Stabilization Trust (the Trust).

Present constitution provides for deposits of mineral revenues in the Budget Stabilization Fund in excess of a base amount and authorizes the base to be increased every 10 years by a law enacted by two-thirds of the elected members of each house of the legislature. Proposed constitutional amendment would change the time period, beginning in 2014, from 10 years to 5 years.

Proposed constitutional amendment creates the Budget Stabilization Subfund and the Transportation Stabilization Subfund in the Budget and Transportation Stabilization Trust and provides that at the beginning of each fiscal year, mineral revenues shall be allocated and deposited into the subfunds and the state general fund in a particular manner.

Proposed constitutional amendment provides that monies in the Transportation Stabilization Subfund shall be appropriated by the legislature and used solely and exclusively for planning, design, construction, and maintenance connected with the state highway program, provided that at least 20% of the funds appropriated from the Transportation Stabilization Subfund shall be used only for the Louisiana Intermodal Connector Program within DOTD.

Proposed constitutional amendment provides that no deposit of mineral revenues shall be made in any fiscal year in which money in the fund is appropriated for use or incorporated into the official forecast or in the ensuing fiscal year, except by specific appropriation by the legislature.

The statewide election is to be held on October 24, 2015.

(Would amend Const. Art. VII, Sec. 10, 10.3, and 10.5)

## **CIVIL CODE**

### **Tort of Terrorism (Act 337)**

New law authorizes the award of court costs and reasonable attorney fees for an action for injury caused to a person or person's property through acts of terror or terrorism.

New law provides for payment of costs and reasonable attorney fees by the plaintiff upon determination by the court that the action is frivolous or fraudulent.

New law provides that an action brought under the provisions of new law shall be subject to a liberative prescriptive period of two years.

Effective August 1, 2015.

(Adds C.C. Art. 2315.9)

### **Voluntary and Forced Respite Laws Repealed (Act 64)**

Prior law provided for voluntary and forced respite. Voluntary respite was when all the creditors consented to a debtor's proposal to pay in a limited time the whole or a part of his debt. Forced respite was when a part of the creditors refused to accept the debtor's proposal, and the debtor was obliged to compel them by judicial authority to consent to what the others had determined in the cases directed by law. Prior law further provided for procedure governing voluntary and forced respite. New law repeals prior law.

Effective August 1, 2015.

(Repeals C.C. Arts. 3084-3098)

## **CODE OF CIVIL PROCEDURE**

### **Summary Judgment (Act 422)**

Old law provided that a plaintiff's motion for summary judgment may be made at any time after the answer has been filed, and a defendant's motion may be made at any time. New law

clarifies the language by specifying when a party's motion may be filed.

New law provides that after an opportunity for adequate discovery has been had, a motion for summary judgment shall be granted if the motion, memorandum, and supporting documents show that there is no issue as to material fact and that the mover is entitled to judgment as a matter of law.

New law provides that the only documents that can be filed in support or in opposition to a motion for summary judgment are pleadings, memorandum, affidavits, depositions, answers to interrogatories, certified medical records, written stipulations, and admissions. The court may permit documents to be filed in any electronically stored format authorized by court rules or approved by the clerk of court.

Prior law provided relative to service of the motion for summary judgment and memorandum in support in accordance with Dist. Ct. Rule 9.9, and provided that, unless extended by the court and agreed to by all of the parties, a motion for summary judgment shall be filed, opposed, or replied to in accordance with Article 1313. Prior law required a motion for summary judgment and all documents in support of the motion to be filed and served on all parties at least 65 days prior to the trial. New law deletes prior law.

New law provides that any opposition to the motion and documents in support of the opposition shall be filed and served at least 15 days prior to the hearing date, and that any reply memorandum shall be filed and served at least five days prior to the hearing on the motion. No additional documents may be filed with the reply memorandum.

New law provides that if the deadline for filing a motion, an opposition, or a reply memorandum falls on a legal holiday, the motion, opposition, or reply is timely if it is filed on the next day which is not a legal holiday.

New law provides that for good cause shown, the court may order a continuance of the hearing on a motion for summary judgment.

Prior law required that the court hear and render judgment within a reasonable time, but at least 10 days prior to trial. New law deletes prior law.

New law provides that the court shall render a judgment at least 20 days prior to the trial.

New law provides that in all cases the court shall state on the record or in writing the reasons for granting or denying the motion. If an appealable judgment is rendered, a party may request written reasons for judgment as provided in Article 1917.

New law provides that the burden of proof rests with the mover. However, if the mover will not bear the burden of proof at trial on the issue that is before the court on the motion for summary judgment, the mover's burden on the motion does not require him to negate all essential elements of the adverse party's claim, action, or defense, but rather to point out to the court the absence of factual support for one or more elements essential to the adverse party's claim, action, or defense. The burden is on the non-mover to produce factual support sufficient to establish the existence of a genuine issue of material fact or that the mover is not entitled to judgment as a matter of law.

New law provides that the court may only consider documents filed in support of or in opposition to the motion for summary judgment, and shall consider any documents to which no objection is made. Any objection to any document shall be raised in a timely-filed opposition or reply memorandum. The court shall consider all objections prior to rendering a judgment. The court shall specifically state on the record or in writing what documents, if any, it held to be inadmissible or declined to consider.

New law clarifies provisions relative to a party who is found not at fault, who shall not be considered in any subsequent allocation of fault, and submission of the issue to the jury.

Prior law prohibited the application of existing law when a summary judgment is granted solely on the basis of the successful assertion of an affirmative defense in accordance with Article 1005, except for negligence or fault. New law deletes prior law prohibition.

New law provides that when the court grants a motion for summary judgment providing that a party or nonparty is not negligent, not at fault, or did not cause, whether in whole or in part, the injury or harm alleged, that party or nonparty shall not be considered in any subsequent allocation of fault. New law provides that evidence shall not be admitted at trial to establish the fault of that party or nonparty. During the course of the trial, no party or person shall refer directly or indirectly to any such fault nor shall that party or nonparty's fault be submitted to the jury or included on the jury verdict form.

New law provides that, on review, an appellate court shall not reverse and grant a summary judgment that was denied by the trial court dismissing a case or a party without assigning the case for briefing and permitting the parties an opportunity to request oral argument.

New law does not apply to any motion for summary judgment pending adjudication or appeal on the effective date of new law.

Effective January 1, 2016.

(Amends C.C.P. Art. 966)

### **Franklin City Court (Act 367)**

New law adds the Third Ward City Court of Franklin to the city courts whose jurisdictional amount is concurrent with the district court in cases where the amount in dispute or value of property does not exceed \$50,000.

Effective August 1, 2015.

(Amends C.C.P. Art. 4843(H))

### **Justices of the Peace (Act 424)**

New law adds procedures in justice of the peace courts relating to: (1) citation, (2) setting matters for trial within certain time delays, (3) duties of the justice of the peace, including authorizing certain discovery, and (4) notice of judgment and procedures for appeal.

Effective August 1, 2015.

(Amends C.C.P. Arts. 4919, 4922, and 4925; Adds C.C.P. Arts. 4921.1(C) and 4921.2)

## **CODE OF CRIMINAL PROCEDURE**

### **Bail for Domestic Abusers (Act 439)**

New law authorizes, instead of requires, a contradictory bail hearing when a defendant is in custody charged with the commission of domestic abuse battery, violation of protective orders, stalking, or any felony offense involving the use or threatened use of force or a deadly weapon upon the defendant's household member, family member, or dating partner.

New law requires any contradictory hearing in this regard to be held within five days from the date of determination of probable cause, exclusive of weekends and holidays, to determine conditions of bail or whether the defendant should be held without bail pending trial. If the court decides not to hold a contradictory hearing, it shall notify the prosecuting attorney prior to setting bail.

Following a contradictory hearing and based upon the judge's or magistrate's review of certain factors, new law authorizes the judge or magistrate to order that the defendant be held without bail pending trial, upon proof by clear and convincing evidence that the defendant may flee or that the defendant poses an imminent danger to any other person or the community.

In making the determination or in determining the conditions of bail, new law requires the court to consider various things.

New law requires the court to consider the possibility of requiring the defendant to be placed under active electronic monitoring and house arrest.

Effective August 1, 2015.

(Amends C.Cr.P. Art. 330.3)

### **Probation and Substance Abuse (Act 199)**

New law increases the maximum duration of the probation period for a person participating in a drug division probation program or a driving while intoxicated or sobriety court program for a felony offense from five years to eight years.

New law increases the maximum duration of the probation period for a person participating in a drug division probation program or a driving while intoxicated or sobriety court program for a misdemeanor offense from four years to eight years.

Existing law authorizes the secretary of the Dept. of Public Safety and Corrections to establish a substance abuse probation program within the department to provide substance abuse counseling and treatment for defendants sentenced to the program.

New law extends the expiration of the substance abuse probation program from Aug. 1, 2016 to Aug. 1, 2020.

Effective August 1, 2015.

(Amends C.Cr.P. Arts. 893 and 894 and Sec. 4 of Act No. 389 of the 2013 R.S.)

### **Expungement (Act 200)**

New law provides that no person arrested for a violation of operating a vehicle while intoxicated and placed by the prosecuting authority into a pretrial diversion program shall be entitled to an expungement of the record until five years have elapsed since the date of arrest for that offense.

New law provides that motions to expunge a record of arrest that did not result in a conviction shall be served in the same manner as all other expungement motions. New law provides that when service of a motion of expungement is made by U.S. mail, the motion shall be accompanied by a certificate of service indicating the date the motion was placed in the U.S. mail for service.

Prior law provided that a misdemeanor conviction which arose from circumstances involving a sex offense cannot be expunged. New law provides instead that if the misdemeanor conviction is the result of an arrest for a sex offense, the record cannot be expunged.

New law adds that a misdemeanor conviction for the crime of stalking cannot be expunged.

New law provides that when a defendant who has entered a plea in a DWI case seeks an expungement, the clerk of court may send a copy of a letter issued by DPS&C in lieu of sending the documents and fingerprints again, if the clerk had previously sent those documents at the time of the plea.

Effective August 1, 2015.

(Amends C.Cr.P. Arts. 976, 977, 978, 979, 980, 984, 988, 989, and 992; Adds C.Cr.P. Arts. 894.5, 986(C), and 996)

### **Domestic Abuse (Act 151)**

New law prohibits the expungement of records of all misdemeanor and felony convictions of domestic abuse battery.

Effective upon signature of the governor (June 23, 2015).

(Amends C.Cr.P. Art. 977(C)(2); Adds C.Cr.P. Art. 978(B)(4))

## **CHILDREN'S CODE**

### **Child Abuse Reporting (Act 217)**

Existing law defines "mandatory reporter" to include certain mental health/social service practitioners. New law adds an exception for mental health/social service practitioners serving as part of the legal team rendering legal services to a child in an action arising out of the La. Children's Code, if the practitioner meets certain criteria.

New law requires mental health/social service practitioners who are not considered mandatory reporters to retain the documentation of alleged abuse until one year after the child has reached the age of majority.

New law shall not be construed as to limit or abrogate any individual's obligation to report pursuant to any other law or profession's ethical standards.

Effective August 1, 2015.

(Amends Ch.C. Art. 603(17)(b))

### **Early Intervention Programs (Act 203)**

Existing law provides for the creation and implementation of early intervention programs in the parishes of East Baton Rouge, Iberia, St. Martin, and St. Mary. New law requires that the early intervention programs be implemented with fidelity to the 16th Judicial District's prosecution early intervention program model.

Effective August 1, 2015.

(Amends Ch.C. Art. 793.3(B)(intro. para.))

### **Safe Haven Law (Act 223)**

Existing law provides that the Department of Children and Family Services (DCFS) shall produce and issue written information, training materials, and an instructional video for the instruction of representatives of emergency medical care facilities who are designated to

receive relinquished children and to interview relinquishing parents.

New law adds a requirement that DCFS review all of its media relating to the Safe Haven Law (infant relinquishment) at least annually, and to the extent funding is available, update, revise, and reissue these resources as necessary.

New law requires DCFS to develop and implement annually various plans relating to publicizing the Safe Haven Law.

Effective August 1, 2015.

(Amends Ch. C. Arts. 1149 and 1160 and R.S. 46:2403(D))

### **Interstate Family Support Act (Act 80)**

New law provides for a comprehensive revision of the Uniform Interstate Family Support Act, including the following major changes:

- (1) Provides procedures for the registration, recognition, enforcement, and modification of foreign support orders.
- (2) Authorizes tribunals (including courts and administrative agencies) to establish a support order after a petition is filed in a foreign country, provided that certain requirements are met.
- (3) Extends personal jurisdiction provisions that previously applied to tutors to also apply to guardians and curators.
- (4) Requires certain tribunals to convert the amount of a support order to foreign currency or U.S. dollars, as applicable.
- (5) Authorizes tribunals to communicate with each other by electronic means.
- (6) Expands the list of circumstances in which a temporary child support order may be issued.

Existing law provides that the notice to withhold shall operate as an assignment and be binding upon any existing or future employers or payors of income. New law authorizes the payor to

choose to receive electronic notices to withhold from the Dept. of Children and Family Services.

Section 1 of the Act is effective July 1, 2015; Section 2 is effective October 1, 2015; and Section 3 is effective June 5, 2015.

(Amends Ch.C. Arts. 1301.1-1309.3 and R.S. 46:236.3(I))

### **MULTIPLE CODES OR TITLES**

#### **Entity and Trade Names and Marks (Act 398)**

New law authorizes persons to specify names of partnerships and nonprofit corporations by filing a signed application with the secretary of state.

New law requires the secretary of state to reserve a specified name available for use for a partnership or nonprofit corporation for a nonrenewable period of 120 days.

New law provides the right to transfer specified, reserved names to a transferee through a signed application with the secretary of state.

Prior law required the secretary of state to reserve a specified name available for use for a domestic or foreign limited liability company for 60 days and to extend the reservation, not more than twice, for an additional 30 days for good cause shown. New law repeals the reservation and extension periods and instead provides for a nonrenewable reservation period of 120 days.

Prior law required the secretary of state to reserve a specified trade name, trademark, or service mark available for use for 60 days and to extend the reservation, not more than twice, for an additional 30 days for good cause shown. New law repeals the reservation and extension periods and instead provides for a nonrenewable reservation period of 120 days.

Prior law required a \$5 reservation fee to be paid to the secretary of state by the person or entity making the reservation for a trade name, trademark, or service mark. New law repeals prior law.

New law authorizes a person who previously registered a trade name or trademark to renew an expired trade name or trademark at any time. New law requires any other person seeking to register an expired trade name or trademark to provide a 60-day notice, by certified mail, to the previous person who registered the expired trade name or trademark.

Effective October 5, 2015.

(Amends R.S. 12:204 and 1307 and R.S. 51:213; Adds R.S. 9:3401(C), and R.S. 51:216(F); Repeals R.S. 12:1307(B)(3))

### **State Funds (Act 121)**

New law provides for the transfer and deposit of monies among various state funds.

(Amends R.S. 32:868 and R.S. 51:2361; Adds R.S. 39:100.123, R.S. 40:1402, and R.S. 47:1676(E)(3))

### **Children (Act 124)**

New law extensively revises various provisions of the Louisiana Children's Code and statutory law relative to child in need of care proceedings, guardianship, and foster care.

#### *General Provisions*

New law adds provisions authorizing electronic delivery of documents, notifications, and reports relating to child in need of care (CINC) proceedings; provisions relative to case plans for children in CINC proceedings; and provisions for temporary and successor guardianship.

#### *Child in Need of Care (CINC) Proceedings*

New law requires courts to request that each parent involved in CINC proceedings provide an email address at which he or she is willing to receive service and notice of future proceedings in certain instances:

New law adds authorizations for documents, notices, and reports relating to CINC

proceedings to be transmitted by courts and DCFS via email in various instances, provided that the receiving party has provided an email address for these purposes to the entity sending the materials.

New law stipulates that service and notice may be provided electronically to a parent involved in CINC proceedings until the parent provides notice to the court and all parties in writing or in open court that he is no longer able to receive service or notice electronically.

New law provides that service by electronic mail to a parent involved in CINC proceedings is complete upon transmission, but is not effective if the serving party learns the transmission did not reach the party to be served.

New law requires that all persons before the court in CINC proceedings be advised of their responsibility in achieving timely permanency for the child. New law requires that the court direct all such persons to identify the name, address and whereabouts of all grandparents, all parents of a sibling where such parent has legal custody of such sibling, and all other adult relatives of the child in various instances.

New law adds further content requirements for case plans. New law authorizes DCFS to provide a copy of the case plan for a child involved in CINC proceedings by either mail or email to counsel of record.

New law provides that placement of the child in the least restrictive, most family-like alternative permanent living arrangement, applies to a child 16 years of age or older, and that when this placement option is selected, the court or administrative body conducting the hearing shall ask the child about his desired permanency outcome.

New law provides that for children whose permanent plan is placement in the least restrictive, most family-like alternative permanent living arrangement, the written judgment providing for this placement shall address certain reasons.

### *Guardianship*

New law adds that in cases when a guardian is deceased, an individual previously named as a successor guardian by the guardian in an agreement with DCFS may file a motion for guardianship.

New law adds that in cases when a guardian is incapacitated, an individual previously named as a successor guardian by the guardian in an agreement with DCFS may seek to enforce, modify, or terminate a guardianship order.

New law provides that a guardian who has entered into a guardianship subsidy agreement with DCFS may name an individual as a successor guardian for the purpose of continued eligibility of the subsidy in the event of the death or incapacity of the guardian.

New law provides that an individual who has been named as a successor guardian may request an *ex parte* order of temporary guardianship of the child, which order may be granted only if various conditions are satisfied.

New law provides that an *ex parte* order of temporary guardianship shall satisfy certain requirements.

### *Foster Care*

Existing law provides that no contract for foster care services shall be awarded to any person who has not completed a training program approved by DCFS that includes certain specified topics. New law adds to the list of training topics knowledge and skills relating to the reasonable and prudent parent standard for participation by the child in age- or developmentally appropriate activities.

New law stipulates that the reasonable and prudent parent standard shall not authorize any decision that conflicts with a parent's residual parental rights.

Effective upon signature of governor (June 19, 2015).

(Amends Ch.C. Arts. 101, 625, 640, 641, 644, 645, 646, 674, 675, 682, 689, 700, 702, 720, 724, 1133, and 1134 and R.S. 46:283; Adds Ch.C. Arts. 684(E)(5), 710(A)(4), and 724.1)

### **Rape (Act 184)**

New law provides that any reference to the crime of "aggravated rape" is the same as a reference to the crime of "first degree rape", any reference to the crime of "forcible rape" is the same as a reference to the crime of "second degree rape", and any reference to the crime of "simple rape" is the same as a reference to the crime of "third degree rape".

New law provides that any act in violation of the provisions of any rape statute (aggravated rape, forcible rape, or simple rape) committed on or after August 1, 2015, shall be referred to using the terminology provided by new law (first degree rape, second degree rape, or third degree rape, respectively).

Effective August 1, 2015.

(Amends numerous provisions across many titles)

### **Financial Institution Data Match (Act 215)**

New law provides for the disclosure authorization currently granted to financial institutions with respect to accounts of delinquent noncustodial parents and state debtors to be made applicable to all persons who co-own an account with the noncustodial parent.

Effective August 1, 2015.

(Amends R.S. 6:333, R.S. 46:236.1.4, and R.S. 47:1677)

### **Divorce (Act 221)**

New law specifies that the abuse that would justify immediate divorce must have occurred during the marriage or the protective order or injunction that would justify immediate divorce must have been issued during the marriage.

New law provides that the court may assess attorney fees and costs against the perpetrator of abuse in an action for divorce and in incidental actions thereafter, which shall be a separate obligation of the perpetrator, when an immediate divorce is granted involving abuse or a protective order.

New law provides that a hearing is not required when there was a protective order or injunction issued to protect one spouse or child from abuse.

Effective August 1, 2015.

(Amends C.C. Arts. 103 and 2362.1, C.C.P. Art. 1702, and R.S. 9:368)

### **Sex Offenses (Act 229)**

New law requires the coroner to examine all alleged victims of a sexually-oriented criminal offense without the prior requirement that the case be under police investigation.

New law authorizes the coroner to select the hospital or healthcare provider named as the lead entity for sexual assault examination in the regional plan to act as his designee to perform the forensic medical examination.

New law adds to the definition of forensic medical examination to include certain procedures.

New law requires criminal justice agencies to submit a sexual assault kit involving an unknown suspect to a forensic laboratory for testing within 30 days of receipt or within 30 days of receiving an official request from a prosecuting agency.

New law requires all licensed hospitals and healthcare providers to adhere to the procedures set forth in new law in the event that a person presents or is presented for treatment as a victim of a sexually-oriented criminal offense.

New law prohibits a hospital or healthcare provider from directly billing a victim for services rendered in conducting a forensic medical examination or for any healthcare

services rendered to a victim as a result of the sexually-oriented criminal offense.

New law authorizes a healthcare provider to submit a claim for healthcare services rendered in conducting a forensic medical exam for a victim of a sexually-oriented offense to (1) the victim's health insurance issuer, requiring the insurer to waive any applicable deductible, co-pay, and co-insurance with the remaining noncovered expenses submitted to the Crime Victims Reparations (CVR) Board for reimbursement not to exceed \$1,000; (2) the Louisiana Medicaid, Medicare, or Tricare programs for an enrolled victim; or (3) the CVR Board at the rate as promulgated by the board for healthcare services rendered not to exceed \$1,000.

New law requires the Dept. of Health and Hospitals (DHH) to make available to hospitals and healthcare providers a pamphlet containing an explanation of the billing process for services rendered in conducting a forensic medical examination and for healthcare services rendered to a victim of a sexually-oriented criminal offense. New law requires hospitals and healthcare providers to provide a copy of the pamphlet to any person presented for treatment as a victim of a sexually-oriented crime.

New law authorizes the hospital or healthcare provider to continue ordinary billing procedures of the hospital or healthcare provider for services not specifically provided for in new law, but authorizes the victim to seek reimbursement for those services through the CVR Board.

New law provides that the failure to comply with the standards of new law may constitute grounds for denial, suspension, or revocation of license by the appropriate licensing board or commission.

New law requires any examination and treatment to include the preservation, in strict confidentiality, for a period of at least one year from the time the victim is presented for treatment, of tests or procedures, or both, and samples that may serve as potential evidence.

New law requires that any evidence collected be assigned a code number and code records be maintained for a period of at least one year from the date the victim is presented for treatment.

New law requires all sexual assault collection kits used in a forensic medical examination to meet the standards developed by DHH and the Dept. of Public Safety and Corrections.

New law expands the definition of "claimant" to include a healthcare provider who provides services associated with a forensic medical examination.

New law requires that an application for reparations for a victim of a sexually-oriented criminal offense shall be filed in writing with the board within one year after the date of injury, death, or property loss or for a longer period as determined by the board.

New law excludes victims of a sexual offense from reporting such crimes to law enforcement for purposes of filing a valid application for reparations.

New law requires a claimant to submit certification from a healthcare provider that a forensic medical examination was conducted on the victim and requires the healthcare provider to submit such certification when requested by a claimant.

New law requires the board to provide a cap of \$1,000 for each forensic medical examination.

Existing law authorizes the reduction or denial of an award if it is determined by the board that the behavior of the victim at the time of the crime bears some responsibility for the injury, death, or property loss. New law provides an exception for victims of a sexually-oriented criminal offense.

New law requires hospitals and healthcare providers to provide victims of sexually-oriented criminal offenses a pamphlet giving notification of the billing process and procedures available through the board.

New law applies to any victim of a sexually-oriented criminal offense that occurred on or after January 13, 2015.

Effective June 23, 2015.

(Amends R.S. 13:5713, R.S. 15:622, and R.S. 46:1802, 1806, 1809, and 1817; Adds R.S. 15:623, R.S. 40:1300.41, and R.S. 46:1807(B)(7); Repeals R.S. 40:2109.1)

### **Sexual Assault Victims (Act 242)**

New law creates the Protection for Victims of Sexual Assault Act within the prior law Protection from Family Violence Act.

New law provides that victims of "sexual assault", defined as any act of obscenity and any act constituting an offense for which a person is required to register as a sex offender, are eligible to receive all services, benefits, and other forms of assistance provided to victims of domestic abuse, dating violence, human trafficking, and stalking under the Protection from Family Violence Act.

New law provides that a showing by a sexual assault victim that he or she is or has been a victim of sexual assault shall constitute good cause for purposes of obtaining a temporary restraining order in an *ex parte* proceeding.

New law authorizes sexual assault advocates to provide clerical assistance to sexual assault victims in making an application for a protective order.

New law provides relative to the disclosure of privileged communications and related records maintained by a sexual assault center.

New law expands prior law applicable to bail restrictions for the purpose of preventing domestic abuse, stalking, or dating violence, to apply as well to orders issued against a defendant as part of a bail restriction for the purpose of preventing sexual assault.

New law expands prior law regarding the crime of violation of protective orders to apply to

violations of temporary restraining orders or protective orders issued pursuant to the new law.

New law expands a hearing officer's authority to hear and make recommendations on all protective orders filed in accordance with the new law.

Effective August 1, 2015.

(Amends C.Cr.P. Art. 327.1 and 335.1, R.S. 14:79, R.S. 44:4.1, R.S. 46:236.5 and 2136.2; adds R.S. 46:2181-2188)

### **Rape (Act 256)**

New law changes the name of the offense of aggravated rape to first degree rape, the offense of forcible rape to second degree rape, and the offense of simple rape to third degree rape.

Prior law provided that simple rape (referred to as "third degree rape" pursuant to new law) is a rape committed when anal, oral, or vaginal sexual intercourse is deemed to be without the lawful consent of a victim because it is committed under certain circumstances, including when the female victim submits under the belief that the person committing the act is her husband and such belief is intentionally induced by any artifice, pretense, or concealment practiced by the offender. Prior law provided that whoever commits the crime of simple rape shall be imprisoned, with or without hard labor, without benefit of parole, probation, or suspension of sentence, for up to 25 years.

New law provides that simple rape (now third degree rape) includes a rape committed when the victim, whether male or female, submits under the belief that the person committing the act is someone known to the victim other than the offender (not just the victim's husband) and requires the term of imprisonment to be served at hard labor.

Prior law provided that sexual battery includes the intentional touching of the anus or genitals of the victim by the offender using any instrumentality or any part of the body of the offender, or vice versa, when certain

circumstances occur. New law adds that the prohibited touching can occur directly or through clothing.

New law creates the crime of misdemeanor sexual battery as the intentional touching of the breasts or buttocks of the victim by the offender, or of the offender by the victim, using any instrumentality or any part of the body of the offender, directly or through clothing, when the offender acts without the consent of the victim.

New law provides that the offender shall not be subject to any provisions of law that are applicable to sex offenders.

Effective August 1, 2015.

(Amends R.S. 14:42, 42.1, 43, and 43.1, R.S. 15:541 and 542, and Ch.C.Art. 884.1)

### **Parents and Children (Act 260)**

Prior law provided that a child remains under the authority of his father and mother until his majority or emancipation and in case of difference between the parents, the authority of the father prevails. New law provides instead that a married father and mother share parental authority over their minor child, unless modified in accordance with law, until the child attains the age of majority or is emancipated, or upon termination of the marriage of the parents of the child.

Prior law provided for the parental administration of a child's estate by the father and in some cases by the mother, during their marriage, until the child attains the age of majority or is emancipated. New law provides instead that each parent has the right and the obligation to administer the property of their unemancipated minor child in accordance with law, until the termination of parental authority.

Prior law provided that parents have during marriage a usufruct over the property of their unemancipated minor child and for their resulting obligations, with exceptions. New law provides for the rights and obligations of parents

who administer the property of their unemancipated minor child.

New law provides that an unemancipated minor child may not sue any person having parental authority over him.

Prior law provided that if the obligor cannot pay alimony, the judge may require that the obligor receive the obligee in his house and maintain him. New law suppresses prior law.

Prior law provided that a father or mother may offer to receive and support a child in his or her house and be dispensed with paying alimony. New law suppresses prior law.

New law provides that parents have the right and obligation to protect their child.

Prior law provided for the duties of parents toward their illegitimate children and for the duties of illegitimate children toward their parents. New law suppresses prior law.

New law provides for venue for actions to seek court approval by parents during marriage.

Prior law provided that the father is the proper plaintiff to sue to enforce a right of an unemancipated minor, with exceptions. New law provides that all persons having parental authority of an unemancipated minor must join as proper plaintiffs to sue to enforce a right of an unemancipated minor, with exceptions.

Prior law provided that the father is the proper defendant in an action to enforce an obligation against an unemancipated minor, with exceptions. New law provides that any person having parental authority of an unemancipated minor is a proper defendant in an action to enforce an obligation against a minor.

New law provides that summary proceedings may be used for trial or disposition of an action to compel an accounting at termination of parental authority, or an action to seek court approval to alienate, encumber, or lease the property of a minor, incur an obligation of a minor, or compromise the claim of a minor.

New law revises prior law to provide that the parents shall seek court approval to act for a minor, with exceptions. New law also provides that an ascendant having parental authority shall be considered a parent for the purposes of new law.

Prior law provided for the administration of court judgments in favor of a minor. New law provides for additional protections for a minor.

New law provides that a parent, a person having parental authority, and a tutor may not sue the unemancipated minor child, and that the unemancipated minor child may not sue a person having parental authority or his tutor.

New law provides a list of the acts which a person having parental authority may perform without court approval.

New law revises prior law of provisional custody by mandate to provide for separate rules for persons having parental authority and for tutors.

Effective January 1, 2016.

(Amends C.C. Arts. 221, 223, 224, 226-239, C.C.P. Arts. 683, 732, 2592, 4501, and 4521, and R.S. 9:571, 572, 951, 952, 953, and 954; adds C.C. Arts. 222 and 225, C.C.P. Art. 74.6, and R.S. 9:573, 961, and 962; repeals C.C. Arts. 215-220 and 240-245 and C.C.P. Arts. 4502 and 4522)

### **Governmental Internal Audits (Act 314)**

New law requires the Board of Regents, the Louisiana Student Financial Assistance Commission, each postsecondary education management board, and the secretary of each department in the executive branch of state government that includes an agency with an appropriation of \$30 million or more to establish an internal audit function, and to establish an office of the chief audit executive who shall be responsible for ensuring that the internal audit function adheres to the Institute of Internal Auditors, International Standards for the Professional Practice of Internal Auditing.

New law requires the chief audit executive to maintain organizational independence in accordance with the International Standards and to have direct and unrestricted access to the specified official, board, or commission.

New law requires the Legislative Audit Advisory Council to hold a hearing if the legislative auditor finds that a state agency required to have an internal audit function does not have an effective internal audit function, including that the agency is not adhering to the required standards.

Effective August 1, 2015.

(Adds R.S. 17:3023, 3138.5, and 3351, R.S. 24:553, and R.S. 36:8.2)

#### **Department of Economic Development Fees (Act 361)**

New law authorizes the Dept. of Economic Development to recover costs from any person applying for incentives or assistance granted by the department.

New law authorizes the department to establish the amount of fees to be charged, but sets the maximum amount of fees.

New law repeals the fee schedule for the motion picture investor tax credit.

New law repeals the fee schedule related to applications for state-certified musical or theatrical facility infrastructure projects.

Effective July 1, 2015.

(Amends R.S. 36:104, R.S. 47:6007, 6015, 6034, and R.S. 51:2317; Repeals R.S. 51:936.2)

#### **Adult Children with Disabilities (Act 379)**

New law provides for deviation from the child support guidelines for child support awarded to adult children with disabilities.

New law provides for the extension of child support to unmarried children who are incapable

of self-support and who require substantial care and personal supervision because of a mental or physical disability, excluding substance abuse or addiction.

New law provides that the court may place the award in trust or order the creation of a trust.

New law adds subject matter jurisdiction for proceedings for support of an adult child with a disability.

Old law provided for venue and for the use of summary proceedings to obtain the legal custody of a minor child or to establish a support obligation. New law changes old law so that it will also apply to an adult child with a disability.

(Amends R.S. 9:315.1 and C.C.P. Arts. 74.2 and 2592; Adds R.S. 9:315.22(E) and C.C.P. Art. 10(A)(9))

#### **Transportation Trust Fund (Act 380)**

New law addresses permissible appropriations of monies out of the Transportation Trust Fund and related matters.

Effective Aug. 1, 2015.

(Amends R.S. 48:78; Adds R.S. 39:34(E) and 54(D))

#### **Promulgation of Laws (Act 383)**

Prior law required the secretary of state to distribute the current Acts and journals of the legislature to various persons.

New law instead requires the secretary of state to distribute fewer copies of the Acts and journals of each house of the legislature to far fewer persons.

Prior law further required the secretary of state to print and distribute the reports, studies, and recommended publications of the La. State Law Institute in the same manner as the Acts of the legislature. New law provides instead that such items are public and available as provided by law.

Effective upon signature of governor (July 1, 2015).

(Amends R.S. 24:205, R.S. 25:125, and R.S. 43:22; Adds R.S. 24:173.1; Repeals R.S. 24:173)

#### **Entities Abolished (Act 401)**

New law abolishes the Allen Parish Reservoir District and its board of commissioners.

New law abolishes the Jean Lafitte Marine Fisheries Museum Governing Board and provides that the powers, duties, functions, responsibilities, programs, and operations of the museum shall be exercised by and be under the administration and control of the secretary of state.

New law abolishes the West Ouachita Parish Reservoir District and its board of commissioners.

New law abolishes the South Louisiana Wetlands Discovery Center.

New law abolishes the Chennault Aviation and Military Museum of Louisiana Governing Board and provides that the powers, duties, functions, responsibilities, programs, and operations of the museum shall be exercised by and be under the administration and control of the secretary of state.

New law abolishes the Louisiana Commission on Addictive Disorders.

Effective August 1, 2015.

(Amends R.S. 25:380.74, 380.75, 380.76, 380.114(B), 380.115, and 380.116, R.S. 28:771, and R.S. 36:744 and 851; Repeals R.S. 25:380.72, 380.73, 380.112, and 380.113 and 1311-1316, R.S. 36:509(R) and (T), 801.14, and 801.18, R.S. 38:3087.171-3087.185, and 3087.241-3087.255, and R.S. 46:2500-2505)

#### **Collection of Fees (Act 414)**

Existing law authorizes the Department of Public Safety and Corrections to collect certain fees associated with the suspension of an operator's license and related to automobile insurance requirements. New law provides that such fees are due within 60 days of the date of notice to pay these fees, after which these fees shall be considered final delinquent debt.

New law requires the office of motor vehicles to refer all final delinquent debt to the office of debt recovery.

New law establishes procedures for state agencies to consider debt that is 60 days or more past due as final delinquent debt that is collectible by the office of debt recovery.

New law changes the provisions regarding the amount of the convenience fee on credit card transactions authorized for the Department of Public Safety and Corrections from a required amount to a fee that may either be a uniform dollar amount, a percentage of the transaction, or a tiered amount based on the transaction amount.

Prior law required agencies that accept credit card payments to assess certain fees when accepting payment. New law provides that the assessment is permissive.

New law changes the agencies allowed to use a third-party solution to collect a convenience fee from those agencies specifically authorized in prior law to any state entity.

New law provides for review and recommendation of the treasurer on the fee charged by a third-party solution.

New law does not apply to any payments made through a nationwide licensing or registry system, or any payments made pursuant to existing law in the Louisiana Securities Law.

Effective August 1, 2015.

(Amends R.S. 32:863 and 863.1, R.S. 40:1322, R.S. 47:1676, and R.S. 49:316.1; Adds R.S. 32:8 and 57.1(C) and R.S. 47:1676(K))

### **Workforce Matters (Act 426)**

New law changes references from the Workforce Investment Act to the Workforce Investment Innovation and Opportunity Act, which was enacted by congress in 2014. New law further changes "workforce investment boards" to "workforce development boards".

New law provides for the assignment of workforce development areas pursuant to the new Workforce Innovation and Opportunity Act.

New law allows the governor to decertify any local board for fraud, abuse, failure to perform their function or to meet accountability measures.

New law alters the composition of the Workforce Investment Council and local workforce development boards pursuant to the Workforce Innovation and Opportunity Act.

New law repeals prior law regarding six programs no longer relevant under the new Workforce Innovation and Opportunity Act.

Effective August 1, 2015

(Amends R.S. 17:2930, R.S. 23:6, 19, 20, 34, 71(C), 76, 2042, 2043, 2044, 2046, 2048, 2061, 2063, 2065, 2091, the heading of Part V of Chapter 14 of Title 23 of the LRS of 1950, R.S. 23:2191, 2192, 2193, 2194, 2195, 2196, 2197, 2200, 2210, R.S. 46:261, R.S. 47:12, R.S. 48:1604, R.S. 51:1787 and 1807; Adds R.S. 23:2199 and 2213; Repeals R.S. 23:1801-1809, 1821-1832, 1841-1846, 1851-1855, and 1861-1862, 2043(A)(9), 2193(C), and 2196(E))

### **Domestic Abuse Crimes (Act 440)**

New law expands the crimes of domestic abuse battery and domestic abuse aggravated assault to include family members as possible victims.

New law amends the definition of "court-monitored domestic abuse intervention program" to require that the 26 in-person sessions occur over a minimum of 26 weeks.

New law provides that a prior conviction of domestic abuse battery also includes a conviction under the laws of any state or ordinance that prohibits the intentional use of force or violence committed against a family member.

New law expands the crime of stalking to specifically include written threats.

New law increases the maximum term of imprisonment from six months to two years, with or without hard labor, for a third or subsequent conviction for the crime of violation of protective orders that does not involve a battery or crime of violence against the person protected by the protective order.

New law increases the maximum term of imprisonment from six months to two years, with or without hard labor, and increases the minimum mandatory sentence from 14 days to 30, days for a second conviction that involves a battery or crime of violence against the person protected by the protective order.

New law expands the prohibition on the possession of firearms for the duration of a permanent injunction or protective order to any person against whom a protective order or permanent injunction was issued pursuant to a court-approved consent agreement, pursuant to the Protection from Stalking Act, or as a condition of release on bail for an offense against a family or household member or dating partner.

New law requires the La. Bureau of Criminal Identification and Information to obtain and file the name, fingerprints, description photographs, and any other pertinent identifying data of any person who has been arrested, or has been issued a summons and subsequently convicted, for a violation of any state law or local ordinance that prohibits the use of force or a deadly weapon

against any family member or household member.

When instituting the prosecution of an offense involving the use of force or a deadly weapon against any family member or household member, new law requires the prosecutor to include certain information in the indictment, information, or affidavit, but the failure to comply shall not constitute grounds for a motion to quash.

Effective August 1, 2015.

(Amends R.S. 14:35.3, 37.7, 40.2, and 79, R.S. 15:590, and R.S. 46:2136.3; Adds C.Cr.P. Art. 387)

#### **Permissible Governmental Investments (Act 463)**

New law permits the state Treasurer to invest offshore revenues in certain investment grade commercial paper.

New law adds certain investment grade commercial paper to permitted investments of political subdivisions.

New law provides that the treasurer is authorized and directed to invest funds of the Millennium Trust in investment grade commercial paper.

New law provides that the state treasurer is authorized to invest in certain investment grade commercial paper.

Effective August 1, 2015.

(Amends R.S. 17:3803, R.S. 33:2955, R.S. 39:98.2 and R.S. 49:327)

### **UNCODIFIED**

#### **Angel Investor Tax Credits (Act 104)**

New law sunsets the Angel Investor Tax Credit Program on July 1, 2017 rather than 2015.

Effective upon signature of the governor (June 19, 2015).

(Amends §3 of Act No. 414 of the 2011 R.S.)

#### **Government Operating Expenses (Act 16)**

New law provides for the ordinary operating expenses of state government.

Effective July 1, 2015.

#### **Capital Outlay Budget and Program (Act 26)**

New law provides for the capital outlay budget and program for FY 2015-2016 and provides for the funding of the capital outlays from specified sources of monies in specified amounts.

#### **Capital Improvements and Bonds (Act 36)**

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

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

#### **Ancillary Appropriations Act (Act 46)**

New law appropriates funds and provides for ancillary expenses of state government, including internal service funds, auxiliary accounts, and enterprise funds. The new law consists of 12 budget units from five different departments, which assist state agencies in achieving their goals through the provision of needed services.

New law provides for the establishment and reestablishment of agency ancillary funds, to be specifically known as internal service funds, auxiliary accounts, or enterprise funds for certain state institutions, officials, and agencies. New law requires the appropriated funds, to the extent deposited, unless otherwise specified, to be used for working capital in the conduct of business enterprises rendering public, auxiliary, and interagency services. New law requires receipts from the conduct of such businesses to

be deposited to the credit of each ancillary fund for FY 2015-2016.

New law provides that all money from federal, interagency, statutory dedications, or self-generated revenues of an agency be deemed available for expenditures in the amounts appropriated, and any increase in such revenues over the amounts appropriated shall only be available for expenditure by the agency with approval of the division of administration and the Joint Legislative Committee on the Budget (JLCB).

New law provides that the number of employees approved for each agency may be increased by the commissioner of administration when appropriate documentation is deemed valid; however, any request which exceeds five positions requires approval of the division of administration and JLCB.

New law authorizes the commissioner of administration to transfer functions, positions, assets, and funds between and within departments in conjunction with the continuing assessment of the existing staff, assets, contracts, and facilities of each department, agency, program or budget unit's information technology resources, procurement resources, and human capital resources, in order to optimize resources and provide cost savings.

Effective July 1, 2015.

#### **Supplemental Appropriations and Budgetary Adjustments (Act 56)**

New law appropriates supplemental funding, and provides for means of financing substitutions and other budgetary adjustments for FY 2014-2015.

New law appropriates \$124,958,094 out of the State General Fund from the FY 2013-14 surplus for debt defeasance and appropriates \$8,925,579 out of the State General Fund from the FY 2013-14 surplus towards the unfunded accrued liability of retirement systems.

Effective upon signature of governor (June 19,

#### **Legislative Expenses (Act 76)**

New law provides for the expenses of the legislature and legislative service agencies, and appropriates \$73,352,811 from the state general fund for FY 2015-2016.

New law appropriates \$24,954,064 to be used for expenses of the auditor's office.

Effective July 1, 2015.

#### **Revenue Sharing (Act 132)**

New law provides for the allocation and distribution of the Revenue Sharing Fund for FY 2015-2016.

