

**2017 LOUISIANA
LEGISLATIVE ACTS
SUMMARY**

2017 LEGISLATIVE ACTS SUMMARY

Contents

This book summarizes all of the new laws passed by the Louisiana Legislature in 2017, 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 approach, 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 2017 in Act number order.

Warning

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

Effective Dates of Acts

Under La. Const. Art. 3, Section 19, except as may be otherwise specified in an act itself, (i) all laws enacted during a *regular session* of the legislature take effect on *August 15th* of the calendar year in which the session is held, and (ii) all laws enacted during an extraordinary session of the legislature take effect on the 60th day after final adjournment of the extraordinary session. The final adjournment of the 2017 *1st Extraordinary Session* occurred on February 22, 2017; the 60th day after that was *April 23, 2017*. The final adjournment of the 2017 *2nd Extraordinary Session* occurred on June 16, 2017; the 60th day after that was *August 15, 2017*.

Where to Find Full Text of Acts and Laws

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

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

Feedback

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

Credits

Sarah Hatley, Emily Brewer, and Peggy Field – downloaded 429 legislative staff summaries from the Legislature's website, implemented multiple rounds of edits, searched for and printed out summaries by other organizations, assembled all of the summaries in proper order and applied formatting.

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

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Appendix B: Acts of 2017 First Extraordinary Session, 2017 Second Extraordinary Session, and 2017 Regular Session

CONSTITUTION

Property Tax Exemption for Surviving Spouses of First Responders (Act 427)

Existing constitution authorizes an ad valorem property tax exemption for taxes due in 2017 and thereafter for the total assessed value of the property of the unmarried surviving spouse of a person who died while on active duty as a member of the U.S. armed forces or La. National Guard, or while performing their duties as a state police officer, or a law enforcement or fire protection officer who qualified for state supplemental pay.

Existing constitution establishes the following eligibility requirements for the exemptions:

- (1) The property is eligible for the homestead exemption and was the residence of the member or officer when they died.
- (2) The surviving spouse has not remarried.
- (3) The surviving spouse annually provides evidence of their eligibility for the exemption to the assessor.

Proposed constitutional amendment, beginning Jan. 1, 2018, authorizes the exemption provided for in existing constitution for the surviving spouse of a person who died on or after Jan. 1, 2018, while performing their duties as:

- (1) An emergency medical responder, technician, or paramedic, as such terms may be defined by law.
- (2) A volunteer firefighter, verified by the Office of the State Fire Marshal to have died while performing firefighting duties.
- (3) A law enforcement or fire protection officer who would have qualified for state supplemental pay if they had completed their first year of employment before their death.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 14, 2017.

(Amends Const. Art. VII, §21(M)(1))

Property Tax Exemption for Property to Become Component of Immovable (Act 428)

Present constitution provides that certain property is exempt from ad valorem taxation.

Proposed constitutional amendment exempts all property delivered to a construction project site for the purpose of incorporating the property into any tract of land, building, or other construction as a component part, including the type of property that may be deemed to be a component part once placed on an immovable for its service and improvement pursuant to the provisions of the La. Civil Code. The exemption is effective until the construction project is complete.

Proposed constitutional amendment deems a project "complete" when construction is finished to the extent that the project can be used or occupied for its intended purpose. A project is not "complete" during its inspection, testing, or commissioning stages, as defined by reasonable industry standards.

Proposed constitutional amendment provides the following exceptions to the exemption:

- (1) Any portion of a construction project that is complete, available for its intended use, or operational on the date the property is assessed.
- (2) For projects constructed in two or more distinct phases, any phase of the construction project that is complete, available for its intended use, or operation on the date the property is assessed.
- (3) Public service properties, unless the public service property is eligible to receive an exemption pursuant to present constitution.

Provides for submission of the proposed amendment to the voters at the statewide election to be held on October 14, 2017.

(Adds Const. Art. VII, §21(N))

Construction Subfund within Transportation Trust Fund (Act 429)

Existing constitution establishes the Transportation Trust Fund (TTF) as a special treasury fund and requires that all state taxes levied on gasoline and motor fuels be deposited annually into the fund. The current state excise taxes on gasoline and motor fuels total 20¢ per gallon. Monies in the fund are used to provide for construction and maintenance of roads and bridges of the state and federal highway systems, the Statewide Flood-Control Program, ports, airports, transit, state police for traffic control purposes, and the Parish Transportation Fund.

Proposed constitutional amendment establishes the "Construction Subfund" as a special subfund within the TTF and requires the avails of any new tax levied on gasoline, diesel, and special motor fuels that become effective on or after July 1, 2017, to be deposited into the subfund, to be used on direct costs associated with actual project delivery, construction, and maintenance of transportation and capital transit infrastructure projects of the state and local government.

Proposed constitutional amendment prohibits any monies in the subfund from being used by the Dept. of Transportation and Development for the payment of employee wages and related benefits or employee retirement benefits.

Provides for submission of the proposed amendment to the voters at the statewide election to be held Oct. 14, 2017.

(Amends Const. Art. VII, §27(B))

CIVIL CODE

Upstream and Downstream Estates (Act 105)

Prior law provided that an estate situated below is bound to receive the surface waters that flow naturally from an estate situated above, unless an act of man has created the flow. New law provides that an estate situated below is the servient estate and is bound to receive the surface

waters that flow naturally from a dominant estate situated above, unless an act of man has created the flow.

Prior law provided that the owner of the servient estate may not do anything to prevent the flow of the water, and that the owner of the dominant estate may not do anything to render the servitude more burdensome. New law provides that the owner of the servient estate situated below may not do anything to prevent the flow of the water, and that the owner of the dominant estate situated above may not do anything to render the servitude more burdensome.

Effective upon signature of the governor (June 12, 2017).

(Amends C.C. Arts. 655 and 656)

Community and Separate Property (Act 197)

Old law provided a duty to preserve former community property including a former community enterprise. New law retains the duty to preserve all former community property and removes the specific provision regarding the duty to preserve and manage prudently a former community enterprise. New law adds a definition of "community enterprise".

New law provides for the effect of reconciliation on a judgment of separation of property when the spouses have lived separate and apart, filed for divorce, and then obtained a judgment of separation of property.

Effective August 1, 2017.

(Amends C.C. Arts. 2350, 2369.3, and 2375)

CODE OF CIVIL PROCEDURE

Civil Procedure Potpourri (Act 419)

New law clarifies existing law by consistently using the terms "preliminary default" and "final default judgment."

New law provides that a person applying for a marriage license who is unable to provide certain

required documents establishing the applicant's identity may seek judicial authorization for waiver of the requirements, and authorizes the court to grant the waiver and order the issuance of the marriage license if, after hearing and good cause shown, the court finds that such relief is appropriate and that the person has complied with other legal requirements for the marriage license.

New law authorizes the hearing to be conducted in camera, and before a duty judge, and provides that the written order granting the waiver shall be attached to the marriage license application.

New law provides that judicial authorization may be granted by the district court, parish court, family court, or juvenile court, in the parish in which the marriage license application is made, or by the First or Second City Court of the City of New Orleans if such application is made within their territorial jurisdiction, or by a justice of the peace court or city court if the issuing official is located within the justice of the peace or city court's territorial jurisdiction.

New law replaces the term "curator ad hoc" with "an attorney appointed by the court" and "an attorney appointed to represent the absentee defendant" in accordance with C.C.P. Art. 5091.

Existing law permits the court to stay all proceedings in suits brought in a Louisiana court while suit is also pending in another jurisdiction. New law clarifies that the procedure provided under existing law is accomplished by a motion to stay rather than an exception of *lis pendens*.

Existing law sets forth the objections that may be raised as declinatory exceptions. New law clarifies that the exception of *lis pendens* under existing law is provided only by C.C.P. Art. 531.

Existing law requires that when the plaintiff's demand is for divorce under C.C. Art. 103(1) or (5), the plaintiff must submit an affidavit, proposed final judgment, and certification that service was properly made and the procedural requirements of the preliminary default process were properly followed. New law adds the requirement that when the plaintiff's demand is for divorce under C.C. Art. 103(5), the plaintiff

shall also submit to the court a certified copy of the protective order or injunction rendered after a contradictory hearing or consent decree.

Existing law provides for the applicability of mandamus and quo warranto proceedings to corporations. New law adds that these proceedings shall also be applicable to limited liability companies.

Existing law provides for the pleadings, documents, and exhibits to be filed with the clerk of court. New law adds that the clerk of court shall not refuse to accept any pleading or other document solely on the ground that it was signed by electronic signature.

Existing law (C.C.P. Art. 1067) provides with respect to the barring of all incidental demands by prescription or preemption, but appears in the section of the C.C.P. on Reconvention specifically. New law redesignates existing law as C.C.P. Art. 1041 so it appears in the section of the C.C.P. on General Dispositions of Incidental Actions.

Effective August 1, 2017, except C.C.P. Art. 253(E) becomes effective Jan. 1, 2018.

(Amends C.C.P. Arts. 253.3, 284, 532, 925, 928, 1002, 1701-1704, 1843, 1913, 2002, 3861, 3864, 3901, 3902, 3955, 4904, 4921, 4921.1, and 5095, R.S. 13:3205, and R.S. 23:1316 and 1316.1; Adds C.C.P. Art. 74.3.1 and 253(E); Redesignates C.C.P. Art. 1067)

Medical Examinations (Act 381)

Existing law provides that in civil proceedings, the parties may obtain discovery by various methods, including physical and mental examinations.

New law adds reference to such examinations as additional medical opinions for physical and mental examinations.

New law provides that a plaintiff shall not be ordered to submit to multiple examinations by multiple physicians within the same field of

specialty for the same injury except for good cause shown.

New law provides that a minor shall have the right to have a parent, tutor, or legal guardian present during the examination, and that, if such person cannot be present, the court shall order the examination to be videotaped at the expense of the party being examined.

New law requires that the court consider the best interests of the minor, and provides that the court may impose conditions upon videotaping, including that it be done in a manner least harmful to the minor and without disclosure to the minor.

Prior law referred to employee examinations as independent medical examinations and the examiner as an independent medical examiner. New law changes the references to additional medical opinion medical examinations and compulsory medical examiners.

Prior law, relative to the Minority and Women's Business Enterprise Act, provided that for the purpose of determining whether a person is disabled, the state may require an additional medical examination by a physician chosen by the state, at the applicant's expense, prior to approval of an application. New law changes reference from "independent medical examination" to "additional medical opinion medical examination".

Prior law, relative to the Protection From Family Violence Act, provided that in domestic abuse cases, the court may grant any protective order or approve any consent agreement to bring about a cessation of domestic abuse, or the threat or danger thereof, to a party, any minor children, or any person alleged to be incompetent, which relief may include but is not limited to, ordering a medical evaluation of the defendant or the abused person, or both. New law changes reference from "medical evaluation" to "additional medical opinion medical evaluation".

Effective upon signature of governor (June 23, 2017).

(Amends C.C.P. Arts. 1421 and 1464, R.S. 23:1123, 1124, 1203, 1221, 1307 and 1317.1, R.S. 39:1952, and R.S. 46:2136)

Stay of Civil Discovery Due to Criminal Proceeding (Act 91)

Existing law authorizes a court to stay all or a portion of discovery in a pending civil action related to a criminal proceeding upon the motion of the district attorney.

Prior law excepted petitions or proceedings for divorce, custody, child support, visitation, or protective orders.

New law removes the prior law exception, authorizing a district attorney to move to stay all or a portion of discovery in actions for divorce, custody, child support, visitation, or protective orders.

Effective August 1, 2017

(Repeals C.C.P. Art. 1426.1(E))

Depositions (Act 268)

Existing law provides the procedures for taking, certifying, and sealing the deposition of a witness in civil matters. Existing law requires the court reporter to securely seal the deposition in an envelope endorsed with the title of the action and promptly send it by U.S. mail or by courier to the party at whose request the deposition was taken, who shall become the custodian of the deposition.

New law adds that the deposition shall be simultaneously sent to the party requesting that the deposition be taken and to all other parties to the action who order a copy of the deposition.

New law adds an alternate procedure for sealing the deposition electronically by secure electronic means and simultaneously delivering the deposition electronically to all parties to the action who have ordered a copy of the deposition, with the party at whose request the deposition was taken becoming the custodian of the deposition.

Effective August 1, 2017.

(Amends C.C.P. Art. 1446(A)(1))

Descriptive Lists in Independently Administered Successions (Act 198)

Existing law requires the independent administrator to file a verified inventory or sworn descriptive list prior to closing a succession. New law requires that the list be "detailed".

Prior law prohibited a successor from being placed in possession of property without this filing. New law deletes prior law.

New law provides that the detailed descriptive list shall be sealed upon request.

New law provides that if the detailed descriptive list is sealed, a copy shall be provided to universal successors and the surviving spouse, and a court may furnish relevant information to any successor, spouse, or creditor of the estate.

Effective August 1, 2017.

(Amends C.C.P. Art. 3396.18)

Small Successions (Act 96)

New law increases the gross value of a decedent's property from \$75,000 to \$125,000 to qualify as a small succession.

Prior law also defined a small succession as a succession involving property of any value if the filing of the small succession affidavit occurs at least 25 years after the date of the decedent's death. New law changes 25 to 20 years.

Prior law provided for court costs and commissions in small succession judicial proceedings. New law replaces the term "commissions" with "compensation" for consistency purposes in the law, and amends prior law to provide that for successions valued at less than \$75,000 the court costs shall be one-half of the costs in similar proceedings in larger successions.

Effective August 1, 2017.

(Amends C.C.P. Arts. 3421 and 3422)

CODE OF CRIMINAL PROCEDURE

Mortgages Securing Bail (Act 172)

Prior law provided that bail without surety may be secured by a mortgage on the property of the defendant or may be unsecured. New law provides that the security shall only apply to and be limited to that immovable property specifically described in the mortgage.

Effective upon signature of the governor (June 12, 2017).

(Amends C.Cr.P. Art. 323(B))

Bail Obligation Cessation (Act 205)

Prior law provided that a bail undertaking ceases and a surety is relieved of all obligations upon conviction and imposition of a sentence or the pronouncement of a sentence or condition of probation of a defendant in misdemeanor cases, and upon conviction in felony cases. New law provides that a surety's bail obligation is relieved upon conviction in any case.

Effective August 1, 2017.

(Amends C.Cr.P. Art. 331(A))

Jury Commissions in Certain Parishes (Act 104)

New law requires the clerks of court of Claiborne Parish, DeSoto Parish, Union Parish, and Webster Parish to perform the functions of the jury commission in their respective parishes.

Effective August 1, 2017.

(Amends C.Cr.P. Art. 404)

Criminal Hearings by Audio-Visual Transmission (Act 406)

New law authorizes a defendant to appear at the entry of his plea of guilty and at a probation

violation hearing by way of simultaneous audio-visual transmission.

New law provides that the following procedure and requirements apply in order for a defendant to appear by simultaneous audio-visual transmission:

(1) In a case where the offense is a felony or an enhanceable misdemeanor, the defendant, who is confined in a jail, prison, or other detention facility in La., may, with the court's consent and the consent of the district attorney, appear at the entry of his plea of guilty, at any preliminary matter or pretrial conference that does not involve the taking of testimony, and at any revocation hearing for a probation violation, including any hearing for a contempt of court, by simultaneous audio-visual transmission if the court, by local rule, provides for the defendant's appearance in this manner and the defendant waives his right to be physically present at the proceeding.

(2) In a case where the offense is not a felony and is not an enhanceable misdemeanor, the court, with the consent of the district attorney, may require the defendant, who is confined in a jail, prison, or other detention facility in La., to appear at the entry of his plea of guilty, at any preliminary matter or pretrial conference that does not involve the taking of testimony, and at any revocation hearing for a probation violation, including any hearing for a contempt of court, by simultaneous audio-visual transmission if the court, by local rule, provides for the defendant's appearance in this manner.

New law defines "enhanceable misdemeanor" as a misdemeanor offense that provides increased or enhanced penalties for a subsequent conviction of the offense or that provides increased or enhanced penalties when certain elements are present during the commission of the offense.

New law prohibits the defendant in a capital case from entering his plea by simultaneous audio-visual transmission.

If the defendant is represented by an attorney during the proceeding in which a simultaneous audio-visual transmission system is used, new

law authorizes the attorney to elect to be present either in the courtroom with the presiding judicial officer or in the place where the defendant is confined. New law requires the court to provide the opportunity for confidential communication between the defendant and the attorney representing him at any time prior to or during the proceeding.

New law requires the defendant who elects to appear by simultaneous audio-visual transmission and enter a plea of guilty or nolo contendere to submit to the court a form signed by the defendant and, if represented by an attorney at the proceeding, by the defendant's attorney, stating that the defendant waives his right to be physically present at the proceeding and that he has been addressed by the court and informed of his rights. New law requires the court, by local rule, to provide a method by which a defendant may electronically sign the waiver of presence and the waiver of rights form.

New law requires the law enforcement agency who has custody of the defendant at the time of the proceeding to obtain the fingerprints of the defendant for purposes of existing law which requires the sheriff, in every judgment of guilty of a felony and certain misdemeanors, to cause to be attached to the bill of information or indictment the fingerprints of the defendant against whom the judgment is rendered.

Effective August 1, 2017.

(Amends C.Cr.P. Arts. 551, 553, 831, 832, 833, and 900; Adds C.Cr.P. Arts. 556(E), 556.1(F), and 562)

Venue for Certain Crimes (Act 164)

New law adds the following offenses to those crimes that are deemed to have been committed where the victim resides for purposes of venue:

- (4) Unauthorized use of an access card.
- (5) Access device fraud.
- (6) Illegal transmission of monetary funds.

- (7) Bank fraud.
- (8) Forgery.
- (9) Monetary instrument abuse.

Effective upon signature of the governor (June 12, 2017).

(Amends C.Cr.P. Art. 611(C))

Concurrent Sentences (Act 98)

Existing law authorizes the court to allow a defendant convicted of an offense in this state to serve a sentence concurrently with a sentence imposed by a federal court or a court of another state.

New law removes the requirement that the court provide a copy of the court minutes to in certain of these cases, and instead requires the court to provide a certified copy of the Uniform Sentencing Commitment Order in the format authorized by the La. Supreme Court.

Effective December 1, 2017.

(Amends C.Cr.P. Arts. 883.1 and 892)

Crimes of Violence (Act 196)

Existing law provides that certain offenses can be defined as, or are specifically enumerated as, a crime of violence. New law retains existing law.

Existing law authorizes the court, upon the written recommendation of the district attorney, to designate in the court minutes that an offense is a crime of violence only for the purpose of determining whether the defendant is eligible for suspension or deferral of sentence or for participation in a drug division probation program.

New law clarifies that in the absence of the written recommendation by the district attorney to the court, the crime in question will be designated in the court minutes as a crime of violence as a matter of law.

Existing law provides for a list of crimes always designated by the court as crimes of violence in the court minutes and thus are not eligible for suspension or deferral of sentence or participation in a drug division probation program. New law retains existing law.

Effective August 1, 2017.

(Amends C.Cr.P. Art. 890.3)

Reports on Time Spent in Custody Before Conviction (Act 36)

Prior law required the sheriff to prepare a statement indicating the amount of time a defendant has spent in custody prior to conviction under certain circumstances.

New law amends prior law to provide that the sheriff's statement shall be prepared when any of the following occur:

- (1) The defendant has been convicted of a felony and is committed to the Dept. of Public Safety and Corrections.
- (2) The defendant has been convicted of a misdemeanor and sentenced for a term of one year or more to any penal institution.
- (3) The defendant has been committed to any mental institution or mental hospital.

Prior law required the sheriff to submit the statements, and the clerk of court send certain documents, to the officer in charge of the institution or department to which the defendant is sentenced.

New law requires the sheriff to submit the statements, and the clerk of court send certain documents, to the sheriff of the parish to which the offender is sentenced.

Effective August 1, 2017.

(Amends C.Cr.P. Art. 892(A) and (B)(2))

CODE OF EVIDENCE

Admission of Business Records in Criminal Cases (Act 409)

New law adds an exception in the Code of Evidence to the requirement of establishing authenticity of a business record in criminal cases only, but subject to existing law and rules prescribed by the La. Supreme Court.

New law requires the proponent to provide reasonable written notice of the intent to offer the record and a reasonable opportunity for inspection.

Effective August 1, 2017.

(Adds C.E. Art. 902(11))

CHILDREN'S CODE

Jurisdiction (Act 193)

Prior law provided a juvenile court with exclusive original jurisdiction to try an adult for the following offenses:

- (1) The crime of contributing to the delinquency of children, except for cases when an adult entices, aids, solicits, or permits the child to perform any sexually immoral act.
- (2) The crime of contributing to the delinquency or dependency of children.
- (3) Any other misdemeanor enacted for the protection of the physical, moral, or mental well-being of children.
- (4) Criminal neglect of family.
- (5) The crime of improper supervision of a minor by parent or legal custodian.

New law vests courts with juvenile jurisdiction over adults charged with items (2), (4), and (5) above and all district courts in the state with jurisdiction to try an adult for the following existing law offenses, except in Orleans Parish:

- (1) The crime of contributing to the delinquency of children.
- (2) Any other misdemeanor enacted for the protection of the physical, moral, or mental well-being of children.

Effective August 1, 2017.

(Amends Ch.C. Art. 312(A) and (B))

Curators (Act 239)

New law, regarding curatorship proceedings, defines "diligent effort to locate" to be efforts by the curator, under circumstances known to the curator, that are reasonably calculated to locate the absentee. New law provides that these efforts may include review of court records, department records, law enforcement records, vital records, military records, directory assistance, internet search sites, and licensing agencies. New law provides that publication is not required unless specifically provided in the Children's Code.

New law delineates responsibility for payment of curator expenses and fees depending upon whether the petitioner is the state or a private party.

New law, relative to procedures for unidentified parents, provides that it is not necessary to appoint a curator ad hoc for an unidentified father, including when no party to the proceedings or the mother, if not a party, is unable to identify the putative father.

New law provides grounds and procedures relative to termination of parental rights, right to counsel and service, and prehearing and scheduling conferences.

Effective August 1, 2017.

(Amends Ch.C.Arts. 405, 1016, and 1025.4; adds Ch.C. Arts. 116(4.1), 643(C), 1004(D)(6), 1015(10), and 1023(C))

Juvenile Records (Act 362)

New law, with regard to the confidentiality of juvenile records:

- (1) Provides that when the court authorizes the release of juvenile records, the release of information is limited to the specific purpose for which the court authorizes release and to those individuals who represent the child only when they are providing services to the child and only during the pendency of the matter about which the records are disclosed.
- (2) Removes truancy and assessment centers and other child serving agencies or programs from the list of individuals who are authorized to receive juvenile records.
- (3) Provides certain requirements for the petition for release of juvenile records and certain factors the court must consider in determining whether to order the release of the records.
- (4) Authorizes law enforcement agencies to release to the public certain identifying information regarding a child wanted for a felony-grade delinquent act, involving an offense against the person or involving a dangerous weapon, if the court has issued an order for taking the child into custody or if probable cause that the child committed the alleged delinquent act has already been established.
- (5) Requires every person, other than the parents of the juvenile and the attorney for the juvenile, to whom a juvenile record or information from a juvenile is disclosed to execute a non-disclosure agreement.
- (6) Deletes the prior law requirement that the records be released to the district attorney for use in sentencing.

Existing law defines "child" for purposes of Title VII regarding Families in Need of Services (FINS). New law amends the definition of "child" to clarify that this definition applies only to the provisions of the Children's Code regarding FINS and that FINS proceedings are not criminal or delinquent in nature.

Existing law (Ch.C. Art. 736.1) provides immunity from civil liability for a law enforcement officer acting in good faith upon the request of a parent or guardian, exercising due care in the taking into custody of a runaway child, or providing assistance in this regard. New law exempts from this immunity any liability for violations of the existing law requirements of confidentiality.

Existing law provides relative to the placement of a child taken into custody while awaiting a hearing in a FINS proceeding. New law provides that the child may only be held in a secure detention facility until a hearing is held if certain conditions exist.

New law provides that FINS proceedings are civil in nature, and actions taken pursuant to such proceedings, including the taking into custody and detention of a child, are not considered juvenile delinquency or criminal matters.

New law provides that FINS records, including the existence of such records, shall remain confidential and shall not be disclosed without the consent of the child or order of the court.

New law provides that such records shall not be identified, maintained, or otherwise handled as a juvenile delinquency or criminal matter.

Existing law requires the court to advise a child of certain rights and to include certain information in a judgment of disposition. New law provides that a child shall also be advised of the nature of a FINS proceeding and the confidentiality of FINS records. New law requires this information to be included in the judgment of disposition as well.

New law adds comments to clarify that in FINS cases, questioning a child or taking a child into

custody is not an arrest and records thereof shall not be created or disclosed.

Existing law provides relative to a judgment of disposition, and provides that certain information be included in the judgment. New law requires the court's written judgment of disposition, to include an order of expungement to be made executory at the end of the disposition unless objected to on the grounds that the adjudication is for murder, manslaughter, a sex offense requiring registration under existing law, kidnapping, or armed robbery; the child has a criminal court felony conviction or a criminal court conviction for a misdemeanor involving a firearm against a person; or the child has an outstanding indictment or bill of information for a felony charge or a charge of a misdemeanor involving a firearm against a person.

New law requires the court to provide the child with information regarding his rights and the procedures for expungement and sealing of juvenile records.

New law provides that records concerning delinquent adjudications for certain prostitution-related offenses and the offense of crime against nature may be expunged and sealed at any time.

New law provides that records and reports of a matter that resulted in a finding of FINS or an adjudication for a charge other than murder, manslaughter, a sex offense, kidnapping, or armed robbery shall be expunged and sealed only if the court exercising jurisdiction has ceased to exercise jurisdiction and certain conditions are met.

New law provides that if the adjudication was for murder, manslaughter, a sex offense, kidnapping, or armed robbery, the child may petition the court for an expungement when the court has ceased to exercise jurisdiction and certain conditions are met, including the condition that five years have elapsed since the child satisfied the most recent judgement against him.

New law requires the motion for expungement and sealing and any objections to the motion to be on the forms provided for by new law.

New law requires a contradictory hearing on the motion only if a person or agency objects to the granting of the motion.

New law requires the order of expungement to be on specified forms and requires the order to state that the expungement and sealing is to be effected no later than 30 days from the date of the order.

New law provides that a person whose record has been expunged and sealed does not have to disclose that fact to any person. New law provides that the child and the child's parents cannot be found guilty of perjury or otherwise giving false statements by reason of the child's failure to recite or acknowledge his expunged record in response to any inquiry made of the child or the child's parent for any purpose, unless the child is a witness in a criminal or juvenile delinquency matter.

New law prohibits the assessment of court fees and authorizes the court to waive any other fees and costs of expungement and sealing upon a finding that the applicant is indigent. New law exempts an applicant from the costs and fees when he has successfully completed a juvenile drug court program.

New law adds juvenile records that have been expunged and sealed to the list of exceptions to the prohibition on the expungement of records of the La. Bureau of Criminal Identification and Information or any agency subject to the reporting requirements of the bureau.

New law also provides that records of juvenile criminal conduct shall not be made a part of any state or local criminal background check.

New law adds to the existing Public Records Law to include references to new law.

Effective August 1, 2017.

(Amends Ch.C. Arts. 412, 414, 728, 736.1, 737, 738, 742, 917, 918, 919, 920, 921, 922, and 923,

R.S. 15:576, 579, 593, and 614, and R.S. 44:4.1; Adds Ch.C. Arts., 740(A)(6), 782(A)(7), 792, 793, 901(G), 903(B)(7) and (G), 924, 925, and 926)

Pre-Natal Child Abuse (Act 359)

New law modifies definitions relative to child abuse and neglect as follows:

- (1) Establishes that the term "newborn" means a child who is not more than 30 days old as determined within a reasonable degree of medical certainty by an examining physician.
- (2) Revises the definition of "prenatal neglect" to mean exposure to chronic or severe use of alcohol or the unlawful use of any controlled dangerous substance, or in a manner not lawfully prescribed, which results in symptoms of withdrawal in the newborn or the presence of a controlled substance or a metabolic thereof in the newborn's body, blood, urine, or meconium that is not the result of medical treatment, or observable and harmful effects in the newborn's physical appearance or functioning.

New law adds that if a physician has cause to believe that a newborn was exposed in utero to an unlawfully used controlled dangerous substance, then the physician shall order a toxicology test upon the newborn, without the consent of the infant's newborn's parents or guardian, to determine whether there is evidence of prenatal neglect. In cases when the test results are positive, new law requires the physician to issue a report as soon as possible in accordance with existing law relative to reporting of child abuse and neglect.

New law requires that if there are symptoms of withdrawal in the newborn or other observable and harmful effects in his physical appearance or functioning which a physician has cause to believe are due to the chronic or severe use of alcohol by the mother during pregnancy, or are the effects of fetal alcohol spectrum disorder, then the physician shall issue a report in

accordance with existing law relative to reporting of child abuse and neglect.

New law provides that if a newborn exhibits symptoms of withdrawal or other observable and harmful effects in his physical appearance or functioning that a physician believes are due to the use of a controlled dangerous substance in a lawfully prescribed manner by the mother during pregnancy, then the physician shall make a notification to the Department of Children and Family Services (DCFS). New law provides that such notification shall not constitute a report of child abuse or prenatal neglect, and shall not require prosecution for any illegal action.

New law authorizes healthcare providers to share any protected health information with DCFS for the purpose of complying with the notification requirement of new law.

New law stipulates that if a physician, acting in good faith and in accordance with new law, makes a notification to DCFS concerning suspected prenatal substance exposure when the mother used a controlled dangerous substance during pregnancy in a lawfully prescribed manner, then the physician shall have no civil or criminal liability for damage or injury arising from that notification, unless the damage or injury was caused by the physician's willful or wanton misconduct or gross negligence.

New law shall not become enforceable until the date of adoption by DCFS of the administrative rules necessary to fully carry out its requirements as provided in new law.

Effective August 1, 2017.

(Amends Ch. C. Arts. 437(A), 603(24), and 610(G); Adds Ch. C. Art. 603(19) and R.S. 40:1086.11; Repeals Act No. 396 of 2007 R.S.)

Termination of Parental Rights (Act 151)

Prior law, regarding termination of parental rights, authorized the victim of a sex offense who is the custodial parent to petition to terminate the rights of a perpetrator of a sex offense.

New law removes the requirement that the victim of the sex offense must be the custodial parent in order to petition to terminate the rights of the perpetrator of the sex offense.

Effective June 12, 2017.

(Amends Ch.C. Arts. 1004, 1035, 1036, and 1036.2).

Surrender for Adoption (Act 59)

New law allows the Dept. of Children and Family Services to accept surrenders for adoption.

Effective June 3, 2017.

(Amends Ch.C. Art. 1117(B))

MULTIPLE CODES OR TITLES

Clerks of Court and Filing and Recordation Matters (Act 173)

New law provides that the uniform filing fee that a recorder may charge for the filing and recordation of a multiple indebtedness mortgage executed in accordance with C.C. Art. 3298 is as set forth in new law (R.S. 13:844). New law provides a detailed schedule of the fees that recorders shall charge for filing and recording document.

Prior law provided that for purposes of establishing the recordation fee, every multiple indebtedness mortgage filed for recordation shall be captioned as a "multiple indebtedness mortgage" or "multiple obligations mortgage" on the first page, and shall meet certain margin and type-size requirements. New law deletes prior law.

New law requires that every document filed for recordation shall be captioned as to type of act on the first page, and shall have on the first page a margin of two inches at the top and one inch at the bottom and sides. The type size shall not be less than eight point.

Prior law provided that the clerk of the 24th JDC for Jefferson Parish may demand and receive

additional fees in an amount not to exceed 25% of the fees specified in prior law. New law deletes prior law.

Prior law authorized the clerks of court and ex officio recorders and registers of conveyances and recorders of mortgages to make additional copies, by means of the microphotographic process, of all original acts and/or records thereof, including criminal records, of every nature and kind in their custody by virtue of their various official capacities filed or recorded in their offices. New law authorizes them to make additional copies by any means authorized by new law; otherwise retains prior law.

Prior law required that the clerks of court, including the clerks of the Criminal or Civil District Courts for the parish of Orleans, make and retain in their custody, by means of the microphotographic process, a copy of all original criminal and civil records of every nature and kind, which are deemed permanent under a record retention and disposal schedule adopted by the secretary of state and the clerks of court. Prior law provided that the clerks of court may then destroy the original criminal records and any other records, the destruction of which is authorized, which have been so copied and retained. However, all records in suits affecting records relating to immovable property, or adoption, interdiction, successions, trusts, or emancipation created prior to 1922 shall be retained in their original form.

New law requires that prior to destroying the original criminal records and any other records of every nature and kind that are deemed permanent under a record retention and disposal schedule adopted by the secretary of state and the clerks of court, the destruction of which is authorized, the clerks of court make and retain in their custody a copy of such records electronically on non-rewritable magnetic, optical or laser type storage media, including but not limited to CD-ROM. However, all records in suits affecting records relating to immovable property, or adoption, interdiction, successions, trusts, or emancipation created prior to 1922 shall be retained in their original form.

New law provides that no cause of action for any claim shall exist against a clerk of court for any damage or loss resulting from the destruction of an original record after proper preservation of the record.

Prior law provided that in all cases where the clerks of court and recorders of the various parishes throughout the state, Orleans Parish excepted, are required by law to make records of filings, documents, pleadings, and all other written instruments, except indexes and registers of the same, such records may be made by any method of photorecording, photocopying, microfilming, or other photographic method of reproduction or electronically on non-rewritable magnetic, optical, or laser type storage media, including but not limited to CD-ROM. New law specifically includes indexes and registers of the records; otherwise retains prior law.

Prior law provided that whenever recordation by means of photorecording, photocopying, microfilming, or other photographic method of reproduction is used or when electronic recordation on non-rewritable magnetic, optical, or laser type storage media is used, any requirement expressed or implied in law for the above-mentioned records, other than indexes and registers of the same, to be maintained in a book or bound volume shall be satisfied by the appropriate storage unit of microfilm or other photographic method employed, or tape or disk; however, the originals of conveyances, probate, mortgage, and other permanent records required by existing law to be kept for all time shall continue to be maintained in a book or bound volume and shall remain subject to examination and copying.

New law specifically includes indexes and registers of the records and in lieu of maintaining the original of permanent records required to be kept for all time in a book or bound volume, if a clerk of court elects to record by means of microfilming or other photographic method of reproduction, or electronically, he shall have copies of the films, tapes, or disks available for inspection, examination, and copying.

Prior law required recorders to keep indexes, both direct and inverse, to all acts filed for record in their respective offices which indexes shall contain, in alphabetical order, references to the names of the parties to the acts, to the file number assigned on recordation to the day, month, and year in which they are recorded, and to the book and page in which they are recorded. New law additionally requires that all recorders adopt and adhere to any indexing standards that have been promulgated by the Louisiana Clerks' Remote Access Authority.

Prior law required that the clerk of court and recorder only display the last four digits of the social security numbers listed on instruments that his office makes available for viewing on the Internet. New law requires that the recorder only display the last four digits of the social security numbers or taxpayer identification numbers listed on instruments that his office makes available for viewing on the Internet.

Prior law provided that a clerk of court, as ex officio recorder, the Orleans Parish register of conveyances, or its successor, or the Orleans Parish recorder of mortgages or its successor, hereinafter referred to as "recorder", is authorized but not required to adopt and implement a published plan which shall include a written contract between the recorder and the filer, which complies with the Louisiana Uniform Electronic Transactions Act, and which provides for the acceptance of an electronic record of any recordable written instrument (except original maps, plats, property descriptions, or certain photographs) for filing and recording submitted by any person or instrumentality of Louisiana or of the federal government or of a state-chartered or federally chartered financial institution insured by the FDIC or the NCUA.

New law requires that on or before January 1, 2022, each clerk of court, including the Orleans Parish register of conveyances or its successor and the Orleans Parish recorder of mortgages or its successor, adopt and implement a plan for recording electronic documents in accordance with new law.

New law provides that clerks of court shall not be liable for any damages caused by any third party to any information included in pleadings or documents accepted for filing by the clerk of court.

Effective August 1, 2017.

(Amends R.S. 9:5217, R.S. 13:844, R.S. 44:40, 116, and 161, C.C. Art. 3352(C), and C.C.P. Art. 258(A); adds C.C.P. Arts. 258(D) and 259)

Tax Clearance Certificate and State Procurement Contracts (Act 211)

New law provides that in order for a person to receive a sales tax resale certificate from the Dept. of Revenue, a tax clearance certificate shall be required to confirm that the applicant is current in the filing of all applicable tax returns and reports, and in payment of all taxes, interest, penalties, and fees owed to the state and collected by the Dept. of Revenue.

New law adds a requirement that before the state's central purchasing agency can approve a contract for professional, consulting, or social services, or for the purchase of food, supplies, or major repairs, a tax clearance certificate shall be required to confirm that the proposed contractor is current in the filing of all applicable tax returns and reports, and in payment of all taxes, interest, penalties, and fees owed to the state and collected by the Dept. of Revenue.