Effective August 1, 2015.

#### **State Police Retirement Benefits (Act 135)**

Prior law provided an increased retirement benefit to each person who participated in the State Police Retirement System's deferred retirement option program (DROP) prior to its repeal by Act 480 of 2009, but who after such participation continued employment without a break in service through July 1, 2014. Prior law provided that this increased benefit shall equal a monthly salary including a longevity benefit funded from the June 30, 2014 balance in the employee experience account (R.S. 11:1332) which together with the lump sum in his DROP account on his retirement date is actuarially equivalent to the monthly benefit calculated as though he had not participated in DROP. New law repeals this provision.

Effective upon signature of the governor (June 19, 2015).

(Repeals Sec. 2 of Act 859 of 2014 R.S.)

#### **Transfers and Leases of State Property (Acts Nos. 48, 54, 61, 171, 190, and 459)**

New laws authorize the sale, transfer, or lease of various state properties to various persons.

Effective upon various dates.

**Naming of Roads, Etc. (Acts Nos. 4, 8, 9, 10, 11, 174, 175, 183, 185, 218, and 281)**

New laws designate names of numerous bridges and a highway as the "World War I and World War II Veterans Memorial Bridge", the "Korean, Vietnam, and Desert Storm Veterans Memorial Bridge", and the "James 'Terry' Watson Memorial Highway".

New laws direct the Dept. of Transportation and Development or its contractors to erect and maintain appropriate signage of these designations.

Effective Aug. 1, 2015.

**TITLE 1: GENERAL PROVISIONS**

**Black Bear Festival (Act 40)**

New law establishes the Friday of the Black Bear Festival as a legal holiday in the parish of St. Mary for purposes of authorizing the clerk of court for the 16th JDC to close offices in observance of the holiday, with exception for purposes of an election.

Effective August 1, 2015.

(Adds R.S. 1:55(E)(1)(g))

**TITLE 2: AERONAUTICS**

**TITLE 3: AGRICULTURE AND FORESTRY**

**Dept. of Agriculture and Forestry (Act 198)**

Present law authorizes the department, boards, and commissions to issue licenses, permits, and certificates. New law adds authority to issue certifications and registrations. New law adds authority for the department, boards, and commissions issuing licenses, permits, certifications, registrations, or certificates to deny, revoke, or not renew such privileges, if the applicant owes any monies.

(Amends R.S. 3:1 and 15(A); Adds R.S. 3:15(C))

**Unmanned Aerial Systems (SB 183)**

New law authorizes the commissioner to adopt rules for the regulation of unmanned aerial systems used in the course of agricultural commercial operations.

New law requires each operator of an unmanned aerial system used in the course of an agricultural commercial operation to obtain a license from the department upon meeting certain requirements.

New law requires that unmanned aerial systems operated in the course of an agricultural commercial operation be registered with the department.

New law provides that licenses and registrations are valid for three years and may be renewed for additional three-year periods.

New law authorizes private landowners engaged in agricultural commercial operations to use unmanned aerial systems within the geographical confines of their property.

New law requires producers, tenants, lessees, university researchers, or other contracted or hired personnel working on private property who are engaged in agricultural commercial operations and are using unmanned aerial systems within the geographical confines of the property to obtain written permission of the landowner or entity controlling the agricultural commercial use of the property.

New law requires that data obtained through the use of an unmanned aerial system be used solely in the course of conducting a generally accepted agricultural commercial operation, or in conjunction with an agricultural research, extension program, or initiative conducted by a Louisiana public postsecondary educational institution.

New law requires that all data obtained through the use of an unmanned aerial system remain the

property of the legal owner of the property where the data was collected, unless written approval is given by the property owner for other uses. New law authorizes public universities conducting agricultural research to negotiate with the legal owner of the property for the terms of use or shared ownership of the data.

New law authorizes the commissioner to issue and rescind stop orders prohibiting the continued use of an unmanned aerial system in certain circumstances.

New law requires an adjudicatory hearing be held to make determinations with respect to suspected violations, provides for notice requirements, and authorizes the commissioner to impose civil penalties.

Effective upon signature of the governor (June 23, 2015).

(Adds R.S. 3:41 - 47)

### **Agricultural Finance Authority (Act 5)**

New law expands the type of programs that the Louisiana Agricultural Finance Authority can establish, administer, and supervise for the purposes of promoting the purchase of La. agricultural products.

(Amends R.S. 3:266(23))

### **Egg Commission (Act 320)**

New law changes the composition of the La. Egg Commission and modifies the commission meeting requirements.

(Amends R.S. 3:837)

### **Seeds (Act 318)**

Old law required every person who sells, distributes, offers, or handles for sale agricultural, vegetable, or flower seeds or other propagating stock of one pound or more in weight to register with the commissioner as a seed dealer. New law modifies old law by

making the registration process applicable to persons who label, sell, offer, or handle for sale in or distribute to La., agricultural, vegetable, or flower seeds or other propagating stock of one pound or more in weight.

New law increases the seed dealer license fee from up to \$100 to up to \$200 per license.

Present law authorizes the commission to establish by rule a regulatory fee on all seeds sold in La. up to .20¢ per 100 pounds of seed. New law increases the fee range from up to .20¢ to up to .30¢ per 100 pounds of seed.

(Amends R.S. 3:1437 and 1448)

### **Sweet Potato Tax Money (Act 3)**

New law changes the amount of sweet potato tax money that the Commissioner of Agriculture and Forestry shall disburse to the La. Sweet Potato Association and the La. Agricultural Experiment Station.

(Amends R.S. 3:1746(C))

### **Beef Industry Council and Cattle Assessment (Act 428)**

New law changes the appointing authority, membership, and appointment terms of the La. Beef Industry Council, removes the domiciliary requirement, clarifies the duties and additional powers of the council and reporting of funds, provides for the authority to levy certain assessments with refunds, provides for use of the state assessment, and removes the referendum for assessment purposes.

Old law allows the council to levy an additional 50¢ per head state assessment on all La. cattle marketed within or outside of the state. New law imposes the state assessment.

New law removes the responsibility for collecting persons to provide a list of producers eligible for refunds. New law provides that refund provisions and procedures be published in the official state journal and posted on the LDAF website.

New law repeals provisions making portions of law subject to approval by a referendum vote of eligible cattle producers.

(Amends R.S. 3:2054, 2055, 2056, 2057, 2058, and 2059;; Repeals R.S. 3:2062)

### **State Vet Powers (Act 216)**

New law authorizes the state veterinarian to place any animal used for research, after consultation with cognizant federal officials and agencies, in quarantine until the necessary inspections, tests, or epidemiological investigations have been completed.

(Amends R.S. 3:2094)

### **Kennel Licenses (Act 365)**

New law requires any applicant for an initial or renewal kennel license to provide a signed statement indicating: (1) the applicant's Class A or Class B animal dealer's license number issued by the U.S. Department of Agriculture or the reason the applicant is not required to hold such license, and (2) the applicant's sales tax identification number, or the reason the applicant is not required to have a sales tax identification number.

(Amends R.S. 3:2772)

### **Structural Pest Control Commission (Act 201)**

New law removes the minimum fee and increases the maximum fee (from \$8 to \$16) that the Structural Pest Control Commission may establish for each reported standard contract and each reported wood destroying insect report.

(Amends R.S. 3:3374(A))

### **Pest Control and Pre-Kindergarten (Act 311)**

New law regulates the use of pest control products and product application in pre-kindergarten schools.

New law modifies present law by adding pre-kindergarten, thereby requiring a certified commercial applicator or a person under the supervision of a certified applicator to apply any herbicide, rodenticide, insecticide, or restricted use pesticide in, on, or around structures or grounds of pre-kindergarten schools.

New law requires the commissioner of agriculture to assess an annual fee not to exceed \$125 for the administrative cost of reviewing the annual integrated pest management plan.

(Amends R.S. 3:3382(3) and 3386(A); Adds R.S. 3:3388(H))

### **Warehouses and Grain Dealers (Act 430)**

Old law required agricultural warehouses and grain dealers to be bonded as a condition for a license. New law replaces the bond requirement with a requirement that the warehouses, grain dealers, and cotton merchants provide security and provisional stock insurance as a condition for a license.

Old law required the Louisiana Agricultural Commodities Commission to operate a program of self-insurance for warehouses, grain dealers, and cotton merchants limited to the amount of bonds required in old law. New law removes the bond requirement and adds guidelines for reimbursement.

New law adds the purpose of the self-insurance fund is solely for having funds available for use in meeting a license's obligations for reimbursement of any person who stored agricultural commodities in a warehouse or a producer who sold agricultural commodities to the licensee and was not fully compensated.

Old law authorized the commission to take action on behalf of the Grain and Cotton Indemnity fund against a person to recover the amount of payment made, plus costs and attorney fees, with interest computed at the U.S. Treasury two-year note rate. New law authorizes the commission to recover the amount of payment made, plus reasonable costs, including

court costs, legal interest, and reasonable attorney fees.

Old law granted recourse on the bond or alternate security required, to the extent of the loss suffered by the producer, to any producer from whom cotton was purchased or contracted to be purchased, as a result of nonperformance of the cotton merchant or cotton agent. New law instead directs the producer to submit a claim on the security to the commission pursuant to its administrative procedures as a result of nonperformance of the cotton merchant or cotton agent.

(Amends R.S. 3:3402, 3405, 3409-3412, and 3414.4; Adds R.S. 3:3412.1)

#### **Agricultural Fees and Penalties (Act 202)**

New law increases various license and permit fees issued or renewed by the Commissioner of Agriculture and Forestry.

New law increases civil penalties that the Horticulture Commission of Louisiana may assess regarding provisions governing horticulture.

(Amends R.S. 3:3803, 3806, and 3810.2; Adds R.S. 3:3803(18) and 3806(H))

#### **Meat (Act 267)**

New law expands the definition of "meat broker" to include a person, firm or corporation engaged in the business of buying or selling carcasses, parts of carcasses, meat, or meat food products of cattle, sheep, poultry, swine, goats, horses, mules or other equines conducting transactions.

New law clarifies that retail type establishments are exempt from inspections in certain circumstances. New law additionally exempts meat and meat food products sold and transported directly to the consumer by a retail store, restaurant, or similar retail type establishment's employees or a common carrier without intervening transfer or storage.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 3:4201 and 4215)

#### **Louisiana Forestry Commission (Act 249)**

New law removes the requirements that the office of forestry operate at least two forest tree nurseries and that north and south Louisiana each have at least one nursery.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 3:4274(B) and 4301)

#### **Forest Protection Tax (Act 315)**

New law changes the forest protection tax.

(Amends R.S. 3:4321)

#### **Urban Agriculture (Act 429)**

New law establishes urban agriculture incentive zones in urban areas with a population of at least 45,000 people.

New law creates procedures for political subdivisions to establish urban agriculture incentive zones.

New law establishes rules and regulations that political subdivisions must follow when imposing fees for the implementation and administration of urban agriculture incentive zones.

New law provides contract requirements that political subdivisions must adhere to when contracting with landowners affected by the urban agricultural incentive zones.

New law provides guidelines that require political subdivisions to abstain from taking action in reference to urban agricultural incentive zones.

New law modifies the existing law definition of "bona fide agricultural land" to include property included in urban agriculture incentive zones.

Effective Aug. 1, 2015.

(Amends R.S. 47:2302(A); Adds R.S. 3:4751-4754)

#### **TITLE 4: AMUSEMENTS AND SPORTS**

##### **Bingo (Act 168)**

Prior law, relative to charitable bingo, authorized any person, association, or corporation licensed to hold, operate, or conduct any games of chance under any license issued pursuant to prior law to compensate, for services rendered, any 15 employees, including a bingo caller, who assist in the holding, operating, or conducting of such games. New law increases the permitted rate of compensation for any employee to no more than \$15 per hour and no more than \$90 per session for any employee.

New law allows rather than requires each distributor of electronic bingo card dabber devices to have at least one employee on site during use of the distributor's devices.

Effective upon signature of the governor (June 23, 2015).

(Amends R.S. 4:715 and 739)

#### **TITLE 6: BANKS AND BANKING**

##### **Exculpation for Bank Directors and Officers (Act 83)**

New law allows the articles of incorporation for banks or bank holding companies to include provisions that eliminate or limit the personal liability of their directors and officers to the corporation or to their shareholders for monetary damages when they breach their fiduciary duty as a director or officer, but not for (1) any breach of a duty of loyalty to the bank, bank holding company, or its shareholders, (2) acts or omissions not in good faith or involving intentional misconduct or involving a knowing violation of law, (3) any transaction from which the director or officer derived an improper personal benefit, or (4) any act or omission that

occurred prior to the date the provision became effective.

New law allows the articles of incorporation for banks or bank holding companies to include provisions that allow ownership rights over cash, property, or share dividends, shares issuable to shareholders in connection with a reclassification of stock, or the redemption price of redeemed shares to revert in full to the bank or bank holding company after the entitled shareholder or property owner has not claimed the shares once they have become issuable or the dividend or redemption price once they have become payable within a reasonable time, not less than one year. New law limits those reversion events to circumstances in which the bank or bank holding company has made "reasonable efforts" to deliver the certificates for the shares or pay the dividend or redemption price to the shareholder.

Effective August 1, 2015.

(Amends R.S. 6:213, 291, 705, 786, and 1191)

##### **Sale of Bank Reserves (Act 155)**

New law provides a state bank may sell any of its excess reserves, without limitation as to amount, to any other bank acting as agent, so long as the amount of cash reserves held by each individual bank acting as principal does not exceed the amount provided in prior law.

New law provides that the limit on the amount of excess reserves a bank can sell to any other bank provided in prior law shall not apply to the sale of excess reserves to the Federal Reserve Bank or any Federal Home Loan Bank.

Effective August 1, 2015.

(Amends R.S. 6:303(A))

##### **Mortgages (Act 336)**

New law deletes the requirement that every loan on immovable property granted by savings and loan associations be accompanied by a certificate of the attorney of the association and

deletes the authority for the mortgage to contain an assignment of rents.

New law deletes the requirement that a mortgage secure every loan on home appliances and equipment.

Prior law authorized the vendee to waive the three-day notice required by the Code of Civil Procedure in obtaining orders of seizure and sale by executory process. New law repeals prior law.

Prior law provided that mortgages recorded in favor of savings and loan associations remained in full force and effect without the necessity of being reinscribed in the mortgage records for a period of 41 years from the date of inscription for immovable property and for 31 years for home appliances and equipment. New law deletes prior law and provides that a mortgage granted in favor of a savings and loan association and a vendor's privilege created in favor of a savings and loan association shall be subject to the general rules on mortgage records.

Prior law required that the vendor's privilege and mortgage provided by prior law remain in force for a period of 41 years from the date of inscription. New law deletes prior law.

Prior law required that prior law be liberally construed in favor of notes secured by a vendor's privilege and mortgage in favor of an association. New law repeals prior law.

New law applies to all mortgages and vendor's privileges governed by R.S. 6:830 in existence and effective on Jan. 1, 2016, and provides a period of repose through Jan. 1, 2019.

Effective January 1, 2016.

(Amends R.S. 6:830)

#### **Money Transmission Agents (Act 319)**

New law enumerates requirements for applications for licenses to transmit money or sell checks, but no longer imposes the

enumerated requirements on applications for renewal of those licenses.

Effective August 1, 2015.

(Amends R.S. 6:1037)

#### **Mortgage Industry Fees (Act 324)**

New law increases various fees payable by mortgage lenders, mortgage brokers, mortgage servicers, and mortgage originators.

Effective August 1, 2015

(Amends R.S. 6:1088.2(A))

### **TITLE 8: CEMETERIES**

#### **City of Franklin Cemetery (Act 73)**

New law, relative to a cemetery in Franklin, provides a procedure by which the city of Franklin may establish its ownership of unused interment spaces that may have been sold more than 100 years ago but for which there is no record of such a sale.

Effective August 1, 2015.

(Adds R.S. 8:308.1)

#### **Cemeteries (Act 222)**

New law increases certain fees and fines imposed by the La. Cemetery Board.

Existing law exempts certain cemetery authorities. New law specifies certain provisions for which exemptions no longer apply, and requires cemetery authorities or persons seeking exemption to provide proof as the board deems necessary, an application, and a \$250 application fee.

New law requires the renewal of exempt certificates of authority in 2016, and requires the holder of an exempt certificate to apply for renewal by April 1, 2016, and in 3-year intervals thereafter.

New law requires the annual report of a cemetery authority trustee to be submitted on a form prescribed by the board, requires the report to set forth certain additional information, and requires the annual report to be verified by the president or vice president and one other officer of the cemetery authority.

Prior law required cemetery authorities selling interment space, subject to endowment or perpetual care, to provide an annual report to the board. New law changes the required contents of the report.

New law requires cemetery authorities to submit certain information to the board prior to the first sale of a cemetery space or right of use or interment in any cemetery space in a garden not yet developed.

Effective on August 1, 2015, except R.S. 8:78(E) becomes effective on January 1, 2016.

(Amends R.S. 8:70, 73, 75, 78, 201, 403, 456, 461, 462, 466, 506, and 606; Adds R.S. 8:705.1)

### **Disposition of Human Remains (Act 270)**

New law provides relative to disposition of human remains. New law defines "disposition" as the interment, burial, cremation, or anatomical donation of the body of a deceased person or parts of the body of a deceased person. Disposition does not include any prohibited act under Part I of Chapter 12 of Title 17 of the LRS, the Louisiana Anatomical Gift Act, the Louisiana Unmarked Human Burial Sites Preservation Act, or the Louisiana Historic Cemetery Preservation Act.

New law provides that the remains of a decedent are deemed abandoned if the person or persons authorized by law to control the disposition refuses orally or in writing or fails to make arrangements or provide for the disposition of the decedent.

New law authorizes the coroner to dispose of abandoned remains as provided for indigents if the decedent had no known property or asset of

sufficient value to defray the expenses of disposition.

New law requires the coroner to arrange for disposition of the remains within 30 days, preferably by a recognized funeral establishment if such remains are not claimed, unclaimed, or abandoned and the decedent had known assets or property of a sufficient value to defray the expenses of disposition.

New law requires funeral establishments and healthcare facilities to notify the coroner for the parish of the decedent's domicile stating various information.

New law provides that upon the coroner's receipt of the notice, the funeral home is required to transport the human remains of the decedent at their costs to the coroner of the decedent's domicile, if located in Louisiana, or to the coroner of the parish where the death occurred if the decedent's domicile is not in Louisiana, who is required to assume jurisdiction of the case, and accept the remains for future disposition.

New law provides that if the coroner releases the remains to an interested person, such person may serve as the authorizing agent for cremation.

Effective July 1, 2015.

(Amends R.S. 9:1551 and R.S. 37:876; adds R.S. 8:1(20.1) and 655(D))

## **TITLE 9: CIVIL CODE ANCILLARIES**

### **Unclaimed Property (Act 350)**

Existing law provides a listing of criteria indicating an owner's interest in property. New law specifies that the criteria related to bank account withdrawals and deposits includes any one-time or recurring clearing house transaction, or any owner-directed electronic transaction. New law adds to the criteria the accessing of a deposit account by the owner through the website or other restricted electronic access point of the banking or financial organization.

Effective upon signature of governor (June 29, 2015).

(Amends R.S. 9:154)

### **Marriage Licenses (Act 436)**

New law provides that an application for marriage be made on the form provided for in new law, must be in writing, and must be sworn to and signed by both parties, with exceptions for members of the armed forces of the United States.

New law clarifies that each party's social security number is to be provided on the application if both parties were born in a state or territory of the United States or are naturalized citizens of the United States.

New law provides that if a party does not have a social security number issued by the U.S. Social Security Administration because the party is not a citizen, a valid and unexpired passport from the country of the applicant's birth or an unexpired visa accompanied by a Form I-94 issued by the United States shall be included.

New law provides that the applicants' verifying affidavit shall acknowledge that each party is free to marry pursuant to Louisiana law, and that the information contained in the application is true and correct.

New law provides that the application of marriage shall include an acknowledgment that each party understands that falsification of the application shall constitute the crime of filing false public records.

New law provides that if an accompanying birth certificate is in a language other than English, the birth certificate shall be interpreted in writing in English.

New law provides that either a valid and unexpired driver's license, government-issued identification card, a valid and unexpired passport from the country of birth, or an unexpired visa accompanied by Form I-94 as

issued by the United States, must be produced in order to obtain a marriage license.

New law requires that a photostatic or photographic reproduction of the certified copy of the birth certificate shall be filed with the officer.

New law requires a person born in Louisiana to submit a certified copy of his birth certificate with the application.

New law requires that if the applicant's birth was outside Louisiana but in another state or territory of the U.S., the applicant shall submit a copy of his birth certificate under the raised seal or stamp of the state's vital statistics registration authority of his place of birth.

New law requires that if the applicant is born outside of the United States, the applicant shall submit his birth certificate under the seal of the U.S. and certain other specified documents.

New law provides that the letter issued by the state registrar of vital records or the issuing authority in another state or country shall be filed with the court conducting the hearing, if the requirement of the birth certificate is to be waived.

New law provides that the judge issuing the order waiving the birth certificate in order to obtain the marriage license shall demand other proof of birth facts.

New law provides that an order waiving the requirement that a birth certificate be necessary to obtain a license for marriage be for good cause shown and authorizes the hearing to be held in camera.

New law provides that a letter obtained from the Louisiana state registrar of vital records or the proper registration authority stating that the birth certificate could not be found, along with other competent evidence, shall be presented to the court at the hearing.

Effective January 1, 2016.

(Amends R.S. 9:223, 224, and 225 and 226-228; Adds R.S. 9:224(A)(7) and 225(A)(4))

### **False River (Act 402)**

Prior law specified that title of the owners of land adjacent to False River in Pointe Coupee Parish extends to 15 feet above mean sea level, below which was land owned by the state.

New law changes the dividing line to a line delineated by a particular map, with any changes to the map to be approved by the division of administration and the False River Watershed Council no later than June 30, 2016.

Effective Aug. 1, 2015.

(Amends R.S. 9:1110)

### **Trusts (Act 219)**

New law provides that a nonprofit corporation or trust for educational, charitable, or religious purposes that is designated as income or principal beneficiary may serve as trustee of a trust for mixed private and charitable purposes.

New law clarifies that a testamentary trust is created at the moment of the settlor's death.

New law clarifies that an inter vivos trust is created upon execution of the trust instrument.

New law specifies that a testator can create an inter vivos or testamentary trust in favor of a class consisting of some or all of the children, grandchildren, great-grandchildren, nieces, nephews, grandnieces, grandnephews, and great-grandnieces and great-grandnephews of the settlor or of the settlor's current, former, or predeceased spouse.

New law provides that if the class includes such members who are not also related to the settlor, the interests of those members shall be determined as if they were related to the settlor in the same manner as they are related to the settlor's current, former, or predeceased spouse, unless the trust instrument provides otherwise. Unless the trust instrument provides otherwise,

if the class consists solely of descendants of the same degree, the interests of the members of the class shall be determined by roots before the application of R.S. 9:1894. For all other cases, the interests of the members of the class shall be determined by heads.

Existing law provides that if a person dies before the creation of the trust in which he would have been a member of a class if he had not died, his descendants shall be considered members of the class by representation unless the instrument provides otherwise.

New law provides that in all cases where representation is permitted, the division is made by roots. If one root has produced several branches, the subdivision is also made by roots in each branch, and the members of the same branch take by heads.

New law clarifies that if members of one class are designated beneficiaries of income and members of a different class are designated as beneficiaries of principal, the class of beneficiaries of income are governed by R.S. 9:1899 through 1901 and the class of beneficiaries of principal are governed by R.S. 9:1902 and 1903.

New law clarifies that if members of the same class are designated beneficiaries of both income and principal, interests in income before the class closes shall be governed by R.S. 9:1899 through 1901.

New law provides that unless the trust instrument provides otherwise or specifically contains a special needs provision, a private beneficiary of a trust for mixed private and charitable purposes may at any time assign to a charitable principal beneficiary of the trust a fraction or all of the private beneficiary's interest in the trust. An interest in a spendthrift trust may be assigned only gratuitously. Also, if the trust instrument provides for the termination of the trust at the end of the specified term of the private interests, the trust may be terminated early by the charitable principal beneficiary as to the portion of the trust that no longer has a private beneficiary.

New law provides that after obtaining the consent of all beneficiaries or their legal representatives, a trustee may terminate a trust if the market value of the trust is less than \$100,000, and that a natural tutor, without need for a formal tutorship proceeding and concurrence of an undertutor, can consent to the termination of a trust on behalf of a minor. In the event of the termination or modification of a trust, the trustee shall not be subject to liability for such termination or modification.

New law specifies that a trust instrument can authorize a person who is in being on the date of the creation of the trust to modify the provisions of the trust instrument to add or remove beneficiaries, or modify their rights if all of the affected beneficiaries are descendants of the person given the power to modify. New law further provides that a beneficiary added can be a person who is not in being when the trust is created, provided the individual is in being at the time the power to add is exercised.

New law provides that a divorce of the settlor revokes every provision that may be revoked or modified by the settlor in an inter vivos trust designating or appointing the settlor's former spouse unless expressly provided otherwise in the trust instrument or in a judgment or a property settlement agreement. A trustee with no actual knowledge of the divorce, judgment, or property settlement agreement is not liable for actions taken in good faith regarding the settlor's former spouse.

New law provides that a trustee may, by power of attorney, delegate the performance of acts that he could not reasonably be required to perform personally and the performance of ministerial duties. A power of attorney granted by a trustee authorizing a mandatary to alienate, acquire, lease, or encumber specifically described property at a specified price is permitted. New law further provides that a trustee's recitation in a power of attorney that he has approved the specific terms of a transaction sufficiently demonstrates that the trustee has delegated the performance of a ministerial duty.

New law clarifies that if there are two or more trustees with the same powers, each shall participate in the administration of the trust and use reasonable care to prevent a co-trustee from committing a breach of trust and shall compel him to redress a breach of trust.

New law provides that a trust instrument may confer different powers upon different trustees and each trustee acts independently with respect to those powers conferred upon him. For those powers he does not have, the trustee shall have no duties or liabilities as to the actions or inactions of the other trustees.

New law provides that when income is distributed during the year, the income can be determined based on the adjustment to be made for the year. The adjustment to be made can be determined in a way that causes the total amount distributed to the income beneficiary during the year to be equal to a percentage of the value of the trust property at the end of the prior year or at the end of an average of up to three prior years.

New law provides for the creation of a trust for the care of an animal.

Effective August 1, 2015.

(Amends R.S. 9:1783, 1821, 1822, 1891, 1894, 1904, 1905, 1953, 2026, 2028, 2031, 2087, 2096, and 2158; Adds R.S. 9:2047, 2114.1, and 2263)

### **Trust Transfers of Immovable Property (Act 225)**

New law provides that if the date of termination is not discernable on the face of the recorded trust agreement or extract of trust, the termination of the trust shall not cause the provisions of the trust relative to the transfer of immovable property owned by the trust to affect third persons until an act evidencing such termination has been recorded in the conveyance records of the clerk of court of the parish in which the immovable property is located.

Existing law requires that an extract of trust recorded in the mortgage and conveyance records shall be executed by either the settlor or the trustee and include certain information. New law requires any limitation or restriction on the power of the trustee to sell, lease, or mortgage immovable property contained in the trust instrument to be included in the extract of trust.

Prior law provided that the trustee shall have all of the powers and duties granted to trustees under the Louisiana Trust Code unless the trust and abstract of trust recited otherwise. New law deletes prior law and provides that when an extract of trust is recorded, any limitation or restriction in the trust instrument on the power of the trustee to sell, lease, or mortgage immovable property shall not be effective against third persons unless it is noted or recited in the extract of trust.

Effective August 1, 2015.

(Amends R.S. 9:2092; Adds R.S. 9:2092.1)

### **Nonprofit Youth Adventure Centers (Act 437)**

New law requires every nonprofit youth organization or provider:

- (1) to make reasonable and prudent efforts to determine the ability of a participant to safely engage in the activity;
- (2) to make known to any participant any dangerous traits or characteristics or any physical impairments or conditions related to a particular activity;
- (3) to make known to any participant any dangerous condition as to land or facilities under the lawful possession and control of the nonprofit youth organization or provider;
- (4) to assure that each participant has or is provided all properly inspected equipment;
- (5) to prepare and present to each participant or prospective participant, for the participant's inspection and signature, a statement which

clearly and concisely explains the liability limitations, restrictions, and responsibilities; and

(6) to make reasonable efforts to provide supervision of participants while engaged in activities.

New law requires each participant:

(1) to acknowledge that the adventure, educational, or recreational activities are hazardous to participants;

(2) to expressly acknowledge the risk of and legal responsibility for any injury, loss, or damage to person or property;

(3) to have the sole individual responsibility for knowing the range of the participant's own ability to participate in a particular adventure, educational, or recreational activity; and

(4) to remain in the area or facility where the adventure, educational, or recreational activity took place in the event of an accident causing injury.

New law establishes liability for:

(1) injury, loss, or damage directly resulting from the failure to follow the duties set forth in new law;

(2) acts or omissions which constitute gross negligence or willful and wanton conduct which is the direct cause of injury to a participant; and

(3) an intentional act by an agent or employee of the nonprofit youth organization or provider which is the direct cause of injury or damages to a participant.

New law requires every nonprofit youth organization and any provider for such nonprofit youth organization to carry liability insurance in limits of no less than \$1,000,000 per person, \$3,000,000 per occurrence, and \$50,000 for property damage.

New law provides that a nonprofit youth organization, its employees, or agents shall not

be responsible for any loss or damages in excess or in addition to the limits of liability insurance coverage required by new law, and provides that failure to carry such insurance shall prevent the nonprofit youth organization or provider from relying on the limitations of liability provided by new law.

(Adds R.S. 9:2795.6)

### **Leases and Domestic Abuse (Act 456)**

New law applies only to a lease agreement for a residential dwelling within a building or structure consisting of six or more separate residential dwellings. New law does not apply to a structure consisting of 10 or fewer units where one of the units is occupied by the owner or lessor.

New law provides that no lease agreement shall limit the lessee's right to summon, or any other person's right to summon, a law enforcement officer or other emergency assistance in response to an emergency following an incident on the leased premises, or assess monetary penalties or other penalties under the lease for such summoning. A lease provision in violation of new law is null, void, and unenforceable.

New law provides that a lessor shall not refuse to enter into a lease agreement solely on the basis that an applicant, or an applicant's household member, is or has been a victim of domestic abuse, or on the basis of activity directly related to domestic abuse, unless the applicant has previously been evicted by the lessor for any reason.

New law provides that a lessor shall not terminate a lease agreement, fail to renew a lease agreement, or issue an eviction notice or notice to vacate on the basis that an act of domestic abuse or activity directly related to domestic abuse occurred on the leased premises and the victim is a lessee or a lessee's household member. New law provides that if the continued presence of a domestic abuse offender results in one or more additional disturbances or altercations which pose a threat to the safety or peaceable possession of the premises by the

lessee or other residents, the lessor may evict the lessee even if the offender was uninvited or unwelcomed by the lessee.

New law requires an applicant, lessee, or household member who seeks protection pursuant to new law to provide to the lessor reasonable documentation of domestic abuse prior to the date of the lease application, lease termination, lease non-renewal, or before the judgment or order of eviction is rendered. Failure to do so results in a bar to a claim or cause of action against the lessor for violation of new law.

New law provides that if the sole reason the eviction notice or notice to vacate was issued was a single act of domestic abuse and not an additional act of domestic abuse, no breach of the lease has been alleged, and if the lessor receives reasonable documentation of domestic abuse before the judgment or order of eviction is rendered, then the lessor is to rescind the eviction notice or notice to vacate.

New law provides that in order to receive an early termination, a lessee shall:

- (1) assert in writing to the lessor that the lessee or household member is a domestic abuse victim and that the lessee seeks the particular accommodation afforded under new law;
- (2) provide to the lessor reasonable documentation of domestic abuse on the leased premises within the past 30 days;
- (3) assert in writing that the lessee will not knowingly voluntarily permit the domestic abuse offender further access to the residential dwelling unit;
- (4) otherwise meet or agree to fulfill all requirements of a lessee under the lease agreement; and
- (5) if requested by the lessor, provide in writing the name and address of the person named as the defendant, perpetrator or abuser in Uniform Abuse Prevention Order or Certification of Domestic Abuse form.

New law provides for the effects of early termination of a lease pursuant to new law, including the liability for rent and circumstances in which there are multiple lessees.

New law is not to be construed to limit a lessor's right to refuse to enter into a lease agreement, terminate a lease agreement, fail to renew a lease agreement, or issue an eviction notice or notice to vacate to a lessee or tenants pursuant to law for actions unrelated to the act of domestic abuse, except that a lessor shall be entitled to an immediate eviction of the domestic abuse offender upon presenting the court with reasonable documentation of the abuse. New law does not limit a lessee's obligation as required by a lease agreement between the lessor and lessee.

New law provides for a form for a Certification of Domestic Abuse.

New law provides that a civil action for enforcement of rights granted pursuant to new law may be commenced in state district court by a domestic abuse victim within one year of an alleged violation of new law. New law provides for equitable relief only.

New law provides for sanctions when the court determines an action to be frivolous. New law provides that no civil action may be brought if the plaintiff or the plaintiff's household member knowingly and voluntarily permitted the domestic abuse offender access to the residential dwelling unit after requesting an accommodation pursuant to new law.

New law provides immunity from liability for lessors or owners of residential dwellings who institute eviction proceedings pursuant to new law.

Effective August 1, 2015.

(Adds R.S. 9:3261.1)

#### **Consumer Loan Lenders (Act 207)**

New law increases the initial and annual renewal license fees of consumer loan lenders.

Effective August 1, 2015.

(Amends R.S. 9:3561.1(A) and (B))

#### **Real Estate Licensees and Offer Waivers (Act 24)**

Existing law dictates that real estate licensees who represent clients must promote the best interests of their clients by timely presenting all offers to and from their clients. Prior law allowed the client to waive this duty of the licensee. New law eliminates the option of the client to waive this duty of the licensee.

Effective August 1, 2015.

(Amends R.S. 9:3893(A)(2)(b))

### **TITLE 10: COMMERCIAL LAWS**

#### **TITLE 11: CONSOLIDATED PUBLIC RETIREMENT**

##### **Public Retirement Systems (Act 370)**

New law authorizes five public employee retirement systems to use account balances to pay cost-of-living adjustments.

Effective June 30, 2015.

(Adds R.S. 11:107.1(D)(4))

##### **Louisiana State Employees' Retirement System (Act 44)**

New law changes the benefits for children of deceased wildlife agents.

Effective upon signature of governor (June 5, 2015).

(Amends R.S. 11:586, 587, 589, 590, and 591)

**Teachers' Retirement System of Louisiana (Act 149)**

New law makes various changes to retirement benefits of school personnel.

Effective June 30, 2015.

(Amends R.S. 11:710)

**Clerk of Court Retirement (Act 42)**

New law revises the Clerks of Court retirement system.

Effective upon signature of governor (June 5, 2015).

(Amends R.S. 11:1528)

**DA Retirement System (Act 371)**

New law grants the District Attorneys' Retirement System board of trustees the authority to set employer contribution rates above actuarial requirements in certain circumstances.

Effective June 30, 2015.

(Adds R.S. 11:1658 and 1659)

**Municipal Employees' Retirement System (Act 38)**

New law adds the Local Tax Division of the Board of Tax Appeals to the list of entities authorized to participate in MERS by agreement with the system board of trustees.

Effective upon signature of governor (June 5, 2015).

(Adds R.S. 11:1732(14)(a)(ix))

**Mandeville and MERS (Act 285)**

New law authorizes the city of Mandeville to pay employee contributions to the Municipal Employees' Retirement System on behalf of its employees.

Effective June 30, 2015.

(Adds R.S. 11:1869)

**Sheriffs' Pension and Relief Fund (Act 136)**

Prior law provided for the purchase of certain service credit at the time of retirement, up to a maximum of three years. New law extends the maximum from three to five years.

New law authorizes the Sheriffs' board of trustees to set the employer contribution rate at any point between the previous year's rate and the decreased rate that would otherwise be required according to prior law.

New law provides that the funding deposit account may be charged for funding any of the COLA structures in prior law.

Effective June 30, 2015.

(Amends R.S. 11:2175 and 2175.1; repeals R.S. 11:105(A)(5))

**Municipal Police Employees' Retirement System (Act 43)**

New law requires any municipality that fully terminates participation in MPERS through complete dissolution of its police force, or partially terminates participation through salary cuts of more than 30% to salaries of its existing police force, to pay to the system any unfunded accrued liability attributable to its prior participation.

New law requires the system actuary to determine amounts due, and authorizes the terminating employer to pay the amount due in a lump sum or over a 10 year period with interest at the system's actuarial valuation rate.

New law authorizes the system to collect delinquent amounts in one of two ways:

(1) by filing an action against the delinquent employer in a court of competent jurisdiction. Provides that the amount due shall be collected

with interest at the system's actuarial valuation rate, compounded annually.

(2) by certifying to the state treasurer the name of the delinquent employer and the amount due. Upon receipt of such certification, the treasurer shall deduct from monies payable to the delinquent party the delinquent amount and remit such amount directly to MPERS.

Effective upon signature of governor (June 5, 2015).

(Adds R.S. 11:2225.4)

## **TITLE 12: CORPORATIONS AND ASSOCIATIONS**

### **Corporate Law (Act 356)**

Relative to the law governing corporations, new law defines "votes entitled to be cast", when used in specifying the proportion of votes required to provide shareholder approval of an action, as the number of votes in a voting group that would be cast at a meeting at which all shares in the voting group were present and voting.

New law makes changes to provide that a "qualified director" includes a director who is neither: (1) a director as to whom the transaction is a director's conflicting interest transaction or (2) a director who has a material relationship with another director as to whom the transaction is a director's conflicting interest transaction.

New law provides that the articles of incorporation may permit or obligate corporate indemnification of officers (not just directors).

Existing law authorizes a registered agent to be a domestic or foreign corporation or other eligible entity. New law requires the filing of a statement setting forth the name of at least 2 individuals at the registered agent's address in the state of La., each of whom is authorized to receive process served on it as such agent.

New law requires the corporation to file with the secretary of state the name of at least 2

individuals at its address in the state of La., each of whom is authorized to receive process served on it as such registered agent.

New law authorizes service of process to be made on an individual identified as authorized to receive service for the registered agent, if there is a statement to this effect filed with the secretary of state.

New law provides the context of the transaction requiring appraisal (whenever appraisal is required) is a sale of the entire corporation in an arm's-length transaction by a person who owns all of the shares in the corporation.

Existing law provides for the secretary of state to terminate the existence of a corporation by filing a certificate of termination stating the grounds for termination. Prior law required the secretary of state to serve a copy of the certificate of termination on the corporation. New law removes the service requirement.

Effective August 1, 2015. Provides for retroactive application to January 1, 2015.

(Amends R.S. 12:1-143, 1-202, 1-501, 1-502, 1-504, 1-1435, 1-1436, and 1-1442; Adds R.S. 12:1-140(25B))

## **TITLE 13: COURTS AND JUDICIAL PROCEDURE**

### **Appeal Fees (Act 264)**

New law provides for an increase in certain fees charged by the courts of appeal, as follows:

(1) for filing the record of appeal, from \$100 to \$300;

(2) for filing an application for writs for supervisory jurisdiction, from \$50 to \$100;

(3) for any other miscellaneous civil matter, up to \$100; and

(4) for filing an application for rehearing from any civil appeal or supervisory writ from \$70 to \$100.

Effective July 1, 2015.

(Amends R.S. 13:352(A)(1), (2), and (6))

**Jefferson Parish Traffic Fines (Act 92)**

New law changes the maximum fees on convictions for traffic violations or ordinances adopted by the Jefferson Parish governing authority from \$100 to \$125.

Effective August 1, 2015.

(Amends R.S. 13:718(I)(1))

**Cameron Parish Insurance (Act 178)**

Existing law requires the premium costs of various insurances to be paid in full by the clerk of court for various parishes from the clerk's salary fund for any employee who is entitled to receive monthly benefits from the La. Clerks' of Court Retirement and Relief Fund and who retires with at least 20 years of full-time service and is at least 55 years of age. New law extends requirements relative to the payment of group insurance premium costs to the clerk of court for Cameron Parish.

Effective August 1, 2015.

(Amends R.S. 13:783(F)(7))

**Avoyelles and Ouachita Parish Insurance (Act 179)**

Existing law requires the premium costs of various insurances to be paid in full by the clerk of court for various parishes from the clerk's salary fund for any employee who is entitled to receive monthly benefits from the La. Clerks' of Court Retirement and Relief Fund and who retires with at least 20 years of full-time service and is at least 55 years of age. New law extends requirements relative to the payment of group insurance premium costs to the clerks of court for the parishes of Avoyelles and Ouachita.

Effective August 1, 2015.

(Amends R.S. 13:783(F)(7))

**1st JDC Court Costs (Act 13)**

New law changes various court costs authorized for collection by the 1st JDC.

Effective May 26, 2015.

(Amends R.S. 13:962(I))

**27th JDC Fees (Act 194)**

New law authorizes the court reporters in the 27th JDC to charge and collect higher fees, if and when the Judicial Council reviews such request and makes a recommendation to the legislature in its 2016 report that costs meet the applicable guidelines.

Effective August 1, 2015.

(Amends R.S. 13:971(B)(1)(a), (2), and (7))

**16th JDC Fees (Act 17)**

New law increases the 16th JDC fee limits from \$15 to \$35 in civil cases and from \$5 to \$25 in criminal cases.

Effective August 1, 2015.

(Amends R.S. 13:996.37(A))

**CDC's New Courthouse (Act 461)**

New law provides that if the Civil District Court for the parish of Orleans Judicial District Court Building Commission (commission) leases a privately constructed facility for use as a courthouse, then CDC and its clerk may impose certain charges until the execution of the lease agreement or until the lease obligations have been paid.

New law provides that certain costs and charges shall be imposed after the construction project is let or, alternatively if the commission leases a privately constructed facility for use as a courthouse, then after the execution of the lease agreement.

Prior law provided that issues regarding ownership and liability for maintenance and operation expenses of the new courthouse shall be provided for between the commission and Orleans Parish in a lease or sublease of the courthouse to the commission or by a cooperative endeavor agreement prior to the awarding of the contract for construction of the new courthouse. New law makes provisions applicable only if the new courthouse is located on property owned by the city of New Orleans.

Prior law provided that the commission may pledge and dedicate the receipts of the courthouse construction fund for the payment of any obligation, loan agreement, or other financing agreement in connection with the issuance of bonds or other evidence of indebtedness for the commission by the La. Public Facilities Authority or the La. Local Government Environmental Facilities and Community Development Authority. New law also makes provisions applicable for the payment of rent under a lease agreement or for the payment of other prior law obligations.

Prior law provided that if public bids are not let for the construction of a facility as provided in prior law by August 15, 2015, then the authority to levy the additional costs and charges shall terminate and be null and void. New law provides that if by August 15, 2016, neither public bids have been let for construction nor a lease agreement executed for a privately constructed facility for use as a courthouse, then the authority to levy the additional costs and charges shall terminate and be null and void.

New law provides that the constables of the First and Second City Court of New Orleans and their deputies are granted the powers of peace officers when acting under the discretion and control of the constables and when carrying out the duties of the court, and are authorized to require incarceration of the subject involved in any of the city, parish or state prisons, precinct stations, or houses of detention in the parish of Orleans. New law provides that they are exempt from liability for their actions in the exercise of this power in the same manner and fashion as

liability is excluded generally for peace officers of this state and political subdivisions.

New law adds that the constables of the First and Second City Court of New Orleans and their deputies, under the discretion and control of the constable, shall have the same power to make arrests in and upon the property within the jurisdiction of the constables' offices, and shall have all the powers of sheriffs as a peace officer in all places and on all premises under the jurisdiction and control of the constable, as well as to execute the mandates of the court.

New law requires that any person arrested by a deputy of the constable be forthwith surrendered or delivered to the sheriff of the parish of Orleans and that this shall not prevent the New Orleans city police or the sheriff of the parish of Orleans or a deputy from making arrests.

New law provides that the City Court of Ville Platte has civil jurisdiction concurrent with the district court in cases where the amount in dispute, or the value of the property involved does not exceed \$25,000.

Effective upon signature of the governor (July 1, 2015).

(Amends C.C.P. Art. 4843 and R.S. 13:996.67, 1311, 2154, and 2163)

### **27th JDC Fees (Act 197)**

New law authorizes the 27th JDC to levy and impose a warrant recall fee not to exceed \$50 on anyone who fails to appear on all felony, misdemeanor, and traffic offenses where a warrant for arrest is issued.

New law restricts each judge from imposing more than four warrant recall fees against any person and authorizes the court to defer payment within a certain time frame for an individual who is unable to pay costs when assessed.

Effective August 1, 2015.

(Adds R.S. 13:1000.12)

**24th JDC Filing Fee (Act 91)**

New law authorizes the 24th JDC to assess and collect an additional one-time fee not to exceed \$50 in all domestic filings (to be used solely to defray the costs associated with the court's Domestic Early Intervention Triage Program).

Effective August 1, 2015.

(Adds R.S. 13:1000.12)

**CDC Duty Judges (Act 180)**

Existing law abolishes the first two judgeships that become vacant in the Domestic Relations Division of the Orleans Civil District Court and creates two new judgeships with limited jurisdiction for family and domestic relations matters. New law authorizes the judges of the new judgeships to serve as duty judges and have the same authority as other judges of the court acting as a duty judge.

Effective August 1, 2015.

(Amends R.S. 13:1138(B)(1) and (D))

**Driving While Intoxicated (Act 444)**

New law makes technical corrections to reflect the reorganization and redesignation of provisions contained in Acts 2014, No. 385 regarding the crime of operating a vehicle while intoxicated.

Effective upon signature of the governor (July 1, 2105).

(Amends R.S. 13:1894.1)

**Baton Rouge City Court (Act 374)**

New law changes the election sections for the City Court of Baton Rouge and provides that three judges are elected from election section one and two judges are elected from election section two.

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

(Amends R.S. 13:1952(4))

**Baton Rouge City Court (Act 372)**

New law authorizes the clerk of the Baton Rouge City Court to collect an additional fee not to exceed \$10 in all civil filings, subject to the provisions of existing law, which provides an exception for those individuals who are unable to pay court costs due to poverty or lack of means.

New law authorizes Baton Rouge City Court judges to assess an additional fee not to exceed \$10 against every defendant in criminal cases, including traffic offenses, who is convicted after trial or who pleads guilty or forfeits bond.

Effective August 1, 2015.

(Adds R.S. 13:2002.2)

**Hammond Fees (Act 286)**

New law authorizes the city marshal of Hammond to collect a \$20 fee for taking an appearance bond (rather than \$10).

Effective August 1, 2015.

(Amends R.S. 13:2074.4(A))

**Port of New Orleans (Act 164)**

New law authorizes the board of commissioners of the Port of New Orleans to prescribe civil fines for speeding in certain areas of the jurisdiction of the port.

Effective August 1, 2015.

(Amends R.S. 13:2571.1)

**Justices of the Peace and Constables (Act 71)**

Existing law provides that any person who qualifies to run for the office of justice of the peace or constable after 2008 shall not have attained the age of 70 years by the date of qualification, and that any justice of the peace or constable who attains 70 years of age while

serving a term of office shall be allowed to complete that term of office.

New law exempts persons who are serving or already elected to serve as constable or justice of the peace on Aug. 15, 2006, from all age requirements to serve or run for their offices in the future.

Effective August 1, 2015.

(Amends R.S. 13:2582 and 2583)

### **Caddo Parish Constables (Act 93)**

New law limits each constable of a justice of the peace court in Caddo Parish to appoint one deputy constable.

Effective August 1, 2015.

(Amends R.S. 13:2583.3)

### **Executory Process and Electronic Records (Act 84)**

Existing law enumerates a list of documentary evidence deemed to be authentic evidence for the purposes of executory process. New law adds documents recognized by R.S. 13:3733.2 to the enumerated list.

Prior law provided that a financial institution must certify that it is entitled to enforce an obligation evidenced by documents attached to a certificate of authenticity. New law provides that an assignee may certify that he is entitled to enforce an obligation as evidenced by documents attached to a certificate of authenticity.

New law provides that a record, electronic record, or reproduction of a record or electronic record which contains an electronic signature or a reproduction of an electronic signature is presumed to be genuine if accompanied by a certification that is executed by a representative of a financial institution or its assignee and complies with the proposed form.

Effective August 1, 2015.

(Amends C.C.P. Arts. 2636 and 2637(F) and R.S. 13:3733.1; Adds R.S. 13:3733.2)

### **Name Changes for Minors (Act 51)**

New law authorizes a name change for a minor without the need for notice to and consent of a parent whose parental rights have been terminated.

Effective August 1, 2015.

(Amends R.S. 13:4751(C)(2))

### **Sentencing Matters (Act 79)**

New law provides that defendants sentenced to reentry supervision shall be responsible for costs associated with that supervision.

New law provides that if a defendant violates the terms of reentry probation, the court may revoke probation and order that the defendant serve the sentence previously imposed or suspended, or the court may revoke probation and order the defendant be committed to DPS&C for not more than 12 months to the intensive incarceration program.

New law provides that a court may sentence a defendant to 90 days incarceration or impose sanctions and extend probation and treatment for technical violations.

New law deletes prior law authorization for the 41st JDC, and authorizes the 25th JDC, to establish a reentry division of court.

Effective August 1, 2015.

(Amends R.S. 13:5401)

### **West Baton Rouge Parish Sheriff's Office Retirement Benefits (Act 237)**

New law changes the retirement benefits for 30 years or more of service with the West Baton Rouge Parish Sheriff's Office.

Effective August 1, 2015.

(Amends R.S. 13:5554)

**Allen Parish Sheriff's Office Retirement Benefits (Act 312)**

New law changes, for all sheriffs and deputy sheriffs who retire from the Allen Parish Sheriff's Office on or after July 1, 2015, certain retirement benefits.

Effective August 1, 2015.

(Adds R.S. 13:5554(EE))

**Coroner (Act 302)**

New law adds registered nurses and physician assistants to the list of persons upon whose information the coroner may base the medical pronouncement of death.

Old law provided that each coroner may appoint one or more deputy or assistant coroners who possess the same qualifications as the coroner and who need not be residents of the parish, but requires that if a deputy or assistant coroner is not a resident of the parish, that person shall be a licensed physician.

New law provides that deputy coroners must possess at least the same qualifications as the coroner and the coroner may also appoint one or more assistant coroners who are not required to have the same qualifications as the coroner.

New law authorizes an assistant coroner to serve on a part-time basis for a term not to exceed that of the coroner, and who may serve as an assistant coroner in more than one parish.

New law requires a physician or other person who has knowledge of a death under sudden, accidental, violent, or suspicious circumstances or without medical attendance within 36 hours (rather than 24 hours) prior to death, to immediately notify the coroner of the death.

Effective August 1, 2015.

(Amends R.S. 9:111(B) and R.S. 13:5705 and 5712(A))

**Webster Parish Coroner (Act 346)**

New law creates the "Coroner's Office Funding District" in Webster Parish.

Effective August 1, 2015.

(Adds R.S. 13:5761-5764)

**Houma Marshall Fees (Act 206)**

New law changes the authorization to collect various fees by the marshal for the city of Houma.

Effective August 1, 2015.

(Amends R.S. 13:5807.1(A) and 5807.5)

**TITLE 14: CRIMINAL LAW**

**Unauthorized Entry of a Critical Infrastructure (Act 366)**

Existing law provides for the crime of unauthorized entry of a critical infrastructure and defines the crime as unauthorized entry into a critical infrastructure by a person without authority to do so. New law adds three additional elements to the crime:

- (1) the use or attempted use of fraudulent documents to enter a critical infrastructure;
- (2) remaining upon or in the premises of a critical infrastructure after having been forbidden to do so; and
- (3) the intentional entry into a restricted area of the critical infrastructure which is marked as a restricted or limited access area that is completely enclosed by any type of physical barrier when the person is not authorized to enter that area.

New law defines "critical infrastructure" as including chemical manufacturing facilities, refineries, electrical power generating facilities, electrical transmission substations and distribution substations, water intake structures and water treatment facilities, natural gas

transmission compressor stations, natural gas and hydrocarbon storage facilities, liquefied natural gas (LNG) terminals and storage facilities, and transportation facilities, such as ports, railroad switching yards, and trucking terminals.

Effective August 1, 2015.

(Amends R.S. 14:61)

### **Theft of Livestock or Timber (Act 65)**

New law reenacts the provisions of law regarding theft of livestock and theft of timber which were repealed in 2014.

Effective August 1, 2015.

(Adds R.S. 14:67.1 and 67.2)

### **Illegal Possession of Stolen Things (Act 137)**

New law adds that no person is exempt from prosecution for the crime of illegal possession of stolen things for any act committed with fraudulent, willful, or criminal knowledge regardless of any other presumption or exemption provided by law, including but not limited to any signed statement of ownership executed by a purported owner of property conveyed.

Effective upon signature of the governor (June 19, 2015).

(Adds R.S. 14:69(E))

### **Medicaid Fraud (Act 138)**

New law adds that Medicaid fraud is also committed by the act of any person who intends to defraud not only the state but any other person or entity (e.g. false or fraudulent submissions made to a managed care organization used by the state to administer the program).

New law adds that Medicaid fraud can be committed as to not only any program administered by the DHH but any program administered by any other state agency.

New law adds that in addition to the venue established by prior law, venue for a Medicaid fraud prosecution is also appropriate in the 19th Judicial District Court, Parish of East Baton Rouge.

Effective upon signature of the governor (June 19, 2015).

(Amends R.S. 14:70.1 and 70.1)

### **Internet Publications and Minors (Act 187)**

New law creates the crime of unlawful distribution of material harmful to minors through the Internet. New law provides that any person in La. that publishes material harmful to minors on the Internet shall, prior to permitting access to such material, require any person attempting to access such material to acknowledge that the person is 18 years of age or older.

New law provides that if the person seeking to access such material is under the age of 18 and falsely acknowledges that he is 18 years of age or older, the person in La. that publishes material harmful to minors on the Internet and who complies with the requirements set forth in new law shall not be held liable for this offense.

New law provides exceptions for the following:

(1) Internet service provider, interactive computer service provider, or radio or television broadcast licensee of the Federal Communications Commission for material harmful to minors that is provided by another person.

(2) Material that is a bona fide news or public interest broadcast, website, video, report, or event.

New law does not affect the rights of any news-gathering organization.

Effective August 1, 2015.

(Adds R.S. 14:91.14)

### **Public Drinking (Act 212)**

Existing law prohibits the "public possession" of any alcoholic beverage by any person under 21 years of age, which does not include the possession or consumption of any alcoholic beverage in private residences. New law provides that a "private residence" includes a residential dwelling and up to 20 contiguous acres on which the dwelling is located, owned by the same person who owns the dwelling.

Effective August 1, 2015.

(Amends R.S. 14:93.10(2)(a)(iv))

### **Weapon Carrying (Act 176)**

Existing law provides for the crime of illegal carrying of weapons and provides numerous exceptions. New law adds exceptions for the legislative auditor and designated investigative auditors.

Effective August 1, 2015.

(Amends R.S. 14:95(H)(1))

### **Weapons Carrying (Act 288)**

Existing law provides for the crime of illegal carrying of weapons and provides exceptions for various persons. New law expands the exceptions to include retired district attorneys and retired assistant district attorneys, but denies the exceptions to those who have entered a plea of guilty or nolo contendere to or been found guilty of a felony offense.

New law requires all excepted justices, judges, district attorneys, or assistant district attorneys to qualify annually by P.O.S.T.

Effective August 1, 2015.

(Amends R.S. 14:95(K))

### **Nonconsensual Disclosure of a Private Image (Act 231)**

New law creates the crime of nonconsensual disclosure of a private image and provides for the elements of the offense, exceptions, and penalties.

New law shall not be construed to impose liability on providers of any of the following services for content provided by another person: interactive computer service, information service, or telecommunications service.

Effective August 1, 2015.

(Adds R.S. 14:283.2)

### **Tracking Devices (Act 173)**

New law increases the prior law penalties for illegal use of a tracking device.

New law provides an exemption for any employer that provides a cellular device to employees for use during the course and scope of employment.

Effective upon signature of the governor (June 23, 2015).

(Amends R.S. 14:323(B); adds R.S. 14:323(C)(8))

## **TITLE 15: CRIMINAL PROCEDURE**

### **6th JDC Funds (Act 204)**

New law requires all parish governing authorities within the 6th Judicial District to transfer certain surplus monies to the criminal court fund of the 6th JDC each calendar year.

New law prohibits any money obligated to be paid to any officer or agency for an off-duty law enforcement court appearance from being considered surplus money.

Effective August 1, 2015.

(Adds R.S. 15:255(R))

**Parole (Act 299)**

New law establishes a sentence not to exceed 120 days for a second violation of parole and 180 days for a third or subsequent violation. All time periods are served without diminution of sentence or credit for time served prior to the revocation.

Effective August 1, 2015.

(Amends R.S. 15:574.9(G)(1)(a))

**Parole (Act 301)**

New law provides that before placing a person on parole as a result of diminution of sentence for good behavior, the committee on parole shall require the person, just like any other person being placed on parole, to submit to a test to determine whether he is infected with a sexually transmitted disease, AIDS, HIV, HIV-1 antibodies, or any other probable causative agent of AIDS and viral hepatitis.

New law provides that all inmates being released from state prison facilities shall be offered "opt-out" testing for HIV, prior to release, unless the inmate is known to be HIV positive or had a documented HIV test within the previous 12 months prior to release. If the inmate tests positive for HIV, he shall be referred by the Dept. of Public Safety and Corrections to the appropriate health care and support services. HIV testing, consent, and appropriate referral processes shall be conducted in accordance with existing law "opt-out" testing.

Effective August 1, 2015.

(Amends R.S. 15:574.4.2)

**Sexual Assault Reporting (Act 276)**

New law requires each criminal justice agency, including college and university campus police departments, to report various information about sexual assaults for the preceding calendar year no later than February 15th of each year to the Commission on Law Enforcement and the Administration of Criminal Justice.

New law requires each crime laboratory to report the number of sexual assault collection kits in their backlog for the prior calendar year no later than February 15th to the commission.

Effective upon signature of the governor (June 29, 2015).

(Adds R.S. 15:623)

**20th JDC Court Costs (Act 14)**

New law changes how the assessment of a \$5 court cost in all felony and misdemeanor prosecution, in the 20th JDC is to be spent. New law redirects funds from juvenile detention facility to drug and alcohol awareness programs.

Effective August 1, 2015.

(Amends R.S. 15:1107.6)

**Law Enforcement Officers Database (Act 331)**

New law creates the "La. Uniform Law Enforcement Statewide Reporting Database" to be administered by the La. Commission on Law Enforcement and the Administration of Criminal Justice, for information regarding the name, position, certifications related to training and qualifications, and hire and separation from service dates for all law enforcement officers.

Effective August 1, 2015.

(Adds R.S. 15:1212 and 1212.1)

**Electronic Surveillance (Act 49)**

New law adds the attorney general or an attorney general's investigator to the list of law enforcement officers who can obtain a court order authorizing the use of electronic surveillance equipment.

Effective August 1, 2015.

(Adds R.S. 15:1314(A)(4))

## **TITLE 16: DISTRICT ATTORNEYS**

### **32nd JD District Attorneys (Act 283)**

New law expands authority to the district attorney for the 32nd Judicial District to allow for reallocation of the salaries among assistant district attorneys.

Effective August 1, 2015.

(Amends R.S. 16:11(A)(2))

## **TITLE 17: EDUCATION**

### **Content Standards Development (Act 329)**

New law requires BESE to develop the state content standards for English, math, science, and social studies for public elementary and secondary schools, instead of the Dept. of Education. New law provides relative to the review, development, and implementation of state content standards in English and math, including the holding of at least one meeting in each La. congressional district.

Effective August 1, 2015.

(Amends R.S. 17:24.4(E))

### **School Standards (Act 342)**

New law requires the state Dept. of Education to enter into a one-year contract, in accordance with the La. Procurement Code, for assessments to be used in grades 3-8 in English language arts and math, with various constraints.

New law requires the state chief procurement officer to make a final determination regarding the department's request for proposals to solicit a vendor for the assessments, by July 15, 2015.

New law requires the state chief procurement officer to make a final determination regarding the department's contract for the assessments, not later than Oct. 15, 2015.

New law is null and void on July 1, 2016.

Effective August 1, 2015.

(Amends R.S. 17:24.4)

### **Elementary School Standards (Act 384)**

Relative to standards and assessments for students in grades 3-12, new law: (1) requires that state content standards and state assessments reflect direct application to subject matter proficiency of students, and (2) prohibits inclusion of content or questions to measure noncognitive, emotional, physical, or psychological characteristics, attributes, or skills of students, except for (1) instruction and assessments conducted in physical education classes, and (2) optional questions on college entrance exams, Advanced Placement exams, International Baccalaureate exams, and any state assessments administered to students in grades 7-12.

Effective August 1, 2015.

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

### **Inter-School Management Agreements (Act 159)**

New law authorizes the school board of a city, parish, or other local public system with one or more low-performing schools to enter into an agreement with the school board of a higher-performing public school system for the management and day-to-day operation of any or all of such schools.

Effective upon signature of the governor (June 23, 2015).

(Adds R.S. 17:105.2)

### **Public School Buses (Act 421)**

Existing law requires the governing authority of each public school, including charter schools, to adopt policies or to make provision in bus transportation service agreements relative to the loading/unloading of students.

New law provides that using the shoulder at or near homes is not required if it is less safe for the student.

Prior law prohibited loading/unloading students in a manner or in a location that resulted in students crossing lanes of traffic on a state highway or any other type of street. New law instead prohibits loading/unloading in a location on a divided highway such that a student would be required to cross a roadway of the highway on which traffic is not controlled by the visual signals on the school bus.

Effective upon signature of governor (July 1, 2015).

(Amends R.S. 17:158(J)(2) and (3))

#### **Immunization (Act 394)**

New law adds meningococcal disease to the list of vaccine-preventable diseases against which a person must be immunized before entering schools or day care centers.

Effective August 1, 2015.

(Amends R.S. 17:170(A)(2))

#### **High School Career Major Programs and TOPS (Act 403)**

New law tweaks certain curriculum requirements for high school career major programs, TOPS-Tech Awards, and TOPS-Tech Early Start Awards.

Effective August 1, 2015.

(Amends R.S. 17:183.3; Adds R.S. 17:5022, 5026(A) and (C), and 5081(D)(4))(See §§4-6 and 8-10 relative to codification of new law.)

#### **Nutrition Program Purchasing (Act 167)**

New law authorizes the state Dept. of Education and any governing authority of a nutrition program provider to use the simplified acquisition procedures for small purchases up to the Federal Small Purchase Threshold set by

federal law, in order to support procurement of local agricultural products and the USDA Farm to School initiatives.

Effective August 1, 2015.

(Adds R.S. 17:194(D))

#### **High School Drop-Outs (Act 392)**

Old law requires minors who withdraw from school prior to high school graduation to continue their education in one of various forms. New law exempts minors participating in a dropout recovery program from this requirement.

New law requires schools and school systems to record (rather than report) monthly students who meet certain criteria.

Effective August 1, 2015.

(Amends R.S. 17:221.4 and 221.6)

#### **Civics Instruction (Act 469)**

New law requires the curriculum for Civics to contain a unit of study that includes civics-related subject matter of which naturalized citizens are required to demonstrate knowledge.

New law requires each student enrolled in Civics to be administered a test based upon the civics portion of the naturalization test used by the United States Citizenship and Immigration Services.

Effective upon signature of the governor (July 1, 2015).

(Adds R.S. 17:274.1(D))

#### **Firearm Instruction (Act 400)**

New law permits each city, parish, and other local public school board to provide age and grade appropriate classroom instruction regarding firearm accident prevention and safety to elementary school students. New law requires that such instruction be integrated into an

existing course of study. New law prohibits such instruction from including the expression of value judgments about the use of firearms.

Effective August 1, 2015.

(Adds R.S. 17:282.5)

### **School Textbooks (Act 389)**

New law significantly revises the procedures for the adoption, review, procurement, and distribution of textbooks and other instructional materials for use in elementary and secondary schools.

Prior law required BESE to prescribe and adopt the textbooks. New law instead requires BESE to prescribe a process for textbook review, adoption, procurement, and distribution.

Prior law required the state superintendent of education to prepare the list of textbooks for BESE adoption. New law instead requires him to administer the BESE-prescribed process and to prepare lists of state-reviewed textbooks.

New law requires BESE to establish a process whereby the state Dept. of Education (DOE) shall review textbooks, within specified parameters.

New law requires public school governing authorities to adopt policies and regulations for the adoption and use of textbooks that sufficiently support the needs of all students in meeting state content standards, including the establishment of review committees for the adoption of textbooks that DOE has not reviewed.

Prior law provided for textbook review procedures, including citizen participation, the composition of textbook committees, and the placement of proposed textbooks in various public library branches throughout the state. New law instead provides that the public shall have the opportunity to view textbooks under review by DOE and school governing authorities and have the opportunity to submit comments

during the review process and prior to final adoption.

### **Purchase of Textbooks for Public Schools**

New law prohibits BESE from restricting the amount or percentage of state or local funds a school board may expend on any textbooks, electronic or otherwise.

New law requires DOE to provide for bulk purchasing through state contracts.

New law authorizes public school governing authorities to purchase textbooks through a state contract or the central depository or to contract directly with a publisher or other content provider.

New law specifies that textbooks for children participating in approved home study programs shall be supplied through the local public school governing authority.

New law repeals prior law that: (1) authorized local school boards to use state funds to purchase computer hardware; (2) provided relative to the donation and disposal of school books no longer in use; (3) required BESE to prescribe and adopt and exercise supervision and control over school books and other learning materials for postsecondary and vocational-technical schools and programs; and (4) required BESE to require publishers to furnish computer diskettes for producing braille versions of textbooks.

Effective July 1, 2015.

(Amends R.S. 17:7, 8.3, 22, 1964, 1970.4, and 1970.24; Adds R.S. 17:351.1 and 356; Repeals R.S. 17:8-8.2, 351, 352, and 415.1)

### **Early Childhood Education (Act 364)**

Existing law requires the State Bd. of Elementary and Secondary Education (BESE) to create a uniform assessment and accountability system for publicly funded early childhood education programs that includes a letter grade indicative of student performance.

As an exception to existing law, new law requires BESE to designate the 2015-16 school year as an academic learning year in which a three-level rating system, not to be based on letter grades nor used for consequences, shall be used to create practice performance profiles for publicly funded sites and the community networks in which they are included.

Effective August 1, 2015.

(Amends R.S. 17:407.23(B)(3))

### **Child Care (Act 354)**

#### *Licensing, Registration, and Definitions*

Prior law required operators of a "family child day care home" to register with the Dept. of Education and defined this as any place, facility, or home operated by any institution, society, agency, corporation, person or persons, or any other group for the primary purpose of providing care, supervision, and guidance of six or fewer children.

New law deletes that requirement and definition and instead requires the following providers to register:

(1) "Family child care provider", defined as an individual who provides child care services for six or fewer children, for fewer than 24 hours per day per child, as the sole caregiver, in a private residence.

(2) "In-home provider", defined as an individual who provides child care services in a child or children's own home.

Prior law required an unlicensed day care facility to register if it received any state or federal funds, directly or indirectly. New law instead requires a facility to register only if it receives state or federal funds related to the care provided. Existing law requires the provider to be registered before the receipt of funds. New law specifies that this applies to funds related to the care provided.

#### *Oversight*

New law requires the State Bd. of Elementary and Secondary Education (BESE) to promulgate rules and regulations relative to unlicensed child care providers (rather than the state Dept. of Health and Hospitals or the Dept. of Education).

#### *Inspections*

Old law required that unlicensed child care facilities be inspected and approved by the state fire marshal's office. New law limits the applicability of this requirement to registered facilities.

Old law authorized the state fire marshal, certain parents, and other authorized inspection personnel to inspect unlicensed facilities during normal working hours or when children are in care. New law limits this authority to registered facilities and grants it to parents only if they have children in care of the facility.

#### *Criminal History and Criminal Background Checks*

New law, relative to both family child care providers and in-home providers, prohibits any persons who have been convicted of or plead nolo contendere to certain existing law crimes from (1) being a registered provider; (2) being employed in the residence/home, or on the property of the residence/home, where a registered provider provides care; or (3) living in the residence/home where a registered provider provides care. However, applicable to in-home providers only, new law does not prohibit such a person from living in the home if he is a caregiver, meaning a person legally obligated to provide or secure care for a child, including a parent, legal custodian, foster home parent, or other person providing a residence for the child.

New law authorizes DOE to obtain criminal background information on registered, unlicensed child care providers and any adults living in or employed on the premises.

### *Training*

New law requires unlicensed child care providers to have certification in either Infant/Child CPR or Infant/Child/Adult CPR. New law adds that this is a condition of registration.

New law requires each unlicensed child care provider to participate in a four-hour orientation within 6 months of initial registration (rather than 12).

Effective July 1, 2015.

(Amends R.S. 15:587.1, the heading of Part X-C of Ch. 1 of Title 17, R.S. 17:407.61, 407.62, and 407.63-407.72)

### **Peace Officer Training (Act 152)**

New law requires the Council on Peace Officer Standards and Training to develop and continuously update a POST recognized homicide investigator training program and a sexual assault awareness training program for peace officers that consist of classroom or Internet instruction, or both.

Effective upon signature of the governor (June 23, 2015).

(Adds R.S. 17:1805(H) and R.S. 40:2405.8)

### **Community and Technical Colleges (Act 385)**

New law prohibits the Board of Supervisors of the La. Community and Technical College System from distributing certain monies to a public postsecondary education institution unless that institution's management board certifies that a private entity guarantees a private match of no less than 25% of the amount distributed.

Effective August 1, 2015.

(Amends R.S. 17:1874)

### **Public School Duties to Deaf Children (Act 250)**

New law includes deaf-blind children in the Deaf Child's Bill of Rights and converts it from a set of aspirational statements to a set of directives to public schools and charter schools.

New law does not create a right of action on behalf of an individual student or a class of students for the failure of a particular public school or public school governing authority to comply with any provision of new law.

New law requires public schools and all publicly funded early intervention programs to provide to children who are deaf, hard of hearing, or deaf-blind appropriate screening and assessment of hearing and vision capabilities and communication and language needs.

New law requires public schools and all publicly funded early intervention programs to provide children who are deaf, hard of hearing, or deaf-blind with individualized and appropriate early intervention.

New law requires public schools to inform the parents or guardians of children who are deaf, hard of hearing, or deaf-blind of all BESE policies and regulations relative to placement considerations and options available to such children and provide opportunities for parents and guardians to fully participate in the development and implementation of their child's education plan.

New law provides that public schools shall strive to provide children who are deaf, hard of hearing, or deaf-blind opportunities to meet and associate with adult role models.

New law requires public schools to provide children who are deaf, hard of hearing, or deaf-blind opportunities to meet and associate with their peers in the school environment and during school sponsored activities.

New law requires public schools to provide children who are deaf, hard of hearing, or deaf-

blind access to qualified teachers, interpreters, and resource personnel.

New law requires public schools to include a communication plan in the Individualized Education Program of every student with an exceptionality who are deaf, hard of hearing, or deaf-blind.

New law requires public schools to provide placement best suited to their needs to children who are deaf, hard of hearing, or deaf-blind and to consider the type of hearing loss as well as the degree.

New law requires public schools to provide individual considerations for free, appropriate education across a full spectrum of educational programs to children who are deaf, hard of hearing, or deaf-blind.

New law requires public schools to provide full support services provided by qualified professionals to children who are deaf, hard of hearing, or deaf-blind.

New law requires public schools to provide full access to all programs in their educational settings to children who are deaf, hard of hearing, or deaf-blind.

New law requires public school, where possible, to have deaf and hard of hearing adults directly involved in determining the extent, content, and purpose of all programs that affect the education of children who are deaf, hard of hearing, or deaf-blind.

New law provides that charter schools are subject to the Deaf Child's Bill of Rights.

Effective August 1, 2015.

(Amends R.S. 17:1960; adds R.S. 17:3996(B)(39))

#### **St. John Parish School Name (Act 47)**

New law renames La. Technical College - River Parishes Campus as La. Technical College - Reserve Campus.

Effective August 1, 2015.

(Amends R.S. 17:1994(B)(28))

#### **TOPS Eligibility (Act 101)**

New law adds that the following non-citizen students who have a non-citizen parent who is serving or has been honorably discharged from the U.S. armed forces satisfy the citizenship requirement for the Taylor Opportunity Program for Students.

Effective upon signature of governor (June 19, 2015).

(Adds R.S. 17:3048.1)

#### **Veteran Friendly Campus Designation (Act 232)**

New law requires the Bd. of Regents to establish a process for a public post-secondary education institution to be designated by the governor as a "Governor's Military and Veteran Friendly Campus". New law provides requirements for eligibility, including articulation and transfer processes, fee waivers, orientation programs, deployment and readmission policies, priority class scheduling, tutoring, and workshops offered by the institutions for veterans.

New law provides for application procedures for institutions interested in receiving the initial designation and requirements for the submission of renewal applications. New law requires the Bd. of Regents to review the applications and submit to the governor a report that indicates if an institution meets the eligibility requirements for initial designation. A designation applies for one year. For renewal applications, new law requires the Bd. of Regents to verify that an institution continues to meet the eligibility requirements.

Effective August 1, 2015.

(Adds R.S. 17:3138.5)

**Performance Goals for Certain Colleges (Act 100)**

Existing law authorizes specific tuition and fee increases and operational autonomies at public postsecondary education institutions contingent on those institutions meeting performance goals established by agreement with the Bd. of Regents.

New law exempts Grambling, Southern, and Southern at New Orleans from the requirement that their performance agreements require elimination of remedial courses and developmental programs. New law provides that those institutions shall not be required to raise admission standards such that students requiring a single remedial course would be excluded from admission and that the institutions shall be deemed to have met this target if no student takes more than one such course. New law further provides that the Bd. of Regents postsecondary education funding formula shall fund the remedial courses at the rate established for such courses offered by community colleges.

New law is not applicable to performance agreements entered into for the 2018-2019 academic year and thereafter.

Effective upon signature of governor (June 19, 2015).

(Amends R.S. 17:3139.2 and 3139.6(1))

**Public University Operations (Act 359)**

Prior law provided that operational autonomies would be granted if a public postsecondary education institution met established targets for performance objectives applicable to the institution.

New law provides instead that the division of administration shall approve the exercise of operational autonomies by an institution until July 1, 2020, if the institution's management board approves the exercise of autonomies and one of the following conditions is met:

(1) The institution is in a system that received, for its most recent audit, a financial audit with an unmodified opinion, where the financial statements were free of material misstatements and material weaknesses, and the financial position, results of operations, and cash flows were represented fairly in accordance with Generally Accepted Accounting Principles, or

(2) The institution is in a system that did not meet (1) above, but the institution was not responsible for the finding of noncompliance at the system level.

New law provides that if an institution with the authority to exercise operational autonomies subsequently receives a financial audit with a material weakness, it shall lose such authority unless it develops and implements a corrective action plan and demonstrates to the management board that the necessary corrective actions have been taken within six months after the audit finding was reported.

New law modifies or removes various operational autonomies.

New law provides that operational autonomies do not alter the authority of the attorney general and the Dept. of Justice to represent state agencies in litigation arising out of tort or contract.

Effective upon signature of governor (June 29, 2015).

(Amends R.S. 17:3139.2, 3139.5, and 3139.6(1))

**Transfers of Credits Between Schools (Act 233)**

New law authorizes and encourages four-year colleges and universities and community colleges to enter into reverse articulation or reverse transfer agreements to facilitate the transfer of academic credits earned by a student while enrolled in a four-year post-secondary institution to a community college for the purpose of enabling a student to complete the requirements for an associate degree from the community college.

New law requires each articulation and transfer agreement developed and implemented to maximize the number of academic or workforce education credits awarded to veterans of the U.S. Armed Forces for their military education, training, or experience and provide for their seamless transfer from one public post-secondary education institution to another.

New law requires the Statewide Articulation and Transfer Council (SATC) to use the "Guide to the Evaluation of Educational Experiences in the Armed Services" and the standards of the American Council on Education to govern the award or transfer of academic or workforce credit to veterans for military education, training, or experience.

New law requires each public post-secondary education institution to assist veterans and their spouses in pursuing their educational goals by providing expedited transcript analysis, prior learning assessment, portfolio analysis, advising, and testing.

New law requires each post-secondary education institution, at the request of an entering student who is a veteran or the spouse of a veteran, to evaluate any transcript of prior earned post-secondary academic credit and accept the transfer of any credit earned from a regionally accredited post-secondary institution, provided that the credit aligns with the course and program requirements of the receiving institution.

New law requires the SATC to coordinate and oversee the development of a military articulation and transfer process that shall be adhered to by all public post-secondary education institutions.

New law shall be implemented not later than the beginning of the Spring semester of the 2015-2016 academic year. New law does not apply to a former member of the U.S. armed forces who receives a dishonorable discharge but it does apply to the former members' spouse.

Effective upon signature of the governor (June 26, 2015).

(Adds R.S. 17:3161.1, 3165.2 and 3168(6))

### **ULM Dental Hygiene (Act 75)**

Existing law authorizes the Bd. of Supervisors for the Univ. of La. System to impose specified tuition and fee increases. New law additionally authorizes the board to impose a dental supply fee of \$300 per year for students in the dental hygiene program at the Univ. of La. at Monroe.

Effective August 1, 2015.

(Amends R.S. 17:3351.15(A))

### **Tuition at Historically Black Colleges (Act 98)**

Existing law grants to each public postsecondary education management board the authority to establish tuition and mandatory attendance fee amounts applicable to nonresident students. Existing law sets as the minimum for such amounts the average nonresident tuition and fee amounts at Southern Regional Education Bd. (SREB) schools in the same SREB category.

New law provides an exception applicable to historically black colleges and universities: the minimum for nonresident tuition and fee amounts at such institutions is the amount paid by resident undergraduate students at the same institution.

Existing law provides that public postsecondary education institutions that meet certain performance targets are granted specified authority for tuition increases and some operational autonomy and flexibility. Prior law provided that one such target for historically black colleges and universities was increases in nonresident tuition to an amount not less than the average tuition charged to La. residents attending public historically black colleges and universities in other SREB states.

New law provides that the nonresident tuition and fee targets for undergraduate programs at those institutions shall not be less than the average tuition and fees charged to resident undergraduate students at the same institution.

Effective August 1, 2015.

(Amends R.S. 17:3139.2 and 3351)

### **Public University Fees (Act 377)**

New law authorizes the public postsecondary education management boards to establish fees and adjust fee amounts at institutions under their respective management and supervision, subject to certain limits.

New law applies for the 2015-16 and 2016-17 academic years only; the authority to increase fees pursuant thereto terminates on June 30, 2017.

Effective upon signature of governor (July 1, 2015).

(Adds R.S. 17:3351.20)

### **Community and Technical Colleges System (Act 418)**

Existing law authorizes the board of the La. Community and Technical Colleges System to approve a specific list of construction and improvement projects for facilities and properties in the system to be funded through the issuance of bonds. New law makes changes to the list of projects.

Effective July 1, 2015.

(Amends R.S. 17:3394.3)

### **College Campus Security (Act 172)**

New law requires that when funding is made available, each public postsecondary education institution is to administer an annual, anonymous sexual assault climate survey to its students who choose to participate.

New law requires compliance by each public postsecondary education institution that receives any Title IV funding from the U.S. Dept. of Education.

New law requires each institution and area law enforcement and criminal justice agency located within the parish to enter into a memorandum of understanding (MOU) to clearly delineate responsibilities and share information in accordance with applicable federal and state confidentiality laws.

New law requires the local law enforcement agency to include information on its police report regarding the status of the alleged victim as a student at an institution and provides that the institution is not liable if the local law enforcement agency refuses to enter into the required MOU.

New law requires the Board of Regents to establish uniform policies and best practices to implement measures to address the reporting of sexually-oriented criminal offenses on institution campuses, the prevention of these crimes, and the medical and mental health care needed for these alleged victims, including numerous specific practices.

Effective upon signature of the governor (June 23, 2015).

(Adds R.S. 17:3351(H) and R.S. 17:3399.11-3399.15 )

### **Department of Education Regulations (Act 70)**

Existing law requires the State Board of Elementary and Secondary Education to require the Accountability Commission to convene an advisory subcommittee to report on and make recommendations regarding the effectiveness of the professional employee evaluation program.

New law additionally authorizes the advisory subcommittee to consider and advise the board regarding whether adjustments to regulations proposed by the state Dept. of Education and referred to the subcommittee by the board should be adopted, rejected, or modified.

Effective August 1, 2015.

(Amends R.S. 17:3883)

### **Public School Student Information (Act 228)**

New law provides in great detail relative to the collection and sharing of certain student information by local public school systems and charter schools.

Effective July 1, 2015.

(Amends R.S. 17:3913, 3914, and 3996)

### **Charter School Purchases from OPSB (Act 351)**

New law adds the following relative to the Orleans Parish School Board:

(1) The existing law requirement that the OPSB make available for purchase or lease by charter schools any immovable property that the OPSB owns that is vacant or slated to be vacant applies to improved and unimproved property.

(2) A chartering group shall offer right of first refusal to the OPSB to buy back such purchased property including unimproved property.

(3) Property to be sold back to the OPSB shall be sold for an amount up to the previously paid purchase price, plus an amount up to the fair market value of improvements paid for by the chartering group from nonpublic funds.

Effective August 1, 2015.

(Amends R.S. 17:3982(B)(2))

### **Charter Schools (Act 467)**

New law requires charter schools to enroll students identified with an exceptionality (other than gifted and talented) proportionally to the percentage of such pupils enrolled in the local public school district, in the same manner as pupils eligible to participate in the federal free and reduced lunch program.

New law requires that BESE develop and administer a process for determining if a charter school is meeting the student enrollment requirements, for an investigation of a charter

school that fails to meet the requirements to determine the reasons for such failure and all action taken by the school toward meeting the requirements, and for a clear identification of the responsibilities of the charter school, the local school board of the district in which the charter school is located, and BESE for meeting the needs of these students.

New law specifies that a Type 3B charter school not acting as its own local education agency, instead of all 3B schools, is considered an approved public school of the local board. New law adds requirement that a Type 3B not acting as its own local education agency shall receive a per pupil amount each year authorized by BESE as provided in the minimum foundation program (MFP) formula.

New law specifies that the per pupil amount provided to Type 1, 1B, 2, 3, and 4 charter schools shall be equal to the per pupil amount provided through the MFP formula determined by the allocation weights in the formula based upon student characteristics or needs. New law specifies that the per pupil amount provided to such charter schools shall be the per pupil amount received by the school district in which the student resides, instead of the district in which the charter school is located, and requires that it be based on the membership count used in the MFP instead of the Oct. 1 membership count.

New law specifies that the state-funded per pupil allocation used for computing the per pupil amount for charter schools will be based upon the weighted student membership count received by the district pursuant to the most recent legislatively approved MFP formula including all levels and allocation weights based upon student characteristics or needs as provided in the formula except any supplementary allocations for specific purposes.

New law requires that supplementary allocations be provided to charter schools based solely on the funds generated by the charter school within each specific allocation.

New law provides that unless otherwise provided for in the approved MFP formula:

(1) Through June 30, 2016, Type 3B charter schools shall receive funds according to the district-level allocation formula based on weights for student characteristics or needs used for Type 5 charter schools within the same geographic boundaries as determined by the state board.

(2) Beginning July 1, 2016, for a district with one or more Type 3B charter schools, the total amount of MFP formula funds allocated to the local school board and to Type 1, 1B, 3, 3B, 4, and 5 charter schools that are allocated within the district shall be allocated using a district-level computation based on student characteristics or needs as determined by the state board.

Effective upon signature of the governor (July 1, 2015).

(Amends R.S. 17:3991 and 3995)

#### **State Library Homework Assistance (Act 239)**

New law requires each public school governing authority to actively promote and provide information to students and parents on how to access the after-school online homework assistance services offered through the State Library of Louisiana and their local public library, including requiring certain specific measures.

Effective upon signature of the governor (June 29, 2015).