New law provides that a tax clearance certificate shall not be required for purposes of bidding on or the solicitation of a procurement contract.

New law requires that the state chief procurement officer provide the secretary of the Dept. of Revenue (secretary) a list of the prospective contractors that require a tax clearance for approval of a procurement contract. The secretary is then required to provide the state chief procurement officer with a signed tax clearance for each applicant indicating whether the proposed contractor is current in filing all tax returns and in payment of all taxes, interest, penalties, and fees owed to the state of La., excluding items either under formal appeal

pursuant to existing law or being paid in compliance with the terms of an installment agreement.

New law provides that in instances where an assessment against a proposed contractor has become final and collectible by distraint and sale, the proposed contractor shall not be approved for a procurement contract until the proposed contractor has filed the applicable tax returns and paid or made arrangements to pay the delinquent tax liability and the secretary notifies the state chief procurement officer of the payment or arrangement to pay.

New law adds authorization for the disclosure of information by the secretary to the Office of State Procurement on the request of the state chief procurement officer concerning whether a prospective contractor is current on filing all applicable tax returns and reports and in the payment of all taxes, interest, penalties, and fees owed to the state and collected by the Dept. of Revenue. The information disclosed shall be used solely for the purpose of determining whether the contract may be approved by the Office of State Procurement.

New law exempts from the requirements of new law procurements in the following circumstances:

- (1) A contract approved by the Office of State Procurement that involves an emergency or a sole source procurement.
- (2) A contract for construction, maintenance, or repair of highways or a contract financed by the U.S. government.
- (3) A contract for a higher education institution or other higher education agency if the state chief procurement officer has delegated authority to procure contracted services using private grant funds or federal funds.

New law applies to any request for issuance or renewal of a resale certificate submitted to the Dept. of Revenue and to any approval or request

for approval of a contract submitted to the Office of State Procurement on or after Oct. 1, 2017.

Effective upon signature of governor (June 14, 2017).

(Adds R.S. 39:1624(A)(10) and R.S. 47:1508(B)(41) and 1678)

Deaf and Hard of Hearing (Act 146)

New law revises terminology in old law referring to the deaf and persons who are hard of hearing by substituting various terms.

New law provides for the following changes in terminology throughout existing law:

- (1) New law changes "deaf person" and "hearing-impaired person" to "the deaf and hard of hearing".
- (2) New law changes "the hearing-impaired" to "the deaf or hard of hearing".
- (3) New law changes "hearing impairment" to "hearing loss".

New law provides for the following changes to terminology in existing law relative to identification of hearing loss in infants:

- (1) New law changes "infants at risk" to "infants susceptible to a hearing disability".
- (2) New law changes "at-risk", when referring to a person, to "susceptible".
- (3) New law changes "at-risk questionnaire" and "at-risk registry" to "susceptibility questionnaire" and "susceptibility registry", respectively.

New law provides for revision of terminology relative to the deaf and hard of hearing in administrative rules, policy documents, professional resources, reference materials, manuals, and other governmental publications.

Effective August 1, 2017.

(Amends numerous statutes in numerous titles)

Probation, "Good Time," Parole and Medical Treatment Furlough (Act 280)

With regard to probation, new law does all of the following:

- (1) Authorizes the court to suspend the sentence of a third conviction of noncapital felony offense and provides that the period of probation shall be specified and shall not be more than three years.
- (2) Authorizes the court to suspend the sentence of a first conviction of an offense designated in the court minutes as a crime of violence, if the offense has a maximum prison sentence of 10 years or less and was not committed against a family member, household member, or dating partner.
- (3) Retains the prior law prohibition on suspension of sentence for a second or third conviction of computer fraud, pornography involving juveniles, or molestation of a juvenile or person with a physical or mental disability, and, although they are noncapital felony offenses, provides that if the court suspends the sentence for a first conviction of pornography involving juveniles or molestation of a juvenile or person with a physical or mental disability, the period of probation shall be specified and shall not be more than five years.
- (4) Provides relative to the court's authority to suspend the sentence of a person convicted of a third or fourth offense DWI and provides relative to the conditions that must be met in order for the court to suspend the offender's sentence.
- (5) Authorizes the court, with the consent of the district attorney, to order a defendant, upon a third or fourth felony conviction,

to enter and complete a program provided by the drug division of the district court, an established DWI court or sobriety court program, a mental health court program, a Veterans Court program, a reentry court program, or the Swift and Certain Probation Pilot Program, and authorizes the court to extend the probation period to up to eight years in order for the defendant to successfully complete the program.

- (6) Authorizes a person on felony probation, except for an offender convicted of a crime of violence or a sex offense, to receive "earned compliance credits" at a rate of 30 days for every calendar month of compliance with probation conditions, and provides relative to the procedure by which such credits may be rescinded as an administrative sanction.
- (7) Provides that provisions of prior law relative to administrative sanctions imposed for technical violations of an offender's probation apply only to offenders convicted of a crime of violence or a sex offense.
- (8) Creates a new system of administrative sanctions that are imposed for technical violations of an offender's probation that apply to offenders convicted of offenses other than a crime of violence or a sex offense, provides the procedure by which these new law administrative sanctions may be imposed, provides relative to the use of incarceration for certain violations, and defines "technical violation".
- (9) Provides that in the event of revocation for a defendant placed on probation for the conviction of an offense other than a crime of violence or a sex offense, the defendant shall serve the suspended sentence with credit for time served while on probation.
- (10) Amends eligibility for the substance abuse probation program to include

defendants charged with a violation of a statute of this state relating to the use of, possession of, or possession with the intent to distribute any narcotic drugs, coca leaves, marijuana, stimulants, depressants, or hallucinogenic drugs, or where there is a significant relationship between the use of alcohol or drugs and the crime before the court, and to no longer exclude persons convicted of a crime of violence if the offense is punishable by imprisonment of ten years or less and was not committed against a family member, household member, or dating partner.

- (11) Amends eligibility for the prior law drug division probation program to no longer exclude persons convicted of a crime of violence if the offense is punishable by imprisonment of ten years or less and was not committed against a family member, household member, or dating partner.

With regard to diminution of sentence for good behavior or "good time", new law does all of the following:

- (1) Changes the rate by which an offender may earn good time for nonviolent offenses and non-sex offenses from one and one-half day for every one day to 13 days for every seven days in actual custody.
- (2) Changes the rate by which an offender may earn good time for a crime of violence, if the offender has no prior conviction for a crime of violence or for a sex offense, from three days for every 17 days to one day for every three days in actual custody, but this rate does not apply to an offender convicted of a crime of violence if the offense is also defined as a sex offense, yet this rate applies to those offenders who commit an offense or whose probation or parole is revoked on or after Nov. 1, 2017.

- (3) Prohibits a person convicted of a sex offense or second or subsequent conviction of a crime of violence from earning good time.

New law creates "administrative parole" for offenders who are otherwise eligible for parole and who commit an offense on or after Nov. 1, 2017, other than a crime of violence or a sex offense. Administrative parole allows the offender to be released on the date of his parole eligibility without a hearing before the committee on parole if certain requirements are met including the following:

- (1) The completion of a case plan developed by DPS&C for the offender. New law requires DPS&C to develop a case plan, for each offender in its custody who is sentenced to 180 days or more, based on the assessment of the offender's risk and needs, that is reasonably achievable prior to the offender's parole eligibility date.
- (2) No major disciplinary offenses prior to the administrative parole eligibility date.
- (3) The victim and the district attorney are notified and have not requested that the committee on parole conduct a hearing in order for the offender to be released on administrative parole.

With regard to parole, new law does all of the following:

- (1) Provides that a person convicted of a nonviolent and non-sex offense shall be eligible for parole consideration upon serving 25% of the sentence imposed.
- (2) Provides that a person convicted of a crime of violence, with no prior conviction for a crime of violence or a sex offense, shall be eligible for parole upon serving 65% of the sentence imposed, but this shall apply only to those persons who commit an offense or whose probation or parole is revoked on or after Nov. 1, 2017.

- (3) Provides that a person convicted of a second offense crime of violence or a first or second conviction of a sex offense, shall be eligible for parole upon serving 75% of the sentence imposed, but this shall apply only to those persons who commit an offense or whose probation or parole is revoked on or after Nov. 1, 2017.

- (4) Provides parole eligibility for persons serving a life sentence for second degree murder (R.S. 14:30.1) if the offense was committed after July 2, 1973, and before June 29, 1979, the offender has served at least 40 years of the sentence imposed, and the committee on parole grants parole with a unanimous vote.

- (5) Authorizes a person on parole for an offense other than a crime of violence or a sex offense to receive "earned compliance credits" at a rate of 30 days for every full calendar month on parole, and provides relative to the procedure by which such credits may be rescinded as an administrative sanction.

- (6) Provides that provisions of prior law relative to administrative sanctions imposed for technical violations of an offender's parole apply only to offenders convicted of a crime of violence or a sex offense.

- (7) Creates a new system of administrative sanctions that are imposed for technical violations of an offender's parole that apply to offenders convicted of offenses other than a crime of violence or a sex offense, provides the procedure by which these new law administrative sanctions may be imposed, provides relative to the use of incarceration for certain violations, and defines "technical violation".

- (8) Provides that when a judge sets bond on allegations of a new felony offense for a person released on parole, the division of probation and parole of DPS&C and the

committee on parole must be notified within three business days, and provides that the detainer will expire 10 days after the bond has been set unless the division of probation and parole seeks to maintain the detainer.

- (9) Provides that in the event of revocation for a person who is on parole, the person shall be given credit toward service of his sentence for time spent in actual custody prior to the revocation hearing while being held for a technical violation.

New law requires the committee on parole to establish the medical treatment furlough program to be administered by DPS&C for the purpose of utilizing off-site medical facilities for an eligible offender's medical treatment. New law in this regard:

- (1) Provides for the eligibility requirements for the program and provides that persons who are awaiting execution are not eligible.
- (2) Defines "off-site medical facility" and provides that placement of an offender released on medical treatment program shall be in an acute care hospital, nursing home, or other appropriate medical facility.
- (3) Provides that provisions of prior law relative to medical parole, also apply to the medical treatment furlough.

New law provides that the release of protected health information to DPS&C or the committee on parole for purposes of medical parole and medical treatment furlough shall be in accordance with all state and federal laws and regulations.

Effective November 1, 2017.

(Amends C.Cr.P. Arts. 893, 899.1, 900, and 903.1, R.S. 13:5304, R.S. 15:571.3, 574.2, 574.4, 574.4.1, 574.6, 574.7, 574.9, 574.20, and 828; adds C.Cr.P. Arts. 895.6 and 899.2 and R.S. 15:574.6.1, 827(A)(7))

Central Registry for Abuse and Neglect Reports and Government Employees (Act 348)

Prior law required the Dept. of Children and Family Services (DCFS) to maintain a central registry of all reports of abuse and neglect. New law requires DCFS to maintain all reports of abuse and neglect in a state repository in which there is a state central registry containing only certain justified reports of abuse and neglect.

New law authorizes DCFS to charge a fee, not to exceed \$25, to conduct a search of the central registry of justified abuse or neglect reports to determine whether an individual's name is recorded.

Prior law authorized an individual, who is the subject of a justified determination in a case where no petition is subsequently filed alleging that the child is in need of care, to file a written motion seeking correction of that entry and all related department records in the court exercising juvenile jurisdiction in the parish in which the finding was made. New law limits the applicability to those reports determined to be justified prior to the effective date of new law.

New law authorizes an individual who is the subject of a justified report alleging abuse or neglect to make a formal written request to the division of administrative law for an administrative appeal of the justified determination.

New law prohibits any owner, operator, current or prospective employee, or volunteer of a juvenile detention facility or specialized provider applying for licensure or licensed by DCFS from being employed by the facility or provider if that individual's name is recorded on the state central registry as a perpetrator for a justified finding of abuse or neglect of a child.

New law provides the applicant or licensee a right to appeal the justified determination.

Prior law prohibited DCFS from hiring or employing a person whose duties included the investigation of child abuse or neglect, supervisory or disciplinary authority over

children, direct care of a child, or performance of licensing surveys until DCFS conducted a search of the central registry of justified abuse or neglect reports and determined that the individual's name is not recorded therein. New law limits the applicability to those names recorded on the central registry subsequent to Jan. 1, 2010, and provides the applicant a right to appeal the justified determination.

New law prohibits a permanent classified employee from being terminated until the employee has exhausted all administrative appeal rights.

Prior law required all administrative adjudications to be resolved exclusively through the division of administrative law, except for adjudications involving DCFS and criminal history and central registry information. New law limits the exception to adjudications involving a risk evaluation panel decision.

Effective upon promulgation and publication by DCFS of the final rules to implement the provisions of new law.

(Amends Ch. C. Arts. 611, and 616.1, R.S. 15:1110.2, R.S. 46:51.2, and 1414.1, and R.S. 49:992; Adds Ch. C. Arts. 616(E), (H), and (I), and 616.1.1; Repeals R.S. 15:1110.2(D) and (E) and R.S. 46:51.2(A)(4)-(11) and (13) and (E)(1)(d) and 1414.1(D) and (E))

Medical Examinations (Act 381)

Existing law provides that in civil proceedings, the parties may obtain discovery by various methods, including physical and mental examinations.

New law adds reference to such examinations as additional medical opinions for physical and mental examinations.

New law provides that a plaintiff shall not be ordered to submit to multiple examinations by multiple physicians within the same field of specialty for the same injury except for good cause shown.

New law provides that a minor shall have the right to have a parent, tutor, or legal guardian present during the examination, and that, if such person cannot be present, the court shall order the examination to be videotaped at the expense of the party being examined.

New law requires that the court consider the best interests of the minor, and provides that the court may impose conditions upon videotaping, including that it be done in a manner least harmful to the minor and without disclosure to the minor.

Prior law referred to employee examinations as independent medical examinations and the examiner as an independent medical examiner. New law changes the references to additional medical opinion medical examinations and compulsory medical examiners.

Prior law, relative to the Minority and Women's Business Enterprise Act, provided that for the purpose of determining whether a person is disabled, the state may require an additional medical examination by a physician chosen by the state, at the applicant's expense, prior to approval of an application. New law changes reference from "independent medical examination" to "additional medical opinion medical examination".

Prior law, relative to the Protection From Family Violence Act, provided that in domestic abuse cases, the court may grant any protective order or approve any consent agreement to bring about a cessation of domestic abuse, or the threat or danger thereof, to a party, any minor children, or any person alleged to be incompetent, which relief may include but is not limited to, ordering a medical evaluation of the defendant or the abused person, or both. New law changes reference from "medical evaluation" to "additional medical opinion medical evaluation".

Effective upon signature of governor (June 23, 2017).

(Amends C.C.P. Arts. 1421 and 1464, R.S. 23:1123, 1124, 1203, 1221, 1307 and 1317.1, R.S. 39:1952, and R.S. 46:2136)

Animal Welfare (Act 422)

Prior law provided for the La. Animal Welfare Commission (commission), which assisted the governor's office of community programs with ensuring and promoting the proper treatment and well-being of animals.

New law removes prior law, abolishes the La. Animal Welfare Commission, and instead creates the La. Animal Control Advisory Task Force under the direction of the state veterinarian within the Dept. of Agriculture and Forestry to ensure and promote the proper treatment and well-being of animals.

New law specifies that the task force shall consist of seven members appointed by the commissioner.

New law empowers the state veterinarian to carry out the purposes of new law, including various specified purposes.

New law provides that if the department does not receive the necessary funds or receives insufficient monies to fund the task force, the task force will become inactive.

Prior law provided for the La. Pet Registry. New law repeals prior law.

Prior law provided for the La. Animal Shelter Registry, a voluntary animal shelter registry used by the commission to carry out its duties by requiring each parish to submit to the commission a list of all public animal shelters located within the parish's jurisdiction. New law modifies prior law by removing the commission and replacing it with the La. Animal Control Task Force.

Prior law provided that an individual may donate all or a portion of his income tax refund to the La. Animal Welfare Commission. New law changes the La. Animal Welfare Commission to the La. Pet Overpopulation Advisory Council for purposes of income tax refund donation.

Prior law placed the La. Animal Welfare Commission within the office of the governor. New law repeals prior law and transfers the La.

Animal Welfare Commission, renamed the La. Animal Control Advisory Task Force, to the Dept. of Agriculture and Forestry.

Effective August 1, 2017.

(Amends R.S. 3:2364 and 2366 and R.S. 47:120.71; Adds R.S. 36:629(C)(9); Repeals R.S. 3:2365 and R.S. 36:4(W))

Motor Carriers of Waste (Act 278)

Prior law created the Commission of Weights and Measures in the Dept. of Agriculture and Forestry and gave the commissioner the authority for registration of weights, measures, and weighing and measuring devices in the distribution, handling, or sale of petroleum products. Prior law was inapplicable to carriers-for-hire operating under valid permits or certificates of convenience or necessity issued by the La. Public Service Commission (LPSC) and not engaged in transporting petroleum products for sale, use, or consumption in this state, and persons operating motor busses under franchises or licenses issued by municipalities.

New law changes terminology from "permits or certificates of convenience or necessity" to "common carrier certificates or contract carrier permits".

New law requires a "motor carrier of waste" applicant for a common carrier certificate, contract carrier permit, or expansion of authority granted in an existing certificate or permit authorizing the transportation of waste to prove fitness in a hearing before an administrative law judge or hearing officer by proving the following:

- (4) The applicant holds, or is capable of acquiring, an insurance policy that complies with commission rules.
- (5) The applicant has the financial ability to provide the transportation of waste for disposal in a safe and efficient manner.
- (6) The applicant holds, or is capable of acquiring, all the necessary authorizations required by any and all

regulatory authorities for the transportation of waste for disposal.

- (7) The applicant holds, or is capable of acquiring for use, equipment and man power to provide transportation services in a safe and efficient manner.
- (8) The applicant has in place, or is capable of establishing, a safety program necessary for the safe and efficient transportation of waste for disposal.

New law applies to all pending applications and declares null and void any restrictive language in existing common carrier certificates of waste or contract carrier permits of waste that would prevent the carrier from applying for expanded authority for any period of time.

Effective upon signature of the governor (June 15, 2017).

(Amends R.S. 3:4672, R.S. 45:162 and 164)

Child Support by Prisoners (Act 264)

New law provides for the temporary modification or suspension of a child support order due to an obligor's incarceration of more than 180 days.

New law requires the Dept. of Children and Family Services (DCFS), once it is notified that an individual subject to support enforcement services is being incarcerated, to verify that none of the following exceptions exist:

- (1) The incarceration is pursuant to an intentional failure to pay a child support obligation.
- (2) The obligor has the means to pay support while incarcerated.
- (3) The obligor is incarcerated for an offense against the custodial party or the child subject to the support order.

New law adds that a person shall not be considered voluntarily unemployed or

underemployed if that person is incarcerated for more than 180 days.

New law requires the Dept. of Public Safety and Corrections or the sheriff in certain circumstances to distribute information to every person in a prison facility regarding the suspension of child support, including information specific as to what may constitute a material change in circumstances.

New law requires the Dept. of Public Safety and Corrections to notify DCFS of those persons who are in their custody and who may be subject to a child support order.

New law requires DCFS to provide notice to the custodial party by certified mail that the child support obligation will be suspended (if none of the exceptions exist) unless the custodial party objects no later than 15 calendar days from receipt of notice. New law outlines the grounds for the custodial parent to object to modification or suspension of support, and provides for the process in which the custodial parent may object.

New law requires DCFS to file an affidavit with the court having jurisdiction over the order of child support and provides for the mandatory contents of the affidavit.

New law permits a court to continue an award of child support that would be otherwise terminated, if the award was suspended due to the obligor's incarceration. New law provides for the appropriate moving party, depending upon the age of the child once the parent is released from incarceration. New law prohibits such a continuation from exceeding a longer period of time than the award was suspended due to the obligor's incarceration.

New law does not apply if a court does not have continuous exclusive jurisdiction to modify the order pursuant to the Uniform Interstate Family Support Act.

Effective January 1, 2019.

(Amends R.S. 9:311 and 315.11; Adds Ch.C. Art. 1353(G), R.S. 9:311.1 and 315.27,

R.S.13:4611(1)(d)(iii), and R.S. 46:236.6(B)(4) and 236.7(C)(4)

Crimes Against Dating Partners (Act 84)

New law creates the crime of battery of a dating partner and provides for all of the following in this regard:

- (1) Criminal penalties including fines, terms of imprisonment, and enhanced penalties for offenses involving burning or strangulation.
- (2) Requires those persons placed on probation for the offense to complete a court-monitored domestic abuse intervention program and prohibits those persons from possessing a firearm for the entirety of the sentence.
- (3) Expands the prohibition on the possession of firearms to include persons convicted of a second or subsequent offense of battery of a dating partner and persons convicted of battery of a dating partner where the offense involves strangulation or burning.
- (4) Defines "dating partner" as any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionate involvement independent of financial considerations, regardless of whether the person presently lives or formerly lived in the same residence with the offender. New law provides that "dating partner" shall not include a casual relationship or ordinary association between persons in a business or social context.

New law creates the crime of aggravated assault upon a dating partner, and provides criminal penalties for the offense.

New law designates the crime as a crime of violence, and therefore, persons convicted of the offense are prohibited from possessing a firearm for a period of ten years from the date of

completion of sentence, probation, parole, or suspension of sentence.

New law expands the applicability of provisions of existing domestic abuse law to cases of abuse involving dating partners, and amends the definition of "dating partners" in domestic abuse law to have the same meaning as provided in the new law crime of battery of a dating partner.

Effective August 1, 2017.

(Amends R.S.14:95.10, R.S. 46:2136.3 and 2151(B), C.E. Art. 412.4, and C.Cr.P. Art. 387; Adds R.S. 14:2(B)(47), 34.9, and 34.9.1)

Employees and Children (Act 423)

New law prohibits a person whose name is on the La. Sex Offender and Crime Predator Registry, any other state's sex offender registry, or the National Crime Information Center's National Sex Offender Registry from doing the following:

- (1) Directly or indirectly owning, operating, or participating in the governance of, or working as an employee or volunteer at an early learning center.
- (2) Being hired by the state Dept. of Education (DOE) if the position includes the performance of early learning center licensing inspections.
- (3) Becoming a registered family child care or in-home child care provider.
- (4) Being employed in or live in the residence or on the property of the residence where the care is provided by the registered family or in-home child care provider who is not a caregiver.

New law authorizes DOE rather than owners and operators to request criminal history information for certain individuals and requires DOE to collect the processing fees charged for state and federal criminal history reports when it receives a request for an employment eligibility determination and to timely submit these fees to the Bureau of Criminal Identification and

Information. New law repeals prior law that is not yet effective and requires DOE rather than owners and operators to request criminal history information and specifically includes information from the Department of Children and Family Services (DCFS) and the National Crime Information Center as information that shall be requested.

Prior law required any owner, operator, current or prospective employee, or volunteer of a licensed early learning center to self-report annually and upon the request of DOE whether or not his name is currently recorded on the state central registry for a justified finding of abuse or neglect as the named perpetrator. Prior law required the owner or operator of the facility to maintain such documents and imposed criminal penalties on anyone who falsifies such information. Prior law provided for a risk assessment evaluation and appeal to those who make a positive disclosure. New law repeals prior law.

Present law requires criminal background checks of persons employed by contractors that provide cafeteria, janitorial, or maintenance services to a school or school system. New law adds persons employed by entities that contract to provide student services.

Present law requires DOE to require the submission of a person's fingerprints in a form acceptable to La. Bureau of Criminal Identification and Information and provides that a person who does so may be temporarily hired pending a report from the bureau as to any convictions of or pleas of nolo contendere to certain crimes. New law allows for temporary hiring during the time period between the submission of fingerprints and receipt of all criminal background check information. New law makes the same provision for temporary hiring applicable to registered family or in-home child care provider, someone to be employed in the residence or on the property of the residence where care is provided by a registered family or in-home child care provider, or live in the residence where care is provided by the registered family child care provider or in-home child care provider who is not a caregiver.

Present law permits the La. Bureau of Criminal Identification and Information to charge an individual applicant the cost of providing information required by present law. New law adds the cost of criminal history checks for those related to an early learning center to the costs that may be charged to the individual applicant.

New law further authorizes DOE to charge a processing fee not to exceed \$15 and to collect the processing fees charged for criminal history reports when it receives a request for an employment eligibility determination and to timely submit agency fees to the agencies.

New law shall become effective when BESE promulgates rules providing for implementation procedures by which DOE shall conduct employment eligibility determinations or on September 30, 2018, whichever is earlier.

(Amends R.S. 15:587.1 and R.S. 17:15, 407.42, and 407.71; Repeals R.S. 17:407.41)

Criminal History Records (Act 147)

New law requires an agency with access to federal tax information, criminal history record information, or state issued REAL ID information to require any current or prospective employee, contractor, or subcontractor to submit to national, state, and local criminal history records checks and to submit fingerprints and other identifying information to the La. Bureau of Criminal Identification and Information. The bureau is required to provide the agency with the criminal history record information of the current or prospective employee, contractor, or subcontractor.

New law requires the agency to request a local criminal history records check for a current or prospective employee, contractor, or subcontractor, which shall be sent to any jurisdiction where the current or prospective employee, contractor, or subcontractor has lived, worked, or attended school within the last five years.

New law provides that the fingerprints and national, state, and local criminal history records

checks are used to determine the suitability of the current or prospective employee, contractor, or subcontractor to access federal tax information, criminal history record information, or state issued REAL ID information.

Current employees, contractors, and subcontractors are subject to fingerprinting and criminal history records checks at a minimum of every 10 years. Prospective employees are subject to fingerprinting and criminal history records check after a conditional offer of employment has been made.

New law requires the bureau to charge the agency for furnishing the information contained in the bureau's criminal history and identification files, including any additional costs.

New law defines "agency" as any agency that has an agreement with the Internal Revenue Service to access federal tax information, and includes various specified agencies.

Effective upon signature of governor (June 12, 2017).

(Adds R.S. 15:587.5 and 587.6, R.S. 23:1657.1, R.S. 36:254.3 and 701.1, R.S. 39:15.1.1 and 15.1.2, R.S. 46:51.3, and R.S. 47:1504.1)

Parole for Juvenile Offenders (Act 277)

Prior law crimes of first degree rape (formerly aggravated rape) and aggravated kidnapping both carried a sentence of life imprisonment without benefit of parole. Prior law provided parole eligibility for juvenile offenders serving a life sentence for aggravated rape or aggravated kidnapping when certain conditions are met, including the requirement that the person serve 30 years of the sentence imposed. New law decreases the amount of time the juvenile offender is required to serve prior to becoming parole eligible from 30 years of the sentence imposed to 25 years of the sentence imposed. New law otherwise retains prior law.

Prior law crimes of first degree murder and second degree murder carried a sentence of life imprisonment without benefit of parole.

Prior law provided that a juvenile serving a sentence of life imprisonment for a conviction of first or second degree murder is eligible for parole consideration if a judicial determination has been made that the person is entitled to parole eligibility pursuant to prior law and certain conditions are met, including the requirement that the person serve 35 years of the sentence imposed.

Prior law provided that in any case where an offender is to be sentenced to life imprisonment for a conviction of first or second degree murder and the offender was under the age of 18 years at the time of the commission of the offense, a hearing must be conducted prior to sentencing to determine whether the sentence is to be imposed with or without parole eligibility. These provisions of prior law relative to juvenile sentences of life imprisonment for homicide offenses were applied only to persons whose conviction became final after 6/25/12.

New law provides:

- (1) If an offender is indicted on or after Aug. 1, 2017, for the crime of first degree murder where the offender was under the age of 18 years at the time of the commission of the offense, then the district attorney may file a notice of intent to seek a sentence of life imprisonment without the possibility of parole within 180 days after the indictment. If the district attorney timely files the notice of intent, a hearing must be conducted. If the court determines that the sentence is to be imposed without parole eligibility, then the defendant is not eligible for parole. If the court determines that the offender is eligible for parole or if the district attorney fails to timely file the notice of intent, then the offender will be eligible for parole pursuant to new law, which requires certain conditions to be met, including the condition that the offender is required to serve 25 years of the sentence imposed.

- (2) If an offender is indicted on or after 8/1/17 for the crime of second degree murder where the offender was under the age of 18 years at the time of the commission of the offense, then the offender is eligible for parole pursuant to prior law, which requires certain conditions to be met, including the condition that the offender be required to serve 25 years of the sentence imposed.
- (3) If an offender was indicted prior to 8/1/17 for the crime of first or second degree murder where the offender was under the age of 18 at the time of the commission of the offense and a hearing was not held prior to 8/1/17 to determine whether the offender's sentence should be imposed with or without parole eligibility, then the district attorney may file a notice of intent to seek a sentence of life imprisonment without the possibility of parole within 90 days of Aug. 1, 2017. If the district attorney timely files the notice of intent, a hearing is to be conducted. If the court determines that the sentence is to be imposed without parole eligibility, then the offender is not eligible for parole. If the court determines that the sentence is to be imposed with parole eligibility or if the district attorney fails to timely file the notice of intent, then the offender will be eligible for parole pursuant to new law, which requires certain conditions to be met, including the condition that the offender serve 25 years of the sentence imposed.
- (4) If an offender was indicted prior to 8/1/17 for the crime of first or second degree murder where the offender was under the age of 18 years at the time of the commission of the offense and a hearing was held, then: (a) If the court determined that the offender's sentence was to be imposed with parole eligibility, then the offender is eligible for parole pursuant to prior law; (b) If the court determined that the offender's sentence was to be imposed without parole

eligibility, then the offender is not eligible for parole.

New law provides that, with regard to the hearing for the judicial determination as to the offender's parole eligibility:

- (1) The admissibility of expert witness testimony in these matters is to be governed by prior law (Code of Evidence).
- (2) The sole purpose of the hearing is to determine whether the sentence will be imposed with or without parole eligibility.
- (3) The court must state for the record the considerations taken into account and the factual basis for its determination.

Effective August 1, 2017.

(Amends R.S. 15:574.4 and C.Cr.P. Art. 878.1)

Children's Agencies (Act 237)

New law changes the composition of the Children's Cabinet Advisory Board.

New law extends the termination date of the Children's Cabinet from August 15, 2018, to August 1, 2022.

New law repeals the Child Poverty Prevention Council for Louisiana and provides that the Children's Cabinet Advisory Board is responsible for making recommendations concerning programs to reduce child poverty.

Prior law established the Children's Trust Fund in the Department of Children and Family Services (DCFS) and created a board to administer the fund. New law transfers the Children's Trust Fund from DCFS to the office of the governor and places administration of the trust fund within the Children's Cabinet, and repeals the Community-based Family Center pilot program of the Children's Trust Fund board.

New law establishes advisory responsibilities for the Children's Trust Fund board and provides that final decision-making authority concerning activities of the trust fund is vested in the Children's Cabinet.

Effective August 1, 2017.

(Amends R.S. 36:4 and R.S. 46:2402, 2403, 2404, 2405, 2406, 2407, 2605, and 2607; adds R.S. 46, 2405.1 and 2603(A)(7); repeals R.S. 36:478(F) and (K) and 802.9 and R.S. 46:450.4, and 2801)

Museum Decommissioning (Act 112)

Prior law established the Livingston Parish Museum and Cultural Center, the Louisiana Military Museum, the Jean Lafitte Marine Fisheries Museum, the Shreveport Water Works Museum, and the Spring Street Historical Museum under the jurisdiction of the Department of State. New law repeals prior law.

Effective upon signature of the governor (June 12, 2107).

(Amends R.S. 36:851(A); repeals R.S. 25:380.41-380.46, 380.61-380.66, 380.71 and 380.74-380.76, 380.101-380.106, and 380.121-380.126, and R.S. 36:744(P), (T), (U), (X), (Z), and 801.11, 801.13, 801.17, and 801.19)

Child Protection (Act 376)

New law amends the definition of "shelter care facility" to include a licensed, physically unrestricting public or private child care facility, a residential facility operated for runaway, homeless, or a sexually exploited child, or a safe house as defined by present law which provides temporary care for children.

Existing law provides for the placement of a child who appears to be a child in need of care and whose immediate removal is necessary for his protection from further abuse or neglect pending a custody hearing. New law adds a shelter care facility to the list of places the child may be held pending a custody hearing if the child, who is not in the custody of the Department of Children and

Family Services (DC&FS), is a victim of human trafficking or trafficking of children for sexual purposes.

Prior law required the office of juvenile justice of the Dept. of Public Safety and Corrections (DPS&C) to operate or contract with an appropriate nongovernmental agency for the operation of a safe house for sexually exploited children and required the department to develop a statewide protocol for helping to coordinate the delivery of services to sexually exploited children.

New law changes the responsible entity from the DPS&C, office of juvenile justice to the DC&FS.

New law requires the DC&FS to identify and maintain a current listing of safe houses which are licensed residential homes that specialize in the provision of services to sexually exploited children, and to make it available to courts, prosecutors, and other stakeholders involved in proceedings pertaining to an exploited child.

New law requires law enforcement to notify the Crime Victims Services Bureau of the DPS&C when a child is eligible for special services and to report to the DC&FS that the child is in need of protective services.

New law provides that the DC&FS is responsible for investigating reports of abuse or neglect where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse. New law provides that the department must fully cooperate with law enforcement, prosecutors, and court staff in the investigation and prosecution of child sexual exploitation, including ensuring that all state, federal, and community-based resources for sexually exploited children are known and available to the child.

New law requires all reports and records of exploitation to be kept confidential unless the disclosure of such information is essential for the

purposes of investigation or prosecution, required by court order, or necessary to ensure services.

Prior law provided that a child housed in a residential home may stay for a period not to exceed six months beyond his eighteenth birthday to complete any educational course begun at the facility, including a General Education Development (GED) course. Prior law provided that a child housed in residential home that does not receive federal Title IV-E funding may remain at the home until completion of his twenty-first birthday to complete any education course begun at the facility including a GED course.

New law removes these limitations and authorizes a child housed at a residential facility to remain at the facility until their twenty-first birthday to complete any education course begun at the facility including a GED course.

Effective on August 1, 2017.

(Amends R.S. 46:1403.1, Ch.C. Arts. 116, 606, 622, and 725.1-725.3; adds Ch.C. Arts. 622(B)(5) and 725.4-725.6)

Financial Obligations Imposed on Convicts (Act 260)

When an offender is convicted of an offense, existing law authorizes or requires the court to impose certain financial obligations upon the offender, including but not limited to fines, fees, court costs, and restitution.

New law requires the court, prior to ordering the imposition of any financial obligation upon a defendant convicted of a felony, to determine whether payment in full of the aggregate amount of all the financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents. This determination cannot be waived by the defendant.

New law defines "financial obligation" as any fine, fee, cost, restitution, or other monetary obligation authorized by existing law and imposed upon the defendant as part of a criminal

sentence, incarceration, or as a condition of the defendant's release on probation or parole.

If the court determines that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents, new law requires the court to either waive all or any portion of the financial obligations or order a payment plan that requires the defendant to make a monthly payment to fulfill the financial obligations.

In cases where restitution has been ordered, new law provides that half of the defendant's monthly payment shall be distributed toward the defendant's restitution obligation.

New law provides that during any periods of unemployment, homelessness, or other circumstances in which the defendant is unable to make the monthly payment, the court or the defendant's probation and parole officer is authorized to impose a payment alternative, including but not limited to any of the following: substance abuse treatment, education, job training, or community service.

If the defendant's circumstances and ability to pay change, new law authorizes the court, upon motion of the defendant or his attorney, to reevaluate the defendant's ability to continue the monthly payments and either waive or modify the defendant's financial obligation, or recalculate the amount of the monthly payment.

New law provides that the defendant's outstanding financial obligations may be forgiven and considered paid-in-full if the defendant makes consistent monthly payments for either 12 consecutive months or consistent monthly payments for half of the defendant's term of supervision, whichever is longer.