(Adds R.S. 17:182.1 and 3996(B)(39))

#### **Charter School Uniform Violations (Act 248)**

New law prohibits the suspension or expulsion of a student in grades prekindergarten through five from school for a uniform violation that is not tied to willful disregard of school policies.

New law applies to charter schools. New law provides that no charter school shall suggest to a parent that it is authorized to suspend or expel a student for a uniform violation that is not tied to willful disregard of school policies.

Effective upon signature of the governor (June 29, 2015).

(Adds R.S. 17:416(J) and 3996(B)(39))

#### **Technical Corrections (Act 297)**

New law makes various technical corrections in education laws (Title 17 of the La. Revised Statutes of 1950), including corrections in legal citations and corrections in names of education-related programs and agencies.

Effective August 1, 2015.

(Amends numerous sections in Title 17)

#### **TOPS (Act 227)**

Existing law generally provides a state-funded, merit-based scholarship program now called the Taylor Opportunity Program for Students (TOPS). New law reorganizes, renumbers, and recodifies existing law without making any substantive changes to the program.

Effective August 1, 2015.

(Amends R.S. 17:3042.1; Adds R.S. 17:5001-5122; Repeals R.S. 17:3048.1- 3048.7)

#### **TOPS-Tech Awards (Act 230)**

New law, applicable to students graduating from high school during the 2016-17 school year and thereafter, provides that students may only use a TOPS-Tech Award if enrolled in those associate's degree (academic or nonacademic) or shorter-term training and education programs that the Bd. of Regents and the La. Workforce Investment Council determine are aligned with state workforce priorities. New law provides, however, that an otherwise eligible student who has previously received an award and enrolled in such a program may continue to use it if the

board and council determine the program is no longer aligned with those priorities.

Effective August 1, 2015.

(Adds R.S. 17:5002(D))

## **TITLE 18: LOUISIANA ELECTION CODE**

### **Secretary of State (Act 296)**

New law authorizes the secretary of state to produce and sell maps of precincts and election jurisdictions and to charge uniform, reasonable fees for the maps.

New law authorizes the secretary of state to utilize the voting machines, voting technology, and other resources of his office to conduct an election not governed by the provisions of existing law (Louisiana Election Code or other law) and to charge uniform, reasonable fees for this service.

Effective January 11, 2016.

(Adds R.S. 18:21)

### **Election Procedures (Act 307)**

New law requires the confidentiality of voter registration information of a person who is 16 or 17 years of age.

New law provides that early voting confirmation sheets, instead of early voting applications, are exempted from public inspection.

New law authorizes the Dept. of State or registrar of voters to transmit the last four digits of the social security number of a registered voter to the supervisory committee to verify the identity of a candidate for purposes of campaign finance reporting and prohibits the supervisory committee from disclosing this information.

Existing law provides that if the name of a candidate who dies, withdraws, is disqualified, or resigns (in the case of a recall election) cannot be removed from the ballot, and votes received by the candidate are void and are not counted for

any purpose. New law prohibits the Dept. of State from disclosing these votes.

Prior law required DHH to send a report each month to each registrar of voters regarding persons of voter registration age in the parish who died in the preceding month. New law repeals prior law.

New law applies requirements of existing law relating to jury duty notices to jury duty questionnaires as well and requires the entity responsible for jury duty notices or questionnaires to notify the Dept. of State of any returned notice or questionnaire indicating that the person is unable to serve because he is not a U.S. citizen.

Prior law provided that in an emergency, with approval of the governor and the State Bond Commission by two-thirds vote of its total membership, the governing authority of a parish or municipality or a school board could conduct a bond or tax election on a Saturday that was not provided for otherwise. New law repeals prior law.

New law requires a list of watchers to be signed by the candidate.

New law requires a list of watchers submitted by the state central committee of a recognized political party to be signed by the chairman of the state central committee, and requires a list of watchers for an independent or other party slate of candidates to be signed by a person authorized by the presidential candidate.

New law provides that a list of watchers submitted for a primary election may be used for the general election only if the candidate notifies the clerk of court in writing no later than 4:30 p.m. on the 10th day before the general election.

New law changes scope of fines, fees, and penalties that a candidate may not owe.

New law changes the opening of the qualifying period for certain elections.

New law requires the Board of Ethics to bring an action pursuant to existing law objecting to the candidacy of a person who qualified as a candidate in violation of existing law.

New law authorizes the parish president to change a polling place during the period and for the reasons provided in existing law if there is not a regularly scheduled meeting of the parish governing authority prior to the election, but the change does not become permanent unless the parish governing authority subsequently votes to approve it.

New law applies the qualifications of a deputy parish custodian of voting machines to a person stationed at the former polling place when a polling place has been changed pursuant to existing law or new law.

New law provides that the period for qualifying for the presidential preference primary closes at 4:30 p.m., rather than 5:00 p.m., on the Friday following the first Wednesday in December.

Prior law allowed the voter the option to obtain the signature of a notary public in executing the certificate on an absentee mail ballot in lieu of signing in the presence of a witness. New law repeals prior law.

Prior law additionally required the certificate to contain spaces for the state and parish or county where it was executed, if executed outside the voter's parish of registration. New law repeals prior law.

New law additionally requires the ballot envelope flap to contain a line for the printed name of the witness.

Existing law allows a qualified voter who expects to be hospitalized on election day and who did not have knowledge of his proposed hospitalization until after the time for early voting had expired to vote absentee by mail.

New law allows a person who is eligible to vote who feels he will not have time to vote timely by mail to request that the registrar transmit voting materials to him electronically or allow an

immediate family member to pick up his voting materials at the registrar's office, and provides procedures for voting and returning the materials to the registrar.

Effective upon signature of governor (June 29, 2015), except that provisions authorizing a person who is 16 years of age to register to vote at the office of the registrar and allowing the Dept. of State to disclose the last four digits of the social security number with the Supervisory Committee on Campaign Finance Disclosure become effective on January 15, 2016.

(Amends R.S. 18:101, 154, 178, 402, 435, 463, 467, 534, 536, 551, 1280.22, and 1306; Adds R.S. 18:154, 491(C)(3), and 1308(A)(1)(c); Repeals R.S. 18:173(A))

#### **Election Dates and Deadlines (Act 410)**

New law moves the primary election date one week earlier for regularly scheduled primary elections (except congressional primary elections and the presidential preference primary), moves the general election date one week later in certain municipal and ward elections, and moves the opening of the qualifying period one month earlier for all regularly scheduled elections (except the presidential preference primary).

New law makes the same changes for special elections to fill a newly created office or vacancy in an existing office and to bond, tax, or other elections at which a proposition or question is to be submitted to the voters that are provided to be held on the same dates as the above elections.

New law limits the time period during which a candidate may withdraw from an election: the candidate must file notice of withdrawal prior to 4:30 p.m. on the seventh day after the close of the qualifying period to withdraw from a primary and prior to 4:30 p.m. on the ninth day after the date of the primary election to withdraw from a general election.

New law provides that the secretary of state shall not accept a notice of withdrawal that does not satisfy the content requirements of law.

Effective January 1, 2016.

(Amends R.S. 18:402, 467, 501, 502, 503, 1256, and 1280.22)

#### **Recalled Public Officers (Act 50)**

New law provides that if a recalled public officer was removed from office as a member of the governing authority of a Lawrason Act municipality, he is ineligible as a candidate at an election to fill a vacancy on the governing authority that is held prior to the next regularly scheduled election for members of the governing authority following the recall of the public officer.

Effective August 1, 2015.

(Amends R.S. 18:1300.13(B)(2))

#### **Election Expenses (Act 269)**

New law adds payment of election expenses incurred by a registrar of voters and his permanent employees to the list of costs covered by prior law.

New law provides that election expenses incurred by a registrar of voters and his permanent employees to perform election duties and responsibilities associated with early voting are reimbursable election expenses.

New law becomes effective on January 1, 2016, and ceases to be effective on December 31, 2017, with prior being reinstated.

(Amends R.S. 18:1400.2 and 1400.8)

#### **Bribery of Voters (Act 347)**

New law increases the maximum fine for a first offense of bribery of voters from \$2,000 to \$4,000 and increases the maximum fine for a second or subsequent offense from \$5,000 to \$10,000.

Effective August 1, 2015.

(Amends R.S. 18:1461(B))

### **TITLE 21: HOTELS AND LODGING HOUSES**

#### **Jefferson Parish Hotels (Act 265)**

New law, relative to hotels and lodging houses in Jefferson Parish, provides that a tourism organization may levy a hotel assessment of up to 1.75% of the daily room charge upon its hotel members in Jefferson Parish for destination marketing, sales, public relations and for other matters as shall be approved by the board and ratified by a vote of the assessed hotels in a referendum.

New law provides that a hotel operator shall not be liable for payment of a hotel assessment for any time period in which it is not a member of the tourism organization.

New law provides that in addition to the right to resign from the tourism organization as provided in the governing documents, an assessed hotel shall have the right to resign its membership within 30 days of the announcement of the results of the referendum approving the hotel assessment and 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.

New law provides that receipts from any hotel assessments 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 is an enforceable obligation of the guest.

New law requires that each tourism organization which levies an assessment pursuant to new law be subject to audit by the legislative auditor.

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 as required by applicable local ordinances.

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 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.

Effective August 1, 2015.

(Adds R.S. 21:301-308)

## **TITLE 22: INSURANCE**

### **Department of Insurance (Act 274)**

New law changes the office of health insurance to the office of health, life, and annuity; the office of licensing and compliance to the office of licensing; the office of consumer advocacy to the office of consumer advocacy and diversity; and the division of minority affairs to the division of diversity and opportunity. New law adds the office of consumer services.

Prior law provided for the functions and duties of the division of minority affairs, which include the requirement to develop a pilot program that seeks to address the needs and concerns of minority and women producers in the state. Prior law authorized the division of minority affairs to conduct a survey of insurance companies doing business in this state in order to seek information and data relative to the policies and practices of hiring of and contracting with minorities.

New law deletes the requirement for the pilot program and transfers the functions and duties of the division of minority affairs to the division of diversity and opportunity.

New law requires the division of diversity and opportunity to review all complaints alleging a violation of law with regard to equal opportunity in insurance. New law requires the division of diversity and opportunity to notify an insurer against whom a complaint was filed of the nature of the complaint and provide the insurer with the opportunity to make a written explanation.

New law requires the division of diversity and opportunity to report apparent violations of law to the commissioner, who may commence enforcement proceedings.

New law places the Advisory Committee on Equal Opportunity within the division of diversity and opportunity.

New law creates an assistant commissioner of diversity and opportunity who serves at the pleasure of the commissioner at a salary fixed by

the commissioner, which shall not exceed the amount approved for the position by the legislature.

New law provides that with respect to state fiscal year 2014-2015, LIGA is authorized to make a one-time transfer to the state general fund.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 22:3, 31, 32, 33, and 2058 and R.S. 36:681, 687, 691.1, 692, 694, and 696; adds R.S. 22:31)

### **Foreign Insurers (Act 224)**

New law authorizes the commissioner of insurance to issue a certificate of authority to admit a foreign insurer to transact health and accident insurance business.

New law provides that the commissioner of insurance may not waive any provision of Title 22 unrelated to the disparate treatment of domestic and foreign insurers with respect to licensure and solvency requirements.

Effective August 1, 2015.

(Adds R.S. 22:331(C))

### **Domestic Surplus Lines Insurance (Act 193)**

New law provides that a domestic insurer, by a resolution of its board of directors and with the written approval of the commissioner, may sell surplus lines insurance in La. New law further provides that a domestic surplus lines insurer will be limited to the sale in La. of surplus lines insurance.

New law provides that a domestic surplus lines insurer will be subject to the surplus lines premium tax, but will be exempt from the requirements of rate and form filing and approval, other than for public carriers and assessments of insurers, and also exempt from the requirements and protections of the La. Insurance Guaranty Association Law.

New law removes references to "approved unauthorized insurers" in existing law and adds a third category of domestic surplus lines insurers that constitutes "surplus lines insurers".

New law provides that a domestic surplus lines insurer will be authorized to write any type of insurance in La. that may be placed with a surplus lines carrier.

Effective August 1, 2015.

(Amends R.S. 22:46, 432, 434, 438, 446, 1456, and 1661; Adds R.S. 22:46, 435(B)(3) and 436.1)

### **Surplus Lines Taxes (Act 386)**

New law reduces the rate of the tax on the premiums on surplus lines insurance from 5% per year to 4.85%.

Prior law exempted the portion of surplus lines premiums not allocable to this state from the surplus lines tax. New law repeals the exemption and provides that the entire surplus lines premium of a surplus lines policy of which La. is the home state of the policyholder shall be subject to the surplus lines tax.

New law requires that surplus lines brokers only file surplus lines tax reports for those quarters in which they place single-state surplus lines business. New law requires all surplus lines brokers to file an annual report certifying the reporting of all business placed during the calendar year on or before March 1 of the following year.

New law repeals the requirement that the commissioner of insurance join the Nonadmitted Insurance Multi- State Agreement or other cooperative compacts or agreements with other states for the purpose of allocating surplus lines premiums on multistate policies and tax revenues.

New law excepts certain educational institutions from the tax on gross premiums for surplus lines insurance, and excepts purchases of insurance by

political subdivisions having a population not less than 350,000 persons.

New law reduces the rate of the tax on the portion of premiums on surplus lines insurance received from ocean marine and foreign trade coverages from 5% per year to 4.85%.

New law eliminates the exemption for insurance on subjects located, resident, or to be performed wholly outside of this state, or on vehicles or aircraft owned and principally garaged outside of this state.

Exceptions for certain educational institutions and political subdivisions became effective July 1, 2015; the remaining provisions become effective October 1, 2015.

(Amends R.S. 22:439 and 443; Repeals §2 of Act No. 361 of 2011 R.S.)

#### **Association-Sponsored Self-Insured Trusts (Act 455)**

New law provides for an association-sponsored self-insured trust, defined as an active trade or professional association which is either a tax exempt organization or a nonprofit corporation and which: (1) provides services to its membership so that the primary function of the trade or professional association is not the sponsorship, operation, or management of a fund, or related employee safety program, or other related activities; (2) has for at least 10 years held regular meetings of the board and produced a newsletter; (3) is chartered and domiciled in this state and has been in existence since 1950; and (4) is comprised of professionals that possess licenses issued by a state authority in order to conduct the business of the profession.

New law requires an association-sponsored self-insured trust to deposit with the commissioner of insurance a safekeeping or trust receipt from a bank or a savings and loan association doing business in this state indicating that the self-insurer has deposited cash or bonds issued by national, state, or local governments of par value of not less than the greater of either \$100,000 or

30% of the self-insurer's outstanding Louisiana-related reserve liabilities.

New law requires an association-sponsored self-insured trust to: (1) maintain at all times during the first year of operations unimpaired net assets of not less than \$100,000; (2) have applications from not less than two employers and plan to provide similar benefits for not less than 100 participating employees; and (3) maintain contribution rates for participation under the arrangement that equal or exceed a funding level established by a report prepared by an actuarial firm.

New law provides that the employers in the self-insurance plan shall be members of an association, that each employer member participating in the association-sponsored self-insurance plan shall sign an indemnity agreement that is also signed by representatives of the association and the trust, that the association sponsoring the trust shall be responsible for unpaid claims liability of the trust, and that employer members participating in the self-insurance plan shall be in solido guarantors of liabilities of the trust not satisfied by the association.

New law provides that a board of trustees shall serve as fund managers on behalf of participants, that they shall be plan participants, that they shall be elected by participating employers or by association members who are plan participants, and that they shall be bonded in an amount not less than \$100,000 from a licensed surety company.

New law makes investment of plan funds subject to the same restrictions applicable to insurers.

New law provides that if an association-sponsored self-insured trust is insolvent, the Department of Insurance (DOI) shall require that the trust file in writing within 60 days a plan to eliminate the insolvency, signed by the board of trustees. New law requires that DOI review the plan and notify the trust of the plan's approval or disapproval within 30 days. New law gives DOI, should a trust fail to file a plan to eliminate an insolvency or should DOI notify a trust that such

plan has been disapproved or that the trust is not properly implementing the plan, these additional powers: (1) ordering the trust to immediately levy an assessment upon the association, the members of the trust, or both, sufficient to eliminate the insolvency; and (2) should the trust fail or refuse to levy such assessment, levying such assessment upon the association, the members of the trust, or both, sufficient to eliminate the insolvency.

New law provides that association-sponsored self-insured trusts are not members of either the Louisiana Insurance Guaranty Association or the Louisiana Life and Health Insurance Guaranty Association, nor shall either be liable for any claims or increments of claims made against any association-sponsored self-insured trust.

New law requires a plan to submit its proposed excess or stop-loss insurance contract to the commissioner at least 30 days prior to (rather than after) any renewal date.

New law defines "net assets" as the excess of the assets of a self-insurance plan, including a multiple employer welfare arrangement, minus the liabilities of the plan. New law provides that liabilities of a self-insurance plan include the claims liability of the plan.

New law defines "claims liability" as the total of all incurred and unpaid claims for allowable benefits under a self-insurance plan, including a multiple employer welfare arrangement, that are not reimbursed or reimbursable by excess of loss insurance, subrogation, or other sources.

Effective August 1, 2015.

(Amends R.S. 22:459(A); adds R.S. 22:452(4) and (5) and 458.1)

### **Insurance Supervision and Risk Management (Act 196)**

New law provides for determination or acknowledgment by the commissioner of the group-wide supervisor of an internationally active insurance group, and of an insurance group that so requests.

New law provides the criteria for determining or acknowledging the supervisor and for evaluating material changes in the insurance group that would justify changing the group-wide supervisor.

New law authorizes the commissioner of insurance to request information necessary to make a determination of group-wide supervision and provides for the confidentiality of that information by creating an exemption from the Public Records Law for such information.

New law enacts the National Association of Insurance Commissioners' (NAIC) Risk Management and Own Risk and Solvency Assessment (ORSA) Model Act.

New law refers to the NAIC Guidance Manual for the requirements for an insurer or insurance group (defined as insurers and affiliates included within an insurance holding company system) in preparing an ORSA and ORSA summary report.

New law provides for requirements and exemptions from ORSA reporting, but also gives the commissioner of insurance discretion to require a risk management framework for otherwise exempt insurers or groups based on unique circumstances, a risk-based capital event, or evidence of being in a hazardous financial condition.

New law provides that certain documents, materials, or other information shall be confidential and privileged, shall not be subject to disclosure under the Public Records Law, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

Effective Jan. 1, 2016.

(Amends R.S. 22:691.10 and R.S. 44:4.1; Adds R.S. 691.2(11) and (12), 691.9.1, and R.S. 22:691.31 - 691.39)

### **Insurer Disclosures to Government (Act 304)**

New law enacts the NAIC Corporate Governance Annual Disclosure (CGAD) Model Act.

New law outlines the requirements for an insurer or insurance group to complete a CGAD and submit it to the insurance commissioner.

New law provides that the requirement to file a CGAD shall apply to all insurers domiciled in this state.

New law requires that the CGAD contain the material information necessary to permit the commissioner to gain an understanding of the insurer's or insurance group's corporate governance structure, policies, and practices, and authorizes the commissioner to request additional information.

New law provides that certain documents, materials, or other information, including the CGAD, in possession of the commissioner shall be confidential and privileged, shall not be subject to disclosure under the Public Records Law, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. New law allows the commissioner to share and receive such materials as long as they are kept confidential.

New law provides that it is intended that if any provision of new law relative to confidentiality is held invalid under the Constitution of Louisiana or of the United States by a final and nonappealable judgment, then such provision's ineffectiveness or invalidity will invalidate new law.

Effective January 1, 2016.

(Amends R.S. 44:4.1(B)(11); Adds R.S. 22:691.31-691.38)

### **Withdrawal of Bonds and Deposits (Act 35)**

New law requires domestic insurers to comply with existing law provisions governing the withdrawal of any bond or deposit requirements.

New law requires the surrender of a deposit to a receiver placed in rehabilitation or liquidation pursuant to an order of the receivership court. New law requires the insurer to comply with existing law upon release from rehabilitation or liquidation.

Effective upon signature of the governor (June 5, 2015).

(Amends R.S. 22:807)

### **Credentialing (Act 63)**

New law changes prior law authorizing health insurance issuers to require healthcare providers to be credentialed, as follows:

(1) Changes the definition of a "health care provider" to specifically include a dentist licensed to practice dentistry by the La. State Board of Dentistry.

(2) Changes the definition of a "health insurance issuer" to specifically include a dental benefit plan, including an entity defined as a dental service contractor in existing law.

(3) Provides that a provider who has been credentialed by a health insurance issuer for any location in the state and is current on all credentialing at that location shall be considered credentialed for all locations at which that provider may legally practice medicine or dentistry, provided that certain conditions are met; and

(4) Provides that there shall be no other requirements placed upon the provider in order to be credentialed by an issuer for any additional practice location.

Effective upon signature of the governor (June 5, 2015).

(Amends R.S. 22:1009)

### **Cancellation of Insurance Policies and Premium Finance Companies (Act 37)**

Prior law provided that within 10 days after the expiration of the 10-day notice of cancellation of a consumer automobile insurance policy, the automobile insurer shall return all funds paid by the insurance agent to the insurer, except when an insurance premium finance company has funded an insured's policy. When an insurance premium company has funded the policy, the insurer shall return those funds directly to the insurance premium finance company. New law adds that when the funds are returned to the premium finance company, the insurer shall mail a copy of the check or other negotiable instrument to the insured at the insured's last-known address.

Prior law provided that when an insurance premium finance company has funded an insured's consumer automobile policy and the policy is cancelled and the insurer has returned the funds directly to the insurance premium finance company, any funds received by the insurance premium finance company in excess of the amount owed to the insurance premium finance company by the insured shall be forwarded to the insurance agent to be returned to the insured. New law adds that the insurance premium finance company shall also mail a copy of the check or other negotiable instrument representing the amount of the payment to the insured.

New law provides that an insurance premium finance company that finances any consumer automobile insurance policy shall cooperate with the Dept. of Insurance in any investigation regarding such insurance policy. New law provides that upon request by the department, the insurance premium finance company will make available to the Dept. of Insurance all documents, correspondence, and cancellation notices related to the consumer automobile insurance policy received or sent by the insurance premium finance company.

New law requires that the insurer of a commercial policy shall provide notice of cancellation or a statement of reasons for cancellation where cancellation for nonpayment of premium is effected by a premium finance company or other entity pursuant to a power of attorney or other agreement executed by or on behalf of the insured.

New law adds that an insurance premium finance company that finances any commercial insurance policy shall cooperate with the Dept. of Insurance in any investigation regarding such commercial insurance policy. New law adds that upon request by the department, an insurance premium finance company that finances a commercial insurance policy shall make available to the Dept. of Insurance all documents, correspondence, and cancellation notices related to the insurance policy received or sent by the insurance premium finance company.

New law provides that an insurance premium finance company shall be subject to the monetary penalties provided for in prior law.

Effective August 1, 2015.

(Amends R.S. 22:1266 and 1267)

### **Producer Licensing (Act 58)**

Prior law required that an applicant for a producer license applying for renewal within five years of the expiration date of his license was exempt from the requirement of an examination.

New law changes prior law by requiring that an applicant apply within two years of the expiration of the previous license to be exempt from the requirement of an examination.

Effective August 1, 2015.

(Amends R.S. 22:1551(C)(1))

### **Insurance License Applications (Act 162)**

Prior law provided that if an applicant for a license or certificate of authority to transact the business of insurance is a corporation, partnership, or other legal entity, background checks shall be limited to those individuals who are directors, officers, employees, or individuals who own or control at least 10% of the entity. New law removes the 10% threshold and provides that background checks apply to individuals who exercise control.

New law requires an individual who intends to succeed to a position as director, officer, or employee, or who exercises control of the entity to undergo an investigation and criminal background check.

New law permits the commissioner to require each applicant for a license or certificate of authority to submit fingerprints to verify the identity of the applicant.

New law permits the commissioner to contract for the collection, transmission, and resubmission of fingerprints. Any fee for services by the contractor shall be payable directly to the contractor by the applicant.

Effective upon signature of the governor (June 23, 2015).

(Amends R.S. 22:1921 and 1922)

### **Insurer Receiverships (Act 340)**

New law adds attorneys to the list of individuals the commissioner of insurance can appoint as special deputies, clerks, or assistants in connection with matters involving rehabilitation, liquidation, or conservation of domestic insurers in receivership.

New law provides that the commissioner may employ staff counsel of the Dept. of Insurance or special counsel to provide representation in all matters in which the assets of an insurer's estate are less than \$1 million. The special counsel appointed by the commissioner are subject to approval by the attorney general. The fees and

expenses of staff or special counsel may be reimbursed upon approval by the commissioner and the court and paid from the funds or assets of the insurer.

Prior law provided that the court distribute any surplus found to exist after payment in full of all allowed claims. New law provides that the commissioner shall distribute any surplus subject to approval by the court.

New law is to be given retroactive application to pending proceedings.

Effective upon signature of governor (June 29, 2015).

(Amends R.S. 22:2018 and 2034(G))

### **Insurance Code Violation Notices (Act 15)**

Prior law provided that if any person was entitled to a hearing by any provision of the Insurance Code, before any proposed action was taken, the notice of the proposed action may be in the form of a notice to show cause stating that the proposed action may be taken, unless such person showed cause at a hearing to be held as specified in the notice why the proposed action should not be taken, and stating the basis of the proposed action.

New law instead provides that if any person is entitled to a hearing pursuant to any provisions of the Insurance Code prior to the taking of any regulatory action, the commissioner shall issue a notice of wrongful conduct that contains allegations of fact describing the wrongful conduct and cites the provisions of existing law that the commissioner deems to have been violated. New law further requires that the notice inform the person of the opportunity to show cause, in a manner specified in the notice, as to why regulatory action should not be taken.

Effective upon signature of the governor (May 26, 2015).

(Amends R.S. 22:2195)

## **TITLE 23: LABOR AND WORKERS' COMPENSATION**

### **Franchising and Employees (Act 404)**

Existing law provides for franchise agreements specifying that parties to a franchise may agree that the franchisor will refrain from selling, distributing, or granting additional franchises within defined geographic area and in return, the franchisee will refrain from competing with the franchisor, or other franchisees of the franchisor, for a period of up to 2 years following the severance of the franchise relationship.

New law provides that a franchisee's employees are not deemed employees of the franchisor unless the two entities share or co-determine those matters governing the essential terms and conditions of employment and directly and immediately control matters relating to the employment relationship such as hiring, firing, discipline, supervision, and direction.

New law clarifies that new law and existing law do not apply to the unemployment or workers' compensation Chapters.

Effective August 1, 2015.

(Amends R.S. 23:921)

### **Workers' Compensation (Act 397)**

New law adds five new, riskier methods of investment for group self-insurance funds of funds not needed for current obligations.

Prior law required that investments in corporate bonds must be in bonds with a minimum rating of "A" by Moody's, Standard & Poor's, or Fitch. New law changes the minimum rating from "A" to Baa by Moody's, BBB by Standard and Poor's, or BBB by Fitch.

Effective August 1, 2015.

(Amends R.S. 23:1196.1)

### **Employers of Disabled Employees (Act 254)**

Prior law encouraged employers to retain and hire employees with a pre-existing permanent partial disability by providing for reimbursement from the Second Injury Fund to the employer or its insurer, for workers' compensation benefits beyond a scheduled threshold, under certain circumstances.

Prior law provided a reimbursement schedule in part, for second injuries occurring between July 1, 2010, and July 1, 2015. New law eliminates the end date contained in the reimbursement schedule.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 23:1378(A)(intro para))

### **Unemployment Compensation Disputes Review (Act 360)**

Existing law allows any party to seek judicial review of a board of review decision in unemployment compensation disputes. Prior law provided that if the La. Workforce Commission failed to file the required records with the court, the court, upon hearing sufficient evidence, could have issued a judgment awarding payment to the claimant. New law provides that if the La. Workforce Commission fails to timely file the case records, the court may make a judgment based on the evidence presented for either party.

Effective August 1, 2015.

(Amends R.S. 23:1634(A))

## **TITLE 24: LEGISLATURE AND LAWS**

### **Legislative Audit (Act 375)**

Old law required that any local auditee or volunteer fire department and certain other auditees that receive \$50,000 or less in any one fiscal year shall not be required to have an audit, but the auditee must file a certification with the legislative auditor indicating that it received \$50,000 or less in funds for the fiscal year, and

shall annually file sworn financial statements. New law changes the amount to \$100,000 or less.

Old law required any local auditee and certain other auditees that receive more than \$50,000 in any one fiscal year, but less than \$200,000, to conduct an annual compilation of financial statements, with or without footnotes in accordance with the La. Governmental Audit Guide. New law changes the amount to more than \$100,000 but less than \$200,000.

(Amends R.S. 24:513)

## **TITLE 25: LIBRARIES, MUSEUMS, AND OTHER SCIENTIFIC**

### **Vermillion Parish Library (Act 279)**

New law deletes requirement that the one additional member of the Vermilion Parish Library Board of Control be subject to Senate confirmation.

Effective August 1, 2015.

(Repeals R.S. 25:214.4(C))

### **State Museum (Act 263)**

New law changes the qualifications for and manner of appointment of members of the Board of Directors of the La. State Museum.

New law requires the board to assist the secretary of CRT and assistant secretary in establishing fiscal policies.

New law requires that the secretary of CRT and the assistant secretary of the office of the state museum consult with the board with respect to policy for the office of state museum.

Effective January 12, 2016.

(Amends R.S. 25:341, 342, 343, and R.S. 42:1111(A)(1))

## **Legislative Audits (Act 462)**

New law provides that nongovernmental entities or not-for-profit entities that receive public funds shall report only the use of the public funds for the expenditures itemized in the supplemental report required by prior law.

New law adds that if the Legislative Audit Advisory Council determines based upon its review and investigation that, without appropriate cause, a local auditee has failed for three consecutive years to sufficiently resolve the findings contained in an audit report of such local auditee, the council may, after notice to and a public hearing with the local auditee, make a determination that the local auditee has failed or refused to comply with the provisions of prior law, and upon two-thirds vote of the entire membership of the council, may direct the treasurer to withhold funds.

Effective August 1, 2015.

(Amends R.S. 25:513 and 554)

## **TITLE 26: LIQUORS – ALCOHOLIC BEVERAGES**

### **Alcoholic Beverage Licenses (Act 382)**

New law defines "microdistillery" as a retail outlet where a microdistiller engages in the distilling, making, blending, rectifying, or processing of any alcoholic beverage in La. in quantities of not more than 12,000 gallons per year for retail sale and consumption on or off the licensed premises. New law defines "microdistiller" as any person who operates a microdistillery.

New law establishes a microdistiller permit of \$1,000, authorizes the holder of a Retailers Class A permit to obtain such permit, and provides that alcoholic beverages sold by a microdistiller are taxed at the same rate and in the same manner as all other alcoholic beverages.

New law prohibits the holder of a microdistiller permit from selling the manufactured beverages

at wholesale or to any wholesale dealer or from selling to any other licensed retail dealer.

New law authorizes a microdistiller to reuse alcoholic beverage containers in connection with distilling and bottling operations.

New law requires a microdistiller to obtain approval from the state fire marshal prior to distilling operations.

New law removes requirements that an original and renewal application must be accompanied by a signed sales tax clearance from the collection agency in the parish which is required to be processed within seven days and removes related provisions regarding the authority for the commissioner to withhold the permit.

New law requires the commissioner to verify that an applicant does not owe any delinquent sale taxes, penalties, or interest to the political subdivision in which the business is located.

Existing law provides that an applicant shall not have been convicted or had a judgment of court rendered against the applicant involving alcoholic beverages. New law specifies that the conviction or judgment shall involve the sale or service of alcoholic beverages.

Existing law provides exceptions relative to the distribution through wholesalers for alcoholic beverages produced or manufactured inside or outside the state. New law extends the exception to microdistilleries.

Effective August 1, 2015.

(Amends R.S. 26:2, 71, 71.1, 78, 79, 80, 86, 142, 271.2, 278, 279, 280, and 283; Adds R.S. 26:71.3)

### **Brewers and Microbreweries (Act 62)**

New law authorizes a manufacturer or brewer of alcoholic content beverages who manufactures any alcoholic beverage in a facility that is located entirely in the state to sell or serve only at that facility to the public for consumption on or off the premises but not for resale.

New law requires that the sale to the public not exceed one case per person for each 30-day period for high alcoholic content and not exceed 10% of the total amount of product brewed monthly or 250 barrels or whichever is greater for low alcoholic content beverages.

Prior law authorized the commissioner to issue a Class A-General retail permit or a Class B Retail liquor permit or both to any person who holds a valid manufacturer's permit for a portion of the manufacturer's business premises where the alcoholic beverage is manufactured, and further requires the manufacturer to comply with certain qualification provisions. New law deletes prior law.

Prior law authorized the commissioner to issue a Class A retail permit to any person who brews beer and other malt beverages where the brewing facility is located entirely in the state and the product may be sold for consumption on or off the premises not to exceed 10% of total production for that month. New law deletes prior law.

Existing law provides for the definition of "microbrewery" to mean an establishment where beer and malt beverages are brewed in small quantities and sold on or off the licensed premises at retail. New law adds clarification that the microbrewery is a retail establishment where the beverages are sold at retail for consumption on the licensed premises.

Effective August 1, 2015.

(Amends RS. 26:2(12) and 241; Repeals R.S. 26:85.1 and 273(C))

### **Alcoholic Beverages (Act 460)**

New law adds a requirement that prior to selling or shipping any sparkling wine or still wine directly to a consumer in Louisiana, a wine producer or manufacturer or retailer domiciled outside Louisiana must register with the state office of alcohol and tobacco control. The registration is required to be renewed annually and updated within 30 days of any change to the information contained on the form.

New law authorizes the secretary of revenue to release to the commissioner of the office of alcohol and tobacco copies of annual applications and quarterly statements of wine producers, manufacturers and out-of-state retailers authorized to sell directly to consumers.

New law requires any person who transports sparkling wine or still wine for direct shipment into or out of Louisiana to register with the commissioner. New law requires the commissioner to promulgate rules for transport registrants that include regular reporting requirements related to size of containers and quantities of sparkling wine and still wine contained in each shipment, and include requirements that prevent sales and deliveries to underage persons.

New law provides that any person who transports sparkling wine or still wine for direct shipment into or out of Louisiana in violation of new law or rules shall be subject to a civil penalty of up to \$25,000.

Prior law, relative to restaurant "R" permits, defined "restaurant establishment", in part, as an establishment which has a public habitable floor area of no less than 500 square feet. New law specifies that the 500 square feet must be dedicated to the exclusive use of the applicant's or licensee's business. New law provides that the commissioner may waive this requirement for any building listed as a historic building on an official registry or located within an officially designated historic district.

New law provides that prior to August 1, 2016, the commissioner may waive all state application fees, or provide an equal credit to an applicant's account, when a permit is not issued within three business days after receipt of a fully and properly completed application.

New law, relative to laws prohibiting the sale or service of alcoholic beverages, tobacco, alternative nicotine, or vapor products to underage persons, requires that the commissioner annually conduct random, unannounced inspections at locations where alcoholic beverages, tobacco, alternative

nicotine, or vapor products are sold, served, or distributed. New law provides that persons under the age of 18 or 21 may be enlisted by employees of the office of alcohol and tobacco control to test compliance.

Effective January 1, 2016.

(Amends R.S. 26:73, 79, 272, 279, and 359 and 793)

### **Tobacco Product Sales (Act 406)**

New law provides that if any person is engaged in the business of making sales both at retail and wholesale, the term "retailer" shall only apply to the retail portion of the business and "wholesaler" shall only apply to the wholesale portion of the business.

New law authorizes the commissioner of ATC to suspend or revoke the permit of any dealer that fails to pay any sales taxes due to the state.

New law requires the commissioner to post the minimum wholesale and retail price schedule of each cigarette brand on a website maintained by ATC within five business days of the effective date of the manufacturer's, importer's, or sales entity affiliate's price change.

New law requires every manufacturer, importer, or sales entity affiliate of cigarettes sold in La. to notify the commissioner of any price change, in writing by the 28th day of each month preceding the effective date of the price changes resulting from trade discounts, rebates, or coupons which shall be valid for at least 30 days.

New law provides that any price change that is not provided to the commissioner as required is prohibited from being included in the price change schedule or computed to determine the minimum retail prices of the product.

New law provides for the computation for minimum retail prices as "costs to the retailer" for all cigarettes sold in La.

New law provides for regulations for items that are advertised, offered for sale or given as a gift,

sold with one or more other items for a combined price, or given with the sale of one or more items.

Effective August 1, 2015.

(Amends R.S. 26:901, 909, and 924)

### **Wholesale Sales of Tobacco Products (Act 335)**

New law prohibits all manufacturers and wholesale dealers from selling, delivering, or offering for sale, tobacco products to any retail dealer for any consideration other than cash or payment on terms.

New law requires the manufacturer and wholesaler to immediately notify the commissioner of any payments that have not been made by the due date or returned for insufficient funds, and requires the commissioner to notify all manufacturers and wholesale dealers in the state that the retail dealer has defaulted on payment.

New law requires that upon notification all manufacturers and wholesale dealers in the state shall accept only cash delivery for any tobacco products until otherwise authorized by the commissioner. New law requires that the retail dealer in default pay the obligation in full within 30 days of the due date.

New law authorizes the commissioner to suspend the permit of any person who violates the provisions of new law for not more than five days for the first offense and not more than 30 days for any subsequent offense, which includes each failure to make payment for any default during the period of suspension.

New law authorizes payment to be made in cash for all tobacco products subsequently sold or delivered to the retail dealer.

Effective August 1, 2015.

(Adds R.S. 26:909.1)

## **TITLE 27: LOUISIANA GAMING CONTROL LAW**

### **Unclaimed Gaming Winnings (Act 186)**

New law deletes prior law regarding the disposition of unclaimed monies after 100 days and requires the licensee to accumulate daily an amount equal to the unclaimed monies for which time for collection has expired, less any state taxes owed on the monies. New law requires that on or before the 15th of the first month following the end of a calendar-year quarter, the licensee remit same to the state treasurer.

New law establishes a 90-day time period to present a winning ticket from an electronic gaming device for payment; failure constitutes a waiver, and thereafter, the holder of the ticket has no right to enforce payment of the ticket.

New law provides that the funds held by any licensee or the casino gaming operator for payment of winning tickets and for the payment of electronic gaming device jackpots shall be retained by the licensee until the expiration of 90 days after the date printed on the ticket.

Effective August 1, 2015.

(Amends R.S. 4:17, R.S. 27:15, and R.S. 46:1816; Adds R.S. 27:24(A)(6), 94, 252, and 394 and R.S. 46:1816(B)(8))

### **Gaming Monitoring and Fees (Act 19)**

New law removes the requirement that the central computer for monitoring electronic gaming devices on licensed riverboats and slots at tracks live racing facilities be located within the state police gaming division.

New law makes technical corrections to clarify that the central computer monitoring applies to electronic gaming devices at licensed riverboats and at live racing facilities.

Existing law provides that the office of state police may assess an annual fee to defray costs associated with maintaining the central computer system. New law provides that the legislative

committees with jurisdiction over gaming shall only be required to affirmatively approve the fee if the amount of the new fee exceeds by 50% the fee imposed during the prior year or the sum of \$25.

Effective August 1, 2015.

(Amends R.S. 27:30.6)

### **Riverboat Gaming and Public Officials (Act 258)**

Prior law, relative to the La. Riverboat Economic Development and Gaming Control Act, provided that an elected public official who is a member of a governing authority of a parish who was elected to his initial term in 2004 may engage in any business activity with a licensee if he is a non-key gaming employee as defined by law, if such employment commenced at least four years prior to holding elective public office.

New law retains prior law and provides that if the employment of such elected public official is terminated, nothing shall prohibit that elected public official from subsequent employment by a licensee as a non-key gaming employee or as an employee whose duties do not involve access to a designated gaming area of the licensee.

New law is to be applied retroactively and prospectively.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 27:96(A)(2)(a))

### **Video Draw Poker (Act 213)**

New law provides that if the prospective employee of a video draw poker licensee is the holder of a valid video draw poker employee permit, he does not have to undergo an additional suitability determination.

New law provides that if the permit expires, the employee has to undergo the suitability determination and if the employee has had a permit revoked or denied within five years, he is

ineligible to serve as a designated representative unless he has a current employee permit.

New law provides that the licensee shall maintain a list of names of the persons employed as designated representatives, have the list readily available for inspection by the division, and provide the list to the division upon request. The list shall also indicate whether that person holds a valid video draw poker employee permit.

New law provides that the notice of receipt by the gaming division of an application for a video draw poker employee permit shall indicate whether or not it is a provisional authorization to work and that the authorization expires within 90 days or when the division takes action on the application, whichever occurs first.

New law prohibits the issuance of a provisional authorization to work to a person who has previously had a video draw poker permit denied or revoked.

Effective August 1, 2015.

(Amends R.S. 27:427 and 449)

## **TITLE 28: MENTAL HEALTH**

### **Mental Health Services (Act 390)**

New law prohibits an insurer, including an entity contracted with the state for the provision of Medicaid services and the Office of Group Benefits programs, from denying payment for inpatient behavioral health services provided to a person while admitted and detained in a facility that provides mental health services under an emergency certificate on the basis of medical necessity, if certain conditions are met.

New law provides that after psychiatric evaluation, payment of claims shall be determined by medical necessity, but also that it does not require payment of claims in a manner other than in accordance with the terms and conditions of the health insurance contract.

New law requires, if funding is necessary, the approval of the Centers for Medicare and

Medicaid Services prior to the use of available Community Development Block Grant funds.

Effective August 1, 2015.

(Adds R.S. 28:53(P))

### **Involuntary Outpatient Treatment (Act 317)**

Existing law authorizes a court to order a patient to obtain civil involuntary outpatient treatment under certain conditions. New law increases the maximum period of initial treatment from six months to one year.

New law provides that if a patient has been ordered to receive outpatient treatment for four consecutive six-month to one-year periods, the period of any subsequent order may exceed one year but shall not exceed two years.

Effective August 1, 2015.

(Amends R.S. 28:71(B) and 72(A))

### **Developmental Disability Law (Act 20)**

New law (1) clarifies roles and responsibilities of human services authorities and districts within the developmental disabilities services system; (2) deletes references to regional offices and state developmental centers of DHH that are no longer in operation; (3) deletes the defined term "regional office" and its corresponding definition; (4) amends provisions referring to certain advisory committees and planning processes to specify that such groups and functions are local instead of regional; and (5) makes technical changes.