With regard to existing and prior law provisions relative to enforcement after nonpayment of these financial obligations, new law provides as follows:

- (5) If the defendant is found to be indigent and therefore unable to make restitution

- in full at the time of conviction, new law provides that the court may order a periodic payment plan pursuant to new law instead of a payment plan consistent with the person's financial ability.
- (6) New law retains law that if the defendant defaults on the payment of fines or costs imposed as part of the sentence, the defendant shall be imprisoned for a specified period of time. However, new law provides that if it is determined that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents, the defendant cannot be imprisoned for failure to pay fines or costs imposed as part of the sentence.
- (7) With regard to the court's existing law authority to order the surrender of a driver's license for up to 180 days, new law limits this authority to apply to only those persons convicted of a felony offense who willfully refuse to pay the fine.
- (8) Existing law requires all costs and fines to be paid immediately, but provides that in some cases that involve violations of traffic laws or ordinances, the court may grant the defendant five judicial days after rendition of judgment to pay any costs and any fine imposed. New law retains existing law, but provides that it shall be subject to the provisions of new law relative to the determination of the defendant's ability to pay.
- (9) Prior law provided that if a defendant has been sentenced to probation and has a monetary obligation, the court may extend the period of probation until the monetary obligation is extinguished. New law amends prior law to provide that except with regard to unpaid victim restitution, the court is prohibited from extending a defendant's probation for the purpose of collecting any unpaid monetary obligation. New law instead allows the court to refer the unpaid monetary obligation to the office of debt recovery.
- (10) With regard to unpaid victim restitution, new law authorizes the court to extend probation, only one time and only by a period of six months for the purpose of monitoring the collection of unpaid victim restitution, if the extension would ensure collection of the restitution more effectively than converting it to a civil money judgment, referring it to the office of debt recovery, or any other enforcement mechanism authorized by law.
- (11) If the defendant is ordered to pay restitution as a condition of probation, new law amends prior law to provide that restitution payments shall be made pursuant to new law relative to the determination of the defendant's ability to pay instead of payment in a lump sum or in monthly installments pursuant to prior law.
- (12) New law retains the existing law provision that provides that prior to the enforcement of any restitution order, the defendant shall be notified of the right to have a judicial determination of the amount of restitution, cost, or fine, but removes the prior law provision that allowed the enforcement of any restitution order if the defendant waived the hearing or stipulated to the amount of the restitution, cost, or fine ordered.
- (13) New law retains the existing law provision that authorized the court to require the defendant, in lieu of a monthly probation supervision fee, to perform a specified amount of community service work each month if the court finds that the defendant is unable to pay the supervision fee.
- (14) New law retains the existing law authority of each district attorney to establish a special division in the office

designated as the "restitution recovery division" and to take all lawful action necessary to require compliance with court-ordered payments.

- (15) New law provides that if a court authorizes a payment plan and the defendant fails to make a payment, the court is required to serve the defendant with a citation for a rule to show cause why the defendant should not be found in contempt of court and provides the information that must be included in the notice.

Effective August 1, 2018.

(Amends R.S. 47:1676 and C.Cr.P. Arts. 883.2, 884, 885.1, 888, 894.4, 895.1, and 895.5; Adds C.Cr.P. Art. 875.1)

Vital Records Reports for Assessors (Act 137)

Existing constitution and existing law require each assessor to maintain lists of property for purposes of ad valorem taxation.

New law requires that, by the 10th day of each month, the state registrar of vital records send to each assessor a certified report containing the name, address, date of birth, sex, and last four digits of the social security number, as such information exists in the database of the La. Dept. of Health, of any person 16 years of age or older who died in the state within the preceding calendar month.

Effective August 1, 2017.

(Amends R.S. 47:1965; Adds R.S. 40:36(H))

UNCODIFIED

Changes in Appropriations (Act 1 of First Extraordinary Session)

New law increases (decrease) appropriations for Fiscal Year 2016-2017 as follows: State General Fund (Direct) by (\$149,079,062); Statutory Dedications by (\$12,395,276) to be transferred to the State General Fund (Direct); and Fees and

Self-generated Revenues by (\$10,828,575) to be transferred to the State General Fund (Direct).

New law directs the commissioner of administration to reduce the appropriations contained in Act 17 of the 2016 R.S. out of the State General Fund (Direct), Fees and Self-generated Revenues, and Statutory Dedications by (\$11,900,000).

New law directs the legislative auditor to remit \$2,000,000 from the Legislative Auditor Ancillary Fund to be transferred to the state general fund.

New law provides for additional increase (decrease) in appropriations for Fiscal Year 2016-2017 as follows: Statutory Dedications by \$58,272,501; Fees and Self-generated Revenues by \$39,375,272; Interagency Transfers by \$1,585,468; and Federal Funds by (\$22,210,104).

Effective upon signature of governor (March 3, 2017).

Appropriations and Changes Thereto (Act 2 of Second Extraordinary Session)

New law appropriates supplemental funding and provides for means of financing substitutions and other budgetary adjustments for FY 2016-2017.

New law provides for net increases (decreases) as follows: State General Fund (Direct) no change; Interagency Transfers by \$8,432,766; Fees & Self-generated Revenues by \$64,184,768, Statutory Dedications by \$54,356,502, and Federal Funds by \$3,945,903.

New law nullifies \$17,000,000 in State General Fund (Direct) appropriations contained in Act 17 of the 2016 R. S. of the Legislature from money paid in protest and held in escrow.

New law makes supplemental changes to Capital Outlay Act increasing Interagency Transfers by \$1,940,000 and Fees and Self-generated Revenues by \$13,250,000 and spending \$5,000,000 of interest earnings.

Effective upon signature of governor (June 23, 2017).

Appropriations and Financing (Act 3 of the Second Extraordinary Session)

New law appropriates \$28.2 billion for Fiscal Year (FY) 2017-2018, of which \$8.7 billion is State General Fund (direct) (SGF). SGF increased \$273 million when compared to the FY 2016- 2017 existing operating budget as of March 1, 2016. Overall, FY 2017-2018 total General Appropriation Bill (GAB) funding is \$1.6 billion more than FY 2016-2017.

Other means of financing for FY 2017-2018 include: interagency transfers at \$960 million, or \$27 million less than FY 2016-2017; fees and self-generated revenues at \$2.6 billion, or \$73 million more than FY 2016-2017; statutory dedications at \$2.9 billion, or \$144 million less than FY 2016-2017; and federal funding at \$13 billion or \$1.5 billion more than FY 2016-2017.

Effective July 1, 2017.

Capital Outlay Budget and Projects (Act 4 of Second Extraordinary Session)

New law provides for the capital outlay budget and program for FY 2017-2018. New law provides for the funding of the capital outlays from the specified sources of monies in the specified amounts as follows: State General Fund (Direct) \$1,500,000; Federal Funds \$62,713,000; Transportation Trust Fund (TTF) - Federal \$ 637,761,670; Transportation Trust Fund (TTF) - Regular \$168,265,658; Interagency Transfers \$41,377,106; Misc. Statutory Dedications \$273,636,057; Fees and Self-Generated Revenues \$48,574,970; Revenue Bonds \$266,625,000; TOTAL CASH PORTION \$1,500,453,461.

New law authorizes the funding of certain capital outlay projects from the sale of general obligation bonds for the projects delineated as follows: Priority 1 \$930,037,955; Priority 2 \$117,810,198; Priority 5 \$1,294,525,485; TOTAL GENERAL OBLIGATIONS BONDS \$2,342,373,638

GRAND TOTAL ALL MEANS OF FINANCING \$3,842,926,929.

Capital Improvement Program and Bonds (Act 5 of Second Extraordinary Session)

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

New law deems projects included within Section (1)(A) of HB No. 2 of the 2017 2 E.S. to have timely submitted capital outlay budget request applications for FY 2017-2018 and to have complied with the late approval requirements of present law, and authorizes these projects to be eligible for lines of credit for FY 2017-2018.

New law deems projects included within Section (1)(B) of HB No. 2 of the 2017 2 E.S. to have until June 19, 2017, to submit capital outlay budget request applications and to obtain late approval pursuant to present law.

New law prohibits projects receiving capital outlay appropriations for FY 2017-2018 from being exempt from public bid laws or laws pertaining to the review of plans and specifications by administering agencies without prior authorization from the State Bond Commission.

New law prohibits entities receiving capital outlay appropriations for FY 2017-2018 from entering into contracts prior to the issuance of a line of credit, prior to receipt of funding, or prior to entering into a CEA, nor receiving reimbursement for expenditures without prior authorization from the State Bond Commission.

New law transfers the Milne Boys Home Complex - North and South Cottage Renovation project from the Gentilly Development District to the City of New Orleans. New law provides that the issuance of a line of credit for all or a portion of the funds in Priority 2 or Priority 5 for the Milne Boys Home Complex - North and South Cottage Renovation project shall be subject to the

submission of a duly adopted resolution of the City Council of New Orleans in support of the Gentilly Development District, which resolution shall be submitted to the commissioner of administration, the State Bond Commission, and the attorney general.

New law requires all projects receiving capital outlay appropriations to comply with the provisions of present law beginning in FY 2018-2019.

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

Governmental Fiscal Affairs (Act 48)

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 2017-2018. New law requires all funds to be expended in accordance with public bid laws.

New law requires, except as otherwise provided, that any fund equity resulting from prior year operations be included as a resource of the fund from which it is derived. New law authorizes all funds on deposit with the state treasury at the close of the fiscal year to be transferred to each fund as equity for FY 2018-2019. New law requires all unexpended cash balances as of June 30, 2018, be remitted to the state treasurer on or before Aug. 14, 2018. New law provides that if not reestablished in the subsequent year's act, the agency must liquidate all assets and return all advances no later than Aug. 14, 2018.

New law provides that the program descriptions contained in the Act are not enacted into law by virtue of their inclusion in the Act.

New law deems all money from federal, interagency, statutory dedications, or self-generated revenues of an agency be 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 authorizes the number of employees approved for each agency to 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 the JLCB.

New law requires any agency with an appropriation level of \$30 million or more to include positions within its table of organization which perform internal auditing services, including the position of a chief audit executive responsible for adhering to the Institute of Internal Auditors, International Standards for the Professional Practice of Internal Auditing.

New law directs the commissioner of administration to adjust performance objectives and indicators contained in the Executive Budget Supporting Document to reflect the funds appropriated and to report adjustments to the JLCB by Aug. 15, 2017.

New law requires the treasurer to invest excess cash funds, excluding those arising from working capital advances, with the interest earned being credited to the account.

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, and procurement resources, in order to optimize resources and provide cost savings. New law exempts the Dept. of Culture, Recreation and Tourism, or any agency contained in Schedule 04, Elected Officials, of the General

Appropriation Act from the provisions of new law.

Effective July 1, 2017.

Judicial Branch Funding (Act 68)

New law appropriates funds for Fiscal Year 2017-2018 for the ordinary operating expenses of the judicial branch of government with total funding of \$171,164,719 from the following sources: \$151,530,944 out of the State General Fund (Direct); \$9,392,850 through interagency transfers from the Dept. of Children and Family Services; and \$10,240,925 from statutory dedications out of the Judges' Supplemental Compensation Fund and the Trial Court Case Management Fund.

Funding for the ordinary operating expenses of the judicial branch of government is provided as follows:

Louisiana Supreme Court	\$84,921,583
Courts of Appeal	\$47,551,252
District Courts	\$39,577,372
Criminal Court, Parish of Orleans	\$6,638,871
Juvenile and Family Courts	\$2,665,681
Other Courts (Required by Statute)	\$3,202,337
Other Courts (Not Required by Statute)	\$766,420
Non-Judicial State Expenses	\$2,070,853
TOTAL	\$187,394,369

New law requires that the appropriations out of the State General Fund (Direct) contained in this Act be reduced by a total amount of \$16,229,650, pursuant to a plan adopted by the Judicial Budgetary Control Board or as approved by the La. Supreme Court.

Effective July 1, 2017.

Legislative Branch Expenses (Act 78)

New law provides for the expenses of the legislature and legislative service agencies. New law appropriates \$62,472,956 from the state general fund for FY 2017-2018.

Funding for the legislative branch of government is provided as follows:

House of Representatives	\$28,998,300
Senate	\$21,764,498
Legislative Auditor	\$9,093,838
Legislative Fiscal Office	\$2,886,664
Louisiana State Law Institute	\$1,131,401
Legislative Control Council	\$9,557,125
Total state general fund	\$73,431,826

New law provides that appropriations out of State General Fund (Direct) contained in this Act be reduced by a total amount of \$10,958,870 pursuant to a plan adopted by the Legislative Budgetary Control Council.

New law provides for the allocation of funds for salaries and allowances of members, officers, and staff of the House, Senate, Legislative Fiscal Office, Legislative Budgetary Control Council, and Louisiana State Law Institute. New law provides the balance on July 2, 2017, of the fund created by Act 513, §13 of 2008 R.S. is appropriated to the Legislative Budgetary Control Council.

New law appropriates \$350,000 from the state general fund to establish the Legislative Auditor Ancillary Enterprise Fund as an agency working capital fund. New law appropriates \$22,373,567 from the fund, which is authorized to be used for expenses of the auditor's office.

New law requires that expenses of the legislature for any extraordinary session during Fiscal Year 2017-2018 be paid pursuant to a plan adopted by the Legislative Budgetary Control Council.

Effective July 1, 2017.

Mandeville Civil Service (Act 83)

New law provides that the human resources director for the Mandeville classified civil service system for other municipal employees shall be the personnel director for the Mandeville classified civil service system for police personnel.

Effective on the first day of January following an election at which the voters of Mandeville approve an amendment to the city's home rule charter to provide that the human resources director of the classified civil service system for other municipal employees shall be the personnel director of the classified civil service system for police personnel.

(Amends Act No. 164 of 1984 R.S., §3)

Naming of Highways, Bridges, Public Buildings, etc. (Acts 110, 116, 119, 121, 122, 130, 132, 144, 155, 157, 168, 233, 339, and 398)

New laws name various highways, bridges, public buildings, etc.

Effective August 1, 2017.

Sales and Leases of Public Lands (Acts 111, 142, 188, 347, 350, and 389)

New laws authorize the sale or lease of various parcels of public immovable property to various persons.

Effective upon signature of the governor (June 12, 2017).

27th JDC Court Reporter Fees (Act 129)

New law makes the 27th JDC court reporter fee increase effective upon a recommendation by the Judicial Council in its 2018 report rather than its 2016 report.

(Amends Act No. 194 of the 2015 R.S., §2)

Election on Constitutional Amendments (Act 138)

New law provides that a special statewide election shall be held on Oct. 14, 2017, for the purpose of submitting to the state's electors proposed constitutional amendments contained in joint resolutions concurred in during the 2017 Regular Session.

Effective upon signature of governor (June 12, 2017).

Grand Isle Port Commission (Act 160)

New law authorizes the Grand Isle Port Commission to use specified portions of certain water bottoms, water columns, and water surfaces for a seafood research program undertaken in cooperation with the La. Sea Grant program.

Effective August 1, 2017.

Hospital Service District Board Composition (Act 171)

New law provides for hospital service district board membership and member qualifications in any parish with a population greater than 16,000 and less than 17,000, according to the latest federal decennial census.

Effective August 1, 2017.

Revenue Sharing (Act 312)

New law provides for the allocation and distribution of the Revenue Sharing Fund for FY 2017-2018, which are almost the same as for FY 2016-2017.

Very generally, new law provides for the annual allocation and distribution of the state revenue sharing fund in the amount of \$90,000,000 for FY 2017-2018. The parish allocation is determined by the parish's percentage of the total state population (80% of the revenue sharing fund) and the parish's percentage of the total number of homesteads in the state (20% of the revenue sharing fund).

Effective August 1, 2017.

TITLE 2: AERONAUTICS

Unmanned Aircraft and Aerial Systems (Act 238)

New law provides that, except as otherwise provided by prior law, the state has exclusive jurisdiction to regulate all unmanned aircraft systems and all unmanned aerial systems.

New law provides that state law supersedes and preempts any rule, regulation, code, or ordinance of any political subdivision or other unit of local government. New law provides that if federal law or regulation preempts any provision of new law, then that provision is null.

Effective upon signature of the governor (June 14, 2017).

(Adds R.S. 2:2)

TITLE 3: AGRICULTURE AND FORESTRY

Department of Agriculture and Forestry (Act 39)

New law changes two references to commissioner in present law to commissioner and two to department.

(Amends R.S. 3:903 and 904(B))

Co-operative Marketing Associations (Act 65)

New law changes prior law by declaring that the sole purpose of co-operative marketing associations is to promote, foster, and encourage intelligent and orderly marketing of agricultural products through co-operation.

New law adds that an association may be organized to represent the interest of its members or for any lawful activity for which corporations may be formed under the laws of the state of La.

New law adds the power for an association to represent the interest of its members or engage in

any activity for which corporations may be formed under the laws of the state of La. New law removes a general prior law provision empowering an association to engage in any activities specified in existing law.

Effective August 1, 2017.

(Amends R.S. 3:121, 124, and 125(1))

Food Waste (Act 327)

New law designates the La. Dept. of Agriculture and Forestry (department) as the state agency responsible for cooperating with the secretary of the U.S. Department of Health and Human Services (HHS) regarding provisions of the FDA Food Safety Modernization Act that fall within the department's authority granted by new law.

New law authorizes the La. commissioner of agriculture and forestry (commissioner) to receive and expend state and federal funds appropriated for the administration of new law.

New law requires the department to work with the secretary of the HHS to develop a program to ensure the safety of agricultural produce in Louisiana.

New law authorizes the commissioner to accept advisory assistance from the secretary of HHS in administering the program authorized by new law.

New law requires the commissioner to represent the state in all communications and negotiations with the secretary of the HHS regarding the implementation of new law and the provisions of the FDA Food Safety Modernization Act that fall within the department's authority granted by new law.

New law authorizes the commissioner to:

- (1) Enforce standards for growing, harvesting, packing, and holding of produce for human consumption and administer the provisions of new law.

- (2) Enter the premises of any covered produce farm during reasonable hours to inspect the growing, harvesting, packing, and holding of produce.
- (3) Investigate the organization, business, conduct, practices, and management of any covered produce farm engaged in intrastate commerce.
- (4) Inspect or copy any covered produce farm record related to the growing, harvesting, packing, or holding of produce.
- (5) Issue stop orders prohibiting the growing, harvesting, packing, or holding of produce.

New law provides that a person shall not impede, obstruct, hinder, or otherwise prevent or attempt to prevent the department, an inspector of the department, or any employee of the department in the performance of his duties.

New law requires any person, firm, or corporation owning or operating a covered produce farm in Louisiana to:

- (1) Register with the department on an annual basis no later than July first of each year.
- (2) Update their registration with the department within 90 days of any changes in activity on the covered produce farm.
- (3) Maintain all records required by the rules adopted pursuant to new law and make those records available to the department upon request.
- (4) File with the commissioner annual or special reports and answers in writing.

New law subjects any person, firm, or corporation convicted of various records related offenses to a fine of not more than \$500.

New law authorizes the commissioner to impose a civil penalty of not more than \$100 for violations of new law.

New law designates LDH as the state agency responsible for cooperating with the secretary of the HHS regarding provisions of the FDA Food Safety Modernization Act that fall within its authority granted in prior law.

New law shall remain in effect only as long as the federal funds required to implement the provisions of the FDA Food Safety Modernization Act are provided.

New law shall be null and void upon the date of repeal of 21 C.F.R. Part 112.

Effective upon signature of the governor (June 22, 2017).

(Adds R.S. 3:921-928)

Sweet Potato Commission (Act 55)

New law changes the size and composition of the La. Sweet Potato Advertising and Development Commission.

(Amends R.S. 3:1743(A))

Farm-Raised Turtles (Act 69)

New law modifies existing law by specifying that the regulation, inspection, and control of turtles is related to farm-raised turtles instead of turtles in general.

New law mandates that the commissioner adopt rules regarding breeding, disposal, raising, identification, inspecting, licensing, monitoring, sanitization, shipping or transporting, testing, and quarantine of farm-raised turtles or turtle eggs.

New law removes the definitions for "antibiotic", "certificate of inspection", and the "siebeling method" and adds definitions for "chain of custody" and "farm-raised turtle". New law changes the requirements in the definition of a health certificate, removes any reference to the siebeling method in the definitions, and changes

any turtle or pet turtle references to farm-raised turtles. New law adds turtle eggs to the definition of turtle farm.

New law adds a requirement that an applicant complete a written application, pay the required license fee, and comply with any other requirement to become a licensed turtle farmer.

Prior law required each licensed turtle farmer to maintain accurate records including information as to production, sales, shipping, and laboratory certification. New law repeals prior law.

Prior law provided for violations of prior law, including but not limited to, failing to dispose of all turtles or turtle eggs in a quarantined group and willfully disposing improperly of any antibiotic solution. New law repeals prior law.

Prior law provided a violation for shipping or moving turtles or turtle eggs without a certificate of inspection or a health certificate for any purpose other than testing. New law changes prior law by only requiring the required documentation instead of a certificate of inspection or a health certificate.

Effective August 1, 2017.

(Amends R.S. 3:2358.1, 2358.2, 2358.3, 2358.7, and 2358.13; Adds R.S. 3:2358.4(D); Repeals R.S. 3:2358.5, 2358.6, 2358.8, 2358.9, 2358.10, 2358.11, and 2358.12)

Animal Abandonment (Act 41)

New law specifies that an animal is declared abandoned after a declared emergency when the animal is receiving temporary shelter services in a facility operated by the Dept. of Agriculture and Forestry and the owner does not claim the animal within 30 days of the declared emergency.

(Amends R.S. 3:2452(B); Adds R.S. 3:2452(C))

Animal Shelters (Act 184)

Existing law requires animal shelters to be inspected at least once every six months by an authorized representative of the parish in which it

is located. New law requires each parish to notify the director of the animal control agency or shelter of the inspector's name in writing.

New law requires inspectors and shelter personnel to annually attend training offered by an organization that provides accredited continuing education courses regarding shelter safety, animal welfare, and state compliance procedures, such as the La. Animal Control Association. New law provides that the training requirement shall apply only if an online training option is available.

New law authorizes any animal shelter which maintains a social media account or a website to post pictures of every animal that enters the shelter upon intake and again prior to euthanasia of the animal.

Effective August 1, 2017.

(Amends R.S. 3:2463; adds R.S. 3:2462(6) and 2465(E))

Agricultural Consultants (Act 56)

Old law required new applicants for an agricultural consultant's certificate to furnish satisfactory evidence that they have earned at least four hours of college credit in each discipline area for which certification is sought. New law reduces the four hours to three hours.

(Amends R.S. 3:3246(D)(3))

TITLE 4: AMUSEMENTS AND SPORTS

Racing Privileges (Act 252)

New law requires the La. State Racing Commission to suspend all licenses, permits, and privileges granted to a permittee who has a final and definitive judgment rendered against him by a court of competent jurisdiction mandating payment of past due financial obligations to any individual or business for the boarding of horses.

New law requires the clerk of any court rendering or affirming such judgment to send a certified

copy of the final and definitive judgment to the commission.

New law provides that the suspension period shall begin upon the date the certified copy of the final and definitive judgment is received by the commission and shall end on the date the permittee provides proof of full payment of the judgment to the commission.

Effective August 1, 2017.

(Amends R.S. 4:152)

Bingo (Act 214)

New law expands the existing law functions of bingo card dabber devices to include networking of charitable gaming organizations, player tracking, and accounting functions related to bingo, progressive bingo, and progressive mega bingo games.

Prior law required a predetermined amount, not to exceed \$200, to be deposited into a special account before each bingo gaming session, and to constitute a part of the total amount of prizes awarded during that session. New law provides that for a progressive bingo game, the predetermined amount of money that is deposited into a special account cannot exceed \$200 and shall not constitute a part of the total amount of prizes awarded during that session.

New law provides, for progressive mega jackpot bingo, that all contributions shall not constitute part of the total amount of prizes awarded during a session and that contributions deposited before each gaming session shall not constitute part of the total amount of prizes awarded during that session.

Prior law provided that the mega jackpot for a progressive bingo game may exceed the \$4,500 prize limit, but shall not exceed \$100,000.

New law provides that the mega jackpot for a progressive bingo game may exceed the \$4,500 prize limit but shall not exceed \$100,000, if the game is played on bingo paper, bingo cards, or by using an electronic bingo card dabber device.

New law provides that the mega jackpot for a progressive mega jackpot bingo game, networked or linked together through the use of electronic bingo card dabber devices, may exceed the \$4,500 prize limit, but shall not exceed \$10,000. New law provides that portions of player's contributions to progressive mega jackpot bingo games may be used for consolation prizes and to contribute to the progressive mega prize pool and shall not be considered part of the \$4,500 limit.

New law requires 80% of the net win from progressive bingo and progressive mega jackpot bingo games to be paid to the charitable organization and 20% of the net win from such games to be paid to the distributors.

New law prohibits the sales of progressive mega jackpot bingo on an electronic bingo card dabber device for any organization to exceed six games per hour and the gross sales of bingo and pull-tabs in a single reporting quarter for any organization. New law authorizes the office of charitable gaming to suspend the sales of progressive mega jackpot bingo for any organization that violates the prohibition.

New law provides that the governing authority of a municipality or parish may, by ordinance, transfer regulatory authority over charitable gaming in that municipality or parish to the office of charitable gaming.

New law provides that electronic bingo dabber devices shall not be construed to be electronic video bingo machines or electronic pull-tab devices. Electronic bingo dabber devices shall not offer for play the games authorized to be played on electronic video bingo machines and electronic pull-tab devices.

Effective August 1, 2017.

(Amends R.S. 4:732 and 739; Adds R.S. 4:707(J))

**TITLE 9: CIVIL CODE
ANCILLARIES**

Licenses and Orders of Support (Act 298)

Existing law authorizes the Dept. of Children and Family Services (DCFS) to certify in writing to a licensing authority that a licensee is not in compliance with an order of support for the suspension of the individual's license.

New law provides an exception to the requirement that the certification be in writing if DCFS and the licensing authority agree that DCFS will transmit the certification in an electronic format. New law authorizes DCFS to enter into an interagency agreement with a licensing authority to facilitate the development, implementation, and use of a transmission system.

Existing law requires DCFS to issue a compliance release certificate indicating that an individual is eligible to have his license reissued at the request of a licensee who is in subsequent compliance with an order of support.

New law requires the certificate to be in writing unless DCFS and the licensing authority agree that DCFS will transmit the certification in an electronic format.

Effective August 1, 2017.

(Amends R.S. 9:315.44; Adds R.S. 9:315.46(D))

Waterway Access to Enclosed Estate (Act 244)

Prior law provided that the owner of an enclosed estate who has no access to his estate other than by way of an existing waterway passing through neighboring property shall have a right and servitude of passage on such waterway. New law provides that such owner is bound to indemnify his neighbor for the damage he may occasion.

New law has prospective application only.

Effective August 1, 2017.

(Amends R.S. 9:1254(A))

Cancellation of Mortgages (Act 62)

Existing law provides that, in lieu of complying with certain provisions of existing law, a request for cancellation of a mortgage may have attached to it the signed, written act of a licensed financial institution executed before a notary public or duly acknowledged before a notary public with or without witnesses or any act that is otherwise self-proving pursuant to certain provisions of existing law, declaring that the obligee is a licensed financial institution as defined in and that the institution meets certain other requirements.

New law adds that an act under private signature by two authorized officers of the licensed financial institution shall also be allowed.

New law allows for partial cancellation of a mortgage.

Existing law provides that a financial institution seeking to cancel a mortgage or privilege inscription may use, and the recorder of mortgages for each and every parish shall accept, the form provided by existing law as fully compliant as a request for cancellation and act of release.

New law removes the requirement that the form must be executed before a notary public and further changes the form to allow for an act under private signature by two authorized officers of the named financial institution.

New law provides a new form which may be used for the partial cancellation of a mortgage.

Effective August 1, 2017.

(Amends R.S. 9:5172 and 5173; Adds R.S. 9:5173.1)

Extinction of Rights in Real Estate (Act 102)

Prior law allowed for the recovery of attorney fees and costs in an action regarding the acknowledgment of extinction of rights involving immovable property from the person who demanded or refused delivery of the

acknowledgment. New law provides that the losing party of a suit under prior law may be ordered to pay attorney fees and costs incurred by the prevailing party.

Effective August 1, 2017.

(Amends R.S. 9:5176(D))

Extension of Prescription and Preemption due to 2016 Flood (Act 186)

New law provides for the suspension or extension of preemption, prescription, and certain legal deadlines due to the hardships caused by the floods of 2016. New law provides for the suspension or extension of prescriptive periods and preemptive periods for the period of time between Aug. 12, 2016, and Sept. 30, 2016.

Effective upon signature of governor (June 12, 2017).

(Adds R.S. 9:5826 and 5827)

TITLE 11: CONSOLIDATED PUBLIC RETIREMENT

La. School for Math, Science, and the Arts (Act 374)

New law provides that the official name of the La. School of Math, Science, and the Arts is to be the Jimmy D. Long, Sr. La. School for Math, Science, and the Arts, but authorizes the school to continue to use "Louisiana School of Math, Science, and the Arts" for all purposes as determined by the school's board.

Effective upon signature of the governor (June 23, 2017).

(Amends R.S. 11:102, R.S. 17:374, 419.2, 1815, the heading of Part II of Chapter 8 of Title 17, 1962, 1963, 1964, 1968.1, 1970.1, 1970.3, and 1970.9, R.S. 36:651, and R.S. 39:98.3 and 467)

Public Retirement Systems Error Correction (Act 285)

New law provides for the correction of an enrollment error for a person incorrectly enrolled in any La. public pension or retirement system, plan, or fund who should have been enrolled in one of the state or statewide retirement systems.

New law provides that any person who was enrolled in the wrong system by error but who should have been in one of the systems covered by new law shall be transferred to the system for which his employment makes him eligible.

New law provides that the employee shall be notified of the error by the incorrect system, and requires the incorrect system to initiate the transfer within 30 days of the date the error is discovered.

New law provides for restoration of forfeited service credit at the incorrect system if the employee repays any refund received from the incorrect system, and provides for the transfer of the restored service credit and associated funds to the correct system.

New law provides for calculation and transfer of funds from the incorrect system to the correct system, and specifies that upon transfer of all the money required pursuant to new law from the incorrect system to the correct system, all of the employee's service credit shall be transferred to the correct system and the employee's refundable contribution balance shall be equal to the contributions he would have paid to the correct system if the employee had been properly enrolled.

New law provides for calculation of the amount necessary to fund the actuarial liability created by receipt of the service credit by the correct system, and requires the employer to pay any deficit between the amount the incorrect system transferred to the correct system and the amount necessary to fund the liability created by receipt of the service credit.

New law provides for any overpayment of employee contributions to be refunded to the

employee, and provides for any overpayment by the employer to be refunded to the employer.

Prior law provided that any person who has at least 10 years of creditable service in the Municipal Police Employees Retirement System (MPERS) and is or was a member of the police department for the city of Lafayette, and who becomes employed in a position making him eligible for another state or statewide retirement system, can continue to be a member of MPERS. New law repeals prior law.

Effective June 30, 2017.

(Adds R.S. 11:143.1 and 888.1; repeals R.S. 11:896, 1119, and 2214.1)

State and Statewide Retirement Systems (Act 366)

Existing law provides that the chairmen of the House Committee on Retirement and the Senate Committee on Retirement may authorize legislative staff to attend executive sessions of any board or committee meeting of a state or statewide retirement system. Prior law provided that the chairmen could authorize such attendance as ex officio members of the state and statewide retirement system boards. New law removes language specifying that this authority of the chairmen is exercised in their capacity as ex officio members.

Existing law provides for elected, appointed, and ex officio members of the boards of trustees of the state and statewide retirement systems. New law prohibits a person who has been found in violation of the Code of Governmental Ethics for actions involving the misuse of public funds from serving as a trustee on any state or statewide retirement system board of trustees.

Effective August 1, 2017.

(Amends R.S. 11:183 and 186(A) and (C))

School Psychologists (Act 120)

Existing law generally provides that a retiree of the Teachers' Retirement System of La. (TRSL)

who returns to work may not receive retirement benefits within the 12-month period following the date of retirement.

New law provides that any person who receives a reduced retirement benefit as provided by existing law shall not be authorized to return to work and receive a benefit provided by existing law unless the person has been retired for at least 36 months.

New law adds school psychologist to the list of certified professionals who may return to work in a critical shortage area without reduction of benefits.

New law requires certain certification procedures before a retiree may be reemployed as a school psychologist pursuant to new law.

Effective July 1, 2017.

(Amends R.S. 11:710; Adds R.S. 11:710(B)(3))

Public School Retirees (Act 15)

Present law authorizes a public school retiree to return to work as a substitute classroom teacher, an adjunct professor, or an instructor in an adult literacy program and to continue to receive his benefit check; however, the allowable employment earnings of such retiree are capped at 25% of his benefit amount. New law adds school nurses to the list of positions that a retiree may return to subject to a 25% earnings limitation.

Effective July 1, 2017.

(Amends R.S. 11:710(A))

Officer Firearms on Death (Act 332)

Existing law provides that any qualifying state trooper, sheriff, deputy sheriff, or municipal police officer shall be entitled to purchase his firearm at fair market value upon retirement and subject to the approval of the head of the law enforcement agency. New law allows an immediate family member to purchase the

firearm on behalf of an officer, if the member was unable to do so prior to his death.

New law allows an immediate family member of an officer killed in the line of duty to purchase his duty firearm at fair market value subject to the approval of the head of the law enforcement agency.

New law prohibits an immediate family member from purchasing the firearm on behalf of the officer if the immediate family member is prohibited from possessing a firearm under any state or federal law.

New law allows the officer to designate a specific immediate family member as the beneficiary to purchase his firearm upon his death, and provides the order of precedence if no beneficiary is designated.

New law provides that if the duty firearm is part of an ongoing investigation or is being used or needed as evidence, the firearm may not be sold or transferred to an immediate family member until the firearm is no longer part of the investigation or is no longer needed or being used as evidence. New law provides that the immediate family member with the right of first refusal to purchase the firearm may request the release of the firearm pursuant to existing law.

Effective August 1, 2017.

(Amends R.S. 11:1307(B), 2185, and 2235; Adds R.S. 40:1665.4)

State Police Retirement System (Act 284)

New law provides for the survivor benefit for the spouse and children of any sworn commissioned law enforcement officer of the office of state police, who was first eligible for the Louisiana State Police Retirement System (LSPRS) on or before December 31, 2010, and who was killed in the line of duty by an intentional act of violence. New law provides that the benefit shall be equal to 100% of the salary received by the officer at the time of death and shall be paid until the death of the surviving spouse.

New law provides that any surviving spouse of a member who was first eligible for the LSPRS on or before December 31, 2010, killed on or before June 29, 2017, by an intentional act of violence who would qualify for the survivor benefit provided for in new law shall have any survivor benefit payable on or after June 30, 2017, increased to the amount calculated pursuant to new law regardless of the date of death of the member.

New law provides for the survivor benefit for the spouse and children of any sworn commissioned law enforcement officer of the office of state police who was first eligible for the LSPRS on or after January 1, 2011, and who was killed in the line of duty by an intentional act of violence. New law provides that the benefit shall be equal to 100% of the officer's salary without regard to the amount of time that the deceased was a member of the plan.

New law provides that any surviving spouse of a member who was first eligible for the LSPRS on or after January 1, 2011, killed on or before June 29, 2017, by an intentional act of violence who would qualify for the survivor benefit provided for in new law shall have any survivor benefit payable on or after June 30, 2017, increased to the amount calculated pursuant to new law regardless of the date of death of the member.

New law requires that the LSPRS board of trustees electronically notify all members of the legislature when a survivor benefit is granted pursuant to new law.

Effective June 30, 2017.

(Amends R.S. 11:1316 and 1345.8)

Surviving Spouse Benefits (Act 19)

New law allows surviving spouses of members who had not yet entered retirement but were eligible for retirement on the date of death to elect to collect the survivor benefit they are entitled to under present law in the same manner that Back-DROP benefits would be administered if the deceased member had elected to retire and participate in Back-DROP on the day following

his date of death. New law allows the surviving spouse to select the Back-DROP period not to exceed the present law statutory limits.

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

(Adds R.S. 11:1441(E))

Municipal Employees Retirement System (Act 314)

New law provides that if a municipal employee retiree returns to work on or after July 1, 2017, for at least 35 hours per week (full-time), his retirement benefit shall be suspended, and he shall become a member of the Municipal Employees Retirement System. Upon termination of service, the system shall resume payment of the reemployed retiree's original benefit.

New law provides that if a full-time reemployed retiree works for a period of at least 12 months, he shall accrue a supplemental benefit calculated using his period of service and salary during reemployment. If the reemployed retiree works less than 12 months, he shall not receive a supplemental benefit and his employee contributions shall be returned without interest upon termination of service.

New law limits the supplemental benefit so that when combined with the original benefit it shall not exceed the final compensation figure used to compute the supplemental benefit.

Effective June 30, 2017.

(Amends R.S. 11:1762)

DARS Board Authority (Act 25)

Present law authorizes the DARS board of trustees to raise the employer contribution rate in certain circumstances and that such extra funds be deposited in a funding deposit account.

New law repeals old law that required the board to promulgate rules in order to set an employee

contribution rate adjustment or to charge the funding deposit account.

(Repeals R.S. 11:1658(C) and 1659(H))

MERS Board (Act 23)

Present law changes the composition of the board of trustees of the Municipal Employees Retirement System.

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

(Amends R.S. 11:1821(B), (C), and (G))

Register of Voters Retirement System (Act 283)

New law changes the membership of the board of trustees for the Registrar of Voters Employees' Retirement System.

Effective June 30, 2017.

(Amends R.S. 11:2091(B))

Firemen's Retirement Benefits (Act 17)

Present law requires each municipality, parish, and fire protection district employing a member of FRS to calculate contribution requirements using an employee's earnable compensation.

New law includes educational incentive pay, seniority incentive pay, holiday pay, and acting pay as earnable compensation for employees participating in FRS.