Effective upon signature of governor (May 29, 2015).

(Amends R.S. 28:451.2, 451.3, 451.4, and 455.2; Adds R.S. 28:915(B)(9))

### **Lafourche Taxes to Help the Disabled (Act 291)**

New law creates the Lafourche Arc Taxing District in Lafourche Parish as a political

subdivision of the state for the purpose of providing services, training, advocacy, resources, and community connections to individuals with developmental disabilities.

New law authorizes the district to levy and collect an ad valorem tax, subject to voter approval, not to exceed two mills.

Effective August 1, 2015.

(Adds R.S. 28:470.11)

## **TITLE 29: MILITARY, NAVAL, AND VETERANS' AFFAIRS**

### **National Guard Spending (Act 188)**

New law provides that during the last three months of any federal fiscal year, the Louisiana adjutant general may authorize the use of federal contracting by the National Guard Bureau through the United States Property and Fiscal Officer (USPFO) for design and construction services on state lands.

New law provides that when the amount of federal funding equals or exceeds the amount of state matching funds required for a project, the adjutant general may provide the state matching funds to the USPFO to initiate contracts for design and construction services under cooperative agreements entered into with the National Guard Bureau.

New law applies only in the last three months of the federal fiscal year and when the amount of the federal funds available for construction does not exceed \$10 million for any single construction project.

Effective Aug. 1, 2015.

(Amends R.S. 29:11(D))

### **Qualifying Disability (Act 77)**

Existing law defines "qualifying disability" to mean a 100% permanent total disability rating or a permanent and total unemployability disability rating as determined by the U.S. Dept. of

Veterans Affairs and certified by the secretary for the La. Dept. of Veterans Affairs or proper state entity in a final adjudication of the initial rating decision.

New law prohibits the initial rating decision from applying to a federal rating decision predating service in the La. National Guard.

Effective August 1, 2015.

(Amends R.S. 29:26.1(B)(10))

## **TITLE 30: MINERALS, OIL, GAS AND ENVIRONMENTAL QUALITY**

### **Drilling (Act 253)**

New law changes the definition of "drilling unit" from a "maximum area which may be efficiently and economically drained by one well" to a "maximum area which may be efficiently and economically drained by any well or wells designated to serve the drilling unit as the unit well, substitute unit well, or alternate unit well".

New law authorizes the commissioner to permit the drilling of cross-unit wells, except under certain circumstances.

Effective August 1, 2015.

(Amends R.S. 30:9(B); adds R.S. 30:9.2)

### **Office of Conservation – Fees (Act 362)**

New law increases existing fees and fee caps, and creates new fees collected by the office of conservation, and creates an expedited permit process.

Existing law authorizes the office of conservation in the Dept. of Natural Resources to collect annual fees from operators of capable oil and gas wells based on a tiered system and on injection wells and facilities. New law significantly increases the caps on these annual fees beginning Fiscal Year 2015-2016.

Prior law authorized the office of conservation to collect application fees in a form and schedule

prescribed by the office and authorized the increase of those fees, not to exceed 8.5% of the fees charged on July 1, 2002. New law authorizes, in addition to the fees charged on July 1, 2015, numerous new fees.

New law authorizes the commissioner of conservation to develop and implement a program to expedite the processing of permits, modifications, licenses, registrations, and variances. New law requires that the notice for an expedited permit indicate that the permit is being expedited.

New law establishes the fee for expediting the permit as the cost of the overtime hours that employees of the office of conservation or a contractor spends processing the application and an amount not to exceed 20% for administrative costs.

New law provides the rules shall require a public notice be given when an expedited permit is requested.

Effective Aug. 1, 2015.

(Amends R.S. 30:21 and 136.1; Adds R.S. 30:4(P))

### **Mandatory Mediation (Act 448)**

Prior law provides that immediately upon the filing or amendment of any litigation or pleading making a judicial demand arising from or alleging environmental damage, the party filing same shall provide timely notice to the commissioner of conservation and the attorney general, and the litigation will be stayed until 30 days after such notice is issued and return receipt is filed with the court.

New law provides that within 60 days after the end of stay, the parties shall meet and confer to assess the dispute, narrow the issues, and reach agreements useful or convenient for the litigation of the action.

New law provides that on any party's motion filed subsequent to the close of all discovery or 550 days after commencement of the action,

whichever occurs first, the court will enter an order compelling the parties to enter a nonbinding mediation.

New law provides that if the court has entered an order compelling mediation and the parties cannot agree within 15 days after notice of the order to such matters as date, time, and place of mediation, the identity of the mediator, provisions for compensation of the mediator, or any other details regarding the conduct of the mediation, the parties must so notify the court and, after contradictory hearing, the court may issue orders reasonably necessary to determine such matters and any other matters necessary or convenient to provide for the conduct of the mediation, except for responsibility for payment of the mediator's fees and expenses.

New law provides that the mediator shall be an attorney or a retired judge having certain qualifications.

New law provides that responsibility for the mediator's fees and any expenses associated with mediation will be based on the agreement of the parties, but in the absence of agreement, the party moving for mediation will be responsible for payment of those fees and expenses.

New law provides that a representative of each party who has settlement authority or who is in direct contact with a person having settlement authority on behalf of the party must be present at the mediation. If a party fails to comply with this requirement, the court may, in its discretion and after contradictory hearing, order that party to pay costs and attorney fees associated with the mediation.

Effective August 1, 2015.

(Adds R.S. 30:29.2)

### **Liquefied Natural Gas (Act 332)**

New law authorizes the commissioner of conservation to promulgate rules for the regulation of the location, construction, operation, and maintenance of a liquefied natural gas facility within the state.

New law authorizes the commissioner to regulate people engaged in the transportation of gas or those who own or operate intrastate pipelines.

New law authorizes the commissioner to certify to the U.S. Dept. of Transportation that the state has jurisdiction over the safety standards and practices of intrastate pipelines and liquefied natural gas facilities and the transportation of gas and liquefied natural gas associated with those facilities.

New law specifically provides that, except as provided in federal law, the commissioner does not have authority to regulate safety standards for interstate gas pipelines or the transportation of gas through those pipelines.

Effective Aug. 1, 2015.

(Amends R.S. 30:551 and 703; Adds R.S. 30:4(P))

### **UST Trust Fund Expenditures (Act 277)**

Prior law provided that monies expended from the Motor Fuel Underground Storage Tank Trust Fund for certain approved costs will be spent only up to such sums as are necessary to satisfy certain federal requirements or \$1 million, whichever is greater. New law changes the sum from \$1 million to \$1.5 million.

Effective August 1, 2015.

(Amends R.S. 30:2195.2)

### **Waste Tire Program (Act 427)**

Existing law requires the secretary of DEQ to promulgate rules, regulations, and guidelines for the administration and enforcement of a waste tire program.

New law requires the rules and regulations to provide for standards and requirements for expedited approval of customary end-market uses, including but not limited to those recognized by the EPA, the Rubber

Manufacturers Association, or previously approved by DEQ, but not including disposal.

New law requires the secretary to use the emergency rulemaking process to adopt certain rules by Oct. 1, 2015.

Effective Aug. 1, 2015.

(Amends R.S. 30:2412 and §3 of Act No. 323 of the 2013 R.S.; Adds R.S. 30:2418(H)(10))

### **Litter Fines (Act 368)**

New law generally doubles the fines for litter violations (and applies the increases to the unfunded accrued liability of the retirement system of the law enforcement agency issuing the citation).

Effective Aug. 1, 2015.

(Amends R.S. 30:2531, 2531.1, 2531.3, and 2532)

## **TITLE 32: MOTOR VEHICLES AND TRAFFIC REGULATION**

### **Interstate Median Crossings (Act 115)**

New law prohibits the driver of any vehicle (other than an authorized vehicle) to drive through or use any improved opening or crossover on any interstate highway.

New law defines "authorized vehicle" to mean certain emergency vehicles and towing and recovery vehicles operating under the direction of a law enforcement agency.

Effective Aug. 1, 2015.

(Adds R.S. 32:82(A))

### **Utility Terrain Vehicles (Act 122)**

New law defines a "utility terrain vehicle" (UTV) as any recreational motor vehicle designed for and capable of travel over designated roads, traveling on four or more tires, and meeting various physical criteria. New law

specifies that UTV does not include golf carts, vehicles specially designed to carry a disabled person, or vehicles otherwise registered under existing law. A UTV also means a recreational off-highway vehicle or ROV.

New law prohibits the operation of UTVs on public roads, with certain exceptions.

New law requires certain minimum safety equipment on UTVs operating on the roadways and streets.

New law requires registration of a UTV operated on a parish road or municipal street with the office of motor vehicles (OMV) as an off-road vehicle and requires display of a decal issued by the OMV.

New law restricts operation of a UTV to a person at least 21 years of age who possesses a valid driver's license.

New law requires appropriate liability insurance.

New law prohibits a passenger in the open bed of a UTV while moving upon a parish road or municipal street and limits the number of passengers to the number of available seat belts.

New law shall not restrict parish or municipal governments from prohibiting the operation of UTVs on parish roads or municipal streets for safety purposes.

Effective Aug. 1, 2015.

(Adds R.S. 32:299.3)

### **Golf Carts (Act 308)**

New law prohibits the operation of golf carts on public roads, with limited exceptions.

New law requires certain minimum safety equipment on golf carts operating on parish or municipal roads.

New law requires registration of a golf cart with the office of motor vehicles (OMV) as an off-

road vehicle and requires display of a decal issued by the OMV.

New law restricts operation to a person with a valid driver's license and requires appropriate liability insurance.

New law authorizes a parish or municipal government to enact an ordinance that may be more restrictive relative to the operation of golf carts on parish or municipal roads and requires notification to residents of the existence of an ordinance permitting the operation of golf carts on a parish or municipal road.

New law creates an exemption for municipal ordinances enacted prior to Jan. 1, 2015.

New law does not restrict parish or municipal governments from prohibiting the operation of golf carts on parish roads or municipal streets for safety purposes.

Effective Aug. 1, 2015.

(Adds R.S. 32:299.3)

#### **Class E Drivers' Licenses (Act 27)**

New law provides that only a Class "E" operator's license is required for the operator of an emergency command post vehicle or other law enforcement equipment which meets the definition of a commercial motor vehicle and who is employed as a law enforcement officer when operating such vehicle or equipment in the course and scope of his employment. New law requires that the vehicle or equipment be equipped with audible and visual signals required by the Federal Motor Carrier Safety Administration.

New law provides that the exceptions requiring only a Class "E" operator's license only apply to drivers licensed by the state of Louisiana and drivers licensed by a state with which Louisiana has a reciprocity agreement. New law requires that the exceptions only apply to the operation of commercial motor vehicles equipped with audible and visual signals and when their operation is necessary for the preservation of life

or property or in the execution of emergency governmental functions.

Effective upon signature of the governor (May 29, 2015).

(Adds R.S. 32:402)

#### **Drivers' Licenses (Act 369)**

New law authorizes a blood type designation to be included on the back of a person's driver's license or special identification card.

New law allows a person in grade 8 (rather than 9) to participate in driver education 90 days prior to his 15th birthday.

New law authorizes a person 70 years of age or older, who is medically diagnosed with a disability that precludes renewal of their Class "D" or "E" driver's license in person, to renew their license by mail, if the person 70 years of age or older obtains a sworn affidavit by a physician certifying such person possesses all cognitive functions reasonably necessary to be a prudent driver.

New law specifies that no action taken by any person, private citizen, public officer, or employee, with regard to any driver's license or special identification card displaying a blood type shall create a warranty of the reliability or accuracy of the document or electronic image or create any form of liability.

Effective Aug. 1, 2015.

(Amends R.S. 32:402.1; R.S. 32:410, 412 and R.S. 40:1321)

#### **Ex-Con Drivers' Licenses (Act 407)**

New law requires the driver's license division of the Dept. of Public Safety and Corrections (department) to issue a one-year provisional Class "E" driver's license to a person who is released from incarceration after serving a minimum of one year and whose Class "E" driver's license will be or is suspended, revoked,

or cancelled for any reason upon his release, with certain exceptions.

New law provides that the holder of a provisional license and all state entities or political subdivisions to whom such holder may owe an obligation or debt shall notify the department upon satisfaction of such obligations or debt.

New law requires the department to reimpose all suspensions, revocations, or cancellations of driving privileges for the balance of any suspension, revocation, or cancellation period after the expiration of the one-year provisional driver's license provided for in new law if the holder has not come into compliance with requirements of existing law within one year following the issuance of such provisional license.

New law authorizes the department to revoke the provisional license issued pursuant to new law if the holder commits certain new offenses or acts or omissions that cause the holder to have his community supervision, mandatory supervision, or parole to be revoked.

New law provides that if the department revokes a provisional Class "E" driver's license pursuant to new law such person shall not be entitled to receive another provisional license in his lifetime.

Effective Aug. 1, 2015.

(Adds R.S. 32:415.3)

### **DPS&C Matters (Act 111)**

New law increases the fee the deputy secretary of the Dept. of Public Safety and Corrections (DPS&C), public safety services, is authorized to charge for each copy of a certified abstract of information from the files of the financial responsibility division, from \$6 to \$16.

Existing law authorizes DPS&C to use an individual's or a lab's certification by certain professional organizations in its determination of the qualifications and competence of the

individuals and labs to whom permits to perform chemical analyses to determine intoxication are issued. New law changes the list of professional organizations.

Effective July 1, 2015.

(Amends R.S. 32:663(B) and 853(B))

### **Scrap Metal Producers (Act 119)**

New law adds that any person or entity engaged in the business of storing scrap metal will also be considered a "scrap metal processor".

New law adds advertising that uses the words "certified" or "certification" or other similar terms without having proof of a certification process approved by the commission to the enumerated list of false, misleading, or unsubstantiated advertising.

New law removes the definition of and all references to "broker".

Effective August 1, 2015.

(Amends R.S. 32:781 and R.S. 32:792)

### **Vehicles (Act 435)**

New law broadens the definitions of "distributor" and "wholesaler" (which are identical) by expanding their applicability from "motor vehicles" to "vehicles".

New law modifies the definition of "low-speed vehicle" by removing "electric-powered".

New law modifies the definition of "marine dealer" to include any person who holds a license as a recreational products dealer pursuant to existing law.

New law modifies the definition of "recreational products dealer" by adding a qualifying sentence which indicates that duly franchised and licensed recreational products dealers shall be the only persons who are entitled to sell, publicly solicit, and advertise the sale of new recreational products.

New law requires that satellite warranty and repair centers furnish evidence of maintaining certain insurance coverages within their application for license. New law removes prior references to specifically required dollar amounts and specifically required classifications of insurance coverage. New law instead requires all satellite warranty and repair centers to maintain an insurance policy, which covers both its place of business and its operation, that complies with the financial responsibility laws of Louisiana and that includes a limit in an amount determined to be necessary to protect both the applicant and any relevant consumers.

New law regulates regional specialty vehicle shows, including the participation of specialty vehicle dealers and converters.

Relative to regulating the establishment or relocation of motor vehicle dealerships, new law requires that notice of hearing, and an opportunity to participate therein, shall be given to the manufacturer (rather than to the motor vehicle dealer) or distributor. New law requires that the applicant and manufacturer (rather than to the motor vehicle dealer) or distributor shall have the burden of proof in demonstrating good cause by a preponderance of the evidence.

New law authorizes the Louisiana Motor Vehicle Commission ("commission") to impose civil penalties, deny an application for license, or revoke or suspend a license for any violation of any law relating to the sale, lease, rental, distribution, or financing of vehicles (rather than just motor vehicles).

New law requires a manufacturer, wholesaler, distributor, or its representative who terminates or fails to renew a marine dealer franchise to provide 90 days written notice not only to the marine dealer but also to the commission.

New law requires a marine dealer who completes a bona fide, orderly, and permanent closure of the marine dealership to provide at least 90 days notice not only to the manufacturer, wholesaler, or distributor but also to the commission.

Old law regulates the circumstances in which a manufacturer, converter, distributor, or representative thereof shall repurchase automotive service equipment relative to motorcycle dealers, all-terrain vehicle dealers, and recreational vehicle dealers. New law broadens those regulations to service equipment, not just automotive service equipment.

Effective August 1, 2015.

(Amends R.S. 32:1252, 1254, 1256.1, 1257, 1258, 1261, 1264, 1270.5, 1270.17, and 1270.29)

### **Warranty Repairs (Act 170)**

New law authorizes a manufacturer to allow a fleet owner and an emergency services company or emergency services related company to perform warranty repairs, including emergency repairs.

New law defines a "fleet owner" as a person, including a governmental entity, that is approved and authorized by a manufacturer to perform warranty repairs and owns or leases vehicles for its own use or a renting or leasing company that rents or leases vehicles to a third party.

New law defines "emergency services company or emergency services related company" as a person that operates any vehicle designated and authorized to respond to an emergency.

New law authorizes a manufacturer to allow a fleet owner to perform warranty repairs if the manufacturer determines that the fleet owner has the same basic level of requirements for special tools, technician certification, and training that are required of a franchise dealer, but only those, as determined in the sole discretion of the manufacturer, that are necessary to perform the specified limited type of warranty repairs on the makes and models of motor vehicles for which the fleet owner is authorized to perform warranty repairs.

New law requires a manufacturer that authorizes a fleet owner to perform warranty repairs to give notification of the authorization to the dealer

located in the same area of responsibility where the fleet owner intends to perform the authorized warranty repairs.

New law exempts manufacturers who authorize fleet owners whose commercial vehicles are used for the movement of property, freight, or goods in intrastate or interstate commerce from the requirements in new law relative to requisite tools, certifications, training, and notification.

New law provides that the La. Motor Vehicle Commission ("commission") has no authority over a fleet owner or an emergency services company or emergency services related company with respect to the requirements of new law.

New law provides that a repair facility of a fleet owner is not to be deemed a satellite warranty and repair center and shall not be required to be licensed by the commission.

Effective August 1, 2015.

(Amends R.S. 32:1261(A)(1)(t))

### **Vehicle Inspections (Act 344)**

New law authorizes the Dept. of Public Safety and Corrections (DPS&C), public safety services, subject to an appropriation of funds for such purpose, to develop a system of electronic filing on inspection information and print-on-demand motor vehicle inspection certificates, and establishes various minimum requirements for such system.

New law prescribes various minimum requirements for any request for proposal for such system.

New law specifies that two years after implementation of the system, the DPS&C may establish a system of administrative fines to be assessed against the registered owner of any vehicle if the vehicle record shows a lapse of a valid inspection sticker for a period of more than 60 days, but the fines cannot exceed twice the amount of the fee for the inspection certificate for a particular vehicle.

New law provides that the office of motor vehicles shall not distribute motor vehicle inspection stickers to each district office in the state or make such stickers available for purchase when the system authorized by new law is implemented.

New law exempts tandem axle trailers from motor vehicle inspection unless they are used in commerce and are subject to Federal Motor Carrier Safety Administration regulations.

Effective June 29, 2015.

(Amends R.S. 32:1305 and 1306; Adds R.S. 32:1311(G))

## **TITLE 33: MUNICIPALITIES AND PARISHES**

### **Zoning (Act 259)**

Prior law authorized a parish governing authority to zone in order to prohibit, restrict, or regulate hunting and the shooting of firearms in heavily populated areas, as determined by each authority.

New law provides that a "heavily populated area" shall not include (1) any parcel or tract of land that is in excess of five acres and which includes no more than one single-family residence on the parcel or tract, or (2) a dedicated residential subdivision that is recorded in the parish conveyance records in which each residential lot or unit of the subdivision is in excess of five acres.

Effective August 1, 2015.

(Amends R.S. 33:120)

### **Iberia Economic Development Authority (Act 363)**

New law changes the powers of the Iberia Economic Development Authority with respect to acquisitions and dispositions of property.

Effective August 1, 2015.

(Amends R.S. 33:130.765 and 130.766)

**New Orleans Exhibition Hall District (Act 420)**

New law creates and provides for the New Orleans Exhibition Hall Authority Economic Growth and Development District.

Effective upon signature of governor (July 1, 2015).

(Adds R.S. 33:130.861-130.867)

**Terrebonne Economic Development Authority (Act 191)**

New law provides that the authority is created for the primary object and purpose of promoting, encouraging, and participating in business development rather than industrial development, and changes the powers of the authority.

New law changes the composition and terms of office of the board of commissioners.

New law provides that the authority shall not be deemed to be an instrumentality of the state for purposes of civil service provisions of the Constitution of La.

New law authorizes rather than requires the board to establish and maintain various special accounts.

Effective August 1, 2015.

(Amends R.S. 33:130.251, 130.252, 130.253, 130.254, 130.255, 130.256, 130.257, 130.258, and 130.261)

**Vermilion Economic Development District (Act 282)**

New law changes name of the Vermilion Parish Economic Development District to the Vermilion Economic Development District.

New law makes changes to board membership.

Prior law authorized the Vermilion Parish Police Jury to adopt a resolution by 2/3 vote calling for

the dissolution of the district, effective no earlier than one year from the vote. New law provides instead that the district may dissolve itself by the same vote and subject to the same limitation on effectiveness.

Effective August 1, 2015.

(Amends R.S. 33:130.561, 130.562, and 130.570)

**State Planning and Development (Act 82)**

New law moves St. Mary Parish from state planning and development District #4 to District #3.

Effective Aug. 1, 2015.

(Amends R.S. 33:140.62)

**Municipal Officer Appointment (Act 78)**

Existing law, relative to Lawrason Act municipalities, requires the mayor to appoint a clerk, tax collector, and other nonelected officers. Prior law provided that the officers were appointed at the first meeting of the board of aldermen succeeding each regular municipal election. New law provides that the appointments are made at the first meeting of the newly elected board of aldermen.

Effective August 1, 2015.

(Amends R.S. 33:386)

**St. Charles and St. John Parish Grass (Act 41)**

New law provides with respect to powers of the governing authorities of the parishes of St. Charles and St. John the Baptist with respect to grass cutting.

(Amends R.S. 33:1236.26(A))

### **School Risk Management (Act 309)**

New law authorizes city, parish, or local public school systems to form and participate in interlocal risk management agencies.

New law authorizes school boards to designate the La. School Board Assoc. to administer such an agency.

New law authorizes the school board association to become a member of such an agency.

Effective August 1, 2015.

(Amends R.S. 33:1342, 1343, and 1344)

### **Housing Authority Risk Pooling (Act 236)**

New law expands authority of a local housing authority to include risks in pooling its public officials liability, including employment practices liability, in whole or in part with those of other local housing authorities. New law authorizes such agencies to pool other coverage risks the board of trustees may determine to be appropriate in whole or in part with those of other local housing authorities.

New law requires that an annual gross premium, calculated in accordance with the applicable manual premium rate or rates, plus or minus applicable experience credits or debits, of not less than \$200,000 for each line of risk for public officials liability, including employment practices liability, and any other pooled line of coverage risks.

New law requires the agency to maintain at all times contracts of excess insurance with respect to other lines of coverage as may be approved by the board of trustees of the interlocal risk management agency in such amounts as determined by the board of trustees of the agency.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 33:1352(5), 1353(A), 1356, and 1359(E))

### **Firemen (Act 325)**

New law adds to the definition of "firemen" persons employed for fire record clerk, fire investigation, fire protection, and emergency duties and services, as well as persons employed to provide fire training for other firemen, but excludes emergency medical technicians who work for a public emergency medical services system that is not engaged in traditional firefighting activities.

Effective August 1, 2015.

(Amends R.S. 33:1991(A)(1))

### **Police Force Compensation (Act 106)**

New law makes various adjustments to manner of compensation of police officers and other employees of police departments.

Effective August 1, 2015.

(Adds R.S. 33:2213(P))

### **Fire and Police Seniority (Act 243)**

New law addresses in detail seniority rules relating to employees of municipal fire and police civil service for municipalities with a population between 13,000 and 250,000, with exceptions for the Lake Charles Police Department.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 33:2473, 2481.4, 2481.6, 2490, 2491, 2491.3, 2494, and 2498)

### **Fire and Police Seniority (Act 240)**

New law makes various changes to the seniority rules for the municipal fire and police civil service for municipalities with a population between 13,000 and 250,000, with special exceptions for the Lafayette Police Department.

Effective upon August 1, 2016.

(Amends R.S. 33:2473, 2481.4, 2481.6, 2490, 2491, 2491.3, 2494, and 2498)

### **Firefighter Training (Act 334)**

New law tweaks the training requirements for certain firefighters in certain parishes.

Effective August 1, 2015.

(Adds R.S. 33:2495.3)

### **Tensas Parish Fire Protection (Act 89)**

New law provides the positions of fire chief and assistant fire chief for Parishwide Fire Protection District No. 1 of Tensas Parish are in the unclassified service, and provides that the right of selection, appointment, supervision, and discharge for such positions is vested in governing board of the district.

Effective upon signature of governor (June 19, 2015).

(Adds R.S. 33:2541.4)

### **Shreveport DDD (Act 96)**

New law changes the boundaries of the Shreveport Downtown Development District and provides that if the district is expanded, the city council shall call an election for the purpose of submitting a question on any existing ad valorem tax or bonds to the qualified electors of the expanded territory for their approval or rejection.

Effective August 1, 2015.

(Amends R.S. 33:2740.38)

### **Minden DDD (Act 333)**

New law changes the composition and certain powers of the Downtown Development District of the city of Minden.

Effective August 1, 2015.

(Amends R.S. 33:2740.24)

### **Pineville DDD (Act 352)**

New law changes the boundaries, composition, and powers of the Pineville Downtown Development District.

Effective August 1, 2015.

(Amends R.S. 33:2740.50)

### **Algiers Development District (Act 376)**

New law authorizes the Algiers Development District to approve the creation of nonprofit economic development corporations.

Effective upon signature of governor (Effective July 1, 2015).

(Amends R.S. 33:2740.27)

### **Baton Rouge North District (Act 433)**

New law renames the Greenwell Springs-Airline Economic Development District as the Baton Rouge North Economic Development District, makes changes to the district's boundaries, and changes the composition of its board.

Effective August 1, 2015.

(Amends R.S. 33:2740.67)

### **Permitted Investments (Act 300)**

New law allows a political subdivision that wishes to purchase certain securities the option of retaining the services of a trust company that has offices in La. and that is regulated by the Office of Financial Institutions or the applicable federal agency and that owes a fiduciary duty to act solely in the best interest of the political subdivision.

Effective August 1, 2015.

(Amends R.S. 33:2955)

### **New Orleans Tax Amnesty (Act 408)**

New law authorizes the city of New Orleans to establish a municipal revenue amnesty program

for the waiver of all or a uniform percentage of interest, collection costs, and penalties owed to the city on delinquent fines, fees, and assessments.

New law provides that the city may contract with a third party to manage the program for not more than 15% of the amount collected by the city. The program cannot extend for more than 60 calendar days.

New law prohibits persons who are under state or federal criminal prosecution for the failure to pay delinquent fines, fees, or assessments owed to the city, or the interest, collection costs, or penalties owed, from participating in the program.

New law authorizes the city of New Orleans, through the mayor, to cooperate once every eight calendar years with the New Orleans Sewerage and Water Board and other political subdivisions in the city to allow the board and other political subdivisions to provide for the waiver of all or a uniform percentage of interest, collection costs, and penalties on delinquent fines, fees, and assessments owed to them.

Effective August 1, 2015.

(Adds R.S. 33:3101)

#### **Cameron Parish Waterworks District (Act 97)**

New law increases from \$60 to \$100 the maximum per diem for the commissioners of Cameron Parish Waterworks District No. 10.

Effective August 1, 2015.

(Adds R.S. 33:3819(J))

#### **New Orleans Sewerage and Water Bills (Act 445)**

New law authorizes the Sewerage and Water Board of New Orleans to adopt rules and procedures to adjust, release, or extinguish any indebtedness of an individual's sewerage and water bill.

New law requires that the rule limit the board's compromising authority to certain situations in order not to permit unconstitutional donations.

Effective upon signature of the governor (July 1, 2015).

(Adds R.S. 33:4071(F))

#### **New Orleans Water Board (Act 246)**

Prior law provided for a board in the city of New Orleans to notify a customer within 30 days after termination of services, by certified mail sent to the last known address of the customer, that his unclaimed customer credit balance or deposit will be deposited to a special fund. New law changes the notification time from 30 days to 90 days, and authorizes notice to the customer to also be given by electronic mail or regular postage.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 33:4083.1)

#### **Acadia Parish Tourism Commission (Act 60)**

New law provides Acadia Parish Convention and Visitors Commission shall be governed by a board of 11 directors, rather than the usual 7.

Effective August 1, 2015.

(Adds R.S. 33:4574)

#### **Shreveport Hotel Tax (Act 306)**

New law authorizes the Shreveport-Bossier Convention and Tourist Bureau to levy an additional hotel occupancy tax of 1.5%, subject to approval by voters in the parishes of Caddo and Bossier.

Effective July 1, 2015.

(Amends R.S. 33:4574.1.1)

**Sabine Parish Hotel Tax (Act 234)**

New law authorizes the Sabine Parish Tourism and Recreation Commission to levy an additional two percent occupancy tax, to be used for recreational and tourism marketing.

Effective August 1, 2015.

(Amends R.S. 33:4574.1.1)

**Lake Charles Land Development (Act 272)**

New law authorizes certain land acquired by the city of Lake Charles in 2010 to be leased or sold for development for any commercial and profit-oriented purpose and for any residential purpose pursuant to the design guidelines for such development approved by the voters, with or without public bid, in accordance with prior law provisions regarding the transfer of property by a political subdivision for industrial inducement purposes.

New law authorizes the governing authority of the city to cure any title defects to additional land.

Effective August 1, 2015.

(Amends R.S. 33:4699.1)

**Shreveport Redevelopment (Act 432)**

New law creates and provides for the Shreveport Implementation and Redevelopment Authority to provide for the utilization of appropriate private and public resources to eliminate and prevent the development or spread of slum, blighted, and distressed areas.

Effective August 1, 2015.

(Adds R.S. 33:4720.301)

**Local Governmental Subdivisions (Act 458)**

New law authorizes entities defined in prior law as "issuers" and "local governmental subdivisions" to implement ad valorem tax and sales tax increment financing (TIF) and to issue

revenue bonds backed by a pledge of the tax increments to finance all or any part of an economic development project.

New law creates the Walnut Street Special District in the city of Monroe to provide for cooperative economic development.

Effective upon signature of the governor (July 1, 2015).

(Amends R.S. 33:9038.31; adds R.S. 33:9038.68)

**Tax Increment Development Corporations (Act 464)**

New law defines any Tax Increment Development Corporation (TID) activated in a municipality with a population of not less than 3,300 and not more than 3,395 as an "issuer" and a "local governmental subdivision" for utilization of such TID authority in prior law, but only for the purpose of a specified project.

New law restricts the powers, authorities, and duties granted to the TID under prior law to a geographically-defined district of no more than 10 acres initiated by the chief executive officer or mayor of a municipality or to a tax increment community development area established by ordinance or resolution of the TID. The TID may pledge any taxes collected under the authority of the new law to the project described in new law in furtherance of the purposes of the TID. Such financing may include but shall not be limited to loans, mortgages, the issuance of bonds, or the issuance of certificates of indebtedness.

Effective upon signature of the governor (July 1, 2015).

(Amends R.S. 33:9038.31; adds R.S. 33:9038.68)

**Lake Charles Special Taxing District (Act 268)**

New law clarifies that the purpose of the district includes financing costs and expenses associated

with development in the district. New law deletes reference to Lake Charles Facilities, Inc. New law requires that the site plan be approved prior to construction by the governing authority of the city.

New law provides that "costs and expenses" include costs of construction, renovation, or relocation of a hotel and related improvements, public buildings and other public structures, and any other costs associated with an economic development project as provided in prior law.

New law clarifies that a hotel cannot advertise room rates that are below market rates for comparable hotels.

New law removes authority granted to the district to retire any bonded indebtedness of Lake Charles Facilities, Inc.

New law provides that any ordinance or resolution adopted by the district authorizing the pledge of tax increments collected to secure bonds, debt obligations, or any other authorized financing shall be published at least twice in the official journal of the city within 10 days after adoption. New law provides that after 30 days, no one shall have any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution.

Effective August 1, 2015.

(Amends R.S. 33:9038.57)

#### **Cameron Parish Ambulance District (Act 280)**

New law prohibits the governing authority of an ambulance service district in Cameron Parish from compensating its board of commissioners or paying them a per diem for attending a regular or special meeting of the district. However, new law directs the governing authority to reimburse commissioners for actual expenses related to attending meetings and any other business on behalf of the district.

Effective August 1, 2015.

(Adds R.S. 33:9042)

#### **Broadmoor Neighborhood Improvement District (Act 238)**

New law provides for changes to the board composition and terms. New law provides for a flat parcel fee per improved parcel of land not to exceed \$200 per year for each parcel.

Effective August 1, 2015.

(Amends R.S. 33:9091.17)

#### **Oak Island District (Act 247)**

New law raises the cap on, and certain procedures relating to, parcel fees that may be charged by the Oak Island Neighborhood Improvement District.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 33:9091.15)

#### **Fairway Estates District (Act 321)**

New law creates the Fairway Estates Subdivision Improvement District in Orleans Parish.

Effective August 1, 2015.

(Adds R.S. 33:9091.22)

#### **Marigny District (Act 322)**

New law creates the Faubourg Marigny Security and Improvement District in Orleans Parish.

Effective August 1, 2015.

(Adds R.S. 33:9091.22)

#### **Woodlawn Estates District (Act 341)**

New law creates the Woodlawn Estates Crime Prevention and Improvement District in East Baton Rouge Parish.

Effective upon signature of governor (June 29, 2015).

(Adds R.S. 33:9097.25)

#### **New Crime Prevention District (Act 118)**

New law creates the Forest Heights Park Crime Prevention and Neighborhood Improvement District in East Baton Rouge Parish as a political subdivision of the state.

Effective upon signature of governor (June 19, 2015).

(Adds R.S. 33:9097.25)

#### **Crime Prevention District (Act 127)**

New law creates the Riverbend Crime Prevention and Improvement District in East Baton Rouge Parish as a political subdivision of the state

Effective upon signature of governor (June 19, 2015).

(Adds R.S. 33:9097.25)

#### **Orleans Law Enforcement Coordination (Act 262)**

New law creates the Law Enforcement Management District of Orleans Parish to facilitate development and implementation of cooperative endeavor agreements and memorandums of understanding between or among the various agencies having law enforcement jurisdiction in Orleans Parish to provide police protection; provide greater communication and coordination between the various neighborhood improvement districts and crime prevention and security districts and with the various agencies; and perform any other function the board may deem appropriate for achieving cooperative police security services.

Effective upon signature of the governor (June 29, 2015).

(Adds R.S. 33:9099.21)

#### **Bayou Vermillion District (Act 442)**

New law changes the name of the Lafayette Parish Bayou Vermillion District to the Bayou Vermillion District.

New law authorizes the district to undertake work to improve water quality and flow in Bayou Vermillion within Lafayette Parish and Bayou Carencro.

Effective August 1, 2015.

(Amends R.S. 33:9201, 9202, and 9203; Adds R.S. 33:9206(11))

#### **Crime Complaints (Act 353)**

New law prohibits a parish or municipality from enacting ordinances that provide for any of the following actions against a person for contacting law enforcement or other emergency officials to request assistance with a domestic abuse incident or other crime that involves property loss, personal injury, or death or that the requestor had a reasonable belief would result in such loss, injury, or death:

- (1) impose penalties on a victim of domestic abuse or other crimes who requests assistance with such an incident;
- (2) impose penalties on a property owner because a tenant or person acting on his behalf requests assistance with such an incident; or
- (3) authorize the eviction of a tenant or the termination or suspension of a rental agreement because the tenant or someone acting on his behalf requests assistance with such an incident.

New law provides that if a local government takes an action against a person pursuant to an ordinance that violates new law, the person may bring a civil action against the local government.

New law provides for its prospective application only and that it does not affect any ordinance adopted prior to June 29, 2015.

Effective upon signature of governor (June 29, 2015).

(Adds R.S. 33:9701)

## **TITLE 34: NAVIGATION AND SHIPPING**

### **Rapides Port (Act 434)**

New law changes the name of the Alexandria Regional Port to the Central Louisiana Regional Port and changes territorial limits of such port from the municipal limits of the city of Alexandria to the parish of Rapides, excluding any private port facility. New law changes the composition of the board of commissioners and their terms.

Prior law established a port authority in Rapides Parish and provided for the jurisdiction, rights, powers, privileges, immunities of the port authority and the composition of the board of commissioners. New law repeals prior law.

Effective July 1, 2015.

(Amends R.S. 34:335.1, 335.2, and 335.3; Repeals R.S. 34:3522)

### **Steamship Pilots (Act 18)**

New law makes various changes to laws regarding board of commissioners, board of examiners, pilot qualifications, pilot appointments, and pilotage fees.

Effective upon signature of governor (May 26, 2015).

(Amends the heading of Part II of Ch. 6 of Title 34, R.S. 34:1041, 1042(A), 1044-1046, and 1048)

### **West Calcasieu Port (Act 150)**

New law increases the authorized amount of per diem from \$100 to \$200 that a member of the Board of Commissioners of the West Calcasieu Port may receive for each day attending regular meetings of the board.

Effective August 1, 2015.

(Amends R.S. 34:2102)

### **West Feliciana Parish Port Commission (Act 2)**

New law requires West Feliciana Parish Port Commission to hold regular yearly meetings rather than monthly.

Effective Aug. 1, 2015.

(Amends R.S. 34:3283)

### **Design-Build Port Construction (Act 156)**

Prior law authorized any port to utilize the design-build method on certain port construction projects pursuant to a pilot program when the notice of intent for the project is advertised prior to December 31, 2015. New law extends the time for five years from December 31, 2015 to December 31, 2020.

Effective August 1, 2015.

(Amends R.S. 34:3523)

## **TITLE 35: NOTARIES PUBLIC AND COMMISSIONERS**

### **Provisional Notaries (Act 181)**

Old law provides that any person who resides in a parish with a population of less than 40,000, and who has passed the uniform statewide examination, except for any performance assessment component, during examinations administered between Dec. 1, 2009, and Aug. 1, 2016, may be provisionally appointed to the office of notary public in and for that parish upon fulfillment of all requirements.

Old law and any commission granted pursuant to old law expire on August 1, 2016, except if the notary has, subsequent to issuance of a commission, passed all components of the examination provided by R.S. 35:191.1 on or before Aug. 1, 2016. New law repeals the Aug. 1, 2016, sunset provision.

(Repeals R.S. 35:191(W)(9))

### **Natchitoches Parish Notaries (Act 235)**

New law authorizes the president of Natchitoches Parish to designate up to two employees within his office as ex officio notaries public.

Effective August 1, 2015.

(Adds R.S. 35:414)

## **TITLE 36: ORGANIZATION OF THE EXECUTIVE BRANCH**

### **Multi-Modal Commerce (Act 31)**

New law reorganizes the future divisions (effective 7-1-16) of the office of multimodal commerce.

New law extends certain 2015 deadlines of the Multi Modal Commerce Advisory Commission to 2016.

New law (effective 1/12/16) adds the commissioner of multi modal commerce as a member of the Louisiana Board of International Commerce.

(Amends R.S. 36:508.3, 508.4, and Section 3 of Act 719 of 2014 R.S.; adds R.S. 51:3136(A)(9))

## **TITLE 37: PROFESSIONS AND OCCUPATIONS**

### **Physical Therapy (Act 195)**

Existing law limits the timing in which a disciplinary proceeding of any kind may be initiated and held by a professional or occupational board or commission when the nature of the complaint is based in negligence or gross negligence, an intentional act or omission, fraud, or a license or rule violation. New law adds the La. Physical Therapy Board to the list of entities not restricted by the provisions of existing law.

Effective August 1, 2015.

(Adds R.S. 37:21(B)(10))

### **Judges and Lawyers Assistance Program (Act 59)**

New law changes the name of the Lawyer's Assistance Program, Inc., to the Judges and Lawyers Assistance Program, Inc. and expands the directive of the program to include counseling and intervention services for judges, lawyers, law students, and other members of the legal profession who may suffer from mental health issues.

New law extends the application of certain evidentiary privileges, duties of confidentiality, and immunities from liability relating to the Assistance Program to also include mental health issues.

Effective August 1, 2015.

(Amends R.S. 37:221)

### **Dental Licenses (Act 7)**

Prior law required an applicant for a dental license to be either a citizen or a permanent resident of the U.S., unless otherwise prohibited by the North American Free Trade Agreement.

New law changes the requirement to be a permanent resident to a requirement to possess valid and current legal authority to reside and work in the U.S. duly issued by the U. S. Citizenship and Immigration Services or its successor.

Effective upon signature of governor (May 22, 2015).

(Amends R.S. 37:761)

### **Dentistry (Act 214)**

New law authorizes any dentist who wishes to advertise to submit a copy of the proposed advertisement to the La. State Board of Dentistry (board) for an advisory opinion on whether the advertisement complies with the

requirements of the statutes and rules applicable to dental advertising in La.

New law provides that the advisory opinion issued by the board, though not conclusive, may be used as evidence in any disciplinary proceeding by the board in which an advertising violation is alleged.

New law authorizes the board, if an advertisement previously approved in an advisory opinion is later found to be out of compliance, to require the dentist to amend or remove the nonconforming advertisement in lieu of imposing penalties. New law prohibits the board from imposing a penalty unless the dentist fails to take steps to either amend or remove the advertisement within 30 days after receiving notice from the board.

New law limits existing law requiring notice and opportunity to cure to instances where there is no clear violation or no false claims regarding specialization.

Effective August 1, 2015.

(Amends R.S. 37:775(B); Adds R.S.795(B)(1)(n))

### **Funeral Establishments (Act 25)**

New law changes prior law to define a "branch establishment" as a licensed funeral establishment devoted to or used in the care of a deceased person's body, or maintained or publically advertised as the office or place for the practice of funeral directing.

New law provides that branch ownership is identical to the ownership of the main funeral establishment controlling the branch, and such branch can practically be served by the licensed personnel of the main establishment.

Existing law requires an establishment conducting the business of funeral directing or embalming to be managed by a funeral director holding a valid license in the state of La. New law excludes a temporary license as such valid license.