(Amends R.S. 11:2252(9)(a))

Retired Firemen's Benefits (Act 22)

Present law authorizes a retired member or Deferred Retirement Option Plan participant of FRS who acquires a service related disability after retirement to convert his service retirement to a service connected disability retirement.

Present law provided that the authority to make such conversions terminated on July 1, 2016, and that the Public Retirement Systems' Actuarial

Committee shall publish reports of the actuarial impact of such conversions every five years between July 1, 2001, and June 30, 2016. New law repeals old law.

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

(Repeals R.S. 11:2258(B)(2)(d))

Retired Injured Firemen's Benefits (Act 24)

Present law provides disability retirement benefits and workers' compensation benefits to an employee who is a member of FRS and who has a total disability as the result of injuries sustained in the performance of his official duties. Present law provides that such monthly benefits, when combined, shall not exceed the member's monthly average final compensation. If the combined benefits do exceed the member's monthly average final compensation, present law requires that both benefits be reduced, pro rata.

New law requires FRS to report to the workers' compensation payor the name, social security number, and the amount of the FRS benefit reduction for each affected disability benefit recipient, no later than March 31 of each calendar year. The reported amount shall be presumed correct unless the payor gives FRS notice otherwise on or before June 30.

(Amends R.S. 11:2258(D))

Retired Firemen's Benefits (Act 21)

Present law allows a member of FRS to elect to receive the actuarial equivalent of his benefit allowance in a reduced allowance payable throughout life. Present law provides for four different payment options, of which three allow the member to designate a beneficiary. New law makes such designation irrevocable on and after the date that the first benefit payment becomes due.

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

(Amends 11:2259(A))

TITLE 12: CORPORATIONS AND ASSOCIATIONS

La. Business Corporation Act (Act 57)

Relative to corporations, existing law defines "votes entitled to be cast" with respect to the proportion of votes required to provide shareholder approval. New law adds reference to the proportion of votes required to provide a shareholder quorum.

Prior law provided for a terminated corporation's name to be reserved by operation of law for 3 years following the corporation's termination. New law extends the time frame from 3 years to 5 years.

Existing law sets forth a minimum quorum requirement for shareholders of no lower than 25% of the shares entitled to vote on a matter. New law clarifies the minimum quorum requirement as no lower than shares having 25% of the votes entitled to be cast on a matter.

New law provides that if a quorum is not present at a meeting for the election of directors, the meeting may be adjourned to the next day by a majority vote of the shareholders present at the meeting, and the shareholders present at the next day's meeting will constitute a quorum for the purposes of the election of directors.

New law provides for the exercise of personal jurisdiction over a nonresident who is or has been a director of a domestic corporation for actions relating to the nonresident's position as director.

New law requires the venue of a derivative proceeding to be the parish in which the corporation's registered office is located.

New law subjects a corporation's purchase of a withdrawing shareholder's shares to the new law and existing law provisions of R.S. 12:1-1436 and other provisions of state or federal law applicable to the corporation.

Prior law provided exceptions to the general rules on payment terms for a corporation's purchase of a withdrawing shareholder's shares in the event

that the payment would violate statutory provisions concerning distributions to shareholders in R.S. 12:1-640 or cause undue harm to the corporation or its creditors. New law replaces the reference to R.S. 12:1-640 with references to limitations or requirements as described in new law and existing law.

New law deletes the court's requirement to render certain final judgments. New law requires the court to provide relief as close in value and effect as feasible to that contemplated by the general rules on payment terms, but adjusted as necessary to avoid circumstances described in existing law (R.S. 12:1-1435(D)) or the additional limitations as described in new law and existing law (R.S. 12:1-1435(I)).

Prior law authorized a terminated corporation to be reinstated if the corporation makes the request to the secretary of state no later than 3 years after termination. Prior law required the secretary of state to file articles of reinstatement only if the corporation delivers the articles to the secretary of state within 3 years after termination. New law extends the time frame from 3 years to 5 years.

Effective August 1, 2017.

(Amends R.S. 12:1-140, 1-402, 1-727, 1-728, 1-1435, 1-1436, and 1-1444; Adds R.S. 12:1-742.2 and 1-742.3)

Business Organizations (Act 367)

Existing law authorizes a corporation to have a name non-distinguishable from the name of an already registered business entity, if the registered entity consents in writing to the secretary of state that it is changing its name to one that is distinguishable from the name of the applying corporation. New law requires the filing to be made effective no later than the time that the applying corporation will begin use of the registrant's former name.

Prior law required a corporation to submit certain proposed corporate names to the office of financial institutions at least 10 days prior to its filing of articles of incorporation with the secretary of state. New law increases the time

frame for filing the articles from 10 days to 14 days.

Existing law requires a foreign corporation to register its corporate name and a certificate of existence with the secretary of state. New law requires the certificate of existence must be dated within 90 days of its receipt by the secretary of state.

New law amends the definition of "corporation" to include partnerships and generally requires partnership names to be distinguished from the names of other business entities.

New law adds limited liability companies and foreign limited liability companies as business entities that may act as corporate agents for service of process.

Existing law requires a certificate of incorporation to show a business entity's authority to act as an agent for service of process. New law adds certificates of organization as an additional means to show such authority.

Prior law required a limited liability company to submit certain proposed names to the office of financial institutions at least 10 days prior to its filing of articles of organization with the secretary of state. New law increases the time frame for filing the articles from 10 days to 14 days.

New law requires a foreign limited liability company seeking conversion to a domestic limited liability company to provide a copy of its articles of organization.

New law requires both domestic and foreign limited liability companies to have at least one registered agent that has a business office identical to its registered office.

Existing law generally requires trade names to be distinguishable from one another. New law adds partnership names as names requiring distinguishment.

New law repeals certain penalties applicable to foreign corporations and foreign limited liability companies.

Effective August 1, 2017.

(Amends R.S. 12:1-401, 1-403, 204, 308, 1306, 1308 and 1350 and R.S. 51:215(A)(1); Adds R.S. 12:1308.3(C)(8)(c); Repeals R.S. 12:315 and 1356)

TITLE 13: COURTS AND JUDICIAL PROCEDURE

Reentry Divisions (Act 131)

Prior law authorized the various parish district courts to create a reentry division responsible for developing a workforce development sentencing program with specific qualification and requirements.

New law authorizes the creation of a reentry division in all district courts.

New law requires that each district court secure funding before establishing a reentry division, but specifies that failure of a district court to secure funding prior to the creation of a reentry division of court will have no effect upon any judgment, finding, or sentence.

New law requires that each district court contact the Dept. of Public Safety and Corrections to ensure that there is adequate capacity for enrollment or if available bed space exists prior to sentencing.

Existing law provides that the court may recommend that a defendant participate in the workforce development sentencing program if eight specified criteria are satisfied

New law further requires that defendants meet suitability requirements as defined by the Offender Rehabilitation and Workforce Development Program.

Effective August 1, 2017.

(Amends R.S. 13:587.4 and 5401)

Terrebonne Parish Clerk of Court (Act 31)

New law adds Terrebonne Parish to those parishes which require the clerk of court to pay from the clerk's salary fund certain insurance costs for qualified employees.

Effective August 1, 2017.

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

32nd JDC Court Reporter Fees (Act 126)

Prior law provided that court reporter fees for the 32nd JDC should not exceed \$2.75 per 31-line page and 25¢ per copy for civil and criminal transcript, which are to be compensation in addition to the court reporter's salary and taxed as costs.

New law increases the transcript fees to a maximum of \$3.50 per 32-line page and 75¢ per page for court reporters in the 32nd JDC for matters on appeal. New law provides that transcript fees for copies requested by a litigant shall not exceed \$1.00 for each page.

New law requires the use of private contracts with court reporters for fees on matters not on appeal.

New law becomes effective when the Judicial Council makes a recommendation in its 2018 report.

(Amends R.S. 13:976)

35th Judicial Expense Fund (Act 114)

New law specifically authorizes the use of money in the 35th Judicial Expense Fund to pay personnel health insurance premiums, certification fees, continuing education fees, and capital outlay expenditures including renovations of existing structures, construction of new structures, and any purpose related to the proper administrative function of the court or office of the judge.

Effective upon signature of governor (June 12, 2017).

(Amends R.S. 13:996.46(C))

25th JDC Court Costs (Act 133)

Prior law required the clerk of court of the 25th JDC to collect from every person filing any type of civil suit or proceeding, who is not otherwise exempted by law from the payment of court costs, a sum not to exceed \$15.

New law increases the sum to a maximum of \$35.

Prior law required in all criminal cases in the 25th JDC that every defendant, who is convicted after trial or after a guilty plea or who forfeits his bond, be assessed costs not to exceed \$15 which shall be in addition to all other fines, costs, or forfeitures lawfully imposed. New law increases the costs to a maximum of \$35.

New law makes these increases in costs effective upon a recommendation by the Judicial Council in its 2018 report.

(Amends R.S. 13:996.66(A))

23RD JDC in Ascension Parish (Act 415)

New law establishes the Ascension Parish Courthouse Fund for the construction of a new courthouse for the 23rd JDC in Ascension Parish and the Ascension Parish Court, and the renovation or conversion of the existing courthouse.

New law provides for the following charges to be imposed and collected in all cases over which the 23rd JDC for the parish of Ascension and the Ascension Parish Court have jurisdiction:

- (1) \$150 per initial filing of a civil suit.
- (2) \$30 per filing of each additional pleading.

New law authorizes the use of cooperative endeavor agreements in conjunction with the design, construction, renovation, equipping,

operation, furnishing and maintenance of the new Ascension Parish Courthouse.

Effective upon Judicial Council approval.

(Adds R.S. 13:996.69)

Public Defender Funding (Act 99)

Existing law (R.S. 15:168) requires the collection of court costs in courts of original criminal jurisdiction in the amount of \$45 until Aug. 1, 2016, and \$35 thereafter and provides that such funds shall be used and administered by the district public defender.

New law authorizes instead of requires 30% of those funds collected by the city courts of Morgan City, New Iberia, Jeanerette, and Breaux Bridge to be deposited in each city's public defender fund.

Effective August 1, 2017.

(Amends R.S. 13:2005(D), 2005.1(B), 2013(A), and 2488.77(B))

Justices of the Peace (Act 232)

Present law allows a justice of the peace to demand and receive certain amounts for certain filings and services in civil matters, and provides that 50% of each fee and deposit shall be retained by the justice of the peace to be used for fees and operational expenses and 50% is to be used for fees and operational expenses of the ward constable's office.

New law provides that 50% of the court costs shall be retained by the justice of the peace to be used for compensation and operational expenses and 50% of the court costs shall be used for compensation and operational expenses of the ward constable's office.

New law provides that in cases requiring out-of-jurisdiction service, the justice of the peace and his ward constable's office may enter into an agreement whereby the justice of the peace pays the out-of-jurisdiction server directly. New law provides that the out-of-jurisdiction server's fee

shall be paid from the ward constable office's portion of the court costs.

New law provides that all amounts received by a justice of the peace shall be retained in a separate account for compensation and operational expenses of the clerk of court's office.

Effective August 1, 2017.

(Amends R.S. 13:2590, 2590.1)

Legislative Continuances (Act 363)

Existing law provides that a member of the legislature and a legislative employee shall have peremptory grounds for continuance or extension of a criminal case, civil case, or administrative proceeding.

Prior law required verification of the notice of a meeting or call for legislative session. New law removes the requirement that the clerk of the House of Representatives or the secretary of the Senate file an affidavit verifying the issuance of the notice or call for legislative session.

New law provides that existing law shall not be used to impede peremptory nature of existing law and new law.

Prior law provided that for sufficient cause shown, the court was allowed to consider a motion for legislative continuance at any time prior to the hearing. New law provides that the court *shall* consider a motion for legislative continuance at any time prior to the hearing.

New law authorizes the motion to be filed by facsimile transmission or electronic mail, provided the mover provides all parties with a copy of the motion.

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

(Amends R.S. 13:4163)

Sheriff's Fees (Act 135)

New law increases the fees to be paid to sheriffs as compensation in civil matters as follows:

- (3) Service and return of legal documents, notices, and subpoenas: from \$20 to \$30.
- (4) Notice of seizure and sale and returns from \$20 to \$30 and return of any writ: from \$20 to \$30.
- (5) Preparation for advertisement in newspapers: from \$15 to \$30.
- (6) Execution for writ of possession or ejectment: from \$20 to \$30.
- (7) Service of notice to vacate: from \$20 to \$30.
- (8) Other actions to obtain possession of premises: from \$20 to \$30.

New law makes these increases effective upon a recommendation by the Judicial Council in its 2018 report.

(Amends R.S. 13:5530)

Livingston Parish Sheriff's Office (Act 8)

New law provides that the premium costs of group hospital, surgical, medical expenses, and dental insurance and the first \$10,000 of life insurance shall be paid in full from the sheriff's general fund for any sheriff or deputy sheriff hired by the Livingston Parish Sheriff's Office on or after July 1, 2017, who retire from the Livingston Parish Sheriff's Office with either: at least 20 years of continuous and creditable service with the Livingston Parish Sheriff's Office and are at least 55 years of age, or at least 30 years of continuous and creditable service with the Livingston Parish Sheriff's Office at any age.

Effective August 1, 2017.

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

Rapides Parish Sheriff's Office (Act 26)

New law provides that the premium costs of group hospital, surgical, medical expenses, and dental insurance and the first \$10,000 of life insurance shall be paid in full from the sheriff's general fund for any sheriff or full-time deputy sheriff hired by the Rapides Parish Sheriff's Office on or after July 1, 2017 who meet certain criteria.

Effective upon signature of governor (June 3, 2017).

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

Natchitoches Parish Sheriff's Office (Act 163)

New law provides that premium costs of group insurance for any retired sheriff or retired deputy sheriff of the Natchitoches Parish Sheriff's Office who meets the regular eligibility requirements of the Sheriffs' Pension and Relief Fund shall be paid from the sheriff's general fund varied percentages depending on years of service.

New law provides that the percentages of premiums shall be paid only if all service is creditable service with the sheriff's office of Natchitoches Parish. New law applies to persons hired by the Natchitoches Parish Sheriff's Office on or after August 1, 2017, and who subsequently retire from the Natchitoches Parish Sheriff's Office.

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

Plaquemines Parish Sheriff's Office (Act 27)

New law requires that the Plaquemines Parish Sheriff's Office pay premium costs of group hospital, surgical, medical expense, and dental insurance and the first \$10,000 of life insurance out of the sheriff's general fund for all sheriffs and deputy sheriffs who retire from the Plaquemines Parish Sheriff's Office and were hired for the first time on or after July 1, 2017.

Existing law provides for the Plaquemines Parish Retired Employees' Insurance Fund (PREIF) to fund the payment by the sheriff's office of

Plaquemines Parish of the premium costs for eligible retired sheriffs and retired deputy sheriffs.

Old law required certain revenues to be deposited into the PREIF until the total amount of the monies including principal and earnings in the PREIF equaled the sum of \$5,000,000.

New law provides instead that the sheriff may contribute to the PREIF at his discretion.

New law repeals an old law that prohibited withdrawal from the PREIF until the amount of principal and accumulated earnings is equal to the sum of \$5,000,000.

New law provides that if money deposited into the PREIF falls below \$10,000, the requirement for an investment advisory board and the financial and legal counsel provided for in existing law will be extinguished.

Effective August 1, 2017.

(Amends R.S. 13:5554(N) and 5554.3)

Madison Parish Sheriff's Department (Act 6)

New law provides that 100% of the premium costs of group hospital, surgical, medical expense, dental insurance, and life insurance shall be available to sheriffs and deputy sheriffs who retire on and after July 1, 2017, with 24 years or more of continuous service with the Madison Parish Sheriff's Department and who are at least 55 years of age.

Effective August 1, 2017.

(Adds R.S. 13:5554(W)(4))

Autopsy Information (Act 141)

Existing law requires the coroner to provide copies of an autopsy report, records, writings, and documents to the appropriate law enforcement agencies as requested at no charge.

New law adds that, upon request, the Dept. of Children and Family Services is entitled to obtain

at no charge the name, age, preliminary diagnosis, and the manner of death of a deceased minor from the office of the coroner conducting the autopsy while the final autopsy is pending.

Effective upon signature of governor (June 12, 2017).

(Adds R.S. 13:5713(M))

Hammond Marshal Fees (Act 331)

New law authorizes the marshal of the city of Hammond to use up to \$39,586 annually of the fees collected to supplement his salary and benefits, and requires that the total compensation and benefits paid to the marshal of the city of Hammond shall not exceed \$111,585 annually.

Effective upon signature of governor (June 22, 2017).

(Amends R.S. 13:5807.2(C))

14th JDC Court Reporter Fees (Act 158)

New law increases the fees from \$2.25 to \$3.25 per page for originals and from \$.25 to \$.75 for copies that court reporters in the 14th JDC in Calcasieu Parish can charge for all cases which are reported and transcribed for appeal, and on transcripts for indigent defendants.

New law becomes effective upon a recommendation by the Judicial Council in its 2018 report.

(Amends R.S. 13:964(H) and 964.1(B); Repeals R.S. 13:964.2)

TITLE 14: CRIMINAL LAW

Criminal Penalties and Laws (Act 281)

Prior law provided elements, definitions, and penalties for the following offenses: simple arson, communicating of false information of planned arson, simple criminal damage to property, simple burglary of an inhabited dwelling, home invasion, theft, organized retail theft, theft of a motor vehicle, unauthorized use

of a movable, unauthorized use of a motor vehicle, unlawful acts relative to receipts and universal product code labels, illegal possession of stolen things, refund or access device application fraud, access device fraud, issuing worthless checks, prostitution, residential contractor fraud, and money laundering.

New law increases, reduces, or otherwise modifies the penalty provisions for these prior law offenses in accordance with the report and recommendations of the Justice Reinvestment Task Force.

Prior law provided elements, definitions, and penalties relative to offenses under the Uniform Controlled Dangerous Substances Law. New law increases, reduces, or otherwise modifies the penalty provisions for these prior law offenses in accordance with certain recommendations of the Justice Reinvestment Task Force.

Prior law designated certain offenses as "crimes of violence". New law deletes the following offenses: mingling harmful substances, extortion, and illegal use of weapons or dangerous instrumentalities.

Prior law provided elements, definitions, and penalties for the following offenses: theft of animals; failure to remit payment for sale of forest products; criminal damage to coin-operated devices; criminal damage to a pipeline facility; criminal damage to genetically engineered crops, genetically engineered crop facilities, or genetically engineered crop information; simple burglary of a pharmacy; simple burglary of a religious building; simple burglary of a law enforcement or emergency vehicle; theft of livestock; theft of goods; cheating and swindling; theft of timber; theft of a business record; theft of the assets of a person who is aged or a person with a disability; theft of utility service; theft of petroleum products; theft of oilfield geological survey; theft of oil and gas equipment; theft of utility property; and theft of copper or other metals. New law repeals these provisions.

New law creates the La. Felony Class System Task Force to study, evaluate, and develop a

recommendation for a felony class system before the 2018 Regular Session of the legislature. New law provides relative to the membership, organization and meetings of the La. Felony Class System Task Force. New law requires the task force to prepare and submit a final report of its findings and recommendations, including any specific and complete draft legislation, to various government officials no later than Feb. 1, 2018. New law provides that the task force becomes null and of no effect on Feb. 2, 2018.

New law provides that a person convicted of distribution or possession of the Schedule 1 narcotic drug heroin or a mixture of a substance containing a detectable amount of heroin or its analogues or fentanyl or a mixture of substances containing a detectable amount of fentanyl or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than 40 years and may, in addition, be required to pay a fine of not more than \$50,000.

New law provides for treatment of heroin and fentanyl addiction as a condition of probation and for monitoring the defendant in a drug treatment program.

New law provides that a person convicted of possession of phencyclidine having an aggregate weight of less than 28 grams shall be imprisoned at hard labor for not less than one year nor more than 20 years or payment of a fine up to \$5,000, or both.

Effective August 1, 2017.

(Amends and repeals numerous provisions of Title 14, and amends R.S. 40:966(B)).

Domestic Abuse Laws (Act 79)

For purposes of existing domestic abuse laws, prior law defined "household member" as any person of the opposite sex presently or formerly living in the same residence with the defendant as a spouse, whether married or not.

New law amends the prior law definition of "household member" as follows:

- (1) Removes the requirement that the persons be of the opposite sex.
- (2) Removes the requirement that the persons were formerly or presently living together as spouses, whether married or not.
- (3) Adds the requirement that the persons are presently or formerly involved in a sexual or intimate relationship.

Effective August 1, 2017.

(Amends R.S. 14:35.3(B)(5) and 37.7(B)(2) and R.S. 46:2132(4))

Stalking (Act 89)

New law requires the issuance of a protective order, with the same terms as provided by existing law, when a defendant is placed on probation for the crime of stalking.

New law provides that the exception to the crime of stalking for private investigators shall not apply if:

- (4) The private investigator was retained by a person who is charged with an offense involving sexual assault or who is subject to a temporary restraining order or protective order obtained by a victim of sexual assault.
- (5) The private investigator was retained for the purpose of harassing the victim.

Effective August 1, 2017.

(Amends R.S. 14:40.2(F)(1) and (G))

Sex Related Crimes and Forfeiture (Act 180)

New law retains prior law provisions regarding the crimes of human trafficking, trafficking of children for sexual purposes, pornography involving juveniles, prostitution involving persons under 18, soliciting for prostitutes, inciting prostitution, promoting prostitution, pandering, letting premises for prostitution,

enticing persons into prostitution, keeping a disorderly place, letting a disorderly place, and operation of places of prostitution.

New law adds that the proceeds of such conduct are subject to forfeiture, including currency, instruments, or securities.

Prior law provided that the district attorney is to authorize a public sale or a public auction conducted by a licensed auctioneer, without appraisal, of any forfeited personal property that is not required by prior law to be destroyed and that is not harmful to the public. New law retains these provisions but adds that any currency, instruments, or securities forfeited are to be distributed or disposed of as provided in new law.

Prior law provided that personal property is exempt from sale if it was stolen or if the possessor of the property was not the owner and the owner did not know that the personal property was being used in the commission of the crime. New law adds forfeited currency, instruments, and securities to the exemption.

Prior law provided that personal property is exempt from sale if it is subject to a lien recorded prior to the date of the offense and if the applicable fees related to the property's seizure and storage are paid by a valid lien holder. New law retains these provisions and adds forfeited currency, instruments, and securities to the exemption.

Prior law provided that the proceeds of the public sale or public auction are to be used to pay the costs of the public sale or public auction, court costs, and fees related to the seizure and storage of the personal property, and any proceeds remaining are to be distributed by the district attorney in a specified manner.

Prior law provided that when the property is forfeited pursuant to the penalty provisions for various sex-related crimes, the proceeds of the public sale or public auction are to be applied first to any restitution granted to the victim, after the costs of the public sale or auction, court costs, and fees related to seizure and storage have been satisfied. Prior law provided that any remaining

proceeds are to be distributed in a specified manner.

New law retains prior law and adds currency, instruments, or securities to the items that are to be distributed pursuant to prior law.

Effective upon signature of the governor (June 12, 2017).

(Amends R.S. 14:46.2, 46.3, 81.1, 82.1, 83, 83.1, 83.2, 84, 85, 86, 104, 105, and 282, and R.S. 15:539.1 and 539.2)

Violation of Protective Orders (Act 90)

New law changes the penalties for violating a protective order.

For a defendant who is alleged to have committed an offense against a family member, household member, or dating partner, or who is alleged to have committed the offense of domestic abuse battery, stalking, first degree rape, or an offense involving sexual assault, new law authorizes the court to require, as a condition of the defendant's release on bail, that the defendant be prohibited from communicating with a victim of the offense, or with any of the victim's immediate family members, while the case is pending.

New law provides that this condition does not apply if the victim consents in person or through a communication through the local prosecuting agency.

Effective August 1, 2017.

(Amends R.S. 14:79 and C.Cr.P. Art. 320(G))

Handling of Results of Induced Abortion (Act 243)

Prior law provided that no person may knowingly and for money (including but not limited to fees for storage or handling, any payments for reimbursement, repayments, or compensation, or any other consideration):

- (1) Buy, sell, receive, or otherwise transfer or acquire a fetal organ or body part resulting from an induced abortion.
- (2) Transport with the intent to sell or otherwise transfer a fetal organ or body part resulting from an induced abortion.
- (3) Transport a fetal organ or body part resulting from an induced abortion that has been acquired by any person via any transaction prohibited by prior law.

New law provides that, after an induced abortion has been completed, no person can intentionally cut, resection, excise, harvest, or remove any body part, organ, or tissue of the aborted unborn child for any purpose prohibited by prior law or for sale, commerce, transport, research, or profit. New law otherwise retains prior law.

Effective upon signature of the governor (June 14, 2017).

(Amends R.S. 14:87.3)

Filing False Liens (Act 390)

Existing law provides for the crime of filing a false lien against a law enforcement or court officer. New law adds state officers and state employees to the existing law crime.

New law adds definitions for "state employee" and "state officer".

Effective August 1, 2017.

(Amends R.S. 14:133.6)

Masks (Act 295)

Existing law prohibits any person from wearing hoods, masks, and other facial disguises in any public place, with various exceptions, and provides that whoever violates existing law shall be imprisoned for not less than six months nor more than three years.

New law adds exceptions for (1) persons driving or riding a motorcycle, and (2) persons wearing a helmet or mask for medical purposes or reasons.

Effective August 1, 2017.

(Amends R.S. 14:313)

TITLE 15: CRIMINAL PROCEDURE

Public Defender Board (Act 195)

New law adds the following powers, duties, and responsibilities of the Public Defender Board:

- (1) Supervise the activities of staff and apply reasonable controls for the supervision of spending, accounting, and discretionary grants. The board must seek the assistance of the legislative auditor or an internal auditor to ensure staff's discretion is subject to supervision consistent with the La. Local Government Budget Act. The attorney-client privilege and confidentiality that applies to counsel in cases shall apply to all board members and staff for the review of case details.
- (2) Adopt reasonable procedures in compliance with the La. Rules of Professional Conduct for reviewing and preserving the confidentiality of privileged materials during and after litigation.
- (3) Adopt necessary procedures to protect the strategic choices and confidential work product of the board when considering important matters of spending.

Effective August 1, 2017.

(Adds R.S. 15:147(B)(17)-(19))

Public Defender Board Quorum (Act 103)

New law reduces the quorum necessary for the Public Defender Board from eight voting members to a majority of the voting members.

Effective August 1, 2017.

(Amends R.S. 15:151(A))

Washington Parish Use of Funds (Act 113)

New law authorizes the Washington Parish governing authority to transfer all surplus monies in a special court costs fund that exceed \$5,000 at the end of each calendar year to the criminal court fund of the parish by March 31st of each calendar year to be used for the same purposes that the present funds are being used.

Effective August 1, 2017.

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

Repeat Felonies (Act 282)

New law decreases the minimum term of imprisonment for a person convicted of a second felony such offenders from one-half the longest term to one-third the longest term prescribed for a first conviction.

New law decreases the minimum term of imprisonment for a person convicted of a third felony from two-thirds the longest term to one-half the longest term prescribed for a first conviction.

New law no longer requires that upon conviction of a third felony, where the current or prior felony is a violation of the Uniform Controlled Dangerous Substances (CDS) Law punishable by imprisonment for 10 years or more or any other nonviolent, non-sex offense punishable by imprisonment of 12 years or more, the offender must be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

New law provides that if the fourth felony and no prior felony is a crime of violence or a sex offense, the person is to be imprisoned for not less than 20 years nor more than twice the longest possible sentence prescribed for a first conviction, but if twice the longest possible sentence is less than 20 years, the person is to be imprisoned for 20 years.

New law no longer requires that upon conviction of the fourth felony, where the current or prior felony that is a violation of the CDS Law punishable by imprisonment for 10 years or more or any other nonviolent, non-sex offense punishable by imprisonment of 12 years or more, the offender must be imprisoned for the remainder of his natural life, without benefit of parole, probation, or suspension of sentence.

Prior law provided that the current offense cannot be counted as a second, third, fourth, or higher offense if more than 10 years have elapsed between the date of the commission of the current offense or offenses and the expiration of the maximum sentence or sentences of the previous conviction or convictions. Prior law provided that in computing the intervals of time, any period of parole, probation, or incarceration by a person in a penal institution, within or without the state, cannot be included in the computation of any of the 10-year periods.

New law retains prior law if the prior offense was a crime of violence or sex offense. If the prior offense was not a crime of violence or a sex offense, new law decreases, from 10 years to five years, the amount of time that must elapse.

New law provides that the five- or 10-year period begins upon the expiration of the correctional supervision, or term of imprisonment if the offender is not placed on supervision following imprisonment, for the previous conviction or convictions.

New law defines "correctional supervision" as any period of parole, probation, or incarceration of a person in a penal institution, either within the state of La. or outside of the state.

New law provides that if the court finds that a sentence to be constitutionally excessive pursuant to the criteria set forth in *State v. Dorthey*, 623 So.2d 1276 (La. 1993), then the court must state for the record the reasons for such finding and impose the most severe sentence that is not constitutionally excessive.

New law applies prospectively only to offenders whose convictions become final on or after Nov. 1, 2017.

Effective November 1, 2017.

(Amends R.S. 15:529.1)

Sex Offenders (Act 307)

Existing law requires persons convicted of a sex offense or criminal offense against a victim who is a minor to register and provide notification pursuant to existing law.

New law amends prior law to define "conviction" as including a plea of guilty, deferred adjudication, or adjudication withheld for the perpetration or attempted perpetration of or conspiracy to commit a "sex offense" or "criminal offense against a victim who is a minor" as defined by existing law. New law clarifies that a dismissal entered after a period of probation, suspension, or deferral of sentence shall be considered a "conviction".

Existing law provides an offender is not required to register and provide notification if the offender is pardoned or if the underlying conviction for which the offender was required to register and provide notification is reversed, set aside, or vacated.

New law provides that those offenders who receive a pardon as a first-time offender are required to register and provide notification, and provides that the exception for those persons whose convictions were reversed, set aside, or dismissed does not apply, and the person will be required to register and provide notification if the underlying conviction was reversed, set aside, or vacated after successful completion of a period of probation.

New law amends prior law to provide that relief from the registration and notification requirements may be sought by motion instead of petition and provides that such motion can only be considered by the court if accompanied by documentation of completion of an appropriate sex offender treatment program.

With regard to these motions for relief from the registration and notification requirements, new law provides for various procedures, duties, and authorities relative to the district attorney, state police, and the Sexual Predator Apprehension Team of the La. Dept. of Justice.

New law amends prior law to require any petitions regarding the application or interpretation of the registration and notification requirements, except for certain summary proceedings regarding the offenses of carnal knowledge of a juvenile and crime against nature and motions for relief based on an offender maintaining a clean record, to be filed through ordinary civil proceedings in the district court for the parish where the state capitol is situated.

New law changes the procedures for the determination of an offender's registration end date and the duties the state police and the La. Dept. of Justice in this regard.

Effective August 1, 2017.

(Amends R.S. 15:541(7), 544, 544.1, 544.2)

Pardons and Commutations (Act 267)

Existing law provides that persons sentenced to life imprisonment are ineligible to apply to the Board of Pardons for a pardon or commutation of sentence for 15 years after being sentenced by the trial court.

New law adds that periods of time prior to the imposition of the sentence in which the defendant was in actual custody for the offense he was sentenced to life imprisonment shall be included in computing the 15-year period.

Effective August 1, 2017.

(Amends R.S. 15:572.4(D))

Parole Release Date (Act 70)

Existing law provides that when the committee on parole grants parole, the release date shall be fixed by the committee on parole and cannot exceed a period of six months after the parole

hearing or the most recent consideration of the inmate's case.

New law allows the committee on parole to extend this period to a maximum of nine months after the parole hearing or the most recent consideration of the inmate's case, if the committee on parole determines that to ensure public safety and the offender's opportunity for success, completion of one or more specific rehabilitative programs is required prior to the inmate's release.

Effective August 1, 2017.

(Amends R.S. 15:574.4.1(D))

La. Bureau of Criminal Information (Act 32)

Existing law creates, within the Dept. of Public Safety and Corrections, the La. Bureau of Criminal Identification and Information which has the responsibility for establishing and maintaining a central repository of criminal history records.

Existing law requires the bureau to provide such information, upon request and as the deputy secretary of DPS&C designates, to numerous governmental entities

New law adds the House and Governmental Affairs Committee as an entity eligible to receive such information from the bureau.

Effective August 1, 2017.

(Amends R.S. 15:587(A)(1)(a))

Penal System Data Collection and Publication (Act 261)

New law requires the Dept. of Public Safety and Corrections (DPS&C), in conjunction with the La. Commission on Law Enforcement and Administration of Criminal Justice, to collect, track, analyze, forecast, and distribute certain information on prison admissions, parole, community supervision, certified treatment and rehabilitation programs, workforce development

work release programs, and cost savings and reinvestment.

New law requires DPS&C to provide the information collected to the commissioner of administration and the Joint Legislative Committee on the Budget by June 30, 2018, and to provide updated information annually thereafter.

New law requires DPS&C to make the information collected publicly available by June 30, 2018, and to update the information annually thereafter.

New law authorizes DPS&C to enter into a memorandum of understanding or cooperative endeavor agreement with a third-party provider to assist with the collection, tracking, analysis, forecasting, and distribution of the data and information collected.

New law provides that in FY 2017-2018, 70% of the annual savings realized shall be deemed a bona fide obligation of the state to be allocated as follows:

- (1) 30% to DPS&C to award incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives and reduce admissions to the state prison system.
- (2) 20% to the La. Commission on Law Enforcement and the Administration of Criminal Justice to award competitive grants for victim services.
- (3) The remainder to DPS&C for targeted investments in reentry services, community supervision, educational and vocational programming, transitional work programs, and contracts with parish jails and other local facilities that house state inmates to provide incentives for the expansion of recidivism reduction programming and treatment services.

New law further provides that in FY 2018-2019 and thereafter, 20% of the annual savings realized

shall be deemed a bona fide obligation of the state to be allocated by DPS&C for juvenile justice initiatives and programs, and 50% of the annual savings realized shall be deemed a bona fide obligation of the state to be allocated as provided in paragraphs (1) through (3) above.

Effective August 1, 2017.

(Adds R.S. 15:827.2 and 827.3)

Purchasing for Prisons (Act 248)

Prior law provided for the Hudson Initiative to encourage business opportunities for small entrepreneurs by encouraging participation by such entities in state procurement and public contracts.

Prior law provided for the Veteran Initiative to encourage business opportunities for La. veteran and service-connected disabled veteran-owned small entrepreneurs by encouraging participation by such entities in state procurement and public contracts.

New law provides that state agencies which operate a state prison may purchase, if available, goods and services from vendors located in the parish in which the prison facility is located if the prices are less than those of central purchasing or prison enterprises, and the vendor meets the requirements of the Hudson Initiative and the Veteran Initiative.

Effective upon signature of the governor (June 14, 2017).

(Amends R.S. 15:1157(A))

Police Behavior Database and Training (Act 272)

New law requires all law enforcement agencies and the Council on Peace Officer Standards and Training (council) to provide specified additional information for inclusion in the Louisiana Uniform Law Enforcement Statewide Reporting Database (database) administered by the La. Commission on Law Enforcement and the

Administration of Criminal Justice (commission).

New law requires that the database be electronically accessible to qualified law enforcement agencies.

New law requires all law enforcement agencies to obtain and certify to the commission that it has received the information reported to the database prior to hiring a law enforcement officer.

New law limits the liability of the commission, council, a law enforcement agency, correctional agency, or institution for the release or reporting of information required by new law.

New law provides that the information in the database is confidential and not subject to disclosure pursuant to a public records request.

New law changes the definition of "peace officer" to delete the requirement of being a fulltime employee.

Existing law requires all peace officers to successfully pass a council approved comprehensive examination within one calendar year from the date of initial employment. New law provides that the one-year period is not interrupted if the peace officer leaves the employing agency to be employed as a peace officer in another agency. New law extends the law to part-time and reserve peace officers.

New law requires part-time or reserve peace officers hired after Jan. 1, 2022, to successfully complete a certified training program approved by the council and successfully pass a council-approved comprehensive examination within one calendar year from initial date of employment.

New law requires the council to promulgate rules for the certification requirements of part-time and reserve peace officers employed prior to Jan. 1, 2022.

Effective upon signature of governor (June 16, 2017).

(Amends R.S. 15:1212 and 1212.1, R.S. 40:2402 and 2405, and R.S. 44:3 and 4.1; Adds R.S. 15:1212.1, and R.S. 44:4)

Racketeering (Act 368)

New law adds the existing law crimes of armed robbery, or attempted armed robbery committed with a firearm, to the list of offenses included in the definition of "racketeering activity".

New law changes the allocation of proceeds from the forfeiture of the property used in or derived from the racketeering activity.

Effective August 1, 2017.

(Amends R.S. 15:1356(A)(3)(intro. para.); Adds R.S. 15:1352(A)(64) and (65))

TITLE 17: EDUCATION

Technical Corrections (Act 97)

New law makes technical corrections to various education laws in Title 17.

Effective August 1, 2017.

(Amends numerous provisions of Title 17.)

School Performance Scores (Act 394)

New law, for a school that establishes, maintains, or expands a foreign language immersion program, or proceeds to earn or maintain certification of a foreign language immersion program, or that establishes, maintains, or expands any other program BESE deems appropriate, requires BESE to include a component in the school and district accountability system to annually award points to the school's annual performance score.

New law provides that the number of points awarded will be subject to approval by BESE and in accordance with federal law.

New law provides that BESE cannot prohibit a school from annually earning points in the school and district accountability system for maintaining

a program that meets performance and quality standards established by the state board.

Effective upon signature of the governor (June 23, 2017).

(Adds R.S. 17:10.1(G))

Education Reports (Act 224)

New law requires the state superintendent of education to prepare a report to assist policy makers and the public in assessing the extent to which students have access to quality public education. New law requires superintendent, by Dec. 1st annually, to submit a school-level report containing information on every public school, including charter schools, for the preceding school year to the House and Senate education committees, and specifies that the report shall contain data relative to the various matters.

New law requires the superintendent to appear before the House and Senate education committees during the 2022 Regular Session to present a summary of the data contained in these annual reports, which shall include his findings and recommendations relative to supporting an equitable system of public elementary and secondary education.

Effective August 1, 2017; sunset effective August 1, 2022.

(Amends R.S. 17:22(11); Adds R.S. 17:22(12))

School Performance Series (Act 383)

New law requires BESE, for the 2016-2017 school year, to examine the results of student assessments and school-level test data and make such allowances in calculating school and district performance scores and letter grades as the board deems necessary and appropriate in a parish located in a gubernatorially or presidentially declared disaster area.

New law requires a representative of BESE to present a report relative to the results and allowances made, if any, to the Senate and House

committees on education, meeting separately or jointly, not later than March 21, 2018.

Effective upon signature of the governor (June 23, 2017).

(Adds R.S. 17:24.4(F)(1)(h))

Public School Testing (Act 364)

New law limits the time public school students may spend annually on standards-based assessments to 2% of the minimum number of instructional minutes (approximately 21 hours per year). New law provides that the following are not considered in the application of this limitation:

- (1) Extra time provided to certain students with disabilities.
- (2) College entrance and college credit exams, Advanced Placement exams, International Baccalaureate exams, and industry-based credential exams.

New law requires public school governing authorities to regularly review all benchmarks and all assessments that they require for the purpose of measuring student learning throughout the school year to ensure that (1) the benchmarks and assessments are aligned with state content standards, (2) assessment results are used to improve instruction and are made available to a parent upon request, and (3) testing time is minimized.

Effective August 1, 2017.

(Adds R.S. 17:24.4(F)(6) and (7))

Sale of School Property (Act 249)

New law requires that the sale of certain school property be conducted in accordance with the sale of unused school lands law.

New law adds a procedure for the sale of unused school lands by a licensed real estate broker.

New law allows the school board to obtain up to three appraisals before selling the lands. New law provides that no member or immediate family, as defined by law, of the school board or legislature shall perform the services of appraiser or real estate broker.

Effective August 1, 2017.

(Amends R.S. 17:87.6 and R.S. 41:891 and 892)

La. School for Math, Science, and the Arts (Act 374)

New law provides that the official name of the La. School of Math, Science, and the Arts is to be the Jimmy D. Long, Sr. La. School for Math, Science, and the Arts, but authorizes the school to continue to use "Louisiana School of Math, Science, and the Arts" for all purposes as determined by the school's board.

Effective upon signature of the governor (June 23, 2017).

(Amends R.S. 11:102, R.S. 17:374, 419.2, 1815, the heading of Part II of Chapter 8 of Title 17, 1962, 1963, 1964, 1968.1, 1970.1, 1970.3, and 1970.9, R.S. 36:651, and R.S. 39:98.3 and 467)

Public School Days and Minutes (Act 365)

Existing law, applicable to public school grades 1-12, generally requires that a school day consist of at least 360 minutes of instructional time and a school year consist of at least 177 days of instruction.

New law provides existing law is not applicable to any public school that cannot meet such requirements because the school temporarily shared facilities with another school due to damages caused by a natural disaster or emergency that was declared by the governor and that was certified by the state superintendent of education and approved by the State Bd. of Elementary and Secondary Education (BESE).

New law authorizes BESE to require that the school provide a minimum number of daily instructional minutes that is less than existing law

requirements. New law requires that any such school submit to the state superintendent documented information explaining why the school could not meet such requirements, any efforts made toward meeting the requirements, and a revised school calendar for the affected school year.

New law is applicable to the 2016-2017 and subsequent school years.

Effective upon signature of governor (June 23, 2017).

(Adds R.S. 17:154.1(A)(6))

Orleans Parish High School Busses (Act 230)

New law requires each school bus used to transport students to public schools in Orleans Parish to contain lettering identifying the name of the school or schools. New law requires black, block form lettering and requires the school names to be as high as possible on both sides of the bus to provide maximum visibility.

(Adds R.S. 17:161.1)

Corporal Punishment in Schools (Act 266)

Existing law allows local school board discretion in the use of corporal punishment for students and requires the boards to adopt rules and regulations to implement and control its use.

New law prohibits the administration of corporal punishment to students with exceptionalities (except gifted and talented students), and to students who are eligible for services under Section 504 of the Rehabilitation Act of 1973 and who have an Individual Accommodation Plan. New law makes existing law and new law applicable to charter schools.

Effective August 1, 2017.

(Amends R.S. 17:223(A), 416.1(B), and 3996(B)(2))

Smoking at Public Schools (Act 351)

New law prohibits possession of lighted tobacco products and lighted electronic smoking devices on any school property, eliminating the former exception for designated smoking areas. New law defines school property to include school vehicles used for the provision of academic and extracurricular programs and administration.

Existing law prohibits consumption of tobacco products in any elementary or secondary school building. New law, applicable to students and school employees only, prohibits consumption on any school property. New law excepts from these prohibitions tobacco cessation products approved by the Food and Drug Administration.

New law allows a person who is not a student or school employee to consume unlighted tobacco products on school property outside of school buildings.

Existing law prohibits possession of lighted tobacco products on a school bus transporting public school students. New law, in addition, prohibits the "use of" tobacco products in any school bus or school vehicle that is transporting students.

New law provides that law does not apply to school property that is rented, leased, or otherwise made available for noneducational purposes.

Effective upon signature of governor (June 22, 2017).

(Amends R.S. 17:240(A) and (B))

Litter Education (Act 72)

New law requires instruction in litter prevention and awareness for public school students in kindergarten through grade five. New law provides that such instruction shall be integrated into the existing curriculum and may include instructional materials created and developed for students in La.

(Adds R.S. 17:267 and 3996(B)(44))

Human Development Funds (Act 353)

New law creates the La. Early Childhood Education Fund for the purpose of funding certain early childhood education programs.

New law requires the State Bd. of Elementary and Secondary Education (BESE) to administer the fund. New law requires that monies in the fund be awarded to BESE-approved local entities to fund early childhood care and education slots through the Child Care Assistance Program (CCAP) in Type III early learning centers that have at least one classroom with children age 15 months or younger, if a local entity provides funds from nonstate sources.

New law prohibits an award from being made unless local funding matches state funding at a rate of at least two to one.

New law authorizes BESE to award additional funding in accordance with CCAP in the local entity's jurisdiction. New law prohibits the award from exceeding 50% of the nonstate funds and prohibits monies from the fund from being used to displace, replace, or supplant the amount appropriated to CCAP.

New law requires the DOE to actively solicit and use resources to fund the CCAP slots.

New law creates the Achieving a Better Life Experience in Louisiana Fund (ABLE Fund).

New law provides that money in the ABLE Fund shall be used for the ABLE program in existing law, including to assist individuals and families in saving private funds for the purpose of supporting persons with disabilities.

Effective August 1, 2017.

(Adds R.S. 17:407.30 and 3090)

Early Learning Centers (Act 256)

New law requires each licensed early learning center to provide a written copy of all health-related policies established by the center, including policies regarding accidents, allergic

reactions, fever, illness, immunizations, infection, and injuries, to the parent or guardian of each child attending or enrolled in the early learning center.

New law provides that these policies are binding upon the early learning center and the child's parent or legal guardian.

New law provides that it shall not be construed to provide any exemption or exclusion to any protections or waivers established by law.

Effective upon signature of the governor (June 14, 2107).

(Adds R.S. 17:407.50.1)

Public Schools and Sunscreen (Act 341)

New law authorizes public school students to possess and self-apply sunscreen at school, on a school bus, or at a school-sponsored function or activity without parental consent or a physician's authorization.

New law authorizes, subject to parental consent, public school employees to volunteer to apply sunscreen to a student if he is unable to apply it himself.

New law provides that neither a public school employee nor his employer shall be held liable for any adverse reaction relating to the employee's application of the sunscreen or his cessation of such application.

Effective August 1, 2017.

(Adds R.S. 17:436.1(L) and 3996(B)(13))

Suicide Prevention Training (Act 86)

Present law requires the State Bd. of Elementary and Secondary Education (BESE) to develop and adopt rules to require all public school teachers, school counselors, principals, and as determined by the board, other school administrators to participate annually in at least two hours of in-service training in suicide prevention.

New law extends the requirement for in-service training in suicide prevention to all charter and approved nonpublic school teachers, school counselors, principals, and as determined by the board, other school administrators.

(Amends R.S. 17:437.1(B); Adds R.S. 17:3996(B)(13))

Sick Leave for Public School Employees (Act 227)

New law provides relative to sick leave for teachers, school bus drivers, and other public school employees who are disabled as a result of assault or battery or physical contact with or by a student or person, including requirements for certification of such disability by a physician.

New law deletes present law provisions for sick leave for all three groups in cases of injury or incapacitation; provides for sick leave only if the employee is disabled.

New law, relative to requirements for certification by a physician, makes same provisions applicable to school bus operators and other school employees as provided in present law for members of the teaching staff. New law, for all three groups, provides that the third physician (if one is used) shall be a physician from a list established by the local or state medical society.

New law prohibits local school boards from reducing the pay or accrued sick leave of a school bus operator, member of the teaching staff, or other school employee who is absent from his duties to seek medical attention or treatment as a result of an injury as provided in present law and proposed law.

New law provides that if the school bus operator's, member of the teaching staff's, or other school employee's physician determines that he is able to return to active service in the same capacity with restrictions and the school board does not allow him to so return subject to those restrictions, then his leave shall be granted or continued, as appropriate, as provided in present law and proposed law.

(Amends R.S. 17:500.1, 1201, and 1206.1; Adds R.S. 17:1200(C))

College Scholarship for Children of Killed or Disabled Police (Act 240)

Prior law provided for tuition and fee exemptions, also referred to as scholarships, for any child of a police officer, deputy sheriff, or adult probation and parole officer killed or disabled in the performance of duty. Prior law provided that the child shall be otherwise eligible for admission, meet academic standards, and comply with the rules and regulations required for full-time attendance. New law requires compliance with rules and regulations required for attendance, not full-time attendance, and otherwise retains prior law.

Prior law provided for a child's admission without the payment of fees or charges for tuition and for books required for any course undertaken. New law limits the exemption from payment of fees and charges for books to those for required courses.

Prior law exempted the child from payment of fees and charges for room and board. New law limits the availability of this exemption to full-time students.

Prior law limited scholarship duration to the number of semesters required for a full-time student to obtain one bachelor's degree and prohibits the scholarship from exceeding eight semesters per child. New law removes these provisions and requires that the scholarship be provided for the time period required to earn one undergraduate degree or one vocational or technical certificate or diploma but shall not cover more than: (1) 120 hours of course work required to earn a bachelor's degree; (2) 75 hours of course work required to earn an associate's degree; or (3) 60 hours of course work required to earn a vocational or technical certificate or diploma.

New law adds that if a student first earns a transferable associate's degree from a public two year institution and then transfers to a public four-year college or university, the scholarship shall

cover an additional 60 hours of course work required to earn a bachelor's degree.

Effective upon signature of the governor (June 14, 2017).

(Amends R.S. 17:1681.1(A) and (B))

Educational Workforce Training Fund (Act 379)

New law creates as a special fund in the state treasury, the "Louisiana Educational Workforce Training Fund" (the "fund"), to provide funding for degree and certificate production through workforce training programs offered by Louisiana's public two-year, community, and technical colleges.

New law provides that the fund shall be used to prepare Louisiana citizens, particularly those who are underemployed or have no postsecondary training or credentials, in high-wage, high-skill, and high-demand career fields.

New law provides that, subject to an annual appropriation by the legislature, monies in the fund shall be appropriated to the Board of Supervisors of Community and Technical Colleges to be used for workforce training programs to prepare individuals for high-demand careers as defined by the La. Workforce Investment Council. The distribution model shall allocate funds based on short-term, high-demand workforce training completer programs that lead to industry-based certifications or other credentials of value to employers.

New law provides that funding shall be distributed by the Board of Supervisors of Community and Technical Colleges only upon receipt of certification that a match of not less than 20% of the amount of funding to be distributed has been guaranteed by a private entity.

New law provides that the use of private matching funds shall comply with expressed donor intent and shall remain with the institution as provided by the donor.

New law provides that the fund is in addition to, and separate from, any monies appropriated or allocated to any postsecondary education management board.

New law provides that all federal-appropriated Workforce Innovation and Opportunity Act funding shall be excluded from the fund and shall be exclusively administered by the La. Workforce Commission.

New law provides that all state-appropriated Incumbent Working Training Account funds, workers' compensation funds, and Workers' Compensation Second Injury Fund funds shall be excluded from the fund and shall be exclusively administered by the La. Workforce Commission.

Effective upon signature of the governor (June 23, 2017).

(Adds R.S. 17:1876)

College Readiness Courses (Act 250)

Prior law required the State Bd. of Elementary and Secondary Education (BESE) to consult and collaborate with the postsecondary education management boards to establish initiatives to improve high school graduation rates and ensure that students are college and career ready. New law retains prior law and additionally requires BESE, in collaboration with public school governing authorities and public postsecondary education management boards, to publish a list of transition courses designed to improve identified student academic weaknesses in English and mathematics and to enable such students to achieve college readiness by the end of the senior year of high school. New law provides that transition courses be aligned with applicable state content standards.

New law requires that a student's English and mathematics scores from the ACT test and the standards for remediation established by the Bd. of Regents be used to determine college readiness. New law provides that, beginning with the 2018-2019 school year, each high school senior who did not meet the established college

readiness standards must be given the opportunity to take an appropriate transition course.

New law requires each public school governing authority to:

- (1) identify each high school senior who did not meet the established college readiness standards and provide the student with information on available transition courses designed to address identified academic weaknesses;
- (2) use course assessment data to determine student attainment; and
- (3) provide appropriate professional development to teachers of transition courses as part of existing professional development activities.

Effective upon signature of the governor (June 14, 2017).

(Adds R.S. 17:2927.1)

Student Criminal History (Act 276)

New law prohibits a public postsecondary education institution (an "institution") from inquiring about a prospective student's criminal history on an initial application or at any time during the admissions process prior to its decision relative to the prospective student's acceptance for admission, except for inquiries relative to convictions for stalking, rape, and sexual battery.

New law provides that if an institution elects to deny admission based on any such conviction, it shall notify the person, who may appeal the decision to the entity that considers the institution's disciplinary matters.

New law authorizes an institution, after a student has been accepted for admission, to inquire about his criminal conviction history (beyond stalking, rape, and sexual battery) for the following purposes of (1) offering supportive counseling and services, and (2) making decisions relative to a student's participation in campus life and

determining if the institution shall limit such participation.

New law authorizes an institution to make such inquiries when obtaining secondary information, such as immunizations, financial aid, or housing information. New law requires an institution, if it elects to make such inquiries, to consider various individual facts.

New law provides that an institution shall not deny, based solely on criminal conviction history, admission to or continuation in an academic program designed to prepare a student for a career that requires an occupational license. New law requires that an institution offer counseling relative to the licensing requirement to assist a student in making an informed decision about pursuing such a program.

New law allows certain institutions to consider criminal conviction history if such information is provided on certain applications or forms, as follows:

- (1) Grants such authority to the LSU Health Sciences Centers (New Orleans and Shreveport) and the LSU vet school if such information is provided on an application that is designed by a national application service, tailored for admission to a specific degree program, and used by postsecondary education institutions in multiple states.
- (2) Grants such authority to an institution offering a teacher preparation program if such information is provided on the professional conduct form developed by the state Dept. of Education for use in the teacher certification process.

Existing law requires the Bd. of Regents to provide for the development and implementation of a common application that prospective students may use to apply to any institution in the state.

New law prohibits the inclusion on this application of questions pertaining to criminal history except as authorized by new law.

Existing law authorizes public colleges and universities to accept the "Common Application" developed and administered by The Common Application, Inc., in lieu of the La. Common Application. New law prohibits consideration of any criminal history information provided on such application at any point during the admissions process except as provided in proposed law.

(Amends R.S. 17:3138; Adds R.S. 17:3152)

Educator Preparation Programs (Act 204)

New law adds educator preparation programs approved by the State Bd. of Elementary and Secondary Education to the list of programs and providers excepted from the definition of proprietary school.

Effective August 1, 2017.

(Amends R.S. 17:3141.2)

Public University Fees (Act 293)

Existing law authorizes the public postsecondary education management boards to establish fees and adjust fee amounts at their institutions for the 2015-2016 and 2016-2017 academic years. New law extends the application of this authority to the 2017-2018, 2018- 2019, and 2019-2020 academic years.

Effective August 1, 2017.

(Amends R.S. 17:3351.20(A)(1) and (F))

Public Colleges and Unplanned Pregnancies (Act 321)

New law requires each public post-secondary management board, in conjunction with the commissioner of higher education and the president of each public university and community college system, or his designee, to adopt a policy requiring each institution under its supervision and management to address the prevention of unplanned pregnancies among unmarried students as part of an institution's freshman orientation activities.

New law provides that as a part of freshman orientation, each institution shall, as deemed appropriate, provide information to students that is recognized as medically accurate by the American Congress of Obstetricians and Gynecologists regarding the prevention of unplanned pregnancy, including, without limitation, abstinence education. However, in no instance shall information be disseminated regarding abortion methods, techniques, or providers nor shall any student be directed to information or services provided by Planned Parenthood or any abortion provider.

New law provides that a public postsecondary institution, at its discretion, may take various related measures.

Effective upon signature of the governor (June 22, 2017).

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

Economically Disadvantaged Students and Charter Schools (Act 136)

Existing law relative to teacher evaluations, provides for the use of a value-added assessment model to determine evidence of student growth as a basis for such evaluations and provides that the model take into account certain student factors. New law changes references to certain students from those who are eligible for free or reduced price meals to students who are economically disadvantaged.

Existing law provides relative to requirements for enrollment of certain students in charter schools. Prior law required enrollment of a certain number of students who were eligible to participate in the federal free or reduced lunch program in specified types of charter schools. New law instead requires enrollment of a certain number of students who are economically disadvantaged as defined in new law.

Prior law distinguished charter schools, and the applicable enrollment requirements, by type of school. New law distinguishes charter schools, and the applicable enrollment requirements, by

whether or not they were converted to a charter school before the 2011-2012 school year.

Effective August 1, 2017.

(Amends R.S. 17:3882, 3902, 3973, 3991, and 3997)

Charter School Application Evaluation (Act 207)

New law requires the State Bd. of Elementary and Secondary Education (BESE) and local public school boards to send to charter applicants certain information relative to third-party evaluations of charter proposals.

New law adds a requirement that BESE and local school boards send to charter applicants the final evaluation and recommendations, if any, of the third-party evaluator. New law requires that such information be sent electronically or hand delivered no later than five business days prior to the meeting at which the board will take action on the charter proposal.

(Amends R.S. 17:3981 and 3982)

Charter School Admissions (Act 253)

New law authorizes a charter school to directly enroll the child of a faculty member if the child meets all admission requirements for the school. New law provides that the child not be counted when determining the enrollment capacity of a program, class, grade level, or school.

New law authorizes a charter school with a foreign immersion mission to directly enroll the child of a foreign consular officer residing in Louisiana if the child meets all mission-related and academic admission requirements. New law provides that if the student is admitted to the school it not be counted to determine whether the enrollment exceeds the enrollment capacity of a program, class, grade level, or school.

New law requires a charter authorizer that uses a common application and enrollment process for its charter schools to adopt uniform policies and procedures to implement this direct enrollment

and that these policies and procedures are not to limit the ability of a school to exercise its direct enrollment authority.

Effective upon signature of the governor (June 14, 2017).

(Adds R.S. 17:3991(C)(1)(c)(v) and (vi))

STEM Advisory Council and Fund (Act 392)

New law creates the Louisiana Science, Technology, Engineering, and Mathematics Advisory Council (LaSTEM) under the auspices of the Board of Regents to coordinate and oversee the creation, delivery, and promotion of STEM education programs, to increase student interest and achievement in the fields of science, technology, engineering, and mathematics, to ensure the alignment of education, economic development, industry, and workforce needs, and to increase the number of women who graduate from a postsecondary institution with a STEM degree or credential.

Provides that the council shall, as funding allows:

- (1) Create a comprehensive, statewide STEM plan.
- (2) Coordinate all state STEM education-related programs and activities.
- (3) Create a new STEM culture and promote activities that raise awareness of STEM education and STEM career opportunities.
- (4) Integrate employers and educators.
- (5) Encourage business and industry to provide funding, resources, and technical assistance to schools to promote interest in STEM discipline courses and career opportunities.
- (6) Connect STEM education resources, initiatives, and programs.
- (7) Establish an information clearinghouse of information regarding best practice

resources and STEM education-related instructional materials.

- (8) Provide support for high quality professional development for STEM teachers.
- (9) As appropriate, join and participate in a national STEM network and collaborate with other states in STEM education program development.
- (10) Establish a competitive grants program to fund robotics competitions for students, including events sponsored by FIRST (For Inspiration and Recognition of Science and Technology) Robotics.

New law creates the Science, Technology, Engineering, and Mathematics Fund (Fund) in the state treasury and provides that monies in the fund shall be appropriated by the legislature and shall be available exclusively for programs and initiatives prescribed by LaSTEM.

New law requires the State Board of Elementary and Secondary Education to create a science, technology, engineering, and mathematics high school diploma endorsement and establish the requirements for earning the endorsement. New law requires public school governing authorities to identify students who earn the STEM diploma endorsement and note such on the student's transcript.

Effective upon signature of the governor (June 23, 2017).

(Adds R.S. 17:4071-4073 and R.S. 36:651(T)(6))

TOPS (Act 44)

New law resolves inconsistent terminology in prior law regarding the Taylor Opportunity Program for Students (TOPS) by providing that, unless increased by the legislature:

- (1) The amount of a TOPS award paid to a student enrolled in a public postsecondary institution shall be equal to the tuition amount charged by the

public college or university during the 2016-2017 academic year.

- (2) The amount of a TOPS award paid to a student enrolled in an approved nonpublic college or university, a school of Cosmetology, or an out-of-state college or university specifically designed to accommodate deaf and hard-of-hearing students shall be equal to the weighted average of the tuition amounts charged to students attending public colleges and universities during the 2016-2017 academic year.

Prior law, with respect to maintaining TOPS eligibility, contained language that is inconsistent with other provisions of prior law and which indicated that TOPS award amounts are equal to the current tuition charged, and not the tuition charged during the 2016-2017 academic year. New law deletes this inconsistent language.

Effective upon signature of the governor (June 3, 2017).

(Amends R.S. 17:5002, 5041, and 5042)

Tulane Scholarships (Act 291)

New law provides that for a student enrolled in Tulane University who is the recipient of both a Tulane Legislative Scholarship and an award pursuant to the Taylor Opportunity Program for Students (TOPS), the university shall apply the full amount of the Tulane Legislative Scholarship toward the student's financial obligations before applying the student's TOPS award.

Effective August 1, 2017.

(Amends R.S. 17:5065(A)(2))

School Bus Drivers (Act 335)

New law provides for technical changes with respect to the terms "school bus driver" and "school bus operator" in Title 17 of the La. Revised Statutes.

(Amends numerous provisions in Title 17).

**TITLE 18: LOUISIANA ELECTION
CODE**

Election Code (Act 176)

New law revises the system of laws comprising the La. Election Code.

Prior law required a petition to include the signer's district. New law repeals prior law.

Prior law provided that in odd-numbered years, the official state voter registration week is the last full week which occurs two weeks prior to the close of registration records for the regular fall primary election, and provides that in even-numbered years, the official state voter registration week shall be the second full week in May.

New law provides instead that in years when the president of the United States proclaims a National Voter Registration Day, the official state voter registration week is the full week in which the National Voter Registration Day occurs, and provides that in other years, the official state voter registration week is two weeks prior to the close of registration records for the regular fall primary election.

Old law provided that a salary increase, for certification and maintenance of certification, is lost if certification is not renewed within each five-year period. New law provides instead that the salary increase is lost if certification is not renewed within each three-year period.

Existing law requires the secretary of state, subject to approval by the attorney general as to content, to prescribe the form that shall be used uniformly by each registrar in the state and any person authorized to accept voter registration applications in registering qualified citizens to vote, and specifies certain information that must be included on the form.

New law retains existing law, and specifies that certain information on the form will be used to assess eligibility and that the remaining information is to be used to identify the applicant at the polls. New law adds the following

information to the form: race (on a voluntary basis), electronic mail address, telephone number, and former registered name, if applicable. New law requires the form to include the questions "Are you a citizen of the United States of America?" and "Will you be 18 years of age on or before election day?" and the statement "If you checked 'no' in response to either of these questions, do not complete the form." New law specifies that only a single party affiliation may be provided.

Old law required the form to include space for changes of address within the parish, changes of name, changes of party affiliation, dates of any of these, and remarks, and provided that the form may include father's middle name, name of spouse, occupation, and employer as information to be used for identification of the applicant at the polls. New law repeals old law.

New law provides that a registrant may not be designated as being affiliated with more than one party at the same time.

New law requires employees at driver's license facilities to obtain written and signed confirmation of any declination of the offer of voter registration.

Old law provided that if the registrant appeared at the polls and confirmed that he has moved outside of the parish, the registrar shall cancel the registration of such registrant.

New law provides instead that if the registrant appears and confirms that he has permanently moved to a different parish, the registrar shall transfer the registrant's registration to the registrar of the new parish of residence. New law provides that if the registrant confirms that he has permanently moved outside the state, the registrar shall cancel the registrant's registration.

Old law provided that if the registrant has confirmed that he has moved outside of the parish, the registrar shall cancel the registration of such registrant.

New law provides instead that if the registrant confirms that he has permanently moved to a

different parish, the registrar shall transfer the registrant's registration to the registrar of the new parish of residence. New law provides that if the registrant confirms that he has permanently moved outside the state, the registrar shall cancel the registrant's registration.

New law provides that if the date for a primary election is advanced in accordance with the provisions of present law, the general election shall be advanced the same number of weeks as the primary election.

Old law required a commissioner-in-charge to deliver to the clerk one of the original tabulation blank and compiled statement forms. New law requires the commissioner-in-charge to deliver to the clerk results cartridges and one of the official election results reports.

Old law provided that the commissioner-in-charge shall preside over the counting and tabulation of votes. New law repeals old law and provides that the commissioner-in-charge shall preside over the printing of the results from the voting machines and the closing of the polling place.

New law provides that if a proposition or question is on the ballot in a precinct, no member of the governing authority that called the election on the proposition or question, and no member of the governing authority of a political subdivision that will receive revenue from a tax or fee that is the subject of the proposition or question, shall be selected as a commissioner in that precinct.

Old law provided that commissioners shall maintain order at the polling place during the counting and tabulation of votes. New law repeals old law and provides instead that the commissioners shall maintain order at the polling place during the printing of results from the voting machines.

Old law provided that a watcher shall be admitted within all parts of the polling place during the counting and tabulation of votes but that a watcher may not take part in the counting and tabulation of votes. New law repeals old law and provides instead that a watcher shall be admitted

within all parts of the polling place during the printing of results from the voting machines but that the watcher shall not take part in the printing of results from the voting machines.

Old law required the clerk of court to schedule a general course of instruction for commissioners on some date following the last date for qualifying for office, but at least five days prior to the date for selection of commissioners and required the parish board of election supervisors to furnish to each commissioner-in-charge a list of the names, addresses, and party affiliations of all persons registered to vote in the ward to whom certificates of instruction have been issued during the term of office of the clerk who issued the certificates of instruction, and who have not been selected as commissioners-in-charge, commissioners, or alternate commissioners for the election. New law repeals old law.

Old law required the clerk of court to issue a certificate of instruction to each person who attends and satisfactorily completes the course of instruction for commissioners-in-charge, commissioners, and alternate commissioners who are selected to serve in each election. New law provides that the clerk shall either issue a certificate of instruction to each person who attends and completes the course of instruction or keep a list of such persons in the state voter registration computer system and otherwise retains old law.

New law provides that if the deadline for the close of the registration records provided in present law is moved due to a legal holiday, the meeting to select commissioners and alternate commissioners for each precinct shall be moved to the day after the close of the registration records.

Old law provided that if all the votes cast in a primary election for a public office are void because of the death of a candidate, the primary election for the office shall be held on the date of the general election, and the general election for the office shall be held on the fourth Sat. after the primary election, but if the primary election is held on the date scheduled for a congressional general election, the general election for the

office shall be held on the 5th Sat. after the primary election. New law provides that the general election shall be held on the fifth Sat. after the primary election in all cases, not only when the primary is held on a congressional general election date, and otherwise retains old law.

New law provides that if a voter receiving assistance is not marked for assistance in voting in the precinct register the voter or the person, including a commissioner, assisting the voter shall check the box behind the tab for Assistance to Voters indicating that the voter has a physical disability or is unable to read.

Old law provided that provisional ballots be counted on the third day following a election, except that for a presidential or regularly scheduled congressional general election, the provisional ballots may be counted on the third or fourth day, or both, following the election. New law repeals old law. New law requires the board to confirm each of the following with the registrar:

- (1) The provisional voter is a registered voter in the parish.
- (2) The provisional voter voted on the federal office or offices for which the provisional voter was eligible to vote.
- (3) The provisional voter did not vote early, absentee by mail, or at his precinct on election day.

New law requires the commissioners to post the voting machine printouts at a conspicuous place at the polling place for public viewing.

Old law required the commissioners to announce the results of the election in the order the offices, candidates, and propositions are listed on the ballot, announce that the results of the election will be posted at the polling place for public review, and post the results of the election at a conspicuous place at the polling place for public viewing. New law repeals old law.

Old law required the commissioner-in-charge to send the required documents and other items to the secretary of state and clerk of court upon completion of the counting and tabulating of votes. New law provides instead that the documents and other items are sent after the results are printed from the voting machines.

Old law required the commissioner-in-charge to send the secretary of state a copy of the final result tally sheets. New law provides instead that the commissioner-in-charge send to the secretary of state a copy of the printouts from the voting machines.

New law provides that if one or more of the duties provided pursuant to present law are delayed because of a Sat., Sun., or other legal holiday, the duty to promulgate the returns will be delayed a like amount of time.

Old law provides that if a recall election is not to be held on a primary election date, then the governor's proclamation must be issued on or before the 46th day prior to the election. New law instead provides that the proclamation must be issued on or before the 54th day prior to the election.

Old law provided that the period of time that the application shall remain valid extends from the date the application is received in the office of the registrar of voters through two subsequent regularly scheduled federal general elections. New law provides instead that the application shall remain valid for a period of at least one year from the date the application is received in the office of the registrar and shall include at least one regularly scheduled federal general election.

Old law provided that if the applicant to vote absentee by mail has a disability or is at least 65 years old, the application, if it meets the requirements of present law, remains valid indefinitely unless an absentee by mail ballot that has been sent to the applicant is returned to the registrar as undeliverable.

Old law provided that if the voter sends both the spoiled ballot and the replacement ballot to the registrar, each of such ballots shall be void.

New law provides instead that if the voter sends both the spoiled ballot and the replacement ballot to the registrar and the board can determine which is the spoiled ballot and which is the replacement ballot, the board shall count the replacement ballot, but if the board cannot determine which is the spoiled ballot and which is the replacement ballot, each of such ballots shall be void.

New law provides that if a ballot is physically damaged or cannot properly be counted by the counting equipment and the vote cast by the voter is clearly discernible from a physical inspection of the defective ballot, the ballot may be counted by hand; otherwise retains present law.

Old law provided that if two or more ballots for the same election have been included in the same envelope, the board shall reject all such ballots. New law repeals old law.

New law requires the parish custodian to transmit the election results to the secretary of state in the manner directed by the secretary of state.

Old law required the parish custodian to mail a notice to each candidate in the election, stating the time and place at which the preparation and testing of the machines will be conducted, the time and place when the machines will be sealed, and stating that the candidate or his representative may be present to observe the preparation, testing, and sealing of the machines by the parish custodian.

New law provides instead that the qualifying official shall at the time of qualifying provide each candidate with a chronological table of procedures for the election that instructs the candidate to contact the parish custodian for information relative to the preparation, testing, and sealing of the machines and states that the candidate or his representative may be present to observe the preparation, testing, and sealing of the machines by the parish custodian.

New law requires the secretary of state to be made a party to an action contesting an election submitting a proposition to the voters. New law provides that the secretary of state shall have standing to intervene in an action objecting to

candidacy in which the secretary of state was not the qualifying official.

Effective upon signature of governor or lapse of time for gubernatorial action, except that provisions relative to voter registration at driver's license facilities and replacement ballots become effective August 1, 2017, and provisions relative to the voter registration application form become effective on January 1, 2018.

(Amends R.S. 18:3, 59.4, 104, 107, 114, 196, 402, 424, 425, 425.1 427 431, 434, 469, 564, 566.2, 571, 572, 574, 1286.1, 1300.7, 1307, 1310, 1313, 1363, 1373, and 1402; Adds R.S. 18:107(F), 425(B)(3)(c), 566.2(F)(10), and 1354(B)(8); Repeals R.S. 18:176(D), 200, 431(A)(5), and 1313(F)(11))

DPSC Reporting (Act 143)

New law adds information concerning each person who has a felony conviction and who has been released from the custody or supervision of the Dept. of Public Safety and Corrections (DPSC) to information required to be reported periodically by the department to the Dept. of State.

New law additionally requires the secretary of DPSC to indicate in the supplemental reports each person who has a felony conviction and who has been released from the custody or supervision of DPSC.

Effective February 1, 2018.

(Amends R.S. 18:171(C)(1) and (2))

Funding of Voting Assistance (Act 201)

New law retains provides that to receive assistance in voting, a person may submit a completed and signed voter registration application attesting that the voter has a physical disability and requires assistance in voting, or a completed and signed voter assistance form provided by the secretary of state wherein the voter attests that he has a physical disability and requires assistance in voting.

Effective January 1, 2018.

(Amends R.S. 18:564 and 1309.3; Adds R.S. 18:106(C)(2)(d))

TITLE 22: INSURANCE

Reporting of Contact Information (Act 10)

New law requires each risk-bearing entity to annually inform the commissioner of insurance of the name, address, phone number, and electronic mail address of the contact person responsible for each of various specified duties.

New law requires that a risk-bearing entity notify the commissioner within 30 days of any change in any of the information required by new law.

Effective January 1, 2018.

(Adds R.S. 22:41.2)

Health Insurance for Volunteer Firefighters (Act 346)

Existing law creates the "Two Percent Fire Insurance Fund" (fund).

New law adds to its list of purposes, as the last priority, providing for the state fire marshal, an amount necessary to satisfy the requirements of new law, relative to the purchase of group critical illness insurance for volunteer members of fire companies.

New law provides that the state fire marshal is authorized to negotiate for and purchase, out of funds available in the fund, a group critical illness policy to provide for a lump sum benefit for volunteer members.

New law provides that when a volunteer member is diagnosed with any disease or infirmity of the heart or lungs, stroke, or cancer, it shall be presumed to have been caused by or to have resulted from his service as a volunteer member of a fire company due to exposure to heat, smoke, fumes, or other carcinogenic, poisonous, toxic, or chemical substances. New law declares that the

presumption shall be rebuttable by evidence meeting the appropriate legal standard.

New law is applicable only to certain specified types of cancer.

New law provides that, to be eligible, the volunteer member shall have completed five or more years of service with the fire company, and the name of the member must have been carried on the membership list of the fire company immediately prior to when his membership with the fire company ceased.

New law provides that, if a volunteer member is eligible, the option to enroll for this benefit shall be offered to the volunteer member for no less than 90 days from the date his membership ceased as a volunteer member with the fire company.

New law provides that any eligible volunteer member who enrolls to receive the benefit shall be entitled to receive the benefit through the age of 70 with coverage terminating when the volunteer member attains the age of 71.

New law requires the state fire marshal to deliver to each fire company a printed or electronic notice concerning the policy requirements as to written notice of claim and written proof of loss including the period in which a claim must be filed. The fire company shall post such notice in a conspicuous place at its facilities.