New law authorizes a registered intern, supervised by a state licensed embalmer and funeral director, to perform embalming.

New law requires display rooms of funeral establishments to display funeral merchandise consisting of, but not limited to, a minimum of 6 adult caskets of a variety of styles and quality.

New law requires embalming facilities and display rooms to be in every funeral establishment except a branch establishment.

Effective August 1, 2015.

(Amends R.S. 37:831 and 842)

### **Pharmacy Dispensing (Act 391)**

New law requires the dispensing pharmacist or his designee, no later than five business days following the dispensing of a biological product, to communicate to the prescriber by any means the specific product provided to the patient, including the name of the product and the manufacturer.

Nothing in new law creates a cause of action against the prescriber and the dispensing pharmacist or his designee.

Effective August 1, 2015.

(Amends R.S. 37:1164; Adds R.S. 37:11641226.1)

### **Pharmacy Board (Act 298)**

New law provides that the Louisiana Board of Pharmacy shall assess an optional fee of \$100 on annual renewals of pharmacist licenses and pharmacy permits.

New law provides that all proceeds of the fee established by new law shall be dedicated and allocated to an accredited school of pharmacy of a public university in this state.

Effective August 1, 2015.

(Amends R.S. 37:1184, 1207, and 1230)

### **Pharmacy Kickbacks (Act 409)**

New law prohibits a pharmacy licensee from using an independent contractor to provide marketing services for the pharmacy to any practitioner, authorized prescriber, or prospective customer in La. in exchange for compensation, unless the compensation paid is an amount set in advance, consistent with fair market value, and not calculated based on the volume or value of actual prescriptions filled by the pharmacy.

New law prohibits a pharmacy licensee from dispensing or distributing any drug or device to any patient pursuant to a prescription written by a practitioner or a member of the practitioner's group practice, if the practitioner or an immediate family member of the practitioner has a direct or indirect financial relationship with the dispensing or distributing pharmacy, unless the financial relationship meets all of the requirements of existing law relative to the prohibition on payment for patient referrals.

New law authorizes the board to require a pharmacy to produce any information the board deems reasonably necessary to investigate alleged violations of and otherwise enforce new law.

Effective August 1, 2015.

(Amends R.S. 37:1241)

### **Board of Medical Examiners (Act 441)**

New law increases the quorum of the La. State Board of Medical Examiners (LSBME) for all purposes from three to four.

New law clarifies the following causes for license refusal or disciplinary action: professional incompetency, medical incompetency, and unprofessional conduct.

New law authorizes any staff member of the LSBME, except the executive director, to act as the lead investigator for any complaint regarding a physician received by the board or any

investigation regarding a physician initiated by the board upon its own motion.

New law requires the LSBME to adopt rules to provide for the investigation of complaints against physicians and adjudication of alleged violations by physicians, within certain parameters.

New law requires notice, including a brief summary of the facts constituting the alleged violation, to be given to any physician who is the subject of an investigation by the LSBME within five business days after the board's investigation is approved by a majority vote of board members present and voting.

New law requires any final decision of the board to be supported by a preponderance of the evidence presented at the adjudicatory hearing.

New law shall have prospective application only and shall not apply to any investigation pending on the effective date of new law.

Effective upon signature by governor (July 1, 2015).

(Amends R.S. 37:1267 and 1285; Adds R.S. 37:1285.2)

### **Physician Assistants (Act 453)**

New law requires that "supervision" include the level and method of supervision, be at the physician and physician assistant level, be documented and reviewed annually, and reflect the acuity of the patient care and nature of the procedure.

Prior law provided that a primary supervising physician can supervise no more than two physician assistants. New law increases this limit from two to four physician assistants and clarifies that the physician must be approved by the board as a supervising physician.

New law requires that the physician supervising the physician assistant maintain a written agreement with the physician assistant, which agreement must include a statement that the

physician exercise supervision over the physician assistant and must be signed by the supervising physician and physician assistant, updated annually, kept on file at the practice site, and be available to the LSBME upon request.

New law removes provisions authorizing a physician assistant to have multiple supervising physicians.

Prior law provided that a physician assistant is considered to be, and is deemed, the agent of his supervising physician in the performance of all practice-related activities, including but not limited to assisting in surgery and the ordering of diagnostic and other medical services. New law provides that these practice-related activities include "interpretation" of diagnostic and other medical services.

New law requires that the level and method of supervision be at the physician and physician assistant level, that it be documented and reviewed annually, and that it reflect the acuity of the patient care and the nature of the procedure.

New law allows a physician assistant to prescribe, order, and administer drugs to the extent delegated by the supervising physician and except as provided by law relative to anesthetics and that these drugs include those in Schedules II, III, IV, and V.

New law requires a physician assistant authorized to prescribe controlled substances to register with the United States Drug Enforcement Administration. New law requires that a graduate physician assistant have at least 500 clinical hours of training prior to application for prescriptive authority. New law authorizes a physician assistant to request, receive, and sign for sample drugs and distribute sample drugs to a patient.

Prior law exempted certain persons from provisions regulating and licensing physician assistants. New law adds to the list of exemptions (1) a physician assistant student enrolled in a physician assistant educational

program accredited by the Accreditation Review Commission on Education for the Physician Assistant and (2) a physician assistant employed by the federal government while performing duties incidental to that employment.

Effective upon signature of the governor (July 1, 2015).

(Amends R.S. 37:1360.21, 1360.22, 1360.23, 1360.24, 1360.29, 1360.31, and 1360.32; adds R.S. 37:1360.38(A)(3) and (4))

### **Net Listing Agreements (Act 81)**

New law defines a "net listing agreement" as a listing agreement that authorizes a broker to take as his commission the difference between the higher sale price at which the real estate property is sold and the stipulated net price agreed upon to be received by the seller.

New law makes it unlawful for a real estate broker to advise or encourage a seller in relation to, or to enter into, a net listing agreement for the sale of residential real estate property, or for certain land (R.S. 47:2302).

Effective August 1, 2015.

(Adds R.S. 37:1431 and 1448.3)

### **Pawnbroker License Fees (Act 208)**

New law changes pawnbroker license fees in various ways.

Effective August 1, 2015.

(Amends R.S. 37:1786)

### **Psychologists (Act 255)**

New law changes the qualifications to be a board member.

New law removes the psychologist emeritus status classification and provides that a licensed psychologist who is 65 years of age or older may be eligible for a reduction in the annual renewal fee if he meets certain qualifications.

New law removes the two year retention period for certain records and provides that the board must maintain certain records in electronic or other format.

New law provides that any nonresident duly licensed or certified for independent practice as a psychologist in the state of his residence, and which state will permit residents of this state a like and similar privilege may, if an application is submitted to the board with payment of the appropriate fee, practice as a psychologist for a maximum of 30 days throughout a calendar year to the same extent and manner as if licensed in this state

Effective August 1, 2015.

(Amends R.S. 37:2353, 2354, 2356 and 2365)

#### **Board of Drug and Device Distributors (Act 443)**

New law changes the name of the Louisiana Board of Wholesale Drug Distributors to the Louisiana Board of Drug and Device Distributors, expands the powers of the board and changes the composition and qualifications.

New law authorizes the board to require all distributors and wholesale distributors to furnish a bond or other equivalent means of security, but not manufacturers or affiliates or co-licensed partners of manufacturers.

New law provides that refusing to permit entry to the licensed distribution or sales facility to comply with any inspection during normal business hours is a cause for discipline.

New law repeals prior law related to manufacturer distribution of legend drugs and legend devices.

Effective upon signature of the governor (July 1, 2015).

(Amends numerous provisions from R.S. 37:3461, to 3482; repeals R.S. 37:3474)

## **TITLE 38: PUBLIC CONTRACTS, WORKS AND IMPROVEMENTS**

### **Flood Control Project Applications (Act 28)**

Existing law provides for information to be provided in the application for funding of any flood control projects under the Statewide Flood Control Program. New law adds a requirement that the application include any negative and positive impact of the project on surrounding parishes.

Effective August 1, 2015.

(Amends R.S. 38:90.4)

### **Orleans Levees (Act 287)**

New law prohibits placement of obstructions within 6 feet (rather than 15 feet) of any part of a levee fronting the 17th Street, Orleans Avenue or London Avenue outfall drainage canal in Orleans Parish not used for commercial navigation unless the federal government requires it to be greater.

Effective Aug. 1, 2015.

(Amends R.S. 38:225)

### **Inter-District Transfer (Act 57)**

Existing law provides that all land, including mineral rights, in the possession of the Atchafalaya Basin Levee District in Terrebonne Parish for the purposes of ownership and maintenance and operation of the District be transferred to the Terrebonne Levee and Conservation District. New law requires the Atchafalaya Basin Levee District to execute an act evidencing the transfer.

Effective June 5, 2015.

(Amends R.S. 38:291)

### **Squirrel Levee District (Act 326)**

New law creates the Squirrel Run Levee and Drainage District in the city of New Iberia.

Effective Aug. 1, 2015.

(Amends R.S. 38:291)

**North Lafourche District Reorganization (Act 68)**

New law changes the manner of appointment, terms to, and quorum requirements for the commission of the North Lafourche Conservation, Levee and Drainage District.

New law shall be effective Jan. 10, 2016 (the date the next governor is scheduled to take office).

(Amends R.S. 38:291)

**Levee Districts (Act 423)**

New law ties the per diem rate of members and board of commissioners of levee districts and levee and drainage districts to 75% of the federal per diem rates.

New law requires that a board of commissioners of any levee district and levee and drainage district in this state provide at least two weeks notice to the public of its intent to vote on whether or not to fix the per diem of its members above \$75.

Effective Aug. 1, 2015.

(Amends R.S. 38:308 and 3304)

**St. Mary Levee District (Act 177)**

New law provides the authority for the board of commissioners for the St. Mary Parish Levee District to serve as the nonfederal, local sponsor for all federal levees, floodwalls, and flood control structures situated in St. Mary Parish.

New law transfers all rights and obligations, including but not limited to those belonging to the town of Berwick, the city of Morgan City, and the parish of St. Mary, arising from any and all contractual agreements with the U.S. Dept. of the Army and relating to levee, floodwall, and floodgate property, exclusive of drainage pumps,

situated within St. Mary Parish, to the St. Mary Levee District.

Effective Aug. 1, 2015.

(Adds R.S. 38:329.3(J) and (K))

**St. Charles Parish Levees (Act 220)**

New law specifies that existing law regarding expenditure of certain taxes by Lafourche Basin Levee District shall not apply during any tax year in which it maintains the St. Charles Parish West Bank Hurricane Protection Levee System.

Effective Aug. 1, 2015.

(Amends R.S. 38:334(A))

**CMAR Project Delivery Method (Act 163)**

Prior law authorized an owner that is a public entity to use the construction management at risk (CMAR) project delivery method. New law establishes a CMAR pilot program that is limited to ten projects, each estimated to cost three million dollars or more. Pilot projects must be submitted by name for review and approval by the House and Senate committees on transportation, highways, and public works. A public entity is allowed only one CMAR pilot project.

Prior law required the owner to select the CMAR contractor not later than when design is not more than 30% complete if the benefits of the CMAR method reduce as the design process progresses. New law declares that the benefits of using the CMAR method reduce as project design progresses and provides that determination of the design completion percentage is based on the professional opinion of the owner's design professional.

Effective August 1, 2015.

(Amends R.S. 38:2225.2.4)

**Fields Dam and Spillway (Act 33)**

New law names the dam and spillway at Bayou D'Arbonne Lake as the "T.T. Fields Dam and Spillway".

Effective August 1, 2015.

(Adds R.S. 38:2573)

**Bayou Lafourche Fresh Water District (Act 34)**

New law provides that the power of the district to be sued will not constitute a waiver of the governmental immunity to which the district is entitled.

New law provides for numerous additional powers of the board.

New law prohibits the board from making and enforcing rules, regulations, and ordinances that impair the rights and obligations in C.C. Arts. 655 and 656, or that affect any agriculture drainage established prior to the creation of the district.

Effective upon signature of the governor (May 29, 2015).

(Amends R.S. 38:3086.21 and 3086.24)

**TITLE 39: PUBLIC FINANCE**

**Higher Education Financing Fund (Act 87)**

New law creates the Higher Education Financing Fund and requires the treasurer to transfer certain cash balances into the Fund.

New law for FY 15-16 through FY 17-18 establishes a process that all contracts for professional, personal, and consulting services totaling \$40,000 or more per year which are funded solely with the state general fund or the Overcollections Fund and are for discretionary purposes are reported, reviewed, and approved by the JLCB.

New law exempts certain professional, personal, or consulting service contracts from the provisions of new law.

The provisions of new law shall become null, void, and of no effect on July 1, 2018.

Effective July 1, 2015.

(Amends R.S. 39:82 and 352; Adds R.S. 39:100.146, 1567, and 1590)

**Deepwater Horizon Funds (Act 396)**

New law addresses how part of the Deepwater Horizon Economic Damages Collection Fund may be appropriated to the Board of Regents to be distributed to postsecondary education.

Effective August 1, 2015.

(Amends R.S. 39:91)

**Budget and Transportation Stabilization Trust (Act 465)**

Present law authorizes an increase in the base amount for deposits into the Budget Stabilization Fund every 10 years, beginning in 2000, by a law enacted by two-thirds of the elected members of each house of the legislature. New law would change the time period from 10 years to 5 years.

New law would change the name of the Budget Stabilization Fund to the Budget and Transportation Stabilization Trust and provide for the purposes and uses of monies in the fund.

New law would create the Budget Stabilization Subfund and the Transportation Stabilization Subfund in the Budget and Transportation Stabilization Trust and provide that at the beginning of each fiscal year, mineral revenues shall be allocated and deposited into the subfunds and the state general fund in a particular manner.

Effective and becomes operative if and when the proposed corresponding constitutional amendment is adopted at a statewide election to

be held on October 24, 2015, and becomes effective.

(Would amend R.S. 39:94 and 97)

#### **Budget Stabilization Fund (Act 257)**

Prior law provided that all revenues received in each fiscal year by the state in excess of \$850 million as a result of recurring mineral revenues shall not be deposited in the Budget Stabilization Fund. New law increases the amount from \$850 million to \$950 million.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 39:94)

#### **Office of Technology Services (Act 241)**

New law merges the office of telecommunications management (OTM) with the office of technology services (OTS) under the supervision and control of the state chief information officer.

New law moves uniform consolidated mailroom operations to OTS and control to the state chief information officer.

New law excludes public post-secondary institutions of education, their management boards, and the Board of Regents unless the state chief information officer can verify that inclusion per contracted service would result in savings to the institution or board.

New law designates OTS as the vendor for all printing and engraving purchases made by the executive branch with the chief information officer having authority.

Effective August 1, 2015.

(Amends R.S. 39:140, 141, and 245 and R.S. 43:1; repeals R.S. 49:205)

#### **Interim Emergency Board (Act 438)**

New law addresses two instances in which the Interim Emergency Board must obtain approval of the legislature to act.

New law makes changes to balloting procedures that apply to obtaining legislative approval for appropriation or borrowing or to capital outlay.

Effective August 1, 2015.

(Amends R.S. 39:461.1 and 461.4)

#### **School District Debt (Act 413)**

New law authorizes the governing authority of a parish school district in a parish having a population of between 149,000 and 184,000 persons, subject to voter approval, to incur debt which may exceed the usual 10% but shall not exceed 50% of the assessed valuation of the taxable property within the district, including (1) homestead exempt property, and (2) nonexempt property.

Effective upon signature of governor (July 1, 2015).

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

#### **Procurement Code and Notice (Act 244)**

Prior law, relative to certain competitive sealed proposals under the La. Procurement Code, provided for mailing the written notification to persons, firms, or corporations who are in a position to furnish the required services at least 30 days before the last day that proposals will be accepted. New law deletes the requirement to mail the notification but retains other provisions of present law relative to public notification, including written notice.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 39:1595)

### **Federal Grants (Act 395)**

New law requires the Board of Regents to develop a notification system to assist in providing opportunities for public and private postsecondary institutions to receive, administer, or monitor federal grants received by the state.

New law requires state agencies to notify the Board of Regents of federal grant programs for which the agency is responsible and prior to initiating any competitive RFP for any contract fully-funded by federal funds.

New law requires that, for contracts awarded through an RFP process, the agency shall provide notice to the Board of Regents prior to the last day proposals will be accepted.

New law requires using agencies to certify that the Board of Regents has been notified of possible services called for that are of the type readily susceptible of being performed by persons who are employed by or students of a postsecondary institution.

Effective September 1, 2015.

(Amends R.S. 39:1595; Adds R.S. 39:136 and 1623(A)(8))

## **TITLE 40: PUBLIC HEALTH AND SAFETY**

### **Home Food Sales (Act 45)**

New law deletes the requirement for home-based food preparers to have a La. General Sales Tax Certificate from LDR.

New law provides that no individual who prepares low-risk foods in the home shall sell such foods unless he is registered to collect any local sales and use taxes that are applicable to the sale of such foods.

Effective August 1, 2015.

(Amends R.S. 40:4.9(D))

### **Felicianas Fees (Act 251)**

New law authorizes the clerk of district court for the parishes of East Feliciana and West Feliciana to charge an additional fee of \$10 for issuing certified copies of birth and death certificates.

Effective August 1, 2015.

(Adds R.S. 40:39.1(B)(5))

### **HANO Commissioners (Act 419)**

New law changes the composition, qualifications, terms, and standards of removal for the commissioners of the Housing Authority of New Orleans (HANO).

Effective August 1, 2015.

(Amends R.S. 40:531, 532, and 537)

### **Denham Springs Housing Authority (Act 95)**

Existing law provides that the Housing Authority of New Orleans and the Cottonport Housing Authority shall not be considered instrumentalities of the state for purposes of Const. Art. X, §1(A) and that employees of the authorities shall not be included in the state civil service. New law adds the housing authority of Denham Springs to those exempt from existing law.

Effective August 1, 2015.

(Adds R.S. 40:539(C)(8)(d))

### **Alcoholic Beverages (Act 393)**

Existing law requires all manufacturers, packers, or proprietors of processed foods, proprietary or patent medicines, prophylactic devices, and cosmetics, in package form, to register each separate and distinct product annually with the Dept. of Health and Hospitals. New law adds an exemption for all alcoholic beverages.

New law requires the commissioner of the office of alcohol and tobacco control to provide by rule for the registration, including submission and

review of the container label, of all alcoholic beverages prior to being sold in this state.

New law provides that the submission of a Certificate of Label Approval prepared in compliance with the requirements of the Alcohol and Tobacco Tax and Trade Bureau shall constitute satisfactory compliance for the registration of products and labels, and the registration is effective upon submission of a completed application.

New law requires all administrative rules previously adopted by the Dept. of Health and Hospitals relative to the registration of or review of labels for alcoholic beverages to remain in full force and effect until such time as the commissioner of the office of alcohol and tobacco control promulgates rules pursuant to new law.

Effective August 1, 2015.

(Amends R.S. 40:627; Adds R.S. 26:793(D))

### **Controlled Dangerous Substances (Act 373)**

New law adds 20 substances to the list of Schedule I controlled dangerous substances.

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

(Adds 40:964)

### **Controlled Dangerous Substances (Act 189)**

New law adds two controlled dangerous substances to Schedule IV.

New law repeals the Schedule III classification for hydrocodone combination products to make La. law consistent with federal scheduling classifications.

New law adds that restrictions of existing law regarding the dispensing of Schedule II and Schedule III opioids do not apply if the prescription monitoring information from the state of the prescriber may be viewed by the dispensing pharmacist.

Effective June 23, 2015.

(Amends R.S. 40:978 and 40:964)

### **Marijuana Possession (Act 295)**

New law changes the penalties with regard to the crime of possession of marijuana, tetrahydrocannabinol, or chemical derivatives thereof.

New law changes the application of the probation requirements to apply only to third and subsequent convictions.

New law provides that any person who knowingly or intentionally possesses two and one-half pounds or more, but less than 60 pounds, of marijuana, tetrahydrocannabinol or chemical derivatives thereof, or synthetic cannabinoids is to be sentenced to imprisonment at hard labor for not less than two years, nor more than 10 years, and fined not less than \$10,000 nor more than \$30,000.

Effective June 29, 2015.

(Amends R.S. 40:966)

### **Naloxane Prescription and Dispensing (Act 192)**

New law authorizes a licensed medical practitioner to, directly or by standing order, prescribe or dispense the drug naloxone or another opioid antagonist without having examined the individual to whom it may be administered if certain conditions are met.

New law requires a licensed pharmacist to dispense naloxone or another opioid antagonist prescribed, directly or by standing order, by a licensed medical practitioner pursuant to new law.

New law limits civil, criminal, and professional liability for a licensed medical practitioner who, in good faith, prescribes or dispenses or a pharmacist who, in good faith, dispenses naloxone or another opioid antagonist pursuant to new law.

New law limits civil and criminal liability for a person acting in good faith who receives and administers naloxone or another opioid antagonist to a person reasonably believed to be undergoing an opioid-related drug overdose, unless personal injury results from gross negligence or willful or wanton misconduct in the administration of the drug.

Effective August 1, 2015.

(Adds R.S. 40:978.2)

### **Prescription Monitoring (Act 22)**

New law specifies that prescription monitoring information is not available by subpoena from the board.

Prior law required that in order to share information with other states, the other state's system must be at least as secure as required in La. New law changes prior law to allow the exchange of information with other states as long as the security is consistent with the requirements of existing law.

Effective August 1, 2015.

(Amends R.S. 40:1007)

### **Therapeutic Use of Marijuana (Act 261)**

New law authorizes a physician licensed to practice medicine in this state to prescribe marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols in any form except for inhalation and raw or crude for therapeutic use by patients.

Prior law required DHH by January 1, 1992, to promulgate rules authorizing physicians to prescribe marijuana for therapeutic use by patients. New law removes authority of DHH and grants this responsibility to the State Board of Medical Examiners (LSBME) and gives them until January 1, 2016, to promulgate the rules.

New law requires the Louisiana Board of Pharmacy (LBP) to adopt rules relating to the

dispensing of prescribed marijuana for therapeutic use no later than December 1, 2016.

New law requires that the rules include numerous items.

New law provides marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols prescribed pursuant to prior law shall be dispensed in person from a licensed pharmacy in good standing located in Louisiana.

New law provides a prescriber and dispenser of marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols shall review the patient's information in the Prescription Monitoring Program database prior to the prescribing and dispensing thereof.

New law provides LBP shall develop an annual, nontransferable specialty license for a pharmacy to dispense prescribed marijuana for therapeutic use and shall limit the number of such licenses granted in the state to no more than ten licensees.

New law requires the Department of Agriculture and Forestry to develop rules and regulations regarding the production of prescribed therapeutic marijuana and the facility producing therapeutic marijuana.

New law provides the Department of Agriculture and Forestry shall develop an annual, nontransferable specialty license for the production of prescribed marijuana for therapeutic use and shall limit the number of such licenses granted in the state to no more than one licensee.

New law requires that the license be limited to one geographic location and that the license permit inspection of the production facility by any elected legislator upon receipt of reasonable notice.

New law requires that the license be granted under a contract awarded through a competitive sealed bid or competitive sealed proposal, that the contract be subject to the Louisiana

Procurement Code without any exception or other variance in that Code, and that it not be awarded under the sole source procurement provisions in the Code.

New law requires various items as to the contract for the license.

New law requires that the Department of Agriculture and Forestry collect certain information from each licensee.

New law requires that levels of THC in any marijuana produced be reduced to the lowest acceptable levels available through scientifically accepted methods.

New law provides that no company is eligible for a license if it has made a contribution to a candidate in a Louisiana election governed by the provisions of the Campaign Finance Disclosure Act within the five years prior to bidding for the license, or is controlled wholly or in part by a person who made a contribution within the five years prior to the company bidding for the license.

New law terminates on January 1, 2020.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 40:1046)

### **Patient Compensation Fund (Act 454)**

New law provides the executive director of the Patient's Compensation Fund must submit a report on an annual basis to the Senate and House committees on health and welfare listing every claim against an individual practitioner who has had five or more paid claims for the previous year paid by the Patient's Compensation Fund; listing all paid claims for the previous year and the year immediately preceding that year, as well as the total number of pending claims, filed against that individual practitioner; and giving a brief description of the acts of omission or commission which gave rise to the paid claims.

Effective upon signature of the governor (July 1, 2015).

(Adds R.S. 40:1299.48(D))

### **Dieticians' and Nutritionists' Malpractice Liability (Act 323)**

Existing law provides a limitation of liability for "state health care providers" and for "health care providers" which limits their malpractice liability to \$500,000, plus interest and costs, exclusive of future medical care and related benefits.

New law adds to the definitions of "state health care providers" and "health care providers" licensed dieticians and licensed nutritionists who are employed by, referred by, or performing work under contract for a state health care provider or other person covered under the Malpractice Liability for State Services Act, as well as the Medical Malpractice Act, in order to include such licensed dieticians and licensed nutritionists within the medical malpractice limitations of liability.

Effective August 1, 2015

(Amends R.S. 40:1299.39)

### **Mammograms and Ultrasound (Act 378)**

With respect to notification to patients of results of screening mammograms, new law adds a requirement that a certain notice concerning supplemental screening be included.

New law provides that the notice concerning supplemental screening may be transmitted by either regular mail or certified mail via the U.S. Postal Service, or by any other commercial mail delivery service.

New law does not create a cause of action. New law provides that the information in the notice or evidence that a person failed to transmit the notice shall not be admissible in a civil, judicial, or administrative proceeding.

New law requires each mammography facility and every healthcare facility that performs breast ultrasound examinations to transmit to each patient as appropriate to the procedure performed: (1) a copy of the patient's mammography report issued by the facility to the patient's referring physician, or (2) a copy of the patient's full narrative radiology report of ultrasound findings.

New law provides that each healthcare facility shall transmit the mammography and ultrasound reports to patients within the time frame prescribed in federal regulations for communication of mammography results to healthcare providers. New law provides that mammography and ultrasound reports may be transmitted to patients in any manner that comports with the provisions of federal regulations relative to security and privacy of health information.

Effective January 1, 2016.

(Amends R.S. 40:1300.182 and 1300.183; Adds R.S. 40:1300.182.1 and 1300.182.2)

### **Health Care Information Online (Act 338)**

New law adds various specific data that DHH is required to collect and publish online pursuant to the La. Health Care Consumers' Right to Know law.

New law requires DHH to update the information it collects and publishes at least annually.

New law repeals prior law which provided that the law would be suspended pending appropriation of sufficient funds.

Effective August 1, 2015.

(Amends R.S. 40:1300.111 and 1300.113)

### **Publication of MCO Practice Guidelines (Act 158)**

New law provides that prior to August 1, 2015, every managed care organization contracted

with the state to provide Medicaid services to Medicaid enrollees shall report to DHH the URL of a webpage which contains a publicly accessible copy of all practice guidelines utilized by each managed care organization which are required to be made available to healthcare providers pursuant to federal regulations (42 CFR 438.236(c)).

New law requires DHH to place and maintain publicly accessible web links to each of these webpages upon its website.

Effective upon signature of the governor (June 23, 2015).

(Amends R.S. 40:1300.361 and 1300.362, 1300.363, and 1300.364)

### **Smoking Cessation Programs (Act 55)**

New law recognizes the Smoking Cessation Trust as the organization of that name which incorporated in Louisiana pursuant to the judgment rendered in *Scott v. American Tobacco Co., Inc.* for the purpose of operating the smoking cessation program called for in that judgment.

New law requires the Department of Health and Hospitals (DHH) to establish and maintain on its website a link to the website of the Smoking Cessation Trust, along with summary information on programs and services offered by the trust.

New law requires the secretary of DHH, on or before January 1 annually, to engage with the executive director of the Smoking Cessation Trust to evaluate means and best practices for promoting smoking cessation, and to identify opportunities for increasing access to smoking cessation programs and services available in this state.

New law terminates on January 1, 2022.

Effective upon signature of governor (June 5, 2015).

(Adds R.S. 40:1300.431-1300.435)

### **Private Driving Schools (Act 99)**

Existing law requires a surety bond for each private driving school. New law decreases the required surety bond sum from \$40,000 to \$20,000.

(Amends R.S. 40:1462(A))

### **DeSoto Parish Fire Protection (Act 52)**

New law grants additional authorities to DeSoto Parish Fire Protection District No. 3, including, subject to voter approval, the authority to establish a service charge for each residential or commercial structure.

Effective August 1, 2015.

(Adds R.S. 40:1502.16)

### **Firefighters (Act 88)**

New law fixes a statutory reference in the statutes governing firefighter compensation.

Effective upon signature of governor (June 19, 2015).

(Amends R.S. 40:1666.1)

### **Police and Sheriff Pay (Act 289)**

New law adds to the types of service eligible to be considered in computing of prior service for purposes of receiving state supplemental pay for municipal police and deputy sheriffs.

Effective August 1, 2015.

(Amends R.S. 40:1667.1)

### **Sickle Cell Patient Program (Act 387)**

New law establishes the Sickle Cell Patient Navigator Program, which includes, among other things: (1) training of patient navigators to serve as outreach coordinators, coordinators of family educational sessions, and patient case managers; and (2) identifying and contacting sickle cell patients, conducting home visits with

patients and their family members, and coordinating patient care.

New law provides that the Department of Health and Hospitals shall administer the program under the direction of the Louisiana Sickle Cell Commission once monies have been appropriated by the legislature.

Effective August 1, 2015.

(Adds R.S. 40:1299.4.3 and 2018.3)

### **Nursing Facilities and Beds (Act 139)**

Prior law prohibited DHH from approving any additional nursing facilities or additional beds in nursing facilities through facility need review. Prior law applied the prohibition until July 1, 2016. New law changes the deadline date for enforcement from July 1, 2016 to July 1, 2022.

Effective upon signature of the governor (June 19, 2015).

(Amends R.S. 40:2116)

### **Behavioral Health Service Providers (Act 23)**

Present law requires behavioral health services providers to be licensed by the Dept. of Health and Hospitals. New law exempts providers operating for the sole purpose of furnishing substance abuse or mental health services to courts certified by the La. Supreme Court as specialty courts.

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

(Adds R.S. 40:2154(18))

### **Use of Home Health Agency Civil Fines (Act 113)**

New law creates the Home Health Agency Trust Fund and deposits civil fines collected from home health agencies and civil fines and monetary penalties imposed or levied against home health agencies received from the Centers for Medicare and Medicaid Services into the

fund. The money in the fund shall be used solely in accordance with the provisions of 42 CFR Part 488, subject to approval by the Centers for Medicare and Medicaid Services.

Effective upon signature of governor (June 19, 2015).

(Amends R.S. 40:2199)

### **Fees in Traffic Cases (Act 305)**

New law increases, from \$10 to \$30, the sum levied in cases involving a violation of the Title 32 provisions or of a city or parish traffic ordinance, except for certain violations.

New law provides an exception to existing law to provide that the \$50 fee assessed in cases involving crimes which are misdemeanor offenses excludes violations of any provision of Title 32 or 56 of the L.R.S. of 1950 or any violation of a city or parish traffic ordinance.

New law shall become effective upon the approval of the Judicial Council of the Supreme Court of La.

(Amends R.S. 40:2266.1 and 2266.1.1)

### **Arrestee Housing (Act 447)**

Prior law provided for judicial agency referral residential facilities, including pretrial diversion facilities, that provide housing or temporary residence for individuals who have been arrested for the commission of a crime.

New law defines a "judicial agency" as the district court and officers thereof, including the district judge, the prosecutor and district attorneys.

New law provides that no sheriff or sheriff's department of any parish in this state is deemed to be a judicial agency. New law provides that judicial agency referral residential facilities cannot participate in sheriffs' work release programs, nor can they receive funding from the state.

Effective August 1, 2015.

(Amends R.S. 40:2852 and 2853)

## **TITLE 41: PUBLIC LANDS**

### **Government Land Matters (Act 72)**

Existing law authorizes an "acquiring authority" to acquire land for facilitation of the development, design, and implementation of coastal conservation, restoration, protection, or management plans by the state, its political subdivisions, or the state and federal governments. New law adds the term "integrated coastal protection project" to cover all the possible projects outlined in current law.

Prior law provided that the secretary of the Dept. of Natural Resources may, after consultation with other state agencies, enter into an agreement with respect to ownership of minerals and other matters. New law changes the approval authority from the secretary of the Dept. of Natural Resources to the executive director of the Coastal Protection and Restoration Authority.

Prior law provided for a process whereby land lost through erosion, compaction, subsidence, or sea level rise can be reclaimed by the previous owner. New law retains the permitting process but provides that the application is submitted to the State Land Office which then issues the permit.

Prior law authorized the secretary of the Dept. of Natural Resources to enter into agreements with land owners adjacent to state water bottoms who have a right to reclaim land in order to allow perpetual, transferrable ownership of mineral rights in order to facilitate coastal projects. New law changed that authorization to the executive director of the Coastal Protection and Restoration Authority, after consultation with the Dept. of Natural Resources.

Old law provides that no reclamation can be permitted if the Dept. of Natural Resources, the State Land Office, or the Attorney General objects. New law adds the Coastal Protection

and Restoration Authority to the list of entities that may object to issuance of a reclamation permit.

Effective Aug. 1, 2015.

(Amends R.S. 41:1702)

## **TITLE 42: PUBLIC OFFICERS AND EMPLOYEES**

### **Group Benefits (Act 146)**

New provides for the creation of the Group Benefits Estimating Conference.

New law provides that any new plan of benefits or the annual plan of benefits submitted by the commissioner of administration through the Office of Group Benefits or any contract negotiated by the Office of Group Benefits shall be subject to review and approval by the appropriate standing committees or subcommittees of the legislature and the office of state procurement of the division of administration. New law provides for review of plans of benefits and contracts for professional, personal, and social services contracts other than contracts for legal services or actuarial services.

New law provides that any adjustments to such contracts in the amount of \$1 million shall require review and approval of the oversight committees before implementation.

New law adds that the Group Benefits Policy and Planning Board shall review and recommend the proposed rate structure that supports a life and health benefit plan.

New law provides that the chief executive officer shall submit any proposed changes of the rate structure to the board which shall review and make recommendations prior to final adoption of a plan.

New law provides a plan submitted by the commissioner of administration shall include an estimate of the costs and an estimated rate structure for a three-year period.

New law adds that the board shall submit a written report to the commissioner of administration and the chief executive officer of the Office of Group Benefits in addition to the appropriate legislative oversight committees, regarding modifications of a proposed benefit plans.

New law changes prior law in regards to the board composition. New law requires Senate confirmation of all appointed members, including any serving in the event of a vacancy.

Effective January 1, 2016.

(Amends R.S. 42:802, 881, 882; adds R.S. 39:21.3(G))

### **Governmental Ethics and School Boards (Act 449)**

Prior law generally prohibited a member of the immediate family of an agency head from being employed in his agency.

Prior law authorized the family member of a school board member or superintendent to be employed by a local school board if they are certified to teach. New law expands the exception to family members who are temporarily authorized to teach while pursuing certification.

Prior law provided an exception from the prohibition in parishes with a population of 26,000 or less for an immediate family member of a local school board or superintendent employed as a classroom teacher to be promoted to an administrative position, but requires recusal of the board member or disqualification of the superintendent, as applicable, for any action involving the promotion or assignment of job location of such family member. New law removes the population restriction from the exception to make it applicable to all parishes.

Effective August 1, 2015.

(Amends R.S. 42:1119)

## **Governmental Ethics and Small Boards (Act 450)**

Prior law requires members of boards and commissions to annually file a financial disclosure statement to the Board of Ethics. New law provides that the terms "boards and commissions" does not include any board or commission that does not have authority to expend, disburse, or invest more than \$50,000 in a fiscal year and whose members are not eligible to receive any compensation, per diem, or expense reimbursement for services on the board or commission.

Prior law, relative to governmental ethics, restricts employment and other activities by former members of boards and commissions for a period of two years. New law provides an exception for a former member of the board of commissioners of the East Union Parish Hospital Service District.

Effective upon signature of the governor (July 1, 2015).

(Adds R.S. 42:1121 and 1124.2.1)

## **Code of Governmental Ethics (Act 316)**

New law provides an exception to the Public Records Law for records, or the information contained therein, held by the Board of Ethics pertaining to enforcement proceedings. New law provides, however, that any such record shall be public record when introduced as evidence before the Ethics Adjudicatory Board or a court or when the enforcement proceedings are concluded, subject to the limitations in existing law.

New law provides that a person may request expungement of ethics enforcement records relative to a complaint filed with the Board of Ethics alleging that the person violated the Code of Governmental Ethics if certain requirements are satisfied.

New law does not apply to enforcement proceedings that are concluded by consent opinion.

New law provides requirements and procedures for expungement. New law provides that the Board of Ethics and the Ethics Adjudicatory Board shall remove from public access all ethics enforcement records that are ordered to be expunged, but the records shall not be destroyed.

New law provides that an expunged ethics enforcement record shall be privileged, confidential, no longer considered a public record, and not made available to any person or other entity, except each member of the Board of Ethics and the Ethics Adjudicatory Board and to their respective staff members.

New law provides that all records and deliberations concerning a request for expungement shall be confidential and shall not be made available to any person or other entity, except each member of the Board of Ethics and its staff.

Effective August 1, 2015.

(Amends R.S. 44:4.1; Adds R.S. 42:1191-1194 and R.S. 44:3.4)

## **TITLE 43: PUBLIC PRINTING AND ADVERTISEMENTS**

### **Public Notices Website (Act 457)**

New law creates a statewide website to be established and maintained by the majority of Louisiana newspapers to be a repository for all statutorily required public notices.

New law requires all notices be posted at the same time as the first print publication and remain on the statewide website for not less than one year.

New law requires a newspaper or other publication publishing public notices to have a link to the public notice section on the homepage of its website and to archive all notices in their entirety.

New law provides that the statewide website will be free to the public and to any newspaper or

publication subject to the requirements of new law.

Effective August 1, 2015.

(Adds R.S. 43:111(E))

## **TITLE 44: PUBLIC RECORDS AND RECORDERS**

### **Records of the Governor (Act 145)**

New law makes the records of the governor, including those relative to fiscal or budgetary matters, public records.

New law provides that a record of the office of the governor relating to intraoffice communications of the governor and his internal staff, except those relative to fiscal matters, may be privileged from disclosure.

New law provides that any record pertaining to the schedule of the governor or that of his spouse or child containing security details may be held confidential for a period not to exceed seven days following the scheduled event.

New law shall not apply to the records of any agency transferred or placed within the office of the governor or to the records of any other executive branch agency.

New law defines "office of the governor" as the governor, chief of staff, deputy chief of staff, and executive counsel.

New law adds that no person shall be prevented from inspecting or obtaining an electronic or physical reproduction of records pertaining to certain financial transactions of the office of the governor.

New law provides that the governor or his internal staff are to preserve all records to which new law applies, and at the conclusion of his term of office, the governor is to transfer all such records to the custody of the archives division of the secretary of state.

New law provides that any exemption granted lapses eight years after the creation of the record. New law provides that after the lapse of eight years, the records of the office of the governor are public record.

New law provides for prospective application only.

Effective at noon on January 11, 2016.

(Amends R.S. 44:5)

## **TITLE 45: PUBLIC UTILITIES AND CARRIERS**

### **Uber and Insurance (Act 266)**

New law defines "digital network" as any online-enabled application, software, website, or system offered or utilized by a transportation network company that enables the prearrangement of rides with transportation network company drivers.

New law defines "prearranged ride" as the provision of transportation by a driver to a rider that commences when a driver accepts a ride requested by a person through a digital network controlled by a transportation network company, continues during the driver transporting a requesting rider and ends when the last requesting rider departs from the personal vehicle.

New law defines "transportation network company" as a person that uses a digital network to connect transportation network company riders to transportation network company drivers who provide prearranged rides or a person that provides a technology platform to a transportation network company that enables the rider to schedule a prearranged ride.

New law defines "transportation network company driver" or "driver" as a person who receives connections to potential passengers and related services from a transportation network company in exchange for payment of a fee to the transportation network company and uses a personal vehicle to offer or provide a

prearranged ride to persons upon connection through a digital network controlled by a transportation network company in return for compensation or payment of a fee.

New law defines "transportation network company rider" or "rider" as a person who uses a transportation network company's digital network to connect with a transportation network driver who provides prearranged rides to the rider in the driver's personal vehicle between points chosen by the rider.

New law provides for written disclosure by the transportation network company to each network driver, before he is initially allowed to accept a request for a prearranged ride, of the insurance that it maintains and that the drivers' personal automobile insurance may or may not provide coverage while logged onto the transportation network company's network.

New law provides that jurisdiction for any bodily injury or property damage claim resulting from the negligence or fault of a transportation network driver during a prearranged ride, or the offer or acceptance of a prearranged ride, shall be exclusively conducted in a court of competent jurisdiction in the state of Louisiana, with all choice of law conflicts resolved in accordance with Louisiana law with respect to bodily injury or property damage claims. New law does not prohibit any transportation network company, transportation network company driver, and transportation network company rider from agreeing, by contract, to submit any contractual or other disputes to arbitration.

New law provides that a transportation network company driver, or a transportation network company on the driver's behalf, shall maintain primary automobile insurance that meets certain requirements.

New law provides that insurers that write automobile insurance in this state may exclude any or all coverage afforded under the policy issued to an owner or operator of a personal vehicle for any loss or injury that occurs while a driver is logged on to a transportation network company's digital network during the pre-trip

acceptance period or while a driver is engaged in a prearranged ride.

New law provides that nothing in new law implies or requires that a personal automobile insurance policy provide coverage while the driver is logged on to the transportation network company's digital network during the pre-trip acceptance period, while the driver is engaged in a prearranged ride, or while the driver otherwise uses a vehicle to transport passengers for compensation.

New law provides that automobile insurers that exclude the coverage shall have no duty to defend or indemnify any claim expressly excluded.

New law shall not be deemed to invalidate or limit an exclusion contained in a policy, including any policy in use or approved for use in this state prior to the effective date of new law, that excludes coverage for vehicles used to carry persons or property for a charge or available for hire by the public.

New law provides that an automobile insurer that defends or indemnifies a claim against a driver that is excluded under the terms of its policy shall have a right of contribution against other insurers that provide automobile insurance to the same driver in satisfaction of the coverage requirements at the time of loss.