New law requires fire companies to provide to the state fire marshal, upon request and within a reasonable time period, any documents, materials, or other information necessary to administer the provisions of new law.

Effective August 1, 2017.

(Adds R.S. 22:347(A)(1)(c) and R.S. 40:1593.1)

Vehicle Warranty Agreements (Act 297)

Existing law defines "vehicle mechanical insurance policy" as any contract, agreement, or instrument whereby a person other than the owner, seller, or lessor of a vehicle assumes the

risk of or the expense or portion thereof for the mechanical breakdown or mechanical failure of a motor vehicle and may include other customer assistance and convenience services, such as vehicle rental assistance, towing assistance, trip interruption, and roadside assistance, and shall include those agreements commonly known as vehicle service agreements or extended warranty agreements.

New law retains existing law and includes warranty agreements where the assumption of risk is made by an entity other than the owner, seller, or lessor of the vehicle.

Existing law provides that all licensed vehicle mechanical breakdown insurers are subject only to the specific provisions governing vehicle mechanical breakdown insurers in Title 22 of the La. Revised Statutes of 1950, and are exempt from the applicability of all other provisions of Title 22, except where such laws are specifically incorporated by reference into the provisions governing vehicle mechanical breakdown insurers.

New law retains existing law and specifically incorporates by reference the provisions of R.S. 22:1964(1)-(5),(7)(c), (d), and (f)-(h), (9), (13),(14), and (16)-(18), and 1967-1971, defining unfair trade practices and authorizing the commissioner of insurance to investigate unfair trade practices, hold hearings on suspected violations, impose penalties for violations, issue cease and desist orders as applicable, and provide civil immunity for good faith reporting of suspected unfair trade practices.

Effective July 1, 2017.

(Amends R.S. 22:361(9); Adds R.S. 22:373(C))

Approved Unauthorized Insurers (Act 9)

Existing law requires that in order to be placed on the list of approved unauthorized insurers, an unauthorized insurer shall comply with existing law and shall file contain evidence with the commissioner of insurance through the National Association of Insurance Commissioners (NAIC).

New law adds a requirement to file evidence from the insurer's domiciliary jurisdiction showing the types of insurance it may write in that jurisdiction.

Effective July 1, 2017.

(Adds R.S. 22:436(B)(4))

Deregulation of Independent Review Organizations (Act 14)

Old law required that an independent review organization renew its license every two years. New law deletes the requirement to renew the license, and instead provides that license is valid after it is initially issued until the commissioner determines that the organization is no longer meeting the minimum requirements or ceases to exist.

New law requires an independent review organization to immediately notify the commissioner of any loss, revocation, or other material change to any accreditation of the organization.

Old law required independent review organizations to submit an annual report to the commissioner and to pay an annual filing fee. New law repeals the requirement to submit the annual report, unless requested by the commissioner, and repeals the report filing fee.

Old law required the commissioner to maintain and periodically update a list of approved independent review organizations. New law repeals this requirement.

Old law requires a health insurance issuer annually certify to the commissioner that its utilization review program complies with all applicable state and federal law establishing confidentiality and reporting requirements. New law repeals this requirement.

(Amends R.S. 22:821, 2440, 2441, and 2443; Repeals 2451)

Insurance License Fees and Non-Resident Business Entities (Act 154)

New law creates an "all other lines" category of insurance producers for the purpose of unifying the fee structure and renewal periods for the following insurance producer licenses: life, health, and annuities; property and casualty; limited lines; and limited lines credit insurance. New law retains the fee structure for producers in these categories.

New law creates a new fee structure for all other lines of producer licenses.

Old law provided that a business entity acting as an insurance producer is required to obtain an insurance producer license and that any person who directly or indirectly controls 10% or more of such entity shall be registered with the Department of Insurance under such business entity's license. New law limits the requirement to register controlling persons to resident business entities. New law adds a requirement for non-resident business entities to provide information to the commissioner of insurance upon request.

Effective January 1, 2018.

(Amends R.S. 22:821(B)(3) and 1546(B)(1)(a))

Adjustees and Viatical Settlement Providers (Act 159)

New law and provides for a \$500 license renewal fee for a viatical settlement provider.

New law adds a \$50 fee per license for failure to file an adjuster license renewal timely.

Effective July 1, 2017.

(Amends R.S. 22:821)

Insurance Premium Tax Credits for HMOs (Act 313)

New law establishes criteria to determine when a health maintenance organization is eligible for

the insurance premium tax credit for a qualifying Louisiana investment.

Present law authorizes a credit against the insurance premium tax credit for insurers who invest a portion of their total admitted assets in La. financial institutions and investment products, for taxable years beginning on or after Jan. 1, 2017, and before Jan. 1, 2019.

New law removes the sunset date of Jan. 1, 2019.

New law adds the following criteria that must be met for a health maintenance organization to qualify for the premium tax credit for a qualifying Louisiana investment:

- (1) Offers fully insured commercial or Medicare Advantage products.
- (2) Is domiciled, licensed, and operating in this state.
- (3) Maintains its primary corporate office and at least seventy percent of its employees in this state.
- (4) Maintains its core business functions in this state.

Effective January 1, 2018.

(Amends R.S. 22:832)

Health Insurance Producers (Act 63)

New law allows health insurance producers to negotiate charges, fees, and any other form of compensation directly with the insured for an individual health and accident policy, and for supplemental benefit insurance coverages.

New law requires the expenses and fees charged on an individual health insurance policy to be disclosed to the insured on a separate document that the insured will sign. New law provides for exclusive remedy for failure to disclose.

New law requires a producer to disclose to the insured on a document, signed by the insured, that the insured may purchase the same health

insurance policy online or by contacting a healthcare navigator and will not incur a fee or expenses.

(Amends R.S. 22:855 and 1568(B))

Unearned Insurance Premiums (Act 299)

Existing law requires unearned insurance premiums to be returned by the insurer upon cancellation of an insurance policy to the policyholder or a premium finance company who financed the policy.

New law additionally requires the insurer to return the percentage of unearned premium attributable to a mortgagee who funded the policy with his own funds if the mortgagee provided written notice to the insurer of the percentage of the premium being funded with the mortgagee's own funds. New law requires any percentage of the unearned premium attributable to the insured to be returned to the insured.

Effective August 1, 2017.

(Amends R.S. 22:885(B))

Insurance ID Cards (Act 34)

Present law requires that the identity of the health benefit plan insurer and sponsor be displayed prominently on the face of the identification card or documentation. New law includes dental benefit plans in the types of coverage that require such identification. New law requires that dental benefit plan identification standards are also subject to any requirements set forth in the part of present law relative to dental benefit plans, R.S. 22:1151 et seq.

Present law prohibits a health insurer who is acting as an administrator from prominently displaying the insurer's name on the identification documents when the policy is not one that fully insures the purchaser of the policy. Present law requires that the name of the health plan's sponsor be prominently displayed with an annotation that the plan's benefits are administered by the insurer. New law requires that for policies that fully insure the purchaser of the policy, that the phrase

"Non-ERISA" be prominently displayed on the face of the identification card.

Effective January 1, 2018.

(Amends R.S. 22:984)

Personal Property Insurance (Act 219)

New law allows a homeowner to exclude personal property coverage in a disaster area declared by the governor or the president of the United States or any officer acting under presidential authority when a structure has been rendered uninhabitable due to sustaining extensive damage to more than 50% of the dwelling area, and receive a reduction in premium.

New law requires the policyholder to exercise the option to exclude personal property coverage within 24 months from the effective date of the disaster declaration.

New law allows the insurer to terminate the exclusion when one of the following has occurred:

- (1) The structure has been repaired and become habitable again.
- (2) The homeowner's policy has been terminated.
- (3) Twenty-four months have passed from the effective date of the substitute policy or exclusion of coverage.

Effective January 1, 2018.

(Amends R.S. 22:1331)

Travel Insurance (Act 225)

New law applies to travel insurance where policies and certificates are delivered or issued for delivery in La.

New law subjects travel insurers to the provisions of the Insurance Code in regards to requirements

for deposits, assessments, fees, and taxes, including the premium tax.

New law allows for the offering of travel protection plans for one price if there is no finding that the travel insurance market is noncompetitive, certain waivers are clearly delineated in the plan's materials, and the plan clearly discloses that it includes travel insurance, travel assistance services, and cancellation fee waivers.

New law allows the inclusion of blanket travel insurance coverage with the purchase of a trip.

New law allows travel insurance to be provided by an individual policy or under a group or master policy.

New law requires disclosure of pre-existing condition exclusions, and new law requires disclosure of whether the policy is primary or secondary to other applicable coverage.

New law provides policyholders with 10 days from the date of purchase to cancel the policy, unless a covered trip has commenced or a claim under the policy has been filed.

New law provides that travel insurance shall be classified and filed as a marine and transportation line of insurance.

Effective Jan. 1, 2018.

(Adds R.S. 22:1351-1358)

Fire Insurance Rates (Act 61)

Existing law requires insurance companies writing fire insurance in La. to adhere to rates promulgated by the Property Insurance Association of Louisiana (PIAL).

New law prohibits insurance companies writing fire insurance in La. from combining a lower classified fire protection area with a higher classified fire protection area for the determination of fire insurance rates for the combined areas.

Effective August 1, 2017.

(Adds R.S. 22:1460(I)(1)(c))

Insurers and Producers (Act 64)

Old law provided that if an insurer receives a producer of record letter for an application, the insurer shall provide any quotations or proposals to the producer. New law provides that instead of providing the record containing the quotation or proposal, the insurer must submit a new quotation or proposal to the producer of record as if there are no outstanding proposals.

Old law required that if the insurer receives a written request by the insured to change the producer of record, the insurer shall give the initial producer of record written notice 15 days in advance of the change or removal. New law changes this requirement to 10 calendar days.

(Amends R.S. 22:1564(B)(1)(b)-(d))

Liability Insurance for Independent Insurance Agents (Act 380)

New law requires every non-captive insurance producer (*i.e.*, independent insurance agent) who actively writes insurance policies in this state to maintain professional liability insurance or an errors and omissions policy which includes coverage for acts or omissions as an independent insurance producer and which policy is for the purpose of providing coverage for the benefit of the insured customers of the producer.

New law provides that an insurance producer who is duly empowered and authorized to act through or on behalf of another licensed insurance producer in the sale, solicitation, or negotiation of insurance may satisfy the requirements of new law with professional liability coverage provided by the authorizing insurance producer.

New law requires every insurance producer, whether captive or non-captive, who actively writes insurance policies in this state and who sells insurance products in which the premiums, in whole or in part, are financed by an insurance

premium finance company, to maintain professional liability insurance or an errors and omissions policy which includes coverage for acts or omissions as an insurance producer and which policy is for the purpose of providing coverage for the benefit of the insured customers of the producer.

New law provides that an insurance producer who is duly empowered and authorized to act through or on behalf of another licensed insurance producer in the sale, solicitation, or negotiation of insurance may satisfy the requirements of new law with professional liability coverage provided by the authorizing insurance producer.

New law provides that should any insurance producer fail to maintain professional liability insurance, if required to do so by new law, such failure shall constitute an insurance unfair trade practice.

New law will not apply to a producer licensed for bail bonds.

Effective August 1, 2017.

(Amends R.S. 22:1570 and 1963; adds R.S. 22:1570.1)

Claims Adjusters (Act 29)

Present law requires claims adjusters to obtain a license from the Dept. of Insurance prior to working as a claims adjuster in this state. Present law further provides for certain exemptions from the licensing requirement.

New law adds an additional exemption from the claims adjuster licensing requirement for employees of an insurance company who adjust first party claims that do not exceed \$500.

(Amends R.S. 22:1662(2))

Healthcare Facility Notices to Patriots (Act 306)

Existing law requires that a healthcare facility provide a written notice to a patient regarding the

possible provision of services to a patient by facility-based providers who are out-of-network providers, including notice that the patient may be responsible for all or part of the fees for out-of-network services. New law rewrites the notice to clarify what balance billing is and that the patient will be responsible for charges by those out-of-network providers.

New law requires that the patient sign a copy of the balance billing notice provided to him which the facility is responsible for maintaining in the patient's records on-site.

Old law required that a healthcare facility provide a patient upon request with the name and contact information for providers who are contracted to provide services at the facility, and inform the patient that he may request information from his insurer as to whether those providers are in-network or out-of-network, and under what circumstances the patient may be responsible for payment of amounts not paid by the insurer. New law requires the facility to provide this information to the patient without the patient having to request it.

New law requires that a healthcare facility provide notice when a patient is receiving services in a hospital-based outpatient facility that the patient may be charged a facility fee billed separately from the healthcare provider's fee, and that this facility fee may not be covered by the patient's health insurance.

Effective August 1, 2017.

(Amends R.S. 22:1880)

Ocean Marine Insurance (Act 183)

Prior law defined "ocean marine insurance" relative to La. Insurance Guaranty Association Law. New law makes the definition of "ocean marine insurance" contained in prior law applicable to all of the insurance code.

New law includes the provisions of the direct action statute as stated in prior law in the definition of "ocean marine insurance."

Effective August 1, 2017.

(Amends R.S. 22:2055(13); adds R.S. 22:46(19))

LIGA and UM Policies (Act 166)

Existing law generally requires any person having a claim against an insurer to first exhaust all coverage provided by any other policy, including the right to a defense under the other policy, if the claim under the other policy arises from the same set of facts, injury, or loss giving rise to the covered claim against the Louisiana Insurance Guaranty Association.

New law adds a provision that one's own uninsured or underinsured motorist coverage is not included in the coverage requirement that "one must exhaust all coverage under any other policy" before making a claim to the Association. Prior law required any amount payable on a covered claim by the Association to be reduced by the full applicable limits stated in the other insurance policy, or by the amount of the recovery under the other insurance policy as provided in prior law, and required the association and the insured to receive a full credit for the total recovery. New law excludes uninsured and underinsured motorists policies from the full credit requirement for the total recovery.

Effective August 1, 2017.

(Adds R.S. 22:2062(A)(1) and (2)(c))

Structured Settlement Annuities (Act 13)

Present law defines "structured settlement annuity" for purposes of the La. Life and Health Insurance Guaranty Association Law and provides for the conditions under which the La. Life and Health Insurance Guaranty Association (LLHIGA) shall cover structured settlements.

New law excludes from LLHIGA coverage structured settlement annuity benefits to which a payee or beneficiary has transferred his or her rights in a "structured settlement factoring transaction" as defined in the Internal Revenue Code.

New law does not apply to structured settlement annuity benefits transferred to children, present or former spouses, or other dependents as part of domestic relations settlements or orders, or to other transferees, including donees, who acquire rights to receive structured settlement annuity benefits without providing any monetary consideration.

Effective July 1, 2017.

(Amends R.S. 22:2083)

Nonresident Producers and LCPIC (Act 182)

Prior law provided that a producer resident in this state and licensed to sell property and casualty insurance may sell insurance policies that are issued by the La. Citizens Property Insurance Corporation through its FAIR and Coastal Plans.

New law retains prior law and allows a nonresident producer to sell policies issued by La. Citizens Property Insurance Corporation when the state of residence allows Louisiana resident producers to sell policies issued by that state's residual market mechanism.

Effective August 1, 2017.

(Amends R.S. 22:2313(A))

Health Insurance Issuer Reviews (Act 35)

Existing law requires that when a covered person requests an external review of his health insurance issuer, the issuer pay the cost to conduct the review.

New law requires that the costs of the external review charged to the issuer must be reasonable and that the independent review organization provide documentation outlining an explanation of costs.

New law provides that when an issuer believes that the cost of the external review are unreasonable, he can appeal to the commissioner of insurance, who may make an adjustment, if appropriate. New law allows the commissioner to

request additional information if necessary to assess the reasonableness of the costs.

Effective August 1, 2017.

(Amends R.S. 22:2444)

TITLE 24: LEGISLATURE AND LAWS

Work Out Now Commission (Act 187)

New law establishes the Work Out Now: WON Louisiana Legislative Commission to address the obesity crisis at the local level.

New law authorizes the commission to hold public hearings as called by the chairman at a time and location deemed appropriate to best engage with the local elected officials.

Effective upon signature of the governor (June 12, 2017).

(Adds R.S. 24:111-114)

**TITLE 25: LIBRARIES, MUSEUMS,
AND OTHER SCIENTIFIC**

Madisonville Library (Act 77)

New law authorizes the governing authority of St. Tammany Parish to name the Madisonville branch library in honor of Peter L. "Pete" Gitz.

Effective August 1, 2017.

(Adds R.S. 25:212.2)

Pointe Coupee Parish Library (Act 192)

New law transfers the administration of and accounting functions for funds of the Pointe Coupee Parish Library from the parish governing authority to the library board of control.

Effective August 1, 2017.

(Adds R.S. 25:215(B)(18))

St. Landry Library District (Act 200)

New law changes the name of the South St. Landry Community Library District to the Armand J. Brinkhaus, Sr., South St. Landry Community Library District.

Effective August 1, 2017.

(Amends R.S. 25:231, 232(A), and 234(A))

**TITLE 26: LIQUORS — ALCOHOLIC
BEVERAGES**

Alcoholic Beverages (Act 212)

Existing law authorizes the donation of alcoholic beverages to licensed Type A special events or unlicensed civic, religious, or charitable organizations, subject to applicable excise taxes. New law clarifies that existing law applies to beverages of high and low alcoholic content.

Prior law imposed excise or license taxes on all beverages of high alcoholic content handled in Louisiana. New law removes reference to "license" taxes and otherwise retains prior law.

Effective upon signature of governor (June 14, 2017).

(Amends R.S. 26:341 and 352)

Wine Containers (Act 95)

New law authorizes the sale or shipment of wine in 250 ml containers, and provides that a case of 250 ml containers shall consist of 24 containers.

Effective August 1, 2017.

(Amends R.S. 26:351)

**TITLE 27: LOUISIANA GAMING
CONTROL LAW**

Video Draw Poker Devices (Act 54)

New law amends the existing law definition of "video draw poker device" to include those devices which can accept a ticket voucher.

New law provides that a video draw poker device can accept ticket vouchers in addition to cash and raises the denomination of cash the device accepts from \$20 to \$100.

New law provides that video draw poker devices can also accept ticket vouchers.

Effective August 1, 2017.

(Amends R.S. 27:402(17), 405(D), and 407(A))

TITLE 28: BEHAVIORAL HEALTH

Behavioral Health (Act 369)

New law changes the heading of Title 28 of the La. Revised Statutes of 1950 from "Mental Health" to "Behavioral Health".

New law defines "behavioral health" as a term which is used to refer to both mental health and substance use.

New law amends existing law to institute new terminology and definitions of terms in laws pertaining to behavioral health and mental health.

New law revises existing law to reflect current healthcare practices and terminology relative to the following:

- (1) Healthcare services for persons with mental illness and substance-related and addictive disorders.
- (2) Care and treatment of persons with behavioral health needs, and facilities for and providers of such care and treatment.
- (3) Administration of state psychiatric hospitals.

New law repeals prior law that provided for the following:

- (1) The defined term "informal voluntary admission" and its corresponding definition.

(2) Authorization for the governing body of a treatment facility to grant staff membership, specifically delineated institutional privileges, or both, to any duly licensed, certified, or registered healthcare provider.

(3) A requirement that a reputable woman attendant accompany a female patient while traveling.

(4) Authorization for the superintendent of a mental institution to release an improved patient on convalescent status subject to certain conditions.

(5) Penalties for maltreatment of a patient of a mental institution.

(6) The Uniform Act for the Extradition of Persons of Unsound Mind.

(7) Authorization for the superintendents of state mental institutions, and other persons whom the superintendents may deputize, to make arrests for the violation of laws designed to protect the property and patients of the institutions.

New law makes technical changes and corrections in existing law relative to mental health and behavioral health.

Effective August 1, 2017.

(Amends R.S. 17:1607, numerous provisions of Title 28, R.S. 36:258 and 259, R.S. 40:1237.1 and 2142, C.Cr.P. Arts. 648, 657, 657.1, and 657.2, and Ch.C. Art. 1404)

Emergency Mental Illness Certificate (Act 254)

Prior law authorized any physician, psychiatric mental health nurse practitioner, or psychologist to execute an emergency certificate after an actual examination of a person alleged to be mentally ill or suffering from substance abuse who is determined to be in need of immediate care and treatment in a treatment facility because the

person is determined to be dangerous to self or others or to be gravely disabled.

New law expands this authority to the following healthcare professionals:

- (8) Physician assistants when acting in accordance with their respective clinical practice guidelines.
- (9) Nurse practitioners with or without a clinical specialization who act in accordance with a collaborative practice agreement and receive verbal approval from a collaborating physician for executing the certificate.

New law expands minimum data required on a certificate to include the date of exam and objective findings of the physician assistant or nurse practitioner.

New law expands legal authority to transport a person to a treatment facility to instances where it is authorized by a physician assistant or nurse practitioner.

Effective August 1, 2017.

(Amends R.S. 28:53)

Judicial Commitment for Mental Health Treatment (Act 370)

New law makes technical corrections to the provisions of law regarding judicial commitment of individuals for mental health treatment and updates terminology.

Existing law requires the court, upon the filing of a petition for judicial commitment, to assign a time, not later than 18 calendar days thereafter, and a place for a hearing on the petition, and requires reasonable notice of the hearing to be given to the respondent, respondent's attorney, and the petitioner.

New law requires the court to deliver the notice of the hearing at least 10 days prior to the hearing and adds the La. Dept. of Health (LDH), bureau of legal services to the list of parties who receive

notice. New law authorizes the court to overrule any objections made as to notice being delivered less than 10 days prior to the hearing if there is good cause shown why the notice was delivered untimely.

Existing law sets forth the procedure for a hearing on a petition for judicial commitment. New law specifies that the hearing shall take precedence over all other matters, except pending cases of the same type, and shall be a closed hearing.

New law authorizes LDH, if not the petitioner, to present evidence, call witnesses, and cross-examine witnesses testifying at the hearing. New law limits LDH to presenting evidence and testimony regarding the placement of the respondent in proceedings for judicial commitment based upon mental illness or substance use disorders.

New law requires the parties to the hearing, if LDH is not the petitioner, to consult with LDH before entering into a stipulated judgment committing the patient to LDH.

Effective upon signature of governor (June 23, 2017).

(Amends R.S. 28:54, 55, 56, 59, and 454.6)

Human Services Districts and Authorities (Act 73)

New law establishes legislative intent for the modernization of the statutes governing the human services districts and authorities to clarify their purpose in the health delivery spectrum.

New law deletes obsolete definitions, updates the statutory governance area for each of the human services districts and authorities, and changes the composition of the governing boards for the districts and authorities.

New law updates requirements for board member education and training and affirms the district and authorities role in providing community services in partnership with the local law enforcement and judicial offices, including allowance of sole

source contracts to provide services for individuals in those systems.

New law clarifies the purpose and charge of the human services interagency council and requires meetings and discussion of certain operational matters.

Prior law required the department to submit a report to the legislature on the services and financial status of the districts and authorities. New law clarifies the data to be included in the report and provides for an oversight hearing by the Senate and House committees on health and welfare.

Prior law required the department to provide adequate funding appropriate for the delivery of services. New law establishes a funding analysis, to be conducted in consultation with the districts and authorities, based on quality outcomes.

New law requires each district and authority to set aside funding in an amount equal to at least 9% of its state general fund appropriation each fiscal year for services for persons with developmental disabilities.

Prior law provided for the department to impose sanctions on the districts and authorities for noncompliance with their contract. New law specifies that the sanctions may be requiring a plan of correction or assuming temporary management of the district or authority. If the sanction is a plan of correction, the Senate and House committees on health and welfare must be notified. If the sanction is temporary management, the department must get the approval of the Senate and House committees on health and welfare.

Prior law established a state funded program for cash subsidies for families with persons with developmental disabilities. New law requires the human services districts and authorities to consider as a board, and in their contract with the department, their responsibilities in implementing this program.

Prior law included separate but duplicative chapters of law for the establishment of the six

regional human services authorities. New law consolidates these laws into the Statewide Human Services Delivery chapter.

Effective upon signature of the governor (June 7, 2017).

(Amends R.S. 28:911-918; adds R.S. 28:910 and 913.1-913.7; repeals R.S. 28:831, 851-856; 861-866; 871-876; 891-896, 901-906, 919, and 920)

TITLE 29: MILITARY, NAVAL, AND VETERANS' AFFAIRS

National Guard Disability Claims (Act 37)

New law requires that all La. National Guard claims for disability benefits be submitted to the La. Dept. of Veterans Affairs rather than to the La. National Guard.

Effective August 1, 2017.

(Amends R.S. 29:26.1(C)(1))

Airport Parking for Disabled Veterans (Act 213)

New law provides free parking for a disabled veteran, his conveyance, and his passengers at any air carrier airport.

New law requires the disabled veteran provide proof of disability in the form of a military honor license plate or a disabled veteran identification card.

New law specifies that the time period an authorized disabled veteran is granted free parking at airports cannot exceed 10 days, and that a veteran may be charged the customary parking fee for each day he remains parked at the airport that exceeds 10 days.

(Adds R.S. 29:27.1)

Military Leasing and Judicial Procedure (Act 75)

Prior law provided that the public advertising and bidding procedures will not apply to the military

when leasing airport space for military purposes. New law extends the exception to the leasing of military facilities and reservations when the leasing of such is for military purposes.

New law extends the jurisdiction of the commanders to include that a court-martial or court of inquiry can be convened and held in a unit serving outside of the state, granting the court the same jurisdiction and powers of the court-martial inside of the state.

New law adds that an offense committed by active National Guard members outside of the state can be tried and punished either inside or outside of the state, when the federal convening authority declines to convene a court-martial under the Uniform Code of Military Justice.

New law applies to all members regardless of duty status of the accused whenever there is a clear and convincing nexus between an offense and the state military force. However, when a member is in active duty status, there shall be a rebuttable presumption that subject matter jurisdiction exists.

New law adds authority for the accused to waive his right to a trial by members, but requires that it must be exercised prior to 45 days before the beginning of the trial on the merits in the court-martial. Once the waiver has been exercised, it cannot be revoked.

New law changes the amount of time that a commanding officer can sentence a National Guard member to confinement from one week to 30 days.

New law requires a preliminary hearing prior to any charges or specification being referred to a general court-martial for hearing, unless the hearing is waived by the accused.

New law provides that the scope of the preliminary hearing will be limited to certain specified matters:

New law provides a preliminary hearing will be conducted by an impartial judge advocate whenever practicable or, in exceptional

circumstances by an impartial hearing officer who is not a judge advocate. If the hearing officer is not a judge advocate, a judge advocate will be available to provide legal advice to the hearing officer.

New law provides that when the judge advocate or other hearing officer is detailed to conduct the preliminary hearing, the officer will be equal to or senior in grade to military counsel. After a hearing has been conducted, a report addressing the matters will be prepared. The accused will be advised of the charges against him and of his rights and can cross-examine witnesses who testify at the preliminary hearing and present evidence relevant to the limited scope of the hearing.

New law adds that a victim may not be required to testify at the preliminary hearing and when a victim declines to testify, and in such instances the victim will be deemed unavailable for purposes of the preliminary hearing. The presentation of evidence and examination will be limited to the matters relevant to the scope of the hearing and the hearing will be recorded. The victim may request the recording and shall have access to the recording as prescribed by the Manual for Courts-Martial.

New law adds that if evidence adduced in a preliminary hearing indicates that the accused committed an uncharged offense, the hearing officer may consider the subject matter of that offense without the accused having first been charged with the offense if the accused (1) is present at the preliminary hearing, (2) is informed of the nature of each uncharged offense considered, and (3) is afforded the opportunities for representation, cross-examination, and presentation.

New law provides that the procedure in cases before military courts shall be the federal Rules for Courts-Martial, as published in the most recent version of the Manual for Courts-Martial, United States, except when such rules are contrary to or inconsistent with the Louisiana Code of Military Justice.

New law provides that the modes of proof in cases before courts-martial shall be the federal Military Rules of Evidence, as prescribed in the most recent version of the Manual for Courts-Martial, United States, except when such rules are contrary to or inconsistent with the Louisiana Code of Military Justice.

New law authorizes the governor or adjutant general to promulgate additional rules and regulations regarding courts-martial procedure.

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

(Amends R.S. 29:40, 102, 116, 120, 132, and 136)

Veteran's Affairs Commission (Act 303)

New law changes the composition of the Veterans' Affairs Commission.

New law prohibits a right of action pursuant to existing law (R.S. 42:2.1) against the Veterans' Affairs Commission or against any action of the commission.

New law provides that all members serve at the pleasure of the governor and may be removed without cause prior to the expiration of the term upon written notice by the secretary of the La. Dept. of Veterans Affairs.

Effective August 1, 2017.

(Amends R.S. 29:253)

Interstate Emergency Management Assistance (Act 246)

Prior law entered the state into the Interstate Emergency Preparedness and Disaster Compact with all states which have enacted or will enact the compact. New law deletes references to that compact and enters the state into the Emergency Management Assistance Compact (EMAC) with all states that have enacted or will enact the compact in accordance with PL 104-321, with the purpose of providing mutual assistance among the states in meeting an emergency or disaster.

New law provides that states entering into this Compact must provide assistance in managing any emergency disaster that may be duly declared by the governor of the affected state, whether arising from natural disaster, technological hazard, man-made disaster, civil emergency aspects of resources shortages, community disorders, insurgency, or enemy attack.

New law provides that states must provide for mutual cooperation in emergency-related exercises, testing, or other training activities using equipment and personnel simulating performance of any aspect of the giving and receiving of aid by party states or subdivisions of party states during emergencies, such actions occurring outside actual declared emergency periods.

New law provides that the designated state official assigned responsibility for emergency management is responsible for formulation of the appropriate interstate aid plans necessary to implement the Compact. New law further provides that in LA that person is the director of GOHSEP, or his designee.

New law provides that party states shall review individual state hazards and determine all potential emergencies the party states might jointly suffer, review party states' individual emergency plans and develop a plan to determine the mechanism for interstate management and provision of assistance, develop interstate procedures to fill any identified gaps and resolve inconsistencies, assist in warning adjacent communities, assure the delivery of services and resources, inventory and set procedures for the interstate loan of human resources, set procedures for reimbursement, and provide for temporary suspension of state statutes that restrict implementation of any Compact responsibilities.

New law provides that the director may request assistance of another state by contacting the authorized representative of that state and that only requests made by the director to an authorized director of another state are covered by the provisions of EMAC.

New law requires that an oral request for assistance by the director must be confirmed in writing within 30 days and must include a description of the services requested, the amount and type of personnel or equipment needed, and the specific place and time for staging the assisting party's response.

New law provides that there shall be frequent consultation between state officials of party states and the government of the United States, with free exchange of information and resources relating to emergency capabilities.

New law provides that each state shall afford emergency forces of another state the same powers and privileges, except arrest power, as if they were operating in the state in which they are normally employed. New law further provides that emergency forces will continue under the command of their regular leaders, but organizational units will come under the operational control of the emergency services authorities of the state receiving assistance.

Prior law provided that any person that holds a license, certificate, or other permit in any party state may render aid involving such skill in any other party state during an emergency and states shall give due recognition of licenses, certificates, or other permits issued in other states during a disaster or emergency. New law deletes prior law and provides that a person holding a license, certificate, or other permit issued by a party state shall be deemed licensed, certified, or permitted by the state requesting assistance to render aid involving such skill to meet a declared emergency or disaster, subject to limitations and conditions set by the governor of the requesting state.

New law provides that officers or employees of a party state, including local and political subdivisions and local governments, rendering aid in another state shall be considered agents of the requesting state for tort liability and immunity purposes.

Prior law provided that no party state or its officers or employees, rendering aid in another State, shall be liable on account of any act or

omission in good faith on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies. New law provides that the provisions of prior law also extend to local political subdivisions and local governments. New law provides that good faith does not include willful misconduct, gross negligence, or recklessness.

Prior law provided that nothing in the compact prohibits any state from entering into supplementary agreements with another state or states and that such agreements may comprehend provisions for evacuation, exchange of emergency and medical services, and supplies. New law provides that supplementary agreements may only be between two party states and otherwise retains prior law.

Prior law provided that any party state rendering aid in another state shall be reimbursed by the party state receiving the aid for any loss or damage to, or expense incurred in the operation of, any equipment answering a request for aid and for the cost incurred in connection with answering a request for aid. Prior law provided that any aiding party may assume in whole or part the loss or damage and may loan equipment to a receiving state without cost. New law provides that any party state rendering aid shall be reimbursed by the state receiving aid for any expense incurred in the provision of any service in answering a request for aid and otherwise retains prior law.

Prior law provided that the United States government may relieve the party state receiving aid from any liability and reimburse the party state supplying forces for the compensation paid to and the expense of such forces during the time of the rendition of aid or assist outside the state and may also pay compensation for the use of supplies or equipment. New law deletes prior law.

Prior law provided that the orderly evacuation and reception of the civilian population as the result of an emergency or disaster shall be worked out from time to time between representatives of the party states and the various local areas thereof. Prior law further provided that such plans

must include the manner of transporting evacuees, number of evacuees to be received in different areas, the manner in which food, clothing, housing, and medical care will be provided and other relevant factors.

New law provides that the plans for the orderly evacuation and interstate reception of portions of the civilian population as a result of an emergency or disaster shall be worked out and maintained between the party states and the emergency management services directors of the various jurisdictions where any type of incident requiring evacuations might occur and shall be put into effect by request of the state from which the evacuees come from.

Prior law provided that the party state receiving evacuees shall be reimbursed generally for the out-of-pocket expenses incurred in receiving and caring for evacuees and such reimbursement shall be by the party state of which the evacuees are residents or by the United States government. New law deletes prior law and provides that the plans regarding the transporting of evacuees shall also provide that the party state receiving evacuees and the state from which evacuees come shall mutually agree as to reimbursement of out-of-pocket expenses incurred for the transportation and care of evacuees and reimbursement shall occur accordingly.

Prior law provided that at the termination of the emergency or disaster, the party state from which the evacuees come shall assume the responsibility for the ultimate support or repatriation of such evacuees. New law provides that at the termination of the emergency or disaster, the state from which the evacuees come shall assume responsibility for the ultimate support or repatriation of such evacuees.

Prior law provided that the compact shall be available to any state, territory, or possession of the United States and the District of Columbia. New law deletes prior law and provides that this Compact shall be with all states which have enacted or will enact the Compact in accordance with PL 104-321.

Prior law allowed the committee established by the compact to request FEMA to act as an informational and coordinating body under the compact and representatives of FEMA may attend meetings of the committee. New law deletes prior law.

Prior law provided that the compact shall become operative immediately upon ratification by any state as between it and any other state or states so ratifying and shall be subject to approval by congress unless prior congressional approval has been given. New law deletes prior law and provides that this Compact shall become effective immediately upon signature of the governor or lapse of time for gubernatorial action and shall become effective as to any other state upon enactment by such state. Prior law provided that duly authenticated copies of the compact and of supplementary agreements shall, at the time of their approval, be deposited with each of the party states and emergency preparedness agency and other appropriate agencies of the United States government. New law provides that duly authenticated copies of this Compact and of supplementary agreements shall, at the time of their approval, be deposited with each of the party states and with FEMA and otherwise retains prior law.

Prior law provided that the compact shall continue in force and remain binding on each party state until the legislature or governor of such party state withdraws. Prior law provided that such action shall not be effective until 30 days after notice has been sent by the governor of the withdrawing state to the governors of all other party states.

New law deletes prior law and provides that any party state may withdraw from the Compact by enacting a statute repealing the Compact, but no such withdrawal shall take effect until 30 days after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states. New law further provides that such withdrawal shall not relieve the withdrawing state from obligations assumed prior to the effective date of the withdrawal.

Prior law provided that the compact shall be in effect only as among those states which have enacted it into law. New law deletes prior law.

Prior law provided that the compact applies to searches and rescues of persons in danger, actions useful in coping with emergencies or disasters arising from any cause or designed to increase the capacity to cope with any such emergencies or disasters, incidents which endanger the health or safety of the public and require the use of special equipment, trained personnel in larger number than are locally available, the giving and receiving of aid by subdivisions of party states, and exercises or other training activities for aid personnel. New law deletes prior law.

Prior law provided that any aid furnished by any agency of a party state, subdivision of such state, or by a joint agency shall be entitled to reimbursement therefor to the same extent and in the same manner as a state, and the personnel of such joint agency, when rendering aid, shall have the same rights, authority, and immunity as personnel of party states. New law deletes prior law.

New law provides that nothing in the Compact shall authorize or permit the use of military force by the national guard of a state at any place outside that state in an emergency for which the president of the United States is authorized by law to call into federal service the militia, or for any purpose for which the use of the United States Army or the United States Air Force would be prohibited under Section 1385 of Title 18 of the United States Code.

New law provides that nothing in the Compact affects the authority of the president of the United States over the National Guard provided by Article I of the United States Constitution and Title 10 of the United States Code.

Prior law provided that during a declared state of emergency or disaster, the deputy secretary of DPSC can issue a special officer's commission to a commissioned law enforcement officer who responds to a request for assistance pursuant to the Southern Regional Homeland Security and Emergency Preparedness Management

Assistance Compact and is determined by the deputy secretary to need statewide police power and power to arrest. New law provides that the deputy secretary of DPSC may issue the same special officer's commission provided in prior law to a commissioned law enforcement officer responding to a request for assistance pursuant to EMAC and otherwise retains prior law.

Effective upon signature of the governor (June 14, 2017).

(Amends R.S. 29:733 and R.S. 40:1379.1(F))

TITLE 30: MINERALS, OIL, GAS AND ENVIRONMENTAL QUALITY

One Call for Pipelines (Act 218)

New law provides that the commissioner of conservation shall have exclusive authority to enforce the provisions of OneCall law as it applies to pipelines.

New law provides that the powers of the commissioner of conservation include but are not limited to the following responsibilities regarding application of the OneCall law to pipelines:

- (1) Monitoring any excavation or demolition, including requests for the excavator or demolisher to provide the locate request number issued by a regional notification center.
- (2) Issuing citations or ordering other penalties or remedies.
- (3) Seeking restraining orders, injunctions, or any other available civil remedies.
- (4) Utilizing any other enforcement powers that may be provided by law.

New law requires the commissioner of conservation to develop a procedure for investigating and reporting any reasonable complaint regarding a violation of the OneCall law as it applies to pipelines, which procedure shall include various specified elements.

New law requires the commissioner of conservation to adjudicate all violations of the OneCall law involving pipelines and assess civil penalties or other civil remedies for any violations of the OneCall law.

New law provides that all civil penalties or other civil remedies assessed by the commissioner of conservation shall be assessed in the same manner as prescribed by existing law, including consideration of certain specified factors.

New law requires damage prevention education to be a component of all penalties and remedies imposed by the commissioner of conservation.

New law requires all monies received or collected by the assistant secretary pursuant to enforcement of the OneCall law as it applies to pipelines to be deposited immediately upon receipt in the state treasury and shall be credited to the Oil and Gas Regulatory Fund.

New law provides for a process and timeline for transition of the responsibilities from the office of state police to the office of conservation through a memorandum of understanding entered into between the two offices. Further provides that at such time as the office of conservation has finally adopted the rules required by this Act, the exclusive authority to enforce the provisions of the OneCall law as it applies to pipelines shall reside with the commissioner of conservation.

Effective upon signature of governor (June 14, 2017).

(Amends R.S. 30:21 and R.S. 40:1749.23; Adds R.S. 30:4(S) and R.S. 40:1749.12(17) and (18) and 1749.27)

Oilfield Site Restoration Fees (Act 411)

Existing law imposes a set fee on the production of oil, condensate, and gas that is in addition to any severance taxes imposed on such production.

New law specifies that the full production rate fee is assessed for all production from oil and gas wells, except for production from those that are identified as reduced rate production wells.

Existing law provides that for reduced rate production wells, such as stripper wells and incapable wells, the oilfield site restoration fee is reduced by the same proportion as the severance tax reduction provided by statute.

Prior law provided that the fees are to be in proportion to the amount of severance tax collected on the well. New law repeals this provision.

Effective July 1, 2017.

(Amends R.S. 30:87)

Mineral and Energy Operation Fund (Act 329)

Existing law establishes the Mineral and Energy Operation Fund as a special fund in the state treasury to be used solely for the administration and regulation of minerals, groundwater, and related energy activities.

New law allows for deposits into the fund from non-judicial settlements such as disputed royalties.

New law allows an additional deposit of \$900,000 per year into the fund from judgments and non-judicial settlements from FY 2017-2018 through FY 2020-2021.

Effective August 1, 2017.

(Amends R.S. 30:136.3(B)(1))

Water Quality Trading Program (Act 371)

Prior law authorized the secretary of Dept. of Environmental Quality to adopt and promulgate rules and regulations that implement a point source to point source effluent reduction credit banking system in watersheds where the department has implemented Total Maximum Daily Load limitations.

New law removes authority of the current banking program and authorizes the secretary to adopt and promulgate rules and regulations that implement a water quality trading program that

may include point source and nonpoint source participation.

New law requires the regulations of the program provide for criteria for certifying, generating, quantifying, and validating credits; the geographical limitations on the use of credits; monitoring, certifying, generating, use, banking, term, enforcement, and sale of credits; required approvals of the department relating to credits; record keeping; and compliance with federal and state laws and regulations.

Prior law limited trading of credits to within the same watershed where the credits are earned. New law removes the watershed limitation.

New law authorizes a pilot project to aid in the development of a water quality trading program prior to the adoption of regulations authorized by new law.

Prior law specified that credits were pollutant specific and could only be traded for that pollutant on days when constituent testing is conducted, unless other creditable pollutants are approved. New law removes prior law.

New law requires review of rules and regulations implementing new law by the House and Senate agriculture committees in addition to the review required in existing law.

Prior law required participants to monitor water quality and prohibited participants from using credits earned by another participant for more than 20 months in any 24 month period. New law removes prior law.

Effective June 23, 2017.

(Amends R.S. 30:2074)

Penalties for Littering (Act 128)

New law changes the fines for second offense intentional littering and second offense simple littering from \$1,000 to \$900 and increases the community service for those offenses from 16 hours to 20 hours.

New law changes the fine for first offense gross littering from a range of \$1,000 to \$2,000 to \$900 and increases the community service from 8 hours to 16 hours.

Effective August 1, 2017.

(Amends R.S. 30:2531 and 2531.1)

TITLE 32: MOTOR VEHICLES AND TRAFFIC REGULATION

Speed Camera Warning and Signs (Act 247)

New law requires local municipal or parish governing authorities to post signs, indicating that a mobile speed camera is present, no less than 250 feet and no more than 500 feet from the location of each speed camera, in a manner clearly visible to traffic approaching the speed camera. New law requires that the sign comply with the current manual and specifications adopted by the Dept. of Transportation and Development pursuant to R.S. 32:235.

New law provides that the failure of a municipal or parish authority to comply shall prohibit the use of any photographic or video images collected by the speed camera to impose or collect any civil or criminal fine, fee, or penalty by or on behalf of the municipal or parish authority.

New law provides that in any proceeding to collect a civil or criminal fine, fee, or penalty on behalf of the municipality or parish, there is a rebuttable presumption that the signs were posted as required.

New law defines a "mobile speed camera" as a device designed to collect photographic or video evidence of alleged speed limit violation by recording images that depict the license plate or other identifying features of a motor vehicle being operated out of compliance with instruction of a posted speed limit sign.

Effective August 1, 2017.

(Adds R.S. 32:45)

License Plates (Act 46)

New law prohibits, unless authorized by the commissioner, a person from applying a covering or any substance to a motor vehicle permanent license plate or using an electronic device or electrochromatic film that obscures from any angle the numbers, characters, year registration sticker, or name of the jurisdiction issuing the plate.

Effective August 1, 2017.

(Amends R.S. 32:53(A)(3))

Railroad Crossings (Act 410)

New law clarifies that the phrase "obedience to signal indicating approach to train" refers to motor vehicles approaching railroad crossings.

New law and adds on-track equipment as a railway vehicle that a motor vehicle driver must be cautious of when approaching railroad tracks.

New law adds that the railroad is responsible for operating other on-track equipment in a safe manner.

Prior law specified that if a driver was involved in a collision at a railroad crossing or interfered with the movement of a train after driving past the railroad cross buck sign, the collision or interference was prima facie evidence of the driver's failure to yield the right of way.

New law specifies that if a driver is involved in a collision at a railroad crossing or interferes with the movement of a train or other on-track equipment after driving past the railroad cross buck sign, the collision or interference may be prima facie evidence of the driver's failure to yield if it is unrebutted.

Effective August 1, 2017.

(Amends R.S. 32:171 and 172)

Drivers' Education (Act 286)

New law requires driver education and prelicensing training courses to include course content relative to appropriate driver conduct when stopped by a law enforcement officer.

New law adds requirement that the road knowledge test include knowledge of appropriate driver conduct when stopped by a law enforcement officer.

Effective January 1, 2018.

(Amends R.S. 32:402.1, 407, and 408)

Drivers Education (Act 334)

New law requires the Dept. of Public Safety and Corrections, public safety services, to establish and implement a curriculum within the driver education and prelicensing training courses relative to managing a routine traffic stop.

New law requires the course to include instruction concerning law enforcement procedures for traffic stops; instruction on the importance of officers, drivers, and passengers maintaining integrity and respect during traffic stops; demonstrations of appropriate interactions with law enforcement; and demonstrations of the proper actions to be taken during traffic stops.

(Amends R.S. 32:402.1)

Drivers' Education (Act 343)

New law authorizes a driver education provider to provide all or part of the six-hour classroom instruction portion of an approved prelicensing training course by an alternative method of instruction that does not require students to be present in a traditional classroom, subject to approval by the Dept. of Public Safety and Corrections, public safety services (PSS).

New law authorizes the PSS, public safety services to approve the alternative method if it includes testing and security measures that are at least as secure as the measures available in the traditional classroom setting and use of the

alternative method satisfies any other requirement applicable to a prelicensing training course taught in the traditional classroom setting.

New law prohibits any portion of the 30-hour classroom instruction of the "driver education course" required by existing law from being offered in any setting other than a traditional classroom to persons under the age of 18.

Effective August 1, 2017.

(Adds R.S. 32:402.1(B))

Fraudulent ID Documents (Act 87)

New law specifies that it is not a defense to prosecution that a fraudulent document for identification purposes contains words indicating that it is a novelty item or an indication that it is not a document for identification purposes.

New law specifies that it is not a defense that a fictitious or facsimile credential contains words indicating that it is a novelty item or an indication that it is not a valid identification document, vehicle registration certificate, or vehicle license plate.

New law requires the Dept. of Public Safety and Corrections, office of motor vehicles, to determine whether a person or business is in violation of existing law.

New law authorizes the department to seek a penalty of not more than \$500 for each day a person engages in any activity prohibited by a cease and desist order and demand court costs in the suit for injunction.

Effective August 1, 2017.

(Amends R.S. 32:410.1; Adds R.S. 14:70.7(D))

Driver's License Designation (Act 74)

New law provides that upon request of an applicant for a driver's license or a special identification card who needs accommodation, a designation that the applicant needs accommodation will be exhibited on the driver's

license or special identification card, upon presentation of a statement from a qualified medical professional licensed in the state or any U.S. state or territory verifying the medical reason, including any mental, physical, or developmental disability, if the applicant needs accommodation as established by administrative rule. New law prohibits any additional fee for such designation.

Effective August 1, 2017, but the designation will not be available until the administrative rules are in effect.

(Adds R.S. 32:412(O) and R.S. 40:1321(R))

Motor Vehicle Dealer Licensure and Competition (Act 45)

Prior law required specialty vehicle dealers to first obtain a license from the La. Motor Vehicle Commission before engaging in business in this state. New law provides an exception for specialty vehicle dealers who manufacture wheeled, armored personnel carriers for sale to law enforcement agencies and who do not maintain or have a place of business in this state. New law expires on July 1, 2018.

Prior law, relative to the distribution and sale of motor vehicles and recreational products, prohibited a manufacturer, distributor, wholesaler, distributor branch, factory branch, converter or officer, agent, or other representative from selling or offering to sell a new or unused motor vehicle directly to a consumer or competing with a licensee operating under an agreement from the manufacturer.

New law provides an exception against the direct sale to a consumer when any one of the following conditions are met by the manufacturer, distributor, wholesaler, distributor branch, factory branch, converter or officer, agent, or other representative:

- (1) Operating an existing, licensed, and franchised motor vehicle dealership or operating an existing, licensed, and franchised for a reasonable period not exceeding two years.

- (2) Operating an existing, licensed, and franchised motor vehicle dealership which is for sale to any qualified independent person at a fair and reasonable price, for a period not to exceed two years.
- (3) Operating in a bona fide relationship in which a person independent of a manufacturer has made a significant investment subject to loss in the dealership, and can reasonably expect to acquire full ownership of the dealership on reasonable terms and conditions.

Prior law prohibited a manufacturer, distributor, wholesaler, distributor branch, factory branch, converter or officer, agent, or other representative from competing with a licensee in the same-line makes, models, or classifications operating under an agreement or franchise from the manufacturer, and provided that a manufacturer is not competing if doing various listed acts. New law repeals prior law.

Effective upon signature of the governor (June 3, 2017).

(Amends R.S. 32:1261(A)(1)(k); adds R.S. 32:1254(O))

Verification of Car Insurance (Act 315)

Existing law prohibits law enforcement from issuing a citation resulting in a penalty, fine, or fee for failure to have a document that evidences proof of compulsory motor vehicle liability security contained in the motor vehicle if, at the time of a traffic stop, the law enforcement officer can verify electronically that the owner or operator has current motor vehicle liability security covering the vehicle.

New law requires a law enforcement officer to use electronic means immediately available to verify compulsory motor vehicle liability security, at the time any law enforcement officer conducts a motor vehicle stop.

New law requires the owner or operator of the motor vehicle to provide evidence of compulsory

motor vehicle liability security, if the law enforcement officer is unable to verify electronically that the owner or operator has current motor vehicle liability security covering the vehicle at the time of the traffic stop.

Effective August 1, 2017.

(Amends R.S. 32:863.1.1)

TITLE 33: MUNICIPALITIES AND PARISHES

Stonewall Police Chief (Act 202)

New law provides that the board of aldermen of the town of Stonewall may, upon the recommendation of the mayor, abolish the office of police chief. New law provides that the abolition may not become effective during a term of office if an elected chief is serving in the office.

New law provides that if the office of police chief and the police department are abolished, the mayor and board of aldermen may contract with any law enforcement entity or officer within DeSoto Parish for police services.

Effective upon signature of governor (June 14, 2017).

(Adds R.S. 33:381(C)(34))

Livingston Parish Planning Commission (Act 20)

New law authorizes the governing authority of Livingston Parish to pay per diem to members of the Livingston Parish planning commission for attending meetings of the commission.

(Adds R.S. 33:103(C)(1)(n))

Grant Parish Economic and Industrial Development District (Act 208)

Prior law created the Grant Parish Economic and Industrial Development District. New law repeals prior law.

Effective upon signature of governor (June 14, 2017).

(Repeals R.S. 33:130.161-130.169)

Amite Police (Act 123)

New law authorizes the Amite police chief to appoint, promote, discipline, and discharge police personnel, subject to the budgetary limitations of the mayor and board of alderman pertaining to the number of allotted positions.

(Amends R.S. 33:423.17)

Eunice Police (Act 92)

New law, applicable to Eunice, provides that the board of aldermen may by resolution authorize the police chief to appoint, discipline, and discharge police personnel subject to the budgetary limitations of the mayor and board of aldermen pertaining to the number of allotted positions.

(Adds R.S. 33:423.27)

Athens Mayor's Court (Act 16)

New law establishes a mayor's court for the village of Athens.

Effective August 1, 2017.

(Adds R.S. 33:457)

St. Bernard Parish Trash (Act 140)

New law authorizes the governing authority of St. Bernard Parish to enact ordinances requiring property owners to remove deleterious growths, trash, debris, and other noxious matter.

(Amends R.S. 33:1236(21)(b) and (30)(b))

Community Service for Parish Ordinance violations (Act 117)

New law authorizes imposition of up to 100 hours of community service, in addition to or in lieu of penalties authorized by existing law, for a violation of a parish ordinance.

Effective August 1, 2017.

(Amends R.S. 33:1243(A)(1))

Firefighters and Cancer (Act 287)

Prior law provided that if a firefighter who has ten years or more in the classified service is unable to perform regular duties due to a disabling cancer, then that cancer shall be classified as an occupational disease or infirmity. New law retains the 10-year service requirement but removes provisions that the cancer be disabling in order to be classified as an occupational disease or infirmity, and provides that if the 10-year period firefighter develops cancer, then that is to be classified as an occupational disease or infirmity.

Prior law provided that disabling cancers originating in the bladder, brain, colon, liver, pancreas, skin, kidney, or gastrointestinal tract, and leukemia, lymphoma, and multiple myeloma are occupational diseases or infirmities connected with a firefighter's duties. New law retains prior law but removes the disabling nature of the cancer and provides that cancers to be included are those of the reproductive tract, prostate cancer, testicular cancer, or any other type of cancer for which a firefighter has a statistically significant increased risk of developing due to occupational exposure.

Effective August 1, 2017.

(Amends R.S. 33:2011(A) and (B))

Firefighter Training (Act 194)

New law makes civil service firefighter training exception applicable to the cities of Baton Rouge, Bossier City, and Lafayette and Fire Protection District No. 2 of Ward 4 of Calcasieu Parish rather than to municipalities with a population of not less than 200,000 persons and not more than 240,000 persons.

Effective August 1, 2017.

(Amends R.S. 33:2495.3(A); Adds R.S. 33:2555.2)

DeRidder and Eunice Police Departments (Act 93)

New law makes various changes to the civil service promotions rules for the DeRidder and Eunice Police Departments.

(Amends R.S. 33:2551, and 2558(B))

Opelousas Downtown Development District (Act 326)

New law changes the boundaries, composition and powers of the board responsible for managing the affairs of the Opelousas Downtown Development District.

New law authorizes the district's board to establish by resolution an economic development district or districts within the boundaries of the city of Opelousas, and provides that the board of commissioners shall be the governing authority of such a district and shall have all the powers and authority granted to such economic development districts.

Effective upon signature of the governor (June 22, 2017).

(Amends R.S. 33:2740.39; adds R.S.33:9038.32(F))

Livingston Parish Sewer District (Act 167)

New law changes number of board supervisors from five to seven for the Livingston Parish Sewer District.

Effective upon signature of the governor (June 12, 2017).

(Adds R.S. 33:3887(C))

Rapides Parish Sewerage District No 2 (Act 178)

New law retains prior law and adds authority for the parish governing authority to pay the identical per diem to each member of the board of supervisors of Sewerage District No. 2.

Effective August 1, 2017.

(Amends R.S. 33:3887.5)

New Orleans Sewerage & Water Board (Act 311)

Prior law authorized the New Orleans Sewerage and Water Board to contract with parties having franchises for that purpose to supply water to consumers in the adjoining parishes, at rates to be fixed by the sewerage and water board.

New law retains prior law and authorizes the New Orleans Sewerage and Water Board to sell its other services to neighboring parishes.

Effective August 1, 2017.

(Amends R.S. 33:4082.1)

Tangipahoa Sewerage District No. 1 (Act 124)

New law requires each entity operating a water system within the service area of Sewerage District No. 1 for Tangipahoa Parish to collect service charges imposed for sewerage services rendered by the district.

New law authorizes the governing authority of Tangipahoa Parish to enact ordinances to enforce new law and to require that water services be disconnected if a customer fails to pay such charges. New law requires that any such ordinance provides for the reimbursement of collection costs.

New law provides for the liability of the water system operator for damages suffered by the sewerage district resulting from a failure to collect such charges.

Effective August 1, 2017.

(Amends R.S. 33:4169(C))

West Feliciana Parish Hotel Taxes (Act 127)

New law increases the maximum rate of hotel occupancy tax that the West Feliciana Parish Tourist Commission may levy from 2% to 4%,

requires voter approval for the levy of the additional tax, and provides that the additional tax shall not affect the occupancy tax levied by the governing authority of West Feliciana Parish on the effective date of proposed law.

Effective July 1, 2017.

(Amends R.S. 33:4574.1.1(A)(37))

West Baton Rouge Parish Tourist Commission (Act 5)

New law changes the size and composition of the board of directors of the West Baton Rouge Parish Tourist Commission.

(Adds R.S. 33:4574(F)(10))

East Baton Rouge Parish Hotel Tax (Act 310)

New law authorizes Visit Baton Rouge to levy an additional two percent occupancy tax upon the paid occupancy of hotel rooms located within East Baton Rouge Parish, but not located within the municipalities of Baker, Central, or Zachary or the area within the boundaries of the Baton Rouge North Economic Development District.

New law provides for an election before levy of the additional tax. Voter approval shall be by a majority of the electors residing in that portion of East Baton Rouge Parish that is affected.

Prior law provided for the governing authority of East Baton Rouge Parish to levy and collect a two percent rent or fee charged for the occupancy of hotel rooms located within the same area. New law repeals prior law.

Effective upon signature of the governor (June 16, 2017).

(Amends R.S. 33:4574.1.1(A)(6); repeals R.S. 47:338.217)

Lake Charles Lakefront Development (Act 290)

New law authorizes the city of Lake Charles to call a special election to seek voter approval

regarding the commercial and residential usage of all or a portion of the leased land on the lakefront.

New law authorizes the city of Lake Charles to have the full and exclusive right, jurisdiction, power, and authority to conduct and effectuate development in the lakefront land areas for the residential, commercial, and profit-oriented purposes consistent with the proposition if a majority of the qualified electors vote to approve it at the referendum election.

New law authorizes the city of Lake Charles to construct, acquire, extend, or improve facilities such as marinas, motels, hotels, restaurants, residential housing, commercial office space, and boating facilities and provide for roads, sewer, water and other nonelectric utilities as maybe necessary to facilitate any plan for commercial or residential use approved by the voters.

New law specifically provides that nothing in new law shall supersede the sole authority and responsibility of the Louisiana Gaming Control Board relative to gaming.

Effective upon signature of the governor (June 16, 2017).

(Adds R.S. 33:4699.1(E))

Sharing of Public Equipment (Act 191)

New law provides that a public entity may share equipment with another public entity without rendering payment to the entity that owns the equipment as long as the entities have executed a cooperative endeavor agreement for the use of the equipment.

New law requires that the cooperative endeavor agreement contain reasonable details of the obligations between the parties, identify the equipment that will be used, explain the use and the approximate length of time for use of the equipment, address the responsibility for repairing or replacing the equipment, and include a hold harmless provision.

New law provides that when an emergency situation is declared and public entities need to

share equipment, the provisions of new law dealing with the execution of a cooperative endeavor agreement are not required, provided the public entities share the equipment in good faith relative to the emergency situation.

Prior law dealing with mutual aid between local police departments, sheriffs' offices, and the LA Assoc. of Chiefs of Police Emergency Response Task Force will supercede and control in the event of conflict with the provisions of new law.

Effective upon signature of the governor (June 12, 2017).

(Adds R.S. 33:4712.17)

Waste Tires (Act 354)

New law authorizes the governing authority of a municipality to adopt an ordinance regulating the accumulation of waste tires on private residential property.

New law requires that such an ordinance include certain minimum fines for violations and provisions for employees of the municipality, or of a firm contracting with the municipality, to enter private property for the purpose of removing waste tires that are in violation of the ordinance.

New law additionally provides that processing of waste tires collected pursuant to new law is eligible for reimbursement from the Waste Tire Management Fund (fund) if the municipality has deposited the appropriate amount into the fund.

New law expires on July 1, 2021.

Effective August 1, 2017.

(Adds R.S. 33:4885)

Bethany Convention District (Act 393)

New law creates the Bethany Convention Center Development District in East Baton Rouge Parish as a special taxing district and political subdivision of the state.

New law authorizes the district to exercise the power of tax increment financing, including ad valorem tax increment financing, and sales tax increment financing and to levy sales taxes or hotel occupancy taxes in an amount as may be determined by the board, with the approved written consent of the owners of immovable property in the district.

New law provides that the aggregate tax rates of the sales tax and occupancy tax must be at least equal to the aggregate rate of all sales and occupancy taxes within the city-parish. In addition, the taxes levied are deemed to supersede other local sales and occupancy taxes if the taxes: (1) do not secure bonds, (2) have not been dedicated by other law or by proposition approved by electors, (3) are not based on a per person basis, and (4) are not the occupancy tax authorized by prior law relating to Visit Baton Rouge.

Effective upon signature of the governor (June 23, 2017).

(Adds R.S. 33:9038.71)

Lake Barrington Subdivision Improvement District (Act 85)

New law changes the composition of the board of commissioners of the district.

New law requires an election for renewal of a special district tax or fee to be held at the same time as a regularly scheduled election in the city of New Orleans, rather than a mayoral primary election.

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

(Amends R.S. 33:9077(D) and (F)(5)(b))

Kenilworth Improvement District (Act 80)

New law provides that the district is governed by the members of the board of directors of the Kenilworth Civic and Improvement Assoc.

Old law authorized the governing authority of the city of New Orleans, subject to voter approval, to impose and collect a \$200 parcel fee within the district. New law provides instead that the amount of the fee shall not exceed \$225 per parcel per year. New law authorizes the board to change the amount of the fee, not to exceed the maximum amount authorized by new law and approved by the voters.

New law provides that the fee expires at the end of the term provided for in the proposition, not to exceed eight years. New law authorizes renewal of the fee, subject to voter approval, and requires that the election for renewal be held at the same time as a regularly scheduled election in the city of New Orleans.

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

(Amends R.S. 33:9078(D) and (F)(2) and (4))

Upper Audubon Security District (Act 372)

With respect to the Upper Audubon Security District in Orleans Parish, new law authorizes the president to designate a person to serve in his stead as a member of the board, authorizes an increase in the maximum parcel fee to \$700 per year beginning Jan. 1, 2019, authorizes the district to call an election for the purpose of submitting the question of increasing the maximum parcel fee to the district's voters, and authorizes the district's board to change the amount of the fee by duly adopted resolution, not to exceed the maximum amount authorized by new law and approved by the voters.

New law provides for a seven-year limit on the duration of the fee but that the if the voters authorize an increase in the maximum fee in excess of \$500 prior to Jan. 1, 2026, then the parcel fee shall expire on Dec. 31, 2026.

New law allows that the election for renewal be held at any regularly scheduled election in New Orleans.

New law provides for a seven-year limit on the duration of the renewal.

Effective in part upon signature of governor (June 23, 2017), and in part on January 1, 2019.

(Amends R.S. 33:9091.12)

Audubon Area Security District (Act 152)

Existing law authorizes the governing authority of the city of New Orleans, subject to voter approval, to impose a parcel fee on behalf of the Audubon Area Security District. Prior law provided that the fee was not to exceed \$500 per year for each parcel for the calendar year 2009, increased by \$25 per year for each calendar year after 2009.

New law increases the maximum rate of the fee to \$550 per year per parcel, for the calendar year 2019, increased by \$25 per year for each calendar year after 2019.

New law provides that the fee shall be levied beginning on Jan. 1, 2019 and expires at the end of the term provided for in the proposition authorizing the fee, not to exceed 10 years.

New law requires that the election on renewal of the fee be held at the same time as a regularly scheduled election in the city of New Orleans.

Prior law provided that the maximum term for a renewal was eight years. New law removes prior law. The provisions of the Act have no effect on the parcel fee being imposed within the district on June 12, 2017. The fee shall continue to be imposed until it expires.

Effective upon signature of governor (June 12, 2017).

(Amends R.S. 33:9091.3)

University Neighborhood Security and Improvement District (Act 288)

New law creates the University Neighborhood Security and Improvement District in Orleans Parish for the purpose of promoting and encouraging security in the area included within the district and promoting and encouraging the beautification and overall betterment of the

district. The members serve without compensation but must be reimbursed for their reasonable out-of-pocket expenses directly related to the governance of the district.

New law grants the district, acting through its board, the authority to perform or have performed any function or activity necessary or appropriate to carry out the purposes of the district or for the overall betterment of the district. The governing authority of the city of New Orleans is authorized to impose and collect a parcel fee within the district in an amount that is requested by the board. The fee must be a flat fee per "improved parcel" of land not to exceed \$950 per year for each "improved parcel," for calendar year 2017. The fee expires in 10 years, but may be renewed if approved by voters of the district.

The board is required to adopt an annual budget in accordance with the Local Government Budget Act, and the district must be subject to audit by the legislative auditor.

New law protects board members or officers from liability for monetary damages for breach of his duty to any individual who resides, owns property, visits, or otherwise conducts business in the district, provided that the foregoing does not eliminate or limit the liability of a board member or officer for (1) acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law, and (2) any transaction from which he derived an improper personal benefit.

New law provides that, to the fullest extent permitted by prior law, a person serving the district as a board member or officer is not individually liable for any act or omission arising out of the performance of his duties.

Effective upon signature of the governor (June 16, 2017).

(Adds R.S. 33:9097.30)

Seabrook District (Act 2 of First Extraordinary Session)

Present law authorizes the governing authority of the city of New Orleans, subject to voter approval, to impose a parcel fee on behalf of the Seabrook Neighborhood Improvement and Security District not to exceed \$200 per year for each parcel.

Old law provided that the fee expires on Dec. 31, 2018, but authorized renewal of the fee for an additional eight years. New law instead provides that the fee expires at the end of the term provided for in the proposition authorizing the fee, not to exceed eight years.

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

(Amends R.S. 33:9091.16(F)(3)(b))

TITLE 34: NAVIGATION AND SHIPPING

Motor Vehicle and Vessel Transfers (Act 305)

New law requires that certain transactions transferring the certificate of title of certain movable property be witnessed by an authorized officer of a federally insured financial institution.

New law defines the term "authorized officer" as any officer of a federally insured financial institution operating in La. who is designated to witness the endorsement of a seller, on behalf of a federally insured financial institution, for the purpose of transferring a titled motor vehicle.

New law adds another circumstance to be deemed an "endorsement" for the purposes of delivery of certificates of title to the purchaser of a vehicle.

New law provides that the signature of the seller in the presence of an authorized officer, who shall verify the identity of the seller and who shall subscribe his name as a witness, when the seller is transferring ownership to a purchaser who is granting a security interest in the vehicle to the federally insured financial institution that is making a secured loan to the purchaser, is considered an "endorsement" for the purposes of existing law.

New law requires the federally insured financial institution to provide the Dept. of Public Safety and Corrections, office of motor vehicles, with a separate document identifying the name and job title of the authorized officer for the purpose of verifying that the person signing as a witness is an authorized officer of that particular financial institution.

New law requires this separate document be attached or included with each title presented for transfer.

New law provides that notwithstanding any other law, if a person sells, assigns, or transfers a vessel or outboard motor to a purchaser who obtains a secured loan from a federally insured financial institution that takes a security interest in the vessel or outboard motor, the bill of sale or seller's assignment of the certificate of title must be signed by the seller and may, in lieu of being signed in the presence of a notary public, be signed in the presence of an authorized officer who must verify the identity of the seller and subscribe his name as a witness.

New law requires the federally insured financial institution to provide the Dept. of Wildlife and Fisheries with a separate document identifying the name and job title of the authorized officer for the purpose of verifying that the person signing as a witness is an authorized officer of that particular financial institution.

New law provides that for the purposes of new law, "authorized officer" means any officer of a federally insured financial institution operating in La. who is designated to witness the bill of sale or assignment of a certificate of title of a seller, on behalf of a federally insured financial institution, for the purpose of executing the transfer of either a vessel or an outboard motor.

New law provides that a federally insured financial institution may designate one or more officers to serve as authorized officers.

Effective August 1, 2017.

(Amends R.S. 34:852.6; Adds R.S. 32:702(17) and 705(B)(4))

Greater Baton Rouge Port Commission (Act 43)

New law changes prior law to require election of officers at the Greater Baton Rouge Port Commission's regularly scheduled meeting each November, and changes per diem from \$75 to a per diem set by the commission, not to exceed \$300.

Effective August 1, 2017.

(Amends R.S. 34:1221 and 1222)

Waterway Projects (Act 382)

New law creates the Waterway Dredging and Deepening Priority Program for the purpose of deepening, dredging, or maintaining waterways in the state.

New law requires applications for funding of any port construction or development project to be submitted to the office of multimodal commerce within the Dept. of Transportation and Development (office) by any governmental entity by the first of March, June, September, and December of each year for consideration of funding or funding obligation authority in the following fiscal years. New law requires applications to be reviewed by the office and any other state agencies within 60 days of receipt of such applications.

New law provides that the office may contract for any of the duties associated with the development of the program and the priority list, except the final determination of the priority list, which shall remain with the department and the joint House and Senate Transportation Committee.

New law requires the office to maintain an inventory of waterways, public and private, with respect to their location, capacities, and capabilities and to serve as a clearinghouse for inquiries for waterways information, data, and technical and research assistance.

New law provides that prior to the convening of each regular session of the legislature, the office shall prepare and furnish the priority list of

projects to the committees. The committees shall jointly hold a public hearing for the purpose of reviewing the priority list of projects for the coming fiscal year.

New law provides that after the committee hearing, but before the convening of the regular session, the office shall prepare the final construction program for the ensuing fiscal year and submit it to the committees.

New law requires the office to prepare and furnish a prioritized list of projects based on the applications received by the office during each quarter to the committees. The joint committee shall hold a public hearing within 30 calendar days of receiving the prioritized list for the purpose of reviewing the priorities. At such hearing, the joint committee shall vote to either accept, reject, or modify the list.

New law requires the office to re-prioritize the list of projects to reflect the cumulative list of projects recommended by the department and approved by the committees.

New law provides that after applications for the last quarter are approved by the office and presented to the committees, the department shall submit the final priority program for the ensuing fiscal year to the legislature for approval. Prior to the convening of the regular session of the legislature, the joint committee shall hold a public hearing for the purpose of reviewing the final program for the ensuing fiscal year.

New law requires the final program be based on the anticipated revenues to be appropriated by the legislature or other funding obligation authority and the projects shall be listed in order of priority.

New law requires a project recommended by the office and approved by the joint committee but for which funds are unavailable in the fiscal year for which it was approved to remain on the prioritized list of projects and to be carried forward to the next fiscal year.

New law requires the office to annually provide a supplemental list of projects to be commenced or authorized within the ensuing four years which

are in various stages of planning and preparation requires the approved list to be implemented by office using appropriated funds, funding obligation authority, or pursuant to the cash management program.

New law provides that no waterway project shall be undertaken by the office except those included in the approved program listing which are funded or which have funding obligation authority for that fiscal year.

New law provides that projects planned for the year for which appropriations have been made or which have funding obligation authority shall be commenced in that year and provides procedures for commencing substitute projects.

New law creates the Dredging and Deepening Fund within the state treasury as the source of state funds in addition to capital outlay funds, the general fund, and other sources, provided for any waterway project on the priority list.

New law provides for various requirements for the preparation of plans and specifications and letting of bids for and supervision of construction.

New law allows a sponsoring authority to receive a portion of the funds required to participate in a federal matching program.

New law requires that distributions to recipient governmental entities be audited biennially.

New law provides for requirements and procedures pertaining to the misuse of funds.

Effective July 1, 2017.

(Adds R.S. 34:3471-3483)

TITLE 36: ORGANIZATION OF THE EXECUTIVE BRANCH

Public Park Land Sales and Leases Laws (Act 190)

Prior law required under most circumstances, that the sale, lease, or sublease of state park lands be approved by the legislature and that notice of

such sale be properly advertised. New law removes the legislative approval requirement, but requires that such sale, lease, or sublease of state park lands comply with applicable provisions of the sale and lease laws of public lands of the state.

Prior law provided requirements for the leasing of public lands, including application, advertisement, and bidding.

New law authorizes the secretary of the Dept. of Culture, Recreation and Tourism (DCRT) to grant leases, subleases, and concession leases and enter any related contract or agreement on any portion of the immovable property under the DCRT's supervision, jurisdiction, or management except the Lower Pontalba Building to any of the following:

- (1) A public body. The application, advertisement, and bid requirements of prior law related to the leases of public lands will not apply to a lease with a public body under the new law.
- (2) A private entity. The provisions of prior law related to the leases of public lands will not apply to a mineral or timber lease with a private entity under the new law. If a private entity is obligated under the terms of a lease to undertake activities or to construct improvements on the leased immovable property that will support the public purposes of the DCRT, the provisions of prior law related to the leases of public lands will not apply to the lease, but such a lease is subject to the following conditions:
 - (a) Such lease will be negotiated and let in accordance with fair and reasonable criteria established and applied relating to a balance of factors.
 - (b) A lease entered into by a private lessee for the performance of work on the leased premises or the erection, construction, or maintenance of improvements on the leased premises will not

constitute a contract for public works.

- (c) The architectural plans for such improvements will be approved by the secretary prior to construction on the leased or subleased property.
 - (d) Such leases will be subject to the laws governing the administration of state lands and cooperative endeavor agreements.
- (3) The provisions of new law will not impair or diminish the priority established for individuals who are blind, under the administration of the Louisiana Rehabilitation Services, in the operation of vending stands, vending machines, cafeterias, or other food concessions.

New law further authorizes the secretary to terminate the lease, sublease, concession agreement, contract, or other privilege of any person who files a federal or state trademark or service mark application for a trademark or service mark that incorporates or implies an association with a holding of the DCRT or its historical, cultural, or recreational resources or who makes a legal claim or assertion to have such a trademark or service mark. New law disqualifies any such person from future concession agreements, leases, contracts, and privileges granted by the DCRT. New law provides that any such person will be responsible for the state's attorney fees, costs, and expenses associated with that termination, opposition, cancellation, and disqualification.

New law further authorizes the secretary to collect rents and other payments for the leasing of concessions or granting of other privileges in or on an office of state parks holding.

Effective upon signature of the governor (June 12, 2017).