New law requires that in a claims coverage investigation, a transportation network company and its insurer are to cooperate with insurers that are involved in the claims coverage investigation and respond within ten business days of a request for information from the parties or another insurer.

New law requires a transportation network company driver to carry written or digital proof of coverage with him at all times during his use of a vehicle in connection with a transportation network company's digital network. New law provides that in the event of an accident, a transportation network company driver is to provide this insurance coverage information to the directly interested parties, automobile

insurers, and investigating police officers, upon request, and also whether he was logged on to the transportation network company's digital network or on a prearranged ride at the time of an accident.

Provisions concerning agreements, mandatory disclosures, prohibitions, choice of law, insurance requirements, automobile insurance and proof of insurance as related to a transportation network company are to be effective on January 1, 2016. All other provisions of new law are effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 45:201.1- 201.13)

#### **Cell Phone Location Disclosure (Act 165)**

New law provides that when acting in the course and scope of his official duties, a law enforcement agency supervisor may submit an electronic or other written request to a provider of commercial mobile services for device location information of a commercial mobile service device user, if a call for emergency services was initiated from device of the user, or an emergency situation that involves risk of death or serious bodily harm to the device user has occurred.

New law provides that upon receipt of the request, the provider of commercial mobile services must disclose to the law enforcement agency the device location information.

New law prohibits device location information from being released by the law enforcement agency to a person who either has a history of domestic violence or stalking or who is subject to any court order restricting contact with the device user.

New law requires all providers of commercial mobile services to submit emergency contact information to the Dept. of Public Safety and Corrections, office of state police by July first of each year and immediately upon any change in contact information.

New law provides that a provider of commercial mobile services may establish protocols by which the provider voluntarily discloses device location information.

New law provides that no person may file a false report to a law enforcement agency for the purpose of device location being requested from a provider of commercial mobile service.

New law provides that no person shall have a cause of action against any provider of commercial mobile services, its officers, employees, agents, or other specified persons for providing device location information while acting in good faith and in accordance with the provisions of new law, except for damage or injury caused by gross negligence or willful and wanton misconduct.

Effective upon signature of the governor (June 23, 2015).

(Adds R.S. 45:844.9 and 844.10)

#### **Public Service Commission (Act 345)**

New law adds that to be eligible for election to the commission, a candidate must at the time of qualification have (1) attained the age of 18 years, (2) resided in the state for the preceding 2 years, and (3) been actually domiciled for the preceding year in the district from which he seeks election.

Effective August 1, 2015.

(Amends R.S. 45:1161.1)

### **TITLE 46: PUBLIC WELFARE AND ASSISTANCE**

#### **Children in Need; Foster Children (Act 278)**

Prior law provided that for a child in the care of the state, a case plan shall be designed to achieve the best setting for the child. New law requires that the case plan include a plan for assuring that the child is afforded the greatest opportunity for normalcy through engagement in age- or developmentally-appropriate activities

on a regular basis. New law requires that the child be consulted in an age-appropriate manner about their interests and opportunities available to them.

New law requires the required training program for a person who seeks a contract for foster care services to include knowledge and skills relating to the reasonable and prudent parent standard for participation by the child in age- or developmentally-appropriate activities.

New law requires that each caregiver use the reasonable and prudent parent standard in determining whether to give permission for a child living in foster care to participate in extracurricular, enrichment, cultural, social or sporting activities.

New law requires that when using the reasonable and prudent parent standard, the caregiver consider various things.

New law requires that each child in foster care be allowed to travel out of state with his foster parent or another DCFS-approved adult according to certain restrictions.

New law requires that a foster caregiver who approves a foster child's participation in an age- and developmentally-appropriate extracurricular, enrichment, cultural, social or sporting activity is not liable for harm caused to the child at such activity, provided that the caregiver has acted in accordance with the reasonable and prudent parent standard.

Effective upon signature of the governor (June 29, 2015).

(Amends Ch. C. Art. 675 and R.S. 46:283)

### **Foster Care (Act 310)**

New law adds to the training topics required for foster parents the "reasonable and prudent parent standard" established by new law.

New law provides that foster children should be encouraged and supported to participate in age- and developmentally appropriate extracurricular,

enrichment, cultural, social, and sporting activities.

New law defines "reasonable and prudent parent standard" as the standard, characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, social, and sporting activities.

New law requires that foster caregivers use the reasonable and prudent parent standard in determining whether to give permission for a foster child to participate in extracurricular, enrichment, cultural, social, or sporting activities. New law provides that when using the reasonable and prudent parent standard, the caregiver shall consider various things.

New law authorizes children in foster care to travel out of state with a foster parent or another DCFS-approved adult so long as the foster parent confirms with DCFS in advance of the departure date that no reason exists to prevent such travel, and provides a travel itinerary to the department.

New law stipulates that a foster caregiver is not liable for harm caused to a child who participates in an age- and developmentally appropriate activity approved by the caregiver, provided that the caregiver has acted in accordance with the reasonable and prudent parent standard. Nothing in new law shall be construed to remove or limit any existing liability protection afforded by existing law.

Effective August 1, 2015.

(Amends R.S. 46:283; Adds R.S. 46:286.21-286.23)

### **Medicaid Claims (Act 21)**

New law stipulates that the Department of Health and Hospitals (DHH) shall not limit the

period within which a healthcare provider may submit a claim for payment for a Medicaid-covered service to less than 365 days from the date the service was rendered.

New law provides that such prohibition shall apply to claims submitted directly to DHH, and to claims submitted to a Medicaid managed care organization contracted with DHH, a prepaid ambulatory health plan, a prepaid inpatient health plan, or a primary care case manager.

Effective August 1, 2015.

(Amends R.S. 46:460.51 and the heading of Subpart B of Part XIII of Chapter 3 of Title 46; Adds R.S. 46:442 and 460.70)

### **Hospital Service Districts and Nursing Homes (Act 446)**

New law provides a hospital service district may lease and operate a licensed nursing home that is located within the boundaries of the hospital service district or outside the boundaries of the hospital service district but within the boundaries of the state.

New law provides that if a hospital service district determines to lease and operate a licensed nursing home within 35 miles of a hospital service district hospital in an adjoining hospital service district, then the hospital service district shall provide a 60-day written prior notice to the governing authority of the parish in which the licensed nursing home is located.

New law provides that if the governing authority of the parish in which the licensed nursing home is located does not provide written notice of objection to the hospital service district within the required 60 days, then the hospital service district may lease and operate the licensed nursing home.

New law provides that if the governing authority in which the licensed nursing home is located objects timely, and after a good-faith effort is made to reach an agreement between the governing authority of the parish and the licensed nursing home, and an agreement is not

reached, then the hospital service district may lease and operate the licensed nursing home located outside of the boundaries of its hospital service district.

New law provides a hospital service district shall not operate a licensed nursing home in any parish having a population of not less than 430,000 and not more than 435,000 or not less than 110,000 and not more than 115,000 without either being the service district hospital where the licensed nursing home is located or receiving the approval of the hospital service district where the licensed nursing home is located.

New law provides that if a hospital service district does not grant approval to another hospital service district for operation of a licensed nursing home, then the hospital service district refusing to grant approval shall be prohibited from operating a licensed nursing home outside of its district boundaries.

New law provides that if a certain hospital service district is unable to lease or operate a licensed nursing home, then nothing in new law will limit a hospital service district from operating a licensed nursing home in that parish.

New law provides that if a hospital service district located in such a parish has not operated a licensed nursing home by August 1, 2020, then the district may lease and operate a licensed nursing home that is located within the boundaries of that hospital service district or outside the boundaries of that hospital service district but within the boundaries of the state.

Effective upon signature of the governor (July 1, 2015).

(Adds R.S. 46:1069.1)

### **ABLE Accounts for Disabled Persons (Act 411)**

New law provides for the state ABLE Account savings program for persons with disabilities to be implemented in conformance with provisions of federal law providing for the program.

Present law provides for treatment of the program consistent with Section 529 of the Internal Revenue Code relative to qualified tuition programs. New law provides instead for treatment of the program consistent with Section 529A of the Internal Revenue Code, as enacted by the federal ABLE Act, relative to qualified ABLE programs.

New law transfers the ABLE Account Authority from the Dept. of Health and Hospitals to the Dept. of Education.

New law sets out various parameters of the ABLE Account Program.

New law provides that for tax years beginning on and after Jan. 1, 2016, amounts deposited in an ABLE account on behalf of any designated beneficiary shall be excluded from tax table income for purposes of La. income tax.

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

(Amends R.S. 36:802.24 and R.S. 46:1722, 1723, and 1725; Adds R.S. 17:3093.1, R.S. 36:651(T)(6), and R.S. 46:1726-1729; Repeals R.S. 36:259(Y) and R.S. 46:1722(4)-(6), 1724, and 1725(D))

### **Family Justice Centers (Act 327)**

New law authorizes the establishment of a family justice center in any judicial district to provide multiagency and multidisciplinary support and services to victims of domestic abuse, sexual assault, stalking, cyberstalking, cyberbullying, and human trafficking and to persons protected by the Adult Protective Services Act.

New law prohibits a family justice center from denying services to any victim on the grounds of the victim's criminal history, requesting the criminal history of a victim without the victim's written consent unless pursuant to a criminal investigation, requiring a victim to participate in the criminal justice system or cooperate with law enforcement in order to receive services at a family justice center, or requiring a victim to

sign a consent form to share information in order to access services at the family justice center.

New law provides that the material or information used or developed in providing services to a victim at the family justice center are confidential and not subject to the Public Records Law.

New law provides immunity from civil liability to any person providing services to a victim at a family justice center while acting in the official scope of his duties if the person, in good faith, makes a recommendation, gives an opinion, or releases or uses information for the purposes of protecting or providing services to the victim.

Effective August 1, 2015.

(Amends R.S. 44:4.1(B)(31); Adds R.S. 46:1860-1863)

### **Jefferson Parish Assessor (Act 252)**

New law authorizes the Jefferson Davis Parish Assessment District to provide an automobile expense allowance for the assessor equal to 15% of his annual salary provided that the assessor maintains automobile insurance in the amount of \$300,000 per accident for bodily injury and \$100,000 per accident for property damage.

Effective upon signature of the governor (June 29, 2015).

(Adds R.S. 47:1925.12)

### **Domestic Abuse and Stalking (Act 85)**

New law clarifies that domestic abuse may include a non-physical offense as defined in the Criminal Code of Louisiana.

New law adds dating partners as possible victims of domestic abuse.

New law requires a court to consider any and all past history of abuse, or threats thereof, in determining the level of danger during a proceeding for a temporary restraining order,

and provides that there is no requirement that the abuse itself be recent, immediate, or present.

New law allows a court to grant a protective order or approve a consent agreement to cease the threat of domestic abuse.

Prior law provides for the duties of law enforcement officers relative to situations in which a family or household member or dating partner has been abused and the abusing party is in violation of a temporary restraining order, a preliminary or permanent injunction, or a protective order issued pursuant to existing law. New law provides that these duties shall also apply for violations of temporary restraining orders, preliminary or permanent injunctions, or protective orders issued pursuant to the Protection from Stalking Act.

Effective August 1, 2015.

(Amends R.S. 46:2131, 2132, 2135, 2136, and 2140)

### **Domestic Violence Coalition (Act 328)**

New law prohibits the state domestic violence coalition of La. (coalition) from taking any action against a member of the coalition or domestic violence services provider that would adversely affect the member or provider's ability to furnish shelter or supportive services to the victims of domestic abuse and their families, unless the coalition provided proper written notice of the proposed disciplinary action and the right to an appeal hearing no less than 30 days prior to the disciplinary action being imposed. New law requires the coalition to give the member or provider written notice of a scheduled appeal hearing, if requested, and the opportunity to present arguments or evidence in support of the member or provider's position prior to taking disciplinary action.

Effective August 1, 2015.

(Adds R.S. 46:2148)

### **Pharmacy Medicaid Fees (Act 399)**

Prior law authorizes the Dept. of Health and Hospitals (DHH) to impose a fee of up to 10¢ per prescription for prescription services provided by the Medicaid program. New law requires health insurance issuers to reimburse a pharmacy or pharmacist or his agent for the payment of the fee when the latter makes a claim for reimbursement of the fee.

New law shall have no effect to the extent that any sums otherwise certifiable by the state as a component of its share of expenditures in the medical assistance program cannot be certified.

New law provides that the failure of a health insurance issuer or its agent to reimburse a pharmacy or pharmacist or his agent shall be an act for which the health insurance issuer or its agent may be sanctioned by the commissioner, but such insurer or agent may demand an administrative hearing.

New law authorizes a managed care organization to negotiate the ingredient cost reimbursement in its contracts with providers.

New law requires any contract between DHH and a managed care organization that includes provisions for pharmacy reimbursement to provide for a reimbursement dispute process for local pharmacies, which process must contain certain elements. New law prohibits DHH from amending any contract unless the amendment will not increase the actuarially sound rate paid as of Mar. 1, 2015.

New law prohibits a managed care organization, after June 15, 2016, from paying a local pharmacy a per-prescription reimbursement at a rate less than the legacy Medicaid rate unless the contract provides a dispute process containing certain elements.

New law defines "local pharmacy" as any pharmacy, domiciled in at least one La. parish, that: (1) contracts with the managed care organization or the managed care organization's contractor in its own name or through a pharmacy services administration organization

and not under the authority of a group purchasing organization, and (2) has fewer than ten retail outlets under its corporate umbrella.

Effective August 1, 2015.

(Amends R.S. 46:2625; Adds R.S. 22:1860.1 and 46:460.36)

## **TITLE 47: REVENUE AND TAXATION**

### **Tax Credits for Foreign State Taxes (Act 109)**

Existing law authorizes an individual income tax credit in an amount equal to income taxes which were paid for the same taxable period to another state on income which is subject to La. tax. New law limits the amount of the credit to the amount of La. income tax that would have been imposed if the income earned in the other state would have been earned in La.

New law imposes conditions on eligibility for the credit as follows:

(1) The credit is allowed if the other state provides a similar credit for La. income taxes paid on income derived from property located in La., services rendered in La., and business transacted in La.

(2) The credit is not allowed for taxes paid to a state that allows a nonresident a credit against the income taxes imposed by that state for taxes paid or payable to the state of residence.

New law is repealed on July 1, 2018.

New law provides that any portion of a credit not allowed pursuant to new law that is claimed on a tax return filed after July 1, 2015, pursuant to an extension of time to file granted prior to July 1, 2015, shall be allowed as follows: one-third of any such credit may be taken as a credit in each of the taxpayer's tax years beginning during calendar years 2017, 2018, and 2019.

Effective July 1, 2015, and applicable to all claims for the tax credit on any tax return filed on or after July 1, 2015, regardless of the taxable year to which the return relates, with the

exception of an amended return timely filed on or after July 1, 2015, that relates to a claim for the credit not allowed pursuant to new law on an original return that was filed prior to July 1, 2015.

(Adds R.S. 47:33(A)(4)-(7))

### **Tax Credit for Historic Rehabilitation (Act 108)**

Present law provides for an income or corporation franchise tax credit for eligible costs and expenses incurred during the rehabilitation of a historic structure located in a downtown development district or a cultural district.

New law extends the sunset from Jan. 1, 2018 to Jan. 1, 2022 and provides for certain eligibility requirements.

### **Tax Refund Donation (Act 349)**

New law provides for an income tax checkoff under which an individual can donate all or any portion of his state income tax refund to The Extra Mile, Southeast La., Inc., The Extra Mile, Region IV, Inc., The Extra Mile, Region VI, Inc., and the Extra Mile, Region VIII, Inc., in lieu of that amount being paid as a refund.

Effective for taxable years beginning on or after January 1, 2016.

(Adds R.S. 47:120.291)

### **Tax Refund Donations (Act 388)**

New law provides for an income tax checkoff under which an individual can donate all or a portion of his state income tax refund to the La. Naval War Memorial Commission, or The Emerge Center, Inc. in lieu of that amount being paid as a refund.

Effective for taxable years beginning on or after Jan. 1, 2016.

(Adds R.S. 47:120.291 and 120.292)

### **Tax Refund Donation (Act 290)**

New law provides for an income tax checkoff under which an individual can donate all or any portion of his state income tax refund to the American Rose Society.

Effective for taxable years beginning on or after Jan. 1, 2016.

(Adds R.S. 47:120.291)

### **Corporate Income Taxes (Act 123)**

Old law excluded from corporation gross income any funds received from a governmental entity to subsidize the operation and maintenance of a public transportation system. New law reduces the exclusion from 100% of the funds received to 72% of the funds received.

Old law provided an additional deduction in determining net income for oil and gas depletion. New law reduces the deduction from 22% of the gross income from the property during the taxable year, excluding 100% of any rents or royalties, to 15.8% of the gross income from the property during the taxable year, excluding 72% of rents or royalties. New law further reduces allowable deduction from an amount not to exceed 50% of the net income of the taxpayer to an amount not to exceed 36% of the net income.

Old law provided a deduction for net operating loss of a corporation. New law reduces the amount of the deduction from the entire amount of the net operating loss to 72% of the net operating loss.

Old law excluded from corporate gross income funds received from a governmental entity to subsidize the operation and maintenance of a public transportation system. New law reduces the exclusion from 100% of the funds received to 72% of the funds received.

Old law provided for a deduction from corporate income tax expenses disallowed under I.R.C. Section 280C. New law reduces the amount of

the deduction from 100% of the disallowed expenses to 72% of the disallowed expenses.

Old law provided a deduction from corporate income for the amount of the net operating loss incurred in La. New law reduces the amount of the deduction from 100% of the amount of the net operating loss to 72% of the net operating loss.

Old law authorized a deduction from gross income of an amount equal to interest and dividend income included on the federal income tax return. New law reduces the deduction from 100% of the amount of interest and dividend income to 72% of the interest and dividend income.

Old law exempted from corporation income and franchise taxes certain La. Community Development Financial Institutions. New law reduces the exemption from five consecutive taxable periods to four consecutive taxable periods.

New law is applicable for all exclusions from taxable income and all claims for deductions made on any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates. New law is not applicable to an amended return filed on or after July 1, 2015, if the original return was filed prior to July 1, 2015. If a taxpayer has been allowed a valid filing extension prior to July 1, 2015, and subsequently files the return after July 1, 2015, any portion of an exclusion or deduction disallowed by the provisions of new law shall be allowed as an exclusion or a deduction in the amount of one-third of the disallowed portion on the taxpayer's return for each of the taxable years beginning during 2017, 2018, and 2019.

The reductions to the amount of the corporate income tax exclusions and deductions in new law sunsets on June 30, 2018. The amount of the corporate income tax exclusions and deductions in prior law shall be applicable to claims made on or after July 1, 2018.

Effective July 1, 2015.

(Amends R.S. 47:51, 158, 246, 287.71, 287.73, 287.86, 287.738, and 287.745, and R.S. 51:3092)

### **Corporate Income and Franchise Taxes and Aircraft (Act 112)**

Prior law establishes methods for attributing income to Louisiana for purposes of determining corporate income and corporate franchise taxes for manufacturers, and provides that sales attributable to this state shall include sales where the goods, merchandise, or property are received in this state by the purchaser. New law adds that the place an aircraft is ultimately received is the place the aircraft is primarily stored when not in use.

Prior law requires corporations qualified to do business or actually doing business in this state to pay an annual corporation franchise tax. New law adds that for purposes of calculating such tax, the place an aircraft is ultimately received shall be the place the aircraft is primarily stored when not in use.

Effective upon signature of the governor (June 19, 2015).

(Amends R.S. 47:287.95 and 606)

### **Sales Tax on Aircraft (Act 116)**

Prior law provided that for purposes of the levy of the tax, the term "sale at retail" shall not include sales of La. manufactured or assembled passenger aircraft with a capacity in excess of 50 persons if, after all transportation has been completed, the aircraft is ultimately received by the purchaser outside of the state.

New law specifies that the exemption applies to both state and local sales and use taxes and changes the seating capacity for such aircraft manufactured or assembled in La. from a capacity in excess of 50 persons to a maximum capacity of 8 persons. New law specifies that the place at which the aircraft is ultimately received shall be considered as the place at which the aircraft is stored after all transportation has been completed.

Effective upon signature of the governor (June 19, 2015).

(Amends R.S. 47:301(10)(m))

### **Sales Tax in Calcasieu for Aircraft Repairs (Act 1)**

New law excludes from the definition of "sales of services", for purposes of the sales and use tax levied by taxing authorities in Calcasieu Parish, repairs made to certain aircraft in Calcasieu Parish.

Effective upon signature of governor (May 22, 2015).

(Amends R.S. 47:301(14)(g)(i)(bb))

### **Sales Tax on Cleaning Services (Act 90)**

Prior law defines the term "sales of services" for purposes of levying sales and use taxes to include the furnishing of laundry, cleaning, pressing, and dyeing services, including the cleaning and renovation of clothing, furs, furniture, carpets and rugs, and the furnishing of storage space for clothing, furs, and rugs. New law clarifies that the service shall be taxable at the location where the item is returned to the customer.

Effective August 1, 2015.

(Amends R.S. 47:301(14)(e))

### **Sales Tax Modernization (Act 405)**

New law establishes the Sales Tax Streamlining and Modernization Commission to perform a comprehensive study of La.'s state and local sales tax systems, and to make recommendations to the legislature regarding revision of practices, administrative procedure, statutory law, and La. constitution.

New law requires that the recommendations of the commission contemplate an overall goal of ensuring both revenue stability and taxpayer equity through the adoption of proven contemporary tax policies which are based on

the concept of a low tax rate with a broad base to be administered fairly and efficiently.

New law requires that the commission meet monthly and open to the public at the state capitol.

New law provides that the commission shall terminate on June 30, 2017.

Effective upon signature of governor (July 1, 2015).

(Adds R.S. 47:301.2)

### **Tax Appeals (Act 210)**

#### *Administration*

New law changes the amount dedicated to the Board of Tax Appeals from the local share of use tax proceeds.

New law establishes the Local Tax Division (local division) of the board as an independent agency within the board for purposes of exercising jurisdiction over disputes involving local collectors.

New law authorizes the board to establish an Escrow Account (account) with the approval of the Cash Management Review Board, and to select a bank or financial institution to serve as its fiscal agent.

New law provides for the disposition of interest earned on monies deposited into the account for specific cases by taxpayers, a state collector, or a local collector.

New law provides that the judge of the Local Tax Division, to be known as the "local tax judge", shall be a distinct position in the unclassified service for purposes of the La. constitution governing public officials and employees.

#### *Adjudication of Cases*

New law adds authorization for board approval of the reasonableness of attorney fees charged in the same manner as in a district court.

New law adds a demand in reconvention and a third-party demand as additional remedies available to local collectors for the collection of taxes owed in any court or before the board.

New law adds the option for a taxpayer to file a pleading with the board as an alternative to filing suit in district court to recover taxes paid under protest, for purposes of state and local sales and use, income, and corporation franchise taxes.

New law provides for circumstances in which the three year limit on the amount of time in which a taxpayer may claim a refund or credit of an overpayment of taxes may be suspended.

New law adds authority for a taxpayer appealing a decision of the board to fulfill the requirement for posting bond by paying into the account an amount equal to the amount required for security. New law authorizes the board or its Local Tax Division to assess a fee related to the optional methods of posting security.

The provisions of new law amending R.S. 337.13.1, 337.28.1, 337.81(A)(2), 337.86, 1401, and 1403 shall be effective on the effective date of Act No. 640 of the 2014 Regular Session.

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

(Amends numerous provisions of Title 47)

### **Winn Parish Hotel Room Tax (Act 293)**

New law changes how state sales taxes on hotel rooms collected in Winn Parish are to be used.

Effective July 1, 2015.

(Amends R.S. 47:302.16)

**Sales Tax on Certain Vehicles (Act 107)**

New law authorizes the department to collect sales and use tax on motor vehicles purchased by foreign business entities if the department determines that the purpose of the foreign business entity was tax avoidance. New law requires the department to consider various criteria in making its determination.

Effective upon signature of governor (June 19, 2015).

(Adds R.S. 47:303(B)(8))

**Sales Tax Exemption for Prosthetic Devices (Act 468)**

New law provides an exemption from local sales and use taxes for prosthetic devices sold or purchased with the intention of being personally used or consumed by individuals pursuant to prescription by a physician when the individual is covered by the state of Louisiana Medicaid insurance program or a Medicaid insurance program administered by a third party on behalf of the state of Louisiana.

Effective July 1, 2015.

(Amends R.S. 47:305; adds R.S. 47:337.9(C)(14.1))

**Sales Tax Exemption for Certain Bakery Products (Act 102)**

New law establishes a state sales and use tax exemption for bakery products sold for home consumption at grocery stores, bakeries, and donut shops regardless of whether or not the business furnishes facilities for the consumption of food on the premises. New law is called the "Deauxnut Fairness Act".

Effective July 1, 2015.

(Amends R.S. 47:305)

**Grant Parish Economic Development Fund (Act 39)**

New law dedicates all 3.97% of the state sales tax levied on the furnishing of sleeping rooms collected in Grant Parish to the Grant Parish Economic Development Fund to be used exclusively for promoting tourism in Grant Parish.

Effective July 1, 2015.

(Adds R.S. 47:302.55, 322.48, and 332.54)

**St. James Parish Enterprise Fund (Act 182)**

Existing law dedicates the state sales tax collected on the rental of hotel rooms in St. James Parish to the St. James Parish Enterprise Fund (the fund). New law expands the permissible uses of the funds.

Effective July 1, 2015.

(Amends R.S. 47:332.23)

**Jonesville Sales Taxes (Act 339)**

New law authorizes the town of Jonesville, subject to voter approval, to levy a sales and use tax not to exceed 1%.

Effective July 1, 2015.

(Adds R.S. 47:338.24.2)

**Baker Hotel Occupancy Tax (Act 294)**

New law authorizes the governing authority of the city of Baker to levy and collect a hotel occupancy tax at a rate not to exceed 5%, subject to voter approval.

Effective July 1, 2015.

(Adds R.S. 47:338.215)

**Duson Hotel Tax (Act 53)**

New law authorizes the governing authority of Duson (Acadia and Lafayette parishes), subject

to voter approval, to levy and collect a hotel occupancy tax.

Effective August 1, 2015.

(Adds R.S. 47:338.215)

### **License Plates (Act 226)**

New law provides for "300th Anniversary of the City of New Orleans" license plates.

Effective Aug. 1, 2015.

(Adds R.S. 47:463.183)

### **License Plate (Act 6)**

New law provides for prestige license plates to be known as the "Challenge ALS" license plates.

Effective Aug. 1, 2015.

(Adds R.S. 47:463.183)

### **Special License Plates (Act 32)**

New law creates special prestige license plates for the Eagle Scouts within the Boy Scouts of America, the Louisiana Board of Professional Geoscientists, the Society of St. Vincent de Paul of Louisiana, and the Southern University and A&M College Marching Band.

Effective August 1, 2015.

(Adds R.S. 47:463.71.1, 463.183, 463.184, and 463.185)

### **Anti-Terrorist License Plate (Act 284)**

New law creates the "Global War on Terrorism Expeditionary Medal" license plate for recipients of such medal.

Effective Aug. 1, 2015.

(Adds R.S. 47:490.29)

### **Public License Tag Agents (Act 110)**

New law changes surety requirements and requires each public license tag agent other than a municipal governing authority to execute a good and sufficient surety bond with a surety company qualified to do business in La. as surety, in a sum of \$100,000 should the public tag agent have only one office in this state and in a sum of \$125,000 should the public tag agent have more than one office in this state.

New law provides that the office of motor vehicles (OMV) may deny a contract to any person, natural or juridical, seeking to be a public tag agent if that person has been found to be in violation of any rule or regulation promulgated by the office of motor vehicles pertaining to the issuance of a motor vehicle title, registration, or driver's license within the two-year period prior to the date of application.

New law authorizes OMV to suspend, revoke, cancel, or impose other restrictions on any public tag agent contract confected pursuant to existing law for various cause.

New law provides that any person whose public tag agent contract has been suspended, canceled, or revoked during the effective term of the contract may request an administrative hearing to review OMV's action.

New law provides that OMV may issue an order to cease and desist from any illegal activity, conduct, or practice.

New law provides that if the person to whom OMV directs a cease and desist order does not cease and desist the proscribed activity, conduct, or practice within 10 days, OMV may cause to issue a writ of injunction and such proceeding shall be brought in the district court having civil jurisdiction in any parish in which such person resides, or is domiciled or has his principal place of business.

New law provides that the trial of the proceeding by injunction shall be a summary proceeding, and shall be by the judge alone without a jury.

New law increases the fees which may be charged by the commissioner of OMV for each certificate of title from \$18.50 to \$68.50, and for each salvage title from \$18.50 to \$68.50.

Effective July 1, 2015.

(Amends R.S. 32:728 and R.S. 47:532.1; Adds R.S. 47:532.2 and 532.3)

### **Timber Severance Taxes (Act 330)**

Existing law provides for taxes on natural resources severed from soil or water based on the quantity or value of the products or resources severed. Prior law required the La. Forestry Commission (commission) to determine the market value of trees, timber, and pulpwood giving consideration to sales of timber. New law changes the requirement that the commission consider sales of timber to permissive rather than mandatory and authorizes the commission to give consideration to other information.

Effective August 1, 2015.

(Amends R.S. 47:633)

### **Severance Taxes (Act 120)**

Prior law authorized a total 2-year suspension of severance tax on oil or natural gas production from a horizontally drilled well or horizontally drilled recompletion well from which production commenced after July 31, 1994. New law retains prior law only for wells which commence production on or before June 30, 2015.

New law establishes an exemption from severance tax for oil production from a horizontally drilled well or horizontally drilled recompletion well that commences production on or after July 1, 2015. The amount of the exemption is based upon the price of oil as determined by the secretary of the Dept. of Natural Resources on July 1st of each year for the ensuing 12 months based on the average New York Mercantile Exchange prices per barrel from the previous 12 months. The exemption percentage ranges from 100% if the price of oil is at or below \$70 per barrel, to no

exemption if the price of oil exceeds \$110 per barrel.

New law establishes an exemption from severance tax for natural gas production from a horizontally drilled well or horizontally drilled recompletion well that commences production on or after July 1, 2015. The amount of the exemption is based upon the price of natural gas as determined by the secretary of the Dept. of Natural Resources on July 1st of each year for the ensuing 12 months based on the average New York Mercantile Exchange prices per million BTU per month from the previous 12 months. The exemption percentage ranges from 100% if the price of natural gas is at or below \$4.50 per million BTU, to no exemption if the price of natural gas exceeds \$7.00 per million BTU.

New law is applicable to production occurring on and after July 1, 2015.

Effective July 1, 2015.

(Amends R.S. 47:633)

### **Petroleum Products Taxes (Act 147)**

New law provides that, beginning Jan. 1, 2016, the tax levied on special fuels shall not be collected pursuant to the annual decal but rather the amount of the tax shall be converted from a tax levied per gallon on such special fuel to a tax levied per gallon but based on the special fuel's energy content.

New law adds a transitional provision for the department to continue issuing decals from July 1, 2015, through Dec. 31, 2015, for the operation of vehicles which use LNG, LPG, or CNG in order for the taxes due on this fuel to be paid. The amount of the decal shall be calculated at a rate of one-twelfth of the total annual decal amount for each month the decal is valid.

New law requires the tax to be collected by any person or entity upon the delivery of the fuel into the fuel supply tank of a motor vehicle. New law requires any person or entity to possess a license for utilizing, delivering, or selling such

fuels and otherwise provides for requirements for collection of the per-gallon tax by the licensed users, dealers, and sellers; application, suspension, cancellation, and revocation of licenses; bond requirements; returns, payments, credits, refunds, and fines, penalties, and interest for failure to pay associated with the tax; records retention and inspection; and investigative and enforcement authority, including authorization for search and seizure and criminal penalties for certain prohibited acts.

Prior law provided for administrative discount to supplier for filing returns and remitting payment timely. New law reduces rate from one and one-half percent to one-half percent.

Prior law authorized a supplier to allow purchaser who is a validly licensed distributor or importer a deduction. New law reduces deduction from 1% to one-third of 1%.

Prior law allowed a validly licensed distributor or importer that pays the tax due a supplier timely to deduct a discount from the amount due. New law reduces the amount of discount from 1% to one-third of 1%.

New law provides for a listing of offenses.

Effective July 1, 2015.

(Amends R.S. 3:4602 and 4684 and R.S. 47:818.2, and 818.22; adds R.S. 3:4690.1 and R.S. 47:818.111-818.132; repeals R.S. 47:818.101-104)

#### **Cigarette Tax (Act 94)**

New law increases the tax upon cigarettes from 36¢ to 86¢ per pack of 20 cigarettes.

New law requires the additional tax on cigarettes to apply to all cigarette products purchased by retail dealers and wholesale dealers on and after July 1, 2015, but shall not apply to stamped products and unused tax stamps in the possession of wholesale dealers prior to July 1, 2015.

New law requires all wholesale and retail dealers to file an inventory with the Dept. of Revenue by Aug. 1, 2015, of all cigarettes on hand prior to July 1, 2015.

New law levies a tax on vapor products and electronic cigarettes equal to .05¢ per milliliter of consumable nicotine liquid solution or other material containing nicotine that is depleted as a vapor product is used.

The additional tax on cigarettes shall be effective on July 1, 2015. The tax levied on vapor products and electronic cigarettes shall be effective August 1, 2015.

(Amends R.S. 47:841 and 842; Adds R.S. 47:841.2)

#### **Excise Tax Exemption for Certain Cigars (Act 105)**

New law extends the excise tax exemption from Dec. 31, 2016, to Dec. 31, 2021, for cigars or pipe tobacco sampled during the Convention of the International Premium Cigar and Pipe Retailers Association.

Effective July 1, 2015.

(Amends R.S. 47:854)

#### **Deductions for Employing Persons with Disabilities (Act 117)**

New law authorizes an income tax deduction for each taxpayer who provides continuous employment to a qualified individual with a disability. A taxpayer is eligible to claim the deduction after employing a qualified individual with a disability for four continuous months for no less than an average of 20 hours a week at a rate comparable to and in the same setting as other employees performing the same or similar task.

New law limits the number of qualified individuals for which the deduction may be claimed to 100 and directs the Dept. of Revenue (DOR) and the Dept. of Health and Hospitals

(DHH) to approve applications claiming the deduction.

New law defines a "qualified individual with a disability" as either of the following:

(1) a person with a severe, chronic disability attributable to an intellectual or physical impairment or combination of these impairments that is manifested before the age of 22 and is likely to continue indefinitely which results in substantial functional limitations; or

(2) an individual who has a service-connected disability rating of 50% or more as designated by the U.S. Dept. of Veterans Affairs.

New law provides that the amount of the deduction shall equal 50% of the gross wages paid to a qualified disabled individual during the first four continuous months of employment and 30% of the gross wages paid to the individual during each subsequent continuous month of employment.

New law requires, to the extent practicable, that the credits be apportioned equitably to employers who are geographically representative of all portions of the state.

New law authorizes DOR to share information with DHH to monitor and implement new law.

Effective upon signature of governor (June 19, 2015).

(Adds R.S. 47:297.13 and 1508(B)(37))

### **Department of Revenue Fees (Act 130)**

New law requires installment payments to be in accordance with the installment payment agreement between a taxpayer and the Department of Revenue, and provides that, upon request of the taxpayer and approval of the secretary, the secretary may reinstate the installment agreement after payment of a \$60 reinstatement fee.

New law sets fees for the establishment of installment agreements at \$105 for a standard

installment agreement and a reinstatement fee of \$60 if a taxpayer defaults on their installment agreement. New law prohibits the department from charging an installment payment fee if a taxpayer has an adjusted gross income of \$25,000 or less.

New law increases the fee for offset claims from \$4 to \$25 per claim.

New law increases the fee for the authentication of records from \$1 to an amount not to exceed \$25. New law establishes fees to be paid for searching for tax records and authorizes the department to implement a reasonable fee schedule for authenticating a copy of a document and to collect fees associated with searching tax returns and correspondence.

New law requires a nonrefundable application fee of \$186 for compromises of judgments and requires a nonrefundable initial payment of 20% of the amount of any offers in compromise.

Effective July 1, 2015.

(Amends R.S. 47:15, 105, 299.5, 1507, and 1578; Adds R.S. 47:1576.2 and 1578)

### **Tax Penalties (Act 128)**

New law applies the penalties established in the administrative provisions of prior law to the dishonored payments of income taxes.

New law eliminates the requirement of approval by the Board of Tax Appeals for waiver of penalties exceeding \$25,000 on December 31, 2015 and requires, beginning January 1, 2016, the secretary to maintain complete records of all penalty waivers in excess of \$50,000 and provides for public inspection and publication of such waivers.

New law increases the penalty for failure to keep adequate records by dealers from \$500 to \$5,000.

New law applies the penalty provision whenever a return and full (as opposed to 90%) payment

are not received within the prescribed time, including any extensions.

Prior law provides for the waiver of penalty for delinquent filing or delinquent payment. New law applies these waiver provisions to cases where the secretary and the taxpayer have entered into a valid and enforceable voluntary disclosure agreement.

New law changes the negligence penalty from 5% of the tax due or \$10, whichever is greater, to separate penalties for negligence and large tax deficiencies as follows: (1) negligence – 10% of deficiency, (2) large individual tax deficiency – 25% of deficiency, and (3) other large tax deficiency – 25% of deficiency.

New law increases the penalty for dishonored payments from \$20 to \$35.

Old law established a separate penalty for dishonored payments of local taxes. New law repeals present law.

Effective July 1, 2015.

(Amends R.S. 47:105, 114, 295, 309, 1602, 1603, 1604.1, and 1604.2; Repeals R.S.47:337.74)

### **Income Tax Deduction for Net Operating Losses (Act 103)**

New law changes the time allowed for trusts for carryover of the net operating loss from 15 years to 20 years.

New law repeals the three year carryback provisions of prior law and increases the carry over period from 15 years to 20 years, beginning with any claim filed on or after July 1, 2015, regardless of the taxable year to which the return relates.

New law does not apply to an amended return filed on or after July 1, 2015, relating to a net operating loss deduction properly claimed on an original return filed prior to July 1, 2015.

Effective July 1, 2015.

(Amends R.S. 47:246, 287.86, 1621, and 1623; Adds R.S. 47:181(B)(3))

### **Inventory Tax Credits (Act 415)**

Prior law authorizes an income or corporation franchise tax credit for ad valorem taxes paid to political subdivisions on inventory held by manufacturers, distributors, and retailers and on certain natural gas.

New law defines "inventory" for the purpose of the credit to include certain items of tangible personal property that are being held for sale in the ordinary course of business, are in the process of production for subsequent sale, or are to become a part of the production of the good for sale.

New law excludes from the definition of "inventory": (1) certain oil that is stored in tanks, (2) items that would be considered inventory following the initial lease of the item by the taxpayer, (3) items for which depreciation has commenced for the purposes of a taxpayer's federal tax return, (4) items that are subject to use by the taxpayer for longer than 18 months, (5) items otherwise exempt from ad valorem taxation pursuant to the La. Constitution.

New law authorizes the secretary to intervene in any proceeding related to the valuation or classification of property as inventory for which a credit will be claimed when there is a finding of overvaluation or misclassification of inventory in certain circumstances.

Effective Jan. 1, 2016, and applicable for all tax years on and after Jan. 1, 2016.

(Amends R.S. 47:6006)

### **Refundable Tax Credits (Act 133)**

Prior law provides for an income or corporation franchise tax credit for ad valorem taxes paid to political subdivisions on inventory held by manufacturers, distributors, and retailers and on natural gas held or consumed in providing natural gas storage services or operating natural gas storage facilities.

New law changes the refundability of the excess credit amounts for taxpayers whose tax liability for ad valorem taxes paid to political subdivisions is \$10,000 or more from a refundable credit to one in which 75% of excess credit amounts which exceed taxpayer liability shall be refundable and 25% of the excess credit amounts may be carried forward against subsequent income or corporation franchise tax liability for up to five years.

Prior law authorizes an income and corporation franchise tax credit for certain taxpayers who employ 50 or more persons and claim a federal income tax credit for increasing research activities. Prior law authorizes a tax credit for a taxpayer who receives a federal Small Business Innovation Research Grant. Prior law provided for the refund of any allowed credit which exceeded the aggregate tax liability of the taxpayer. New law deletes the refundability of excess credit amounts.

New law is applicable to all claims for these tax credits on any return filed on or after July 1, 2015, regardless of the taxable year to which the return relates. However, the provisions of new law shall not apply to an amended return filed on or after July 1, 2015, provided that these credits were properly claimed on an original return filed prior to July 1, 2015.

(Amends R.S. 47:6006 and 6015)

### **Movie Investor Tax Credits (Act 134)**

New law provides that tax credits shall be earned at the time expenditures are certified rather than the time the expenditures are made and that the credits shall be allowed against income tax for the taxable period in which the credit is certified.

New law increases the amount of the tax credit for expenditures on payroll for La. residents from 5% to 10% and deletes the limitation excluding the salary of any person that exceeds \$1 million.

New law caps the maximum amount of credits which may be certified annually for the program

by the office and the secretary at \$226.4 million and beginning July 1, 2015, caps the amount of credits available for any single state-certified production at \$20 million. New law provides that if the total amount of credits certified for a year exceeds the maximum amount of credits allowed for that year, the excess shall be treated as having been applied for on the first day of the subsequent year.

New law adds credits for the following:

(1) If the total base investment is greater than \$50,000 but less than \$300,000, each state certified production which has a director who can prove La. residency for a minimum of two years, shall be allowed a credit of 30% of the total base investment made by that investor, provided that no less than 75% of the total amount of the applicant's expenditures for "above the line" services shall be expended on La. residents and that 75% or more of the total number of jobs in the production shall be filled by La. residents.

(2) If the total base investment is greater than \$300,000 and the state certified production is based on a screenplay, the copyright or the right of use of the copyright of which is owned by a La. resident, a La. resident company, or a La. company with its principal place of business in the state, each investor shall be allowed an additional tax credit of 15% of the base investment.

(3) To the extent that the base investment is expended on music, the sound recording copyright or musical copyright of which is owned in whole or in part at no less than 25% by a La. resident or a La. company headquartered in the state with a majority ownership of La. residents, each investor shall be allowed an additional tax credit of 15% of the base investment.

New law defines "above the line (ATL) services" as services of a producer, executive producer, line producer, co-producer, assistant producer, actor, director, casting director, screenwriter, and other services performed by personnel of the production that are associated

with the creative or financial control of a production and customarily considered above the line services in the film and television industry.

New law defines a "Louisiana resident company" as a company licensed to conduct business in this state owned 100% by a natural person who is a legal resident and who has been domiciled in this state and has maintained a permanent home in this state for no less than 12 consecutive months. A Louisiana resident company is required to file a La. income tax return and maintain a physical location in the state.

New law defines "principal place of business" as the state where the administrative or management activities of a business are conducted. A company claiming that its principal place of business is in La. shall not have any fixed locations outside of this state in which administrative or management activities are conducted, shall be required to maintain a physical location in the state, shall be licensed to conduct business in this state, shall be required to file a La. income tax return, and shall employ a minimum of three full-time employees in this state.

New law expands a "motion picture" to include animated short films, shows, and documentaries made in La. for any online digital platform viewing approved by the office.

New law adds eligibility for marketing and promotion expenses of the state-certified production; however, the amount of these expenses eligible for tax credits shall not exceed 15% of the total state certified tax credits for the production.

New law increases the amount of the face value for which the investor can transfer a credit back to the state from 85% to 90%.

New law increases the amount of the applicant fee from two-tenths of 1% to five-tenths of 1% and increases the maximum amount of the fee from \$5,000 to \$10,000.

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

(Amends R.S. 47:6007)

#### **Movie Investor Tax Credits (Act 141)**

New law excludes from the definition of eligible "production expenditures" those expenditures for "related party transactions" that have been denied or limited by the office of entertainment industry development in the Department of Economic Development (LED).

New law provides for preparation and submittal, in lieu of an audit report for review and analysis of the applicant's cost report expenditures to LED, a "production expenditure verification report".

New law requires that the verification report be prepared by a certified public accountant (CPA) to be engaged and assigned by LED. New law requires that the report be a review of the tax credit applicant's cost report of production expenditures, and be made in accordance with agreed-upon procedures established by LED.

New law defines "related party transaction" as a transaction between parties deemed to be related by common ownership or control according to generally accepted accounting standards and generally accepted accounting principles.

Effective on January 1, 2016, if and when the commissioner of administration and the legislative auditor provide written notice that they have determined that an Act or Acts were enacted in the 2015 Regular Session of the Legislature sufficient to offset any tax increases provided for in the Acts of such session over a five-year period.

(Amends R.S. 47:6007)

#### **Movie Investor Tax Credits (Act 142)**

New law provides that the term "production expenditures" shall not include expenditures for "Above the Line (ATL) services" for the production that exceed 40% of total production

expenditures in the state for the production. "Above the Line (ATL) services" is defined as services such as those of a producer, executive producer, line producer, coproducer, assistant producer, actor, director, casting director, screenwriter, and other services of job positions that are associated with the creative or financial control of a production and customarily considered as above the line services in the film and television industry.

New law is effective on July 1, 2015, if and when the commissioner of administration and the legislative auditor provide written notice that they have determined that an Act or Acts were enacted in the 2015 Regular Session sufficient to offset any tax increases provided for in the Acts of such session over a five-year period.

(Amends R.S. 47:6007)

#### **Movie Investor Tax Credits (Act 143)**

New law provides that the term "expenditures" does not include expenditures for airfare or expenditures for bond fees, insurance premiums, finance fees, loan interest fees, or payments of a similar nature paid to investors in the production, unless made to certain insurance producers, financial institutions, or a business and industrial development company regulated by the office of financial institutions.

New law provides for allocation of expenditures on a pro rata basis and allocation of fees as a percentage of production activity in and out of state.

New law becomes effective on January 1, 2016, if the commissioner of administration and the legislative auditor provide written notice that they have determined that an Act or Acts were enacted in the 2015 Regular Session of the Legislature sufficient to offset any tax increases provided for in the Acts of such Session over a five-year period.

(Amends R.S. 47:6007)

#### **Movie Investor Tax Credits (Act 144)**

New law, relative to the motion picture investor tax credit, prohibits, after January 1, 2014, a transfer or sale of tax credits from being effective until recorded in the tax credit registry in R.S. 47:1524.

New law expands the definition of an eligible "motion picture" to include viewing on any digital online platform.

New law adds eligibility for marketing expenditures for all state-certified productions approved on or after January 1, 2016.

New law limits certifications of expenditures to once per production, but, if at the time of application for initial certification, the office is notified that post-production activities will take place in Louisiana, a supplemental request for certification of expenditures directly related to such post-production activity may be submitted for consideration by the office.

New law limits earning of credits to expenditures made during the initial certification period.

New law provides that such initial certification is within a period 12 months prior to and 24 months after the date of the initial certification.

New law reduces the time unused tax credit may be carried forward from 10 years to 5 years.

New law requires the Department of Revenue (DOR) to make a payment of a refund to a motion picture production company's irrevocable designee, provided tax credits are transferred to the DOR within one calendar year of certification. As an irrevocable designee, a bank or other lender may elect to have the tax credits issued directly to it from the office, and in addition to having the rights of a transferee, it may also elect to transfer the credits to the DOR.

New law makes conviction for a criminal offense as an incident to obtaining or attempting to obtain motion picture investor tax credits a

criterion for determining who qualifies for a credit.

New law provides that no later than six months after the expiration of the initial certification period for the applicable state-certified production, a state-certified motion picture production company applicant shall make a request to the office to proceed to final certification by submitting to the office a cost report of production expenditures to be formatted in accordance with instructions of the office. New law provides that after review and investigation of the cost report, the accountant shall submit to the office and the secretary a production expenditure verification report. Within 120 days of the receipt of the report and all required supporting information, the office and the secretary shall issue a tax credit certification letter indicating the amount of tax credits certified for the state-certified production to the applicant for all qualifying expenditures verified by the office.

New law provides that tax credits shall not be considered entitlements, and the taxpayer must bear the burden of clearly and unequivocally establishing eligibility for tax credits.

Prior law required an investor's state income tax to be increased by the amount necessary for the recapture of tax credits if the office finds that monies for which an investor received tax credits were not invested in and expended with respect to a state-certified production within 24 months of the date that such credits were earned. Prior law authorized the secretary of the DOR to initiate collection of tax credits disallowed within three years from December 31st of the year in which the 24-month investment period ended. Prior law limited the interest that may be assessed and collected on recovered credits to a rate three percentage points above the rate provided in R.S. 9:3500(B)(1).

Effective January 1, 2016, new law deletes these provisions and prohibits a "bad faith holder" from claiming tax credits, transferring tax credits to the office, or transferring or selling tax credits. A "bad faith holder" is defined as a person who participated in material

misrepresentation or fraudulent acts in connection with the certification of tax credits, or who prior to or at the time of certification of such tax credits knew or reasonably should have known of such material misrepresentation or fraudulent acts, or a legal entity owned or controlled by such a person. Upon a determination of bad faith by the DOR such tax credits shall be deemed disallowed as to the bad faith holder.

New law authorizes the department to recapture any amounts and other damages from a bad faith holder.

New law authorizes the secretary of the DOR to recover disallowed tax credits through any collection remedy authorized by R.S. 47:1561 and initiated within any of various time periods.

New law establishes standards for audit reports for certification of expenditures for state-certified motion picture infrastructure program tax credits. New law requires infrastructure project applicants to submit all requests and required documentation for final certification on or before December 31, 2015, after which time all such claims to tax credits are deemed to be waived. New law requires the request to be accompanied by an audit performed by an independent certified public accountant. Within 365 days after receipt, or December 31, 2016, whichever occurs first, the office, the secretary, and the division must issue a denial letter or a tax credit certification letter to the investors indicating the amount of tax credits certified for the project. The applicant is authorized to appeal a denial.

New law prohibits motion picture infrastructure tax credits to be certified after July 1, 2017.

Effective July 1, 2015, but only if the commissioner of administration and the legislative auditor provide written notice that they have determined that an Act or Acts were enacted in 2015 sufficient to offset any tax increases provided for in the Acts of such Session over a five-year period.

(Amends R.S. 47:1524 and 6007)

### **Movie Investor Tax Credits (Act 417)**

New law reduces the tax credit for investors in state-certified motion picture productions filmed in La. from 30% to 25% of production related expenditures if a production does not include and utilize La. promotional marketing or content as part of the production.

Effective July 1, 2015, and applicable for productions receiving initial certification on or after August 1, 2015.

(Amends R.S. 47:6007)

### **Movie Investor Tax Credits (Act 425)**

New law expands the definition of "payroll" to include per diem, housing, box rentals, and any other type of benefit paid to an individual for the performance of services in a production and for which taxes have been withheld and remitted to the Dept. of Revenue.

New law specifies, with regard to payments to individuals, that any individual receiving a payment for the performance of services used directly in a production activity for which the payment shall be claimed as a production expenditure for certification of a tax credit, is deemed to be receiving La. taxable income, whether directly or indirectly through an agent or agency, loan-out company, a personal service company, an employee leasing company, or other entity.

New law provides that any motion picture production company, motion picture payroll services company, or other entity making or causing to be made payments to an individual, or to an agent or agency, loan-out company, personal service company, employee leasing company, or other entity, is considered to be paying compensation taxable by the state. For purposes of eligibility of payments for certification of tax credits, the company is required to withhold taxes from those payments at the rate of 6%. New law requires the company to electronically report and remit the withholdings made pursuant to law quarterly to the Dept. of Revenue.

New law requires the report to include an affirmative statement of whether the production company is a related party to the loan-out company, and if so, an affidavit stating that the transaction is valued at the same value that an unrelated party would value the same transaction. If the production company is a related party to the loan-out company, the reports required relative to income withholding shall also contain information on the ownership structure of the loan-out company, and an estimate amount of what the loan-out company or other entity will pay the payee.

New law authorizes the Dept. of Revenue to collect a one-time fee of \$200 per production. New law applies to productions receiving initial certification on or after Jan. 1, 2016.

Effective Aug. 1, 2015.

(Amends R.S. 47:164 and 6007)

### **Movie Investor Tax Credits (Act 451)**

New law requires any person selling or brokering motion picture tax credits on behalf of an investor to meet certain qualifications.

New law requires the Department of Revenue to create and maintain a Public Registry of Motion Picture Investor Tax Credit Brokers, to include in the registry any person who meets the qualifications, and to maintain a website with an updated list of those eligible to sell or broker tax credits.

New law provides that the rules shall require that any applicant for registration undergo a criminal history background check at the expense of the applicant.

New law subjects any person selling or brokering tax credits who fails to qualify and register to punishment by a fine of not more than \$10,000 or imprisonment at hard labor for not more than five years, or both, and to be ordered to make full restitution to any person who has suffered a financial loss as a result of the offense. If the person is found to be indigent, the

court shall order a periodic payment plan consistent with the person's financial ability.

New law is applicable to transfers occurring on and after regulations are finalized and become effective.

Effective January 1, 2016.

(Adds R.S. 15:587(A)(1)(h) and R.S. 47:6007(C)(7))

### **Movie Investor Tax Credits (Act 452)**

New law requires the office of entertainment industry development in the Department of Economic Development to verify payroll production expenditures through the use of information requested from the Louisiana Workforce Commission or the Department of Revenue. New law requires that information held is to be considered confidential and privileged.

Effective July 1, 2015.

(Amends R.S. 47:6007)

### **Movie Investor Tax Credits (Act 129)**

New law changes definition of motion picture to include motion pictures developed for viewing online.

Prior law authorizes an income tax credit equal to 30% of production expenditures for all state-certified productions approved after July 1, 2009, and an additional tax credit equal to 5% of the base investment expended on payroll for La. residents employed in connection with all state-certified productions.

Prior law provides that the tax credit is earned when production expenditures are "certified" by the office of entertainment industry development within the Dept. of Economic Development ("DED").

New law specifies that the initial certification shall be effective for qualifying expenditures

made within 12 months before and 24 months after the date of initial certification.

New law restricts the expenditures which may receive initial certification to those made within six months of the application for initial certification.

New law adds a requirement that no later than six months after the expiration of the initial certification period for the applicable state-certified production, a taxpayer is required to submit to the office all requests and required documentation for final certification of all tax credits or the claims to such tax credits shall be deemed waived.

New law reduces the number of times and changes the timing of certifications for expenditures from twice during the production to once after the project is completed.

New law adds requirements for consideration of productions for initial certification by requiring DED to consider criminal convictions related to motion picture investor tax credits, or any other serious issues which may impact the approval of the application for initial certification.

New law changes the time period within which the Dept. of Revenue may recapture credits which were issued and then disallowed.

New law adds requirements regarding submission and consideration of audit reports for final certification of state-certified expenditures for the motion picture *infrastructure* investor tax credits.

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

(Amends R.S. 47:6007)

### **Entertainment and R&D Tax Credits (Act 412)**

Prior law establishes four tax credit programs for the entertainment industry, as well as the research and development tax credit, all of which provide for tax credits based on

expenditures which are eligible for certification by the Dept. of Economic Development ("DED").

*General provisions for all five tax credits*

New law establishes an enhanced uniform procedure for the verification of cost reports or other expenditure reports submitted to DED for certification for tax credits ("cost report"). DED is authorized to engage and assign a certified public accountant, or, for the research and development tax credit only, a tax attorney (hereinafter collectively referred to as "CPA"), to prepare an expenditure verification report ("verification report") regarding a cost report.

New law establishes certain professional eligibility requirements for a CPA engaged by DED for the preparation of verification reports, including licensing and continuing education.

Prior to submission to DED, a verification report shall require two levels of review either within a CPA firm or through a cooperative endeavor with another CPA.

New law requires that a tax credit applicant seeking certification of expenditures for tax credits be assessed a verification report fee of up to \$25,000, including a mandatory up-front deposit of up to \$15,000. The fee shall be collected by DED and be reflective of the actual cost of the report.

New law requires that, in addition to DED, the tax credit applicant's cost report shall also be provided to the CPA. After review and investigation of the cost report, the CPA is required to prepare and submit to DED a verification report. The applicant is required to make all records related to the tax credit application and cost report available to the CPA.

New law changes the document to be used by DED from the tax credit applicant's cost report to the verification report prepared by the CPA. Only those expenditures which are confirmed verified within the verification report shall be eligible for certification for tax credit purposes.

New law establishes amounts for the mandatory fee deposit and maximum verification report fee, based on the amount of expenditures.

*Motion picture investor tax credit*

New law substitutes the expenditure verification report for the production audit report as the basis for DED's review of a production's cost report of expenditures.

*Research and development tax credit*

New law restricts the requirement for a verification report to a business that employs less than 50 persons, and that is neither a participant in certain federal programs nor a recipient of the federal research and development tax credit.

New law applies to all applications or submissions for certification or issuance of tax credits submitted to DED on or after Jan. 1, 2016.

Effective Aug. 1, 2015.

(Amends R.S. 47:6007, 6015, 6022, 6023, and 6034; Adds R.S. 36:104(B)(9) and 104.1)

**Tax Credits for Solar Energy (Act 131)**

Old law provided that the amount of the tax credit for a solar energy system purchased by a homeowner was equal to 50% of the first \$25,000 of system cost. New law reduces the maximum amount of the credit from 50% of the first \$25,000 of the system's cost to 50% of the first \$20,000 of the system's cost.

New law adds that the maximum system size is 8 kilowatts of energy at a cost of no more than \$2 per watt, and any financing for the system purchase shall not exceed 48 months.

New law repeals eligibility for a "solar thermal system" and adds exclusions for the following types of solar energy equipment: air conditioning, ventilation, lighting, pool equipment, gate systems, and other equipment as provided by administrative rule.

New law requires that the credit be claimed only in the year in which the installation or home purchase took place.

New law requires the submission of certain information by a taxpayer when claiming a credit, including proof of installation, information on the solar panels, the terms of any financing for the system, and any other documentation that may be required by administrative rule.

### **Leased system**

Present law provides that the amount of the tax credit for a system which is purchased and installed by a third party through a lease with the owner of the residence is equal to 38% of the first \$25,000 of the cost of purchase for a system that provides no more than six kilowatts of energy, with the following limitations:

- (1) From July 1, 2013, through July 1, 2014, the system costs \$4.50 per watt or less.
- (2) From July 1, 2014, through July 1, 2015, the system costs \$3.50 per watt or less.
- (3) From July 1, 2015, through Jan. 1, 2017, the system costs \$2.00 per watt or less.

New law repeals tax credits for leased systems. New law is applicable to any system installed on or after the effective date of this Act.

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

(Amends R.S. 47:6030)

### **SAVE Credit Program (Act 140)**

New law requires the Board of Regents (the board) to implement a Student Assessment for a Valuable Education (SAVE) Credit Program for each student enrolling at a public institution of higher education. Each student assessed shall be granted a SAVE credit against income, sales and use, gasoline and special fuel taxes equal to the individual amount of a SAVE assessment. The SAVE credit is a transferable, nonrefundable

credit against the tax liability of a student, or his parent or legal guardian, which must be transferred to the board and used solely as set forth below for each student enrolled in a public institution of higher education on and after July 1, 2015. Student eligibility is to be based on the tax liability paid to the state by all of the students and their parents or legal guardians in the prior year as determined by the DOR.

New law provides that no student or student's parent or legal guardian shall be required to pay an assessment that is not offset by a SAVE Credit.

New law provides that the tax credit registry is not applicable to the new law.

New law is applicable to tax years beginning on and after January 1, 2015, but null and void, and of no effect on and after July 1, 2020.

Effective upon signature of the governor (June 19, 2015).

(Amends R.S. 47:297(D)(1); adds R.S. 47:6039)

### **Tax Credits Generally (Act 357)**

Existing law provides for 28 different income and corporation franchise tax credits (which are listed).

New law requires the House Committee on Ways and Means to review the credits in existing law no later than Jan. 31, 2016, and make a specific recommendation no later than March 1, 2017, to either continue the credits or to terminate the credits.

New law repeals five tax credits that previously expired.

Effective upon signature of governor (June 29, 2015).

(Amends R.S. 47:6105; Adds numerous provisions to Title 47; Repeals R.S. 47:6005(D)(2), 6010, 6028, 6029, and 6033)

## **TITLE 48: ROADS, BRIDGES AND FERRIES**

### **Transportation Projects & Bonds (Act 358)**

Existing law authorizes the State Bond Commission to issue Grant Anticipation Revenue (GARVEE) bonds to finance the accelerated construction of certain state transportation projects.

New law adds to the definitions of "qualified federal-aid transportation project" and "state transportation project" to include a new bridge across the Mississippi River connecting La. Highway 1 to La. Highway 30.

Prior law provided for the pledge of certain federal transportation funds received by the state and state matching funds as security for the bonds. New law requires the federal transportation funds be maintained in a separate fund or account and establishes the fund for the securitization of the bonds outside of the state treasury to be administered by a trustee designated by the State Bond Commission.

Existing law provides that GARVEE bonds shall be authorized by the State Bond Commission and authorizes the bonds to be secured by a trust agreement with corporate trustees or fiscal agents. New law authorizes the state treasurer to enter into a collection agreement with the trustee to provide for the collection of federal funds.

Prior law allowed for the use of derivative products to enhance the marketability of the bonds or to minimize interest rate risks. New law eliminates the use of derivative products.

Effective August 1, 2015.

(Amends R.S. 48:27)

### **CCC Bridge (Act 348)**

New law requires the Dept. of Transportation and Development to utilize toll credits generated by past toll collections on the Crescent City Connection Bridge and not obligated on or before April 3, 2015, to meet the nonfederal

share requirement on transportation infrastructure projects on the Crescent City Connection Bridge itself, the Westbank Expressway or its approaches, the La. Highway 23 bridge and tunnel replacement project, the Fourth Street Extension, or any combination thereof.

New law defines "toll credit" as a financing tool approved by the Federal Highway Administration that allows states to use federal obligation authority without the requirement of nonfederal matching dollars.

Effective Aug. 1, 2015.

(Adds R.S. 48:79)

### **Transportation Infrastructure Bank (Act 431)**

New law establishes the Louisiana State Transportation Infrastructure Bank (Bank) within the Dept. of the Treasury.

New law provides that any loan or other financial assistance provided pursuant to new law shall be made pursuant to a cooperative endeavor agreement between the Bank and a governmental borrower.

New law provides "eligible transportation project" means any transportation facility which has been approved by the Dept. of Transportation and Development and selected by the Bank to receive a loan or other financial assistance from the Bank to defray an eligible cost.

New law provides for the composition and powers and duties of the board, including the powers:

(1) to make loans to governmental borrowers to finance the eligible costs of eligible transportation projects;

(2) to borrow money through the issuance of bonds and other forms of indebtedness as provided by new law; and

(3) to sue, only after obtaining the written approval of the attorney general.

New law requires the board to be staffed by the Department of the Treasury.

New law provides that the Bank may provide loans and other financial assistance from sums on deposit in and credited to the fund to a governmental borrower for all or part of the eligible costs of an eligible transportation project.

New law provides that in selecting eligible transportation projects, the board shall consider the projected feasibility of the project, the amount and degree of risk to be assumed by the Bank, and the level of local financial support for the eligible transportation project as evidenced by resolutions of the governing bodies in the area the project will be located.

New law provides that in selecting eligible transportation projects, the board may consider but not be limited to various criteria.

New law provides that any loan from the Bank shall bear interest at or below market interest rates, as determined by the board.

New law provides that repayment of any loan from the Bank shall commence not later than five years after the eligible transportation project has been completed or, in the case of a highway project, the facility has opened to traffic, whichever is later.

New law provides that the term of a loan shall not exceed 30 years after the date of the first payment on the loan.

New law requires that in the case of conflict between the provisions of R.S. 48:77 as amended in new law and Act No. 725 of 2015, the latter shall supercede and control regardless of the order of enactment.

Effective Aug. 1, 2015.

(Amends R.S. 48:77(B)(2); Adds R.S. 36:769(M) and R.S. 48:81-90.1)

### **Highway Prioritization (Act 355)**

New law changes the manner in which the Department of Transportation and Development is to prioritize its highway projects.

New law specifies that DOTD shall screen all projects to determine whether they are consistent with the most recent Statewide Transportation Plan.

New law provides that beginning with the Highway Priority Program for Fiscal Year 2017-2018, DOTD shall provide the legislature and public with this program which shall list projects to be constructed in the ensuing fiscal year in their order of priority.

New law requires that DOTD initially identify prospective outcomes of each program and report these prospective outcomes to the legislature and make them available to the public on or before June 6, 2016. New law requires that DOTD then evaluate the actual outcomes of each program and establish revised prospective outcomes of each program on a biennial basis.

New law requires that beginning in 2018, DOTD report the results of these biennial evaluations to the legislature and make them available to the public on the department website on a biennial basis.

New law provides that the process in new law shall apply to the program presented for Fiscal Year 2017-2018.

Prior law is effective until March 13, 2016, and new law is effective on March 14, 2016.

(Adds R.S. 48:229.1; Repeals R.S. 48:229)

### **Ferry and Bridge Projects (Act 30)**

New law authorizes any regional transit authority to let a single contract combining the design and construction phases for any new ferry project on the Mississippi River.

New law requires that the authority adopt a resolution establishing the design-build program

for any new ferry, which resolution shall meet various requirements. New law establishes various procedures and limitations regarding the design-build contract.

New law requires that legal challenges to the choice of the designer-builder be filed and served within seven calendar days after the award of the contract, and that any such challenge be limited to fraud, bias for pecuniary or personal reasons not related to the interests of the taxpayers, or arbitrary and capricious selection of the successful designer builder.

New law provides that once the design-builder has been chosen, a contract for a stipulated maximum total cost may be executed, as provided in the authority's award resolution.

New law authorizes increases or decreases in the final cost of the contract for changes in the scope of the work, or for other conditions of which the design-builder either did not have knowledge of, or could not have reasonably foreseen the possibility of, concerning the design and construction, provided any change is related to the original project and scope of services.

New law supersedes conflicting provisions of law relative to bidding for public contracts.

New law authorizes the Department of Transportation and Development (DOTD) to give priority and advance to construction as expeditiously as possible any bridge project that replaces a tunnel.

New law authorizes use of any source of funds for such projects or as matching funds for federal-aid funds, including the secretary's emergency fund.

New law authorizes use of any contract method provided by law, including design-build or construction management at risk.

New law requires DOTD to consider a design-build contract to replace the tunnel on LA 23.

Effective upon signature of the governor (May 29, 2015).

(Amends R.S. 48:250.2; adds R.S. 38:2225.2.5, and R.S. 48:232.1)

### **Contract Claims Against DOTD (Act 29)**

New law makes the Department of Transportation and Development (DOTD) liable for legal interest on final contract balances when DOTD fails to make any final payment within 100 days after receipt of a clear lien certificate.

Prior law required a claimant, after maturity of his claim and within 45 days of recordation of final acceptance of work by DOTD or notice of default of the contractor or subcontractor, to file a copy of a sworn statement of the amount due with DOTD and to record the original statement with the recorder of mortgages for the parish where the work was performed. New law changes requirement from claimant filing a copy of the statement with DOTD to claimant filing a certified copy of his recorded sworn statement, showing recordation data, with the undersecretary of DOTD.

Prior law authorizes a public entity, contractor, or subcontractor, or other interested party to require a person who has filed a statement of claim or privilege to give a written authorization directing the recorder of mortgages to cancel the statement of claim or privilege from his records. New law adds option for claimant to file an original lien cancellation certificate with the recorder of mortgages and to submit a certified copy of the recorded lien cancellation certificate, showing recordation data, with the undersecretary of DOTD.

Prior law requires a party who files a bond or other security to guarantee payment of a statement of claim or privilege to give notice to DOTD, the claimant, and the contractor by certified mail. New law adds requirement for the party to file a certified copy of the cancelled statement of claim or privilege, showing recordation data, with the undersecretary of DOTD by certified mail.

Effective upon signature of the governor (May 29, 2015).

(Amends R.S. 48:251.5, 256.5, 256.6, and 256.7)

#### **Use of Sales Tax Proceeds (Act 275)**

New law makes various changes in the use of sales and use tax monies.

Effective and becomes operative if and when the Act which originated as SB 122 of 2015 is enacted into law and becomes effective.

(Amends R.S. 48:77 and 2074; repeals R.S. 48:2077(24) and 2111- 2119)

### **TITLE 49: STATE ADMINISTRATION**

#### **Jemison Memorial Statue (Act 154)**

New law authorizes a Reverend Dr. T.J. Jemison memorial statue to be erected in the A.Z. Young Park in Baton Rouge, and creates the Reverend Dr. T.J. Jemison Memorial Statue Commission within the legislative branch of state government.

Effective August 1, 2015.

(Adds R.S. 49:149.64)

#### **Ullo Building (Act 148)**

New law names the Senator Chris Ullo Building in Harvey, Louisiana.

Effective upon signature of the governor (June 23, 2015).

(Adds R.S. 49:149.31)

#### **Homeland Security (Act 381)**

New law provides for the general re-creation of the Governor's Office of Homeland Security and Emergency Preparedness and its statutory entities, effective June 30, 2015, in accordance with the "sunset law".

New law makes July 1, 2019, the new termination date and provides that termination

will begin July 1, 2018, unless the department is re-created again.

Effective June 30, 2015.

(Adds R.S. 49:191)

#### **Coastal Protection Projects (Act 69)**

Prior law provided that the state, or any political subdivision thereof, may use its own employees or equipment for satisfying any mitigation requirements resulting from or related to an integrated coastal protection project. New law changes employees or equipment to resources.

Effective Aug. 1, 2015.

(Amends R.S. 49:214.5.2(F))

#### **BESE Rulemaking (Act 245)**

New law requires BESE to adopt rules in accordance with the APA for any program, statement, guideline, or requirement for conduct or action prescribed by the board, the state superintendent of education, and the state Dept. of Education.

New law requires each rule proposed by BESE to adopt, amend, suspend, or repeal state content standards for use in public elementary and secondary schools be submitted to the Senate and House education committees for review, in accordance with the APA. New law provides that state content standards proposed to be adopted by rule shall not be subject to severability in consideration by a legislative committee or the governor in oversight determinations.

New law, as it relates to a BESE rule for state content standards, limits the authority of the governor to a veto or suspension of such a rule in its entirety.

New law is effective if HB 373 and HB 542 of 2015 become effective.

(Amends R.S. 49:969 and 970; adds R.S. 17:6.1 and R.S. 49:968.1)

### **Drug Testing (Act 74)**

Prior law regulates drug testing for the presence of marijuana, opioids, cocaine, amphetamines, and phencyclidine. New law adds an authorization for the testing of hair samples by laboratories certified by the College of American Pathologists.

Effective August 1, 2015.

(Amends R.S. 49:1001, 1002 and 1005)

## **TITLE 51: TRADE AND COMMERCE**

### **Equipment Dealership Agreements (Act 466)**

New law extends to forestry contracts or agreements the prior laws regarding agreements between wholesalers and retailers of various kinds of equipment requiring retailers to maintain a stock of such equipment.

New law includes forestry equipment dealer in the definition of "dealer".

New law provides that a dealer may elect to pursue its contract remedy, the remedies provided by law, or both.

New law provides that any provision included in an agreement between an agent and a dealer that attempts to limit or otherwise preclude or prohibit a dealer from exercising any rights or protections provided by law shall be null, void, and unenforceable.

New law adds that in addition to good cause, an agent must act in good faith in order to terminate, cancel, fail to renew, or substantially change an agreement or contract.

New law provides that an agent shall bear the burden of proof that it has acted in good faith and that there was good cause for the termination or cancellation of any dealership agreement or contract.

New law changes the list of circumstances that constitute "good cause" in various ways that favor dealers over agents.

New law provides an agent shall provide a dealer with at least 90 days' written notice of termination, cancellation, or nonrenewal of the dealership agreement. The notice shall state all reasons constituting good cause for the action and shall provide that the dealer has 60 days in which to cure any claimed deficiency, specifying the action that must be taken in order to cure the deficiency. If the deficiency is rectified within 60 days, the notice is void. The notice and the right to cure provisions are not required if the reason for termination, cancellation, or nonrenewal is a violation of certain provisions of law.

New law provides that notwithstanding the terms of any dealer agreement, each agent shall indemnify and hold harmless its dealers against any judgment for damages (including but not limited to court costs and reasonable attorney fees of the dealer) arising out of complaints, claims or lawsuits if the judgment arises out of an alleged defective or negligent manufacture, assembly, design, or modifications or alterations made by dealer, who was authorized by an agent to make such modifications or alterations, of covered equipment, or other functions by the agent, which are beyond the control of the dealer.

New law provides that in no event shall a dealer be liable to an agent through the terms of any dealer agreement between them for the gross negligence or willful misconduct of any third party.

New law provisions shall not apply to any contractual provisions in effect on the effective date of new law, but shall apply to subsequent amendments and modifications of the contract made after such date.

Effective August 1, 2015.

(Amends R.S. 51:481, and 482; adds R.S. 51:481.1, 483.1, and 490.1)

### **Fireworks (Act 67)**

Prior law allowed the sale of fireworks, and prohibited the issuance of retailer permits, from

June 25 through July 5 and from Dec. 15 through Jan. 1 of each year. New law changes the June 25 date to June 16.

Effective August 1, 2015.

(Amends R.S. 51:652 and 656)

### **Enterprise Zones (Act 114)**

New law changes eligibility requirements for enterprise zone contracts to receive sales tax rebates and income tax credits.

New law prohibits eligibility of a business with a North American Industry Classification Code of 44, 45, or 72 from receiving benefits for projects whose contract is not entered into before July 1, 2015, unless an advance notification for the project was filed prior to June 10, 2015, and the related claim for benefits is filed on or after July 1, 2016.

Effective upon signature of governor (June 19, 2015).

(Amends R.S. 51:1787)

### **Reduction in Tax Credits and Rebates (Act 126)**

#### *Enterprise Zone (Effective July 1, 2015)*

New law prohibits eligibility of a business with a North American Industry Classification (NAICS) Code of 44, 45, or 722 from receiving benefits for projects whose contract is not entered into before July 1, 2015, unless an advance notification for the project was filed prior to July 1, 2015, and the related claim for benefits is filed on or after July 1, 2016.

New law shall supercede the provisions of the Act that originated as House Bill No. 466 of 2015, regardless of the order of final passage.

#### *Rebate Reductions (Effective July 1, 2015 Through June 30, 2018)*

Prior law authorizes the secretary of the Dept. of Economic Development to grant a La. Mega

Project Energy Assistance Rebate of severance taxes paid on natural gas to certain mega-projects. New law reduces the amount of the rebate from 100% to 80% of La. severance taxes on natural gas that were paid to the state on those projects for which the secretary makes a determination on or after July 1, 2015, and on or before June 30, 2018.

Prior law provides for the Quality Jobs Program, which authorizes the granting of contracts by the Board of Commerce and Industry to businesses for the purposes of providing rebates and tax credits for the achievement of certain performance by the business. New law reduces the amount of gross payroll of new direct jobs used in the calculation of the rebate from 100% to 80% of the gross payroll of new direct jobs for projects for which an advanced notification is filed on or after July 1, 2015, and on or before June 30, 2018.

New law limits the period of time within which an application for a Quality Jobs project is required to be filed to no later than 24 months after the filing of an advance notification for the project. New law requires applications for advance notifications filed between July 1, 2011 and July 1, 2012 to be filed at any time prior to August 15, 2015.

Prior law creates the Corporate Headquarters Relocation Program, which grants to a "qualified business" a contract to receive a rebate to relocate or expand its "headquarters" in La. New law reduces the amount of the rebate from 25% to 20% of relocation costs for projects for which an advance notification was filed on or after July 1, 2015, and on or before June 30, 2018.

Prior law establishes the Competitive Projects Payroll Incentive Program through which businesses can contract with the Dept. of Economic Development for receipt of rebate payments in exchange for the creation of jobs. New law reduces the amount of the rebates from 1.5% to 1.2% of certain qualified capital expenditures and from a maximum of 15% to 12% of eligible new payroll. New law is applicable to those projects for which an invitation to apply is extended by the secretary

on or after July 1, 2015, and on or before June 30, 2018.

*Sunset Of Rebate Reductions (Effective July 1, 2018)*

The reductions to the amount of rebates in new law sunsets on June 30, 2018. For those projects for which the secretary makes a determination relative to energy consumption of mega-projects, or an advance notification is filed, or an invitation to apply is extended by the secretary on or after July 1, 2018, the amount of the respective rebates in prior law shall be applicable to those projects.

(Amends R.S. 51:1787, 2455, 3114, and 3121; Adds R.S. 51:2367(E))

**Major Events Incentive Program (Act 12)**

New law establishes the Major Events Incentive Program authorizing the secretary of the Dept. of Economic Development (DED) to enter into a contract with a local organizing committee, endorsing parish, or endorsing municipality to recruit, solicit, or acquire for Louisiana qualified major specified events that have a significant positive economic development impact on the state. Subject to legislative appropriation and the approval of the Joint Legislative Committee on the Budget, the contract shall provide for financial commitment to the local organizing committee, endorsing parish, or endorsing municipality, which shall be paid with funds dedicated for such purposes.

New law creates the Major Events Incentive Program Subfund in the treasury for deposit of the incremental increase in certain state taxes receipts generated by the occurrence of all qualified events.

New law authorizes the DED secretary to determine the amount of the incentive to be paid pursuant to the contract, based upon the amount of incremental increase in tax receipts within the designated area attributable to the qualified event during a specified period as determined by the secretary. Such state tax receipts shall be limited to excise tax and sales and use tax,

excluding state hotel and motel occupancy taxes. The amount of the increment increase shall not include local tax receipts.

New law requires the treasurer to make the incentive payment from the subfund as certified by the DED secretary, subject to legislative appropriation and the approval of the Joint Legislative Committee on the Budget.

Under the new law, "qualified event" or "qualified major event" includes, among others, the NFL Super Bowl, the NCAA Final Four, the NBA All-Star Game, an NCAA Division I Football Bowl Subdivision postseason playoff or championship game, a national collegiate championship of an amateur sport recognized by the United States Olympic Committee, a mixed martial arts championship, a Bassmasters Classic, a National Motorsports race, an NCAA football kickoff game, a national championship or Olympic trials of an amateur or professional sport sanctioned by the national governing body of the sport, a national military event, and a national political convention of the Republican National Committee or the Democratic National Committee.

New law requires the event to be held no more often than annually, to be one for which one or more sites not located in the state are considered, and that a site selection organization selects a site in this state as the sole site for the event.

Effective July 1, 2015.

(Amends R.S. 51:2365; adds R.S. 51:2365(F)(1)(d) and 2365.1)

**Home Service Contract Providers (Act 161)**

New law provides that home service contract providers be regulated by the Secretary of State and not the Louisiana Department of Insurance.

New law provides that warranties, maintenance only agreements, and various classes of service contracts are not subject to the regulations in new law.

New law provides that home service contracts shall not be issued, sold, or offered for sale in this state unless the provider has complied with various requirements.

New law provides that each provider of a home service contract sold in this state shall file an application for initial registration with the secretary of state.

New law requires home service contract providers to comply with all requirements for initial registration, applicable fee payments, and posting of the \$50,000 two-year bond by Jan. 15th.

New law provides that a provider registration is effective for two years, unless it is denied, renewed, suspended, or revoked.

New law requires each registrant to notify the secretary of state of any material change in the registration information within 60 days of the effective date of the change.

New law provides that the marketing, sale, offering for sale, issuance, making, proposing to make, and administration of home service contracts by providers and related service contract sellers, administrators, and other persons is not insurance and shall be exempt from all provisions of the Louisiana Insurance Code.

New law provides that each home service contract marketed, sold, offered for sale, issued, made, proposed to be made, or administered in this state shall be written, printed, or typed in clear, understandable language that is easy to read and shall disclose certain information.

New law provides that a home service contract shall require every provider to permit the service contract holder to return and void the home service contract within a certain time period.

New law provides that the right to void the home service contract is not transferable and shall apply only to the original service contract holder and only if no claim has been made prior to its return to the provider.

New law provides that a provider shall not use in its name the words "insurance", "casualty", "surety", "mutual", or any other words descriptive of the insurance, casualty, or surety business or a name deceptively similar to the name or description of any insurance or surety corporation, or to the name of any other provider.

New law allows the use of the word "guaranty" or similar word by a provider and provides that the provider shall include in the contract a statement in substantially the following form: "This agreement is not an insurance contract."

New law provides that a provider or its representative shall not in its home service contracts or literature make, permit, or cause to be made any false or misleading statement, or deliberately omit any material statement that would be considered misleading if omitted.

New law takes effect on January 11, 2016, except that provisions requiring initial registration and reporting certain documentation for the previous calendar year to the secretary of state have a January 15, 2016 effective date.

(Adds R.S. 51:3141-3146; repeals R.S. 22:821(B)(30) and 1806.1-1806.9)

## **TITLE 56: WILDLIFE AND FISHERIES**

### **Wildlife & Fisheries Billboards and Signs (Act 313)**

New law grants to the Wildlife and Fisheries Commission the authority to allow the placement, erection, and maintenance of advertising and sponsorship signs on immovable property, improvements on immovable property, vehicles, vessels, and assets of the department.

Effective Aug. 1, 2015.

(Adds R.S. 56:13)

### **Bowhunting with Guns (Act 273)**

New law authorizes bowhunters to carry any caliber firearm on their person while hunting with a bow.

Effective upon signature of the governor (June 29, 2015).

(Amends R.S. 56:116.1(E))

### **Crab Trap Gear License Fees (Act 303)**

New law increases the commercial crab trap gear license fee from \$35 to \$50. New law leaves the nonresident rate at four times the resident rate which would now become \$200 per year.

Effective Aug. 1, 2015.

(Amends R.S. 56:305(B)(2) and (C)(1))

### **Commercial Crab Gear Licenses (Act 209)**

New law adds people who held a wholesale/retail seafood dealer's license and can document crab landings during any two years between 2011 and 2014 to the classes of people who may purchase commercial crab gear licenses.

Effective Aug. 1, 2015.

(Amends R.S. 56:305.6(B))

### **Fish Management (Act 205)**

New law requires the Wildlife & Fisheries Commission to establish management targets to ensure a sustainable population of black/drum, sheepshead, and flounder. New law removes the requirement for use of a spawning potential ratio and closing the season, but requires that if the fishery is not meeting the adopted targets, the department must submit management options to the commission to ensure the species meets the management targets established for that fishery.

Effective Aug. 1, 2015.

(Amends R.S. 56:325.4)

### **Oyster Leases (Act 343)**

New law requires the Wildlife and Fisheries Commission to fix rental rates for oyster leases at \$3 (rather than \$2) per acre per year, beginning Jan. 1, 2016.

Effective Aug. 1, 2015.

(Amends R.S. 56:428)

### **Illegal Oyster Taking (Act 211)**

New law adds penalties for illegal taking of oysters.

Effective Aug. 1, 2015.

(Amends R.S. 56:431)

### **Turtle Excluder Devices (Act 416)**

New law provides that the Wildlife and Fisheries Commission may promulgate rules relative to the use, possession, and configuration of devices designed to exclude the take of certain fish and other aquatic life from fishing gear within the territorial waters of the state and in the federal exclusive economic zone.

Prior law prohibited the enforcement in state waters of federal regulations that require the use of turtle excluder devices in shrimp trawls until certain conditions and data can be determined and verified. New law repeals prior law.

New law requires that during the time period from June 1, 2016, through Dec. 31, 2018, at all times while enforcing turtle excluder device requirements, a wildlife agent must wear an electronic device capable of recording video and audio data.

Prior law prohibited the department from enforcing any rules relative to the use of fish excluder devices by commercial fishermen. New law repeals prior law.

Effective Aug. 1, 2015.

(Adds R.S. 56:492.1; Repeals R.S. 56:57.2 as enacted by two acts, and R.S. 56:57.4)

### **Hunters for the Hungry (Act 271)**

Prior law provided that the balance in an account within the Conservation Fund can be used solely by Hunters for the Hungry to pay for the processing and distribution of meats when the meat is used by a not-for-profit entity in food or meal distribution. New law changes "meats" to "commercial or game fish, migratory or resident game bird, game quadruped, alligator, or feral hog".

New law adds that the balance in the account may also be used for advertising, promotion, or marketing costs incurred to make the general public aware of the mission of Hunters for the Hungry, including the option to donate money when purchasing a fishing or hunting license.

Effective August 1, 2015.

(Amends R.S. 56:644)