(Amends R.S. 36:204 and R.S. 56:1687)

Commercial Feeds (Act 52)

Prior law specified that the office of agricultural and environmental sciences is responsible for administering the law relating to commercial feeds. New law specifies that the office of animal health and food safety is responsible for the regulation of the manufacturing and sale of commercial feeds, instead of the office of agricultural and environmental sciences.

(Amends R.S. 36:628(C)(1) and (E))

TITLE 37: PROFESSIONS AND OCCUPATIONS

Convicts and Occupational Licenses (Act 262)

Existing law provides for the application for and issuance of licenses necessary to engage in certain fields of work to persons who are otherwise qualified and who have been convicted of criminal offenses. Prior law required entities, except for those exempted pursuant to existing law, to issue either a license or a provisional license to an applicant if the applicant met all other requirements of the licensing qualifications, except those pertaining to criminal convictions.

New law amends prior law to remove a non-exempt entity's ability to issue a provisional license and provides for the issuance of the actual license for which the applicant applied and is otherwise qualified to receive. In this regard, new law deletes the prior law provisions regarding provisional licenses.

New law authorizes the revocation of a license if the holder is convicted of a new felony offense or a violation of law or rules governing the practice of the field of work for which the license was issued.

New law provides that a licensing entity is not required to issue a license to any person convicted of any of (1) any grade of homicide enumerated in R.S. 14:29; (2) a "crime of violence" as enumerated in R.S. 14:2(B); or (3) a "sex offense" as defined by R.S. 15:541.

Prior law required a licensing entity exempt from new law and existing law to keep record and compile a report of the number of provisional licenses issued and denied by the entity, including all reasons for such denial, when the denial is of an otherwise-qualified applicant convicted of an offense or offenses, except those defenses described in existing law (R.S. 37:37(A) through (C)).

New law amends prior law to remove the reference to "provisional" licenses and to require the records to include denials based on a conviction of a homicide, a crime of violence, or a sex offense as was previously excluded by prior law.

Effective August 1, 2017.

(Amends R.S. 37:31-36)

Serious Mental Illness (Act 235)

Prior law provided that any person licensed under the mental health counselor law may not assess, diagnose, or provide treatment to any individual suffering from a serious mental illness when medication may be indicated, except when a licensed professional counselor or a licensed marriage and family therapist, in accordance with industry best practices, consults and collaborates with a practitioner who holds a license or permit with the La. State Board of Medical Examiners or an advanced practice registered nurse licensed by the La. State Board of Nursing who is certified as a psychiatric nurse practitioner. New law repeals prior law.

New law provides that if intellectual, personality, developmental, or neuropsychological tests are deemed necessary, the licensed professional counselor, provisional licensed professional counselor, licensed marriage and family therapist, or provisional licensed marriage and family therapist will make an appropriate referral.

Prior law provided a definition for serious mental illness to include schizophrenia or schizoaffective disorder, bipolar disorder, panic disorder, obsessive-compulsive disorder, major depressive disorder - moderate to severe,

anorexia, bulimia, intermittent explosive disorder, autism, psychosis NOS (not otherwise specified) when diagnosed in a child under seventeen years of age, Rett's disorder, Tourette's disorder, and dementia. New law repeals prior law.

Effective upon signature of the governor (June 14, 2017).

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

Prescription Drug Information Website (Act 236)

New law requires the La. Board of Pharmacy to develop a website to contain prescription drug information to be made available to prescribers on the board's website with a dedicated link that is prominently displayed on the board's home page, or by a separate easily identifiable Internet address. New law requires that the website include certain data elements separated by therapeutic category.

New law provides that when a pharmaceutical marketer engages in any form of prescription drug marketing in the state directly to a prescriber, his designee, or any member of his staff, the marketer may disclose the website Internet address and inform the prescriber that he may access the website to obtain information on the cost of prescription drugs.

New law provides that each health profession licensing board that regulates individuals with prescriptive authority in the state must advise their licensees at least once annually of the opportunity to access this website.

New law provides that the implementation of new law is contingent upon the board obtaining grant funds from a private entity for the development, implementation, operation, and continued maintenance of the drug pricing disclosure website.

Effective upon signature of the governor (June 14, 2017).

(Adds R.S. 37:1251)

Board of Medical Examiners (Act 162)

New law provides that no member of the Louisiana State Board of Medical Examiners shall serve more than three consecutive four-year terms.

Effective upon signature of the governor (June 12, 2017).

(Amends R.S. 37:1263(F))

La. Real Estate Commission (Act 50)

New law provides that any person who violates real estate agent licensure law shall be guilty of a misdemeanor and fined not more than \$500 per day of violation, beginning from five calendar days from service by certified mail of the cease-and-desist letter issued by the commission, or not more than three months in prison, or both.

New law provides that the district attorney in whose jurisdiction the violation occurs shall have sole authority to prosecute criminal actions pursuant to law.

Effective August 1, 2017.

(Adds R.S. 37:1436(E) and (F))

Home Inspectors (Act 328)

New law adds authorization for the board to collect credit card service fees not to exceed the amount charged to the board by the financial institution.

New law adds that an applicant shall submit a criminal background request form to the office of state police.

New law adds that the term "licensed home inspector" or "L.H.I." shall appear on reports.

New law provides that the board shall establish terms and conditions of errors and omissions insurance coverage, including but not limited to the permissible deductible, limits of liability, and permissible exclusions.

New law provides that each licensee shall file with the board a certificate of coverage showing compliance with the required terms and conditions of coverage by the annual license renewal date.

Effective August 1, 2017.

(Amends R.S. 37:1473, 1474, 1479, and 1481; adds R.S. 37:1477(B)(8) and (C)(6))

Public Bidding Procedure (Act 49)

Prior law required that all architects, engineers, and awarding authorities place in their bid specifications the requirement that a contractor shall certify that he holds an active license and show his license number on the bid envelope. New law provides that the bid specifications require that the contractor certify he holds an active license by displaying his license number on the bid envelope.

Prior law provided that if the bid does not contain the contractor's certification and show the contractor's license number on the bid envelope, the bid shall be automatically rejected. New law provides that if the bid does not display the contractor's license number, the bid shall be automatically rejected.

Effective August 1, 2017.

(Amends R.S. 37:2163(A)(1))

Contractors (Act 231)

New law provides that any person required to be licensed or registered pursuant to present law shall provide, in writing, to the party with whom he has contracted to perform contracting services, his name, contracting license number, classification, and current insurance certificates evidencing the amount of liability insurance maintained and proof of workers' compensation coverage, regardless of whether such information is requested by the contracting party for whom the work is to be performed.

New law provides that failure of the person required to be licensed or registered to comply

with new law shall be deemed a willful failure to comply with law.

New law provides that any person required to be licensed or registered pursuant to present law shall produce to the appropriate permitting authority evidence of a license or registration in good standing prior to the issuance of any permit required by law.

New law provides that every agreement to perform home improvement contracting service must include current insurance certificates evidencing the amount of liability insurance maintained and proof of workers' compensation coverage by the person required to be licensed or registered.

Present law establishes an enumerated list of acts that are prohibited for any persons performing home improvement contracting services. New law deletes a provision of law requiring persons performing home improvement contracting services to possess any insurance as required by federal law.

New law makes it a prohibited act for any persons performing home improvement contracting services to fail to provide, in writing to the party with whom he has contracted to perform contracting services, his name, registration number, and current insurance certificates evidencing the amount of liability insurance maintained and proof of workers' compensation coverage, regardless of whether such information is requested by the contracting party for whom the work is to be performed.

New law repeals a provision of law requiring any persons performing home improvement contracting services to obtain any insurance required by federal law.

(Amends R.S. 37:2175.1 and 2175.3; Adds R.S. 37:2171.3)

Board of Examiners of Psychologists (Act 234)

Old law provided that no disciplinary proceeding shall be commenced by the State Board of Examiners of Psychologists more than one year

after the date upon which the board knows or should know of the act or omission upon which the disciplinary action is based. New law removes the one year prescriptive period.

New law removes the board's authority to charge a hearing fee to applicants for licensure.

Prior law required a license applicant to have one year of post-doctoral experience. New law authorizes the board to consider the experience of a psychologist who has practiced for five years in another state with no disciplinary actions as a substitute for one year of post-doctoral experience.

Prior law provided that a person has 30 days to pay reasonable costs to the board for the disciplinary hearings after final adjudication by the board. New law increases the number of days from 30 to 90 days.

New law provides that the hearing fee may include reasonable costs and fees for the hearing, including legal fees, stenographer, investigator, staff, witness fees, and any costs incurred on judicial review and appeal. New law provides that the board may assess reasonable costs and fees, not to exceed \$10,000, when a disciplinary action is resolved by settlement, consent decree or other informal resolution.

Effective upon signature of the governor (June 14, 2017).

(Amends R.S. 37:2353, 2354, 2356, and 2359)

Physical Therapy (Act 300)

Prior law authorized a graduate of a foreign school of physical therapy to qualify for a license as a physical therapist from the La. Physical Therapy Board (board) upon meeting the requirements for licensure as a physical therapist as well as complying with additional provisions. New law changes the additional requirements.

New law authorizes a graduate of a foreign school of physical therapy assisting to qualify for a license as a physical therapy assistant upon meeting the requirements for licensure as a

physical therapist assistant as well as complying with various specified requirements.

New law authorizes an applicant who has completed a U.S. armed services program of training not accredited by a national accreditation agency approved by the board to qualify for a license as a physical therapy assistant upon meeting the requirements for licensure as a physical therapist assistant as well as complying with certain additional requirements.

New law authorizes specified continuing education review fees.

Effective August 1, 2017.

(Amends R.S. 37:2410 and 2424; Adds R.S. 37:2411.1, and 2411.2)

Speech-Language Pathology and Audiology (Act 302)

New law changes the composition of the La. Board of Examiners for Speech-Language Pathology and Audiology (board) within the La. Department of Health.

New law adds that no public member shall have a financial interest in the practice or business of speech-language pathology or audiology or be a family member or spouse of a licensed speech-language pathologist or audiologist.

New law increases the frequency of required meetings to at least one each quarter.

New law prohibits a member of the board from being an officer or holding any leadership position in a state speech-language pathology or audiology professional association for the term of the member's appointment to the board.

New law establishes the domicile of the board in the parish of East Baton Rouge.

New law provides that a member of the board may be removed by the board upon an affirmative vote of a two-thirds majority of members upon various grounds.

New law requires La. licensure for in-state practitioners and telehealth registration for out-of-state practitioners using telehealth in the delivery of speech-language pathology or audiology services, regardless of where the services are rendered or delivered.

New law authorizes the board to issue a license on a conditional basis.

New law expands the board's disciplinary authority to individuals registered with the board.

New law authorizes the board to discipline a licensee who engaged in "negligent," rather than "abusive," billing in connection with services provided.

New law prohibits any individual from engaging in the practice of speech-language pathology or audiology unless currently licensed by or registered with the board, and provides that an individual engaging in unlicensed practice shall be subject to a cease and desist order or disciplinary action by the board, as appropriate.

New law authorizes the board to issue a consent agreement and order in a disciplinary action.

New law authorizes the record of all disciplinary hearing proceedings before the board to be made in any form and requires the record itself to be kept on file.

Effective August 1, 2017.

(Amends R.S. 37:2654, 2662 and 2664; Adds R.S. 37:2656.1, 2660.1 and, 2661.2; Repeals R.S. 37:2655)

Continuing Chiropractic Education (Act 255)

New law increases the annual continuing education requirements from 12 to 15 hours.

New law requires at least three of the 15 hours shall be in the subject of risk management, which shall include one hour of ethics.

Effective August 1, 2017.

(Amends R.S. 37:2810(A) and (C)(2)(a))

Polysomnographic Technologists (Act 304)

New law repeals the requirement that an applicant for a polysomnographic technologist license be a graduate of an Accreditation of Allied Health Education Program (CAAHEP) – accredited program.

New law expands a licensure exception to any individual pursuing a course of study in a polysomnographic technology education program approved by the La. State Board of Medical Examiners (LSBME).

New law establishes an additional licensure exception for an individual pursuing a course of study in a program accredited by the Commission on Accreditation for Respiratory Care if the polysomnographic procedure or service is within the individual's course of study and is performed under the direct supervision of a physician or polysomnographic technologist licensed by LSBME.

Effective August 1, 2017.

(Amends R.S. 37:2865 and 2869; Repeals R.S. 37:2862(4))

Appraisal Management Companies (Act 11)

Existing law imposes an expiration date on certain application procedures relative to applicants for licenses or licensees applying for a renewal of their appraisal management company licenses. New law changes the sunset date from Dec. 31, 2017, to Dec. 31, 2019.

Effective August 1, 2017.

(Amends R.S. 37:3415.10(D))

Military Medical Personnel (Act 1)

New law authorizes the La. Dept. of Veteran Affairs (LDVA), in collaboration with each state agency or professional or occupational licensing board or commission that regulates the practice of a healthcare profession, to establish a pilot

program in which military medical personnel may practice certain healthcare services under the supervision of a physician or podiatrist who holds an active, unrestricted license in La.

New law requires the activities to reflect the level of training and experience of the military medical personnel and requires the supervising physician or podiatrist to retain responsibility for the care of the patient.

The pilot program established by new law terminates on December 31, 2020.

Effective August 1, 2017.

(Adds R.S. 37:3661-3665)

Dental and Dental Hygiene Licenses (Act 296)

Existing law requires individuals who perform dentistry and dental hygiene in this state to be licensed by La. State Board of Dentistry (LSBD).

New law exempts from the licensure requirements all of the following:

- (1) Dental hygiene schools or colleges approved by the LSBD.
- (2) The practice of dental hygiene by students in dental or dental hygiene schools or colleges approved by the LSBD when acting under the direction and supervision of registered dentists or dental hygienists, licensed and acting as instructors or professors.
- (3) Interns in any hospital or institution, but not residents.

Effective August 1, 2017.

(Amends R.S. 37:752(3))

Volunteer Dentists (Act 407)

Prior law authorized the La. State Board of Dentistry (LSBD) to issue a retired volunteer dental license to an applicant to practice dentistry

in a community healthcare clinic for a period of one year.

New law expands eligibility for the license to any applicant if the dentist's practice consists only of voluntary care, as defined by LSBD rule, and extends the period of validity to two years.

Prior law provided that the provisions of existing law relative to a limitation of liability for gratuitous service by a healthcare provider in a community healthcare clinic or community pharmacy applied to an individual practicing pursuant to a retired volunteer dentist license issued by the LSBD.

New law repeals prior law and provides for a limitation of liability for any dentist holding a retired volunteer license to practice dentistry who in good faith gratuitously renders health care to a patient, unless the damages were caused by the gross negligence or willful or wanton misconduct of the dentist.

New law exempts from the limitation of liability a dentist holding a retired volunteer license who treats a patient in a private clinic where payment by the patient is expected and the patient or the patient's private insurer pays the clinic or the clinic owner for the treatment, even if the dentist holding the volunteer license is providing the treatment without being remunerated.

New law provides that the limited liability shall be applicable only if the person receiving the healthcare services is given notice of the limitation of liability.

Prior law required the holder of the retired volunteer dental license to practice a minimum, on average, of eight hours per month, and required the license to be automatically revoked if the community healthcare clinic at which the retired volunteer dentist sought to practice permanently ceased operation, unless the licensee began practicing in another community healthcare clinic for the required minimum number of hours per month within 90 days. New law repeals prior law.

Existing law authorizes any person licensed as a retired volunteer dentist to apply for a return to active licensure status. Prior law required licensees who had not practiced at least one year out of the five years immediately preceding the application for an active license to document and certify to the LSBDD how they have maintained their professional ability, skills, and knowledge. New law changes the time period for practice to one year immediately preceding the application for an active license.

Effective August 1, 2017.

(Amends R.S. 37:761.1)

Funeral Homes (Act 251)

Prior law, relative to embalming and funeral directing, provided that certificate holders shall renew their certificate by December 31 of each year and such certificate shall be considered automatically revoked for failure to pay.

New law repeals the provision for automatic revocation of certificate for failure to pay and establishes a process requiring the board to issue notice of failure to pay by certified mail, provide the opportunity for the certificate holder to pay within five business days of receipt of the certified mail, and issue a refund to any certificate holders who were assessed a reinstatement fee in January 2017, to include the reinstatement fee less the annual renewal fee. The refund must be issued by September 1, 2017.

Effective upon signature of the governor (June 14, 2017).

(Amends R.S. 37:844; adds R.S. 37:847(C) and (D))

TITLE 38: PUBLIC CONTRACTS, WORKS AND IMPROVEMENTS

Floodplain Commission (Act 360)

Prior law provided for revision of the flood control database by the La. Geological Survey every four years. New law modifies prior law by

requiring the Floodplain Evaluation and Management Commission to review and revise the flood control database at least once every five years, provided funds are specifically appropriated.

New law specifies the composition of the Commission.

New law provides that the secretary of the Dept. of Transportation and Development or his designee will serve as chairman of the Commission.

New law requires the Commission to ensure that no development in a parish or municipality will have negative or detrimental effects on another parish or municipality.

New law requires the Commission to ensure that work in any basin area across parish or municipal boundaries is performed according to contractual obligations or state law.

New law requires the Commission to submit a written report to the Joint Committee on Transportation, Highways and Public Works at the beginning of the next Regular Session if they fail to perform the review and revision of the database.

New law requires that Sept. 1st of the year immediately following a gubernatorial flood disaster declaration, the Dept. of Transportation and Development must send notice to any eligible municipality or parish containing information regarding the application procedures and deadlines to submit eligible flood control projects.

New law requires that by Oct. 1st of the year following the disaster declaration a parish or municipality must submit an application for flood-control project funding.

New law removes the La. Geological Survey from the list of agencies reviewing applications.

New law provides that the final revision of the flood information database by the Floodplain Evaluation and Management Commission be

furnished to the Joint Committee on Transportation, Highways and Public Works and the Flood Control Project Evaluation Committee prior to the 2022 Regular Session.

New law requires that the final revision of the flood information database pertaining to the Amite River Basin be furnished to the Joint Committee on Transportation, Highways and Public Works and the Flood Control Project Evaluation Committee prior to the 2020 Regular Session.

New law provides such that the Flood Control Project Evaluation Committee must submit a list of recommended projects, and supporting data, to the Joint Committee on Transportation, Highways and Public Works beginning with the 2023 Regular Session.

Effective August 1, 2017.

(Amends R.S. 38:90.2, 90.4, and 90.5(A))

St. Tammany Levee District (Act 42)

New law repeals prior law which prohibited a commissioner of the St. Tammany Levee, Drainage and Conservation District, whose term is expired, from continuing to serve or vote.

Effective upon signature of the governor (June 3, 2017).

(Repeals R.S. 38:291(V)(5))

Flood and Other Protection Authorities (Act 269)

Existing law establishes nominating committees for the boards of commissioners for the Southeast La. Flood Protection Authority-East Bank and the Southeast La. Flood Protection Authority-West Bank.

New law changes the laws relating to the composition of the nominating committees.

New law classifies each nominating committee as a public body for purposes of the Open Meetings Law and the Public Records Law.

New law changes the composition of the Non-Flood Protection Asset Management Authority.

Effective June 16, 2017.

(Amends R.S. 38:330.1 and 330.12.1(C)(2))

Livingston Parish Gravity Draining District No. 2 (Act 169)

New law changes the number of board commissioners from five to seven for Livingston Parish Gravity Drainage District No. 2.

Effective upon signature of the governor (June 12, 2017).

(Amends R.S. 38:1759)

Ground Water Conservation Districts (Act 425)

New law requires any governing authority of a ground water conservation district created by law or designated as a regional body by the Water Resources Commission do all of the following:

- (1) Adhere to the Open Meetings Law.
- (2) Issue public notice of meetings, including an agenda, at least 24 hours in advance.
- (3) Provide the public with the opportunity to comment on each agenda item on the agenda and for general comments at the end of each meeting.
- (4) Operate under Robert's Rules of Order.
- (5) Record and maintain minutes of each meeting.

New law requires any standing subcommittee created by such governing authority be composed only of members of the governing authority and prohibits the establishment of ad hoc committees.

Effective August 1, 2017.

(Amends R.S. 38:3097.8; Adds R.S. 38:3097.3(G) and 3097.9)

TITLE 39: PUBLIC FINANCE

Adult Mental Health Programs (Act 387)

New law requires that the legislative and other staff develop guidelines to incorporate the provisions of the new law to establish a pilot evidence-based budget proposal process for adult mental health programs administered by the La. Department of Health (department). The guidelines shall be submitted to the Joint Legislative Committee on the Budget on or before July 1, 2018, for review and approval.

New law requires that no later than July 1, 2019, when possible, the department is to use the guidelines for evidence-based budgeting to select programs for the delivery of care for adult mental health.

Effective July 1, 2017.

(Amends R.S. 39:2; Adds 87.7;)

Tax Subsidy Programs (Act 401)

New law amends the definition of "incentive expenditures" or "incentive expenditure programs" to mean the reductions of and payments from current tax collections because of payments to businesses and individuals for the refund, rebate, or transferable credits granted through either an incentive contract between the state or an agency of the state and a specific recipient, or certification or approval of a specific recipient by the state or an agency of the state.

New law retains requires each department that administers an incentive benefit program to give a report on the program at each meeting of the Revenue Estimating Conference (REC).

New law provides that in developing the incentive expenditure estimate for each tax benefit program, each state agency which administers an incentive expenditure program, shall coordinate and implement procedures for developing the estimate, and provides for items that may be considered in the estimating procedures.

New law provides that the executive budget for Fiscal Year 2018-2019 and each fiscal year thereafter shall include a listing of all incentive expenditure programs by department, including the incentive expenditure forecast as adopted for the current fiscal year by the REC.

New law requires the incentive expenditure programs to be stated as a separate description in the program activities of the respective department, agency, or authority of the state which administers the incentive expenditure. Such incentive expenditures shall not be included as, nor counted towards the operating expenses of the relevant department, agency, or authority.

New law provides that the executive budget for Fiscal Year 2018-2019 and each fiscal year thereafter, the general appropriation bill and other appropriation bills shall include a listing of all incentive expenditure programs by department, including the incentive expenditure forecast as adopted for the current fiscal year by the REC.

New law provides that the budget prepared for Fiscal Year 2018-2019 and each fiscal year thereafter shall include a statement of total incentive expenditure programs and a statement of incentive expenditure programs by department.

Effective July 1, 2017.

(Amends R.S. 39:2, 24.1, 34, 51 and 56; adds R.S. 39:36(A)(7))

Nondiscretionary Adjusted Standstill Budget (Act 402)

New law requires the budget office to prepare a nondiscretionary adjusted standstill budget.

New law provides that upon receipt of a budget unit's nondiscretionary adjusted standstill budget estimate, the division of administration shall review the estimates for reasonableness and then combine the agency estimates with the mandatory statewide standard adjustments, which shall constitute the nondiscretionary adjusted standstill budget for the ensuing fiscal year.

New law provides that the nondiscretionary adjusted standstill budget shall be based upon the assumption that current law and administrative rules shall remain in effect for the estimate year.

New law requires the nondiscretionary adjusted standstill budget and the continuation budget to be contained in the same document.

Effective July 1, 2017.

(Amends R.S. 39:29 and 32; adds R.S. 39:2(40.1))

Governmental Cash Management (Act 361)

New law changes the composition of the Cash Management Review Board.

New law provides that the Cash Management Review Board shall review all state agency requests for the establishment of escrow funds in the state treasury, and if warranted, to approve the requests in writing.

New law provides that the division of administration, office of statewide reporting and accounting policy, shall develop a policy manual for the classification of state revenues which shall define the revenues being classified, and the procedures necessary to provide uniformity in the classification of revenues as statutory dedications, fees and self-generated revenue, state general fund, interagency transfers, federal funds, or other appropriate categories.

New law prohibits holding of state money in an escrow fund unless the state agency immediately gives written notification to the Cash Management Review Board and keeps detailed records accounting for the funds, the restrictions requiring the funds to be held in escrow, and the estimated duration of the restrictions.

New law provides that no state money in an escrow fund shall be withdrawn or transferred from an escrow account without an appropriation in the current fiscal year or, if there is no appropriation, without a budget adjustment approved by the commissioner of administration

and the Joint Legislative Committee on the Budget.

New law provides that monies paid to the state by a nonstate entity or party in error, or in cases in which a refund of the amount paid to the state is due, may be withdrawn from the escrow fund without a specific appropriation and returned to the nonstate individual or entity.

New law provides for the establishment of an escrow fund if the Cash Management Review Board has authorized the establishment of the escrow subfund in writing and notice of the creation of the escrow fund has been given in writing to the Joint Legislative Committee on the Budget.

New law requires agencies which have an escrow account in the state treasury to report to the state treasurer monthly and that the state treasurer shall compile the agency reports into one report and submit it to the Cash Management Review Board.

New law provides that nonstate money may be returned to a nonstate individual or entity from an escrow fund, without a specific appropriation.

New law provides for a quarterly report of agency accounts in the state treasury regarding fees and self-generated revenues which were deposited, transferred, or withdrawn from the agency account. New law requires the state treasurer to compile the agency reports into one report to be submitted to the Cash Management Review Board and the Joint Legislative Committee on the Budget.

New law directs the Department of Justice and the state treasurer to transfer \$5,300,335 from the escrow account in the state treasury to the State Emergency Response Fund.

Effective July 1, 2017 except provisions regarding the Department of Justice to transfer funds to the State Emergency Response Fund take effect upon signature of the governor.

(June 23, 2017).

(Amends R.S. 39:371 and 372; adds R.S. 49:320.2)

Format of Appropriation Bills (Act 416)

Prior law required that the General Appropriation Bill and bill appropriating funds for ancillary expenses contain a comparative statement of the number of authorized positions and the existing operating budget for the current fiscal year and the appropriations for the ensuing fiscal year for each program, department, and budget unit.

New law deletes the requirement of a comparative statement and instead requires that the number of authorized positions and existing operating budget for the current fiscal year be placed adjacent to the number of authorized positions and the appropriations for the ensuing fiscal year.

New law requires that the General Appropriation Bill reflect the recommended expenditures by category for the current fiscal year adjacent to the recommendations for the ensuing fiscal year.

Prior law required that the bill appropriating funds for the expenses of the legislature and the bill appropriating funds for the expenses of the judiciary include a comparative statement of the existing operating budget for the current fiscal year and the appropriations for the ensuing fiscal year.

New law deletes the requirement of a comparative statement in prior law and instead requires that the bills for the legislature and the judiciary include the number of authorized positions and the existing operating budget for the current year adjacent to the authorized positions and appropriations for the ensuing fiscal year.

Effective August 1, 2017.

(Amends R.S. 39:51)

Legislative Audit Law (Act 399)

New law prohibits public entities not in compliance with legislative audit law from letting

any public contract that utilizes any state funds, whether received through direct appropriation or through transfer from another public entity, or whose funding relies upon the full faith and credit of the state.

New law provides that a public entity subjected to new law may only be released from such restrictions after the following actions have been performed:

- (1) The public entity notifies the Legislative Audit Advisory Council, in writing, of their compliance.
- (2) The Legislative Audit Advisory Council confirms that the public entity is in compliance.

Effective August 1, 2017.

(Amends R.S. 39:72.1(A); adds R.S. 38:2211.1)

DWH NRD and RESTORE Revenues and Bonds (Act 357)

Existing law generally authorizes the Coastal Protection and Restoration Financing Corporation (Corporation) to carry out financing, purchasing, owning, and managing Offshore Royalty Revenues and Offshore Royalty Revenue Assets received under the Gulf of Mexico Energy Security Act (GOMESA).

New law grants the Corporation the same authority with regard to the assets and revenues received under the Deepwater Horizon natural resources damage (DWH NRD) consent decree and the Resources Ecosystems Sustainability, Tourist Opportunities, and Revived Economics of the Gulf Coast State Act (RESTORE).

For assets and revenues from DWH NRD and RESTORE, new law authorizes the State Bond Commission, subject to approval from the Joint Legislative Committee on the Budget and a majority of each house of the legislature, to sell to the Corporation, allocations of revenues received by the state from those two settlements. The Corporation is authorized to use the assets received from the sale to support the sale of

bonds, either RESTORE bonds or DWH NRD bonds.

New law authorizes the Corporation to issue revenue bonds backed by the RESTORE assets or the DWH NRD assets and provides for procedural and other requirements associated with a sale.

Effective August 1, 2017.

(Amends R.S. 39:99.27, 99.30, 99.38, 99.41, and 99.42; Adds R.S. 39:99.43 and 99.44)

Fund Transfers (Act 1 of Second Extraordinary Session)

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

New law, effective upon signature of the governor (June 23, 2017), transfers the following:

(1) \$25 million into the Budget Stabilization Fund from the state general fund.

(2) \$17,164,923 into the Overcollections Fund from the Dept. of Revenue Escrow Account contingent on enactment of SB No. 180 of the 2017 R. S. of the Legislature.

(3) \$18,660,000 into the Overcollections Fund from the Dept. of Revenue Escrow Account when the Dept. of Revenue prevails in the suit, appeal, or petition associated with the legislative instrument which originated as HCR No. 8 of the 2015 R. S. of the Legislature.

New law, effective July 1, 2017, transfers \$7,582,927 into the Self-Insurance Fund from the Future Medical Care Fund.

New law requires recurring state general fund revenues collected in Fiscal Year 2017-2018 in excess of the Jan. 13, 2017, official forecast to be deposited into the Overcollections Fund, and requires the deposits to be appropriated for the purposes specified in existing constitution for nonrecurring revenues.

(Amends R.S. 39:100.21)

Local Government Budgeting (Act 217)

Existing law establishes a process for local governments, including the offices of certain independent local officials, to use in the preparation and adoption of an annual budget. New law requires the chief executive or administrative officer of the local government entity to prepare a proposed budget and submit it to the entity's governing authority.

Existing law authorizes the governing authority to amend the proposed budget and associated budget adoption instrument unless otherwise provided by an ordinance or home rule charter. New law provides that existing law does not apply to municipalities with a mayor-board of aldermen form of government (the Lawrason Act).

Effective August 1, 2017.

(Amends R.S. 39:1305(F))

Benefits for Targeted First Responders (Act 391)

New law declares that the public policy of this state, under its police power, is to provide for certain benefits to firemen and law enforcement officers who suffer a catastrophic injury caused by an individual having the specific intent to kill the officer and occur while the officer is engaged in the performance of his official duties. To qualify for the benefit, the individual's act must be the direct and proximate cause of the officer's catastrophic injury incurred on or after July 1, 2016, and the injury must render the officer, as provided by clear and convincing evidence unaided by any presumption of disability, permanently and totally disabled.

New law provides:

(3) "Board" means the Law Enforcement Officers and Firemen's Survivor Benefit Review Board created in prior law.

(4) "Catastrophic injury" means an injury caused by an individual having the specific intent to kill an officer who is

engaged in the performance of his official duties, the direct and proximate consequences of which permanently prevent the officer from performing any gainful work.

- (5) "Officer" includes "firemen" as defined in prior law and "law enforcement officers" includes all sheriffs and deputy sheriffs in the state employed on a full-time basis, all members of the state police employed on a full-time basis, all municipal police officers in the state employed on a full-time basis, and all university and college police officers at state universities and colleges employed on a full-time basis.

New law provides that in any case in which an officer is determined by the board or a court to be new law to be permanently and totally disabled as the direct and proximate result of a catastrophic injury arising out of and in the course of the performance of the officer's official duties, the following shall be paid by the state risk manager out of the Self-Insurance Fund on behalf of the officer, from the date of the catastrophic injury for as long as the officer is permanently and totally disabled:

- (1) Premiums due from the officer for the amount and type of life, health, accident, accidental death and dismemberment, hospital, surgical, and medical expense insurance covering the officer and maintained by the officer through the officer's employer at the time of the catastrophic injury.
- (2) Copayment and deductibles applicable to any insurance policy for which premiums are paid pursuant to new law for healthcare benefits received by officer.

New law defines "permanently and totally disabled" as "unable to engage in any employment or self-employment on a full-time basis, regardless of the nature or character of the employment or self-employment".

New law requires that the board hear and decide by unanimous vote all claims for disability benefits within 60 days after documentation is received. If the board denies the claim, the officer shall have one year from the date of denial to file suit against the state through the board in the parish where the incident that brought about the permanent and total disability occurred.

New law provides that no benefit shall be payable if any of the following applies:

- (1) The catastrophic injury was caused by the intentional misconduct of the officer or by the officer's intention to bring about his death, disability, or injury.
- (2) The officer was voluntarily intoxicated at the time of his catastrophic injury.
- (3) The officer was performing his duties in a grossly negligent manner at the time of his catastrophic injury.
- (4) The officer qualifies for federal or state life, health, accident, accidental death and dismemberment, hospital, surgical, or medical expense programs.

Effective upon signature of the governor (June 23, 2017).

(Amends R.S. 39:1533(A); adds R.S. 40:1668)

Reverse Auctions in State Procurement (Act 226)

Prior law authorized the use of reverse auctions for purchases made under the Procurement Code with the approval of the state chief procurement officer and the determination of the head of the agency making the procurement that the method would be more advantageous than other procurement methods. New law deletes the requirement that the head of the agency making the purchase make a determination that the reverse auction method is more advantageous than other procurement methods.

New law authorizes the use of reverse auctions for any monetary amount, including small

purchases, which are currently purchases not exceeding \$25,000.

Prior law required the advertisement or notice of the purchase be published in the official journal of the state at least 20 days before the opening date of the reverse auction. New law changes the requirement regarding the advertisement or notice from 20 days before the opening of the reverse auction to conformity with the requirement for public notice of sealed bidding or small purchases pursuant to existing law in the Procurement Code.

New law requires the office of state procurement to report annually on the use of the reverse auctions and any savings achieved.

Effective August 1, 2017.

(Amends R.S. 39:1600)

Government Energy Efficiency Contracts (Act 51)

Existing law provides that a state agency may enter into a performance-based energy efficiency contract for services and equipment. New law adds that, if at any time after the execution of such a contract, the state agency makes a unilateral change or modification to the scope of work under the contract, the annual energy cost savings attributable to the services or equipment shall be adjusted to account for any expended costs and any projected savings that can no longer be measured or verified as a result of the change or modification.

New law provides that any adjustment that reduces the annual energy cost savings attributable to the services or equipment by twenty percent or more shall require approval of the Joint Legislative Committee on the Budget prior to the amendment of the contract.

New law applies to all performance-based energy efficiency contracts in effect on and after January 1, 2010, and all future contracts.

Effective August 1, 2017.

(Adds R.S. 39:1622(H))

TITLE 40: PUBLIC HEALTH AND SAFETY

Sanitary Code Inspections (Act 66)

New law authorizes the La. Dept. of Health (LDH) to conduct a reinspection of any commercial facility that is subject to regulation and inspection pursuant to existing law relative to enforcement of the state's sanitary code.

New law requires LDH to charge a fee of \$150 to conduct any second or subsequent reinspection, which shall be assessed to the owner of the reinspected facility.

New law provides that any failure of the owner to pay the fee within 30 days shall be grounds for issuance of an order revoking any permit held by the owner. New law provides that the order shall be subject to an adjudicatory hearing before the division of administrative law if requested by the owner within the time limit set forth in the order.

New law provides that LDH shall not issue any permit to the owner of an unpermitted facility until any fee for a second or subsequent reinspection is paid.

- (1) New law defines "initial inspection" to mean any routine, complaint-based, or pre-opening inspection of a commercial facility conducted to determine compliance with the sanitary code that identifies either a minimum of five sanitary code violations or a minimum of one sanitary code violation constituting a critical item that is not corrected during the inspection. New law stipulates that any reinspection that identifies either a minimum of five sanitary code violations or a minimum of one sanitary code violation constituting a critical item, and in which none of the violations were previously identified in the most recent inspection, constitutes an "initial inspection".

- (2) New law defines "reinspection" to mean any inspection subsequent to an initial inspection conducted to determine remedial compliance related to any sanitary code violation identified during an initial inspection.
- (3) New law defines "second or subsequent reinspection" to mean any reinspection conducted following a prior reinspection and that identifies either a minimum of five sanitary code violations or a minimum of one sanitary code violation constituting a critical item that remain uncorrected after being identified either in an initial inspection or in a reinspection.

Effective upon signature of governor (June 3, 2017), except for provisions authorizing a fee to be assessed for a violation which does not constitute a critical item, which become effective on March 1, 2018.

(Adds R.S. 40:31.39)

Successions and Death Certificate (Act 7)

New law authorizes an attorney to obtain a death certificate of a deceased person on whose behalf the attorney is preparing a small succession.

New law adds a succession representative as a person to whom the state registrar may permit inspection of a death record, and to whom the registrar may issue a death certificate or any part thereof.

Effective August 1, 2017.

(Amends R.S. 40:41(C)(1) and (2))

Adoption by Married Persons (Act 148)

Existing law provides that when a married couple adopts a child, a petitioning party may be recorded on the child's birth certificate even if that petitioning party dies prior to the entry of the final judgment of adoption.

New law permits a step-parent filing for adoption of a child who was married to the legal parent of the child to keep the legal parent's name on the child's birth certificate even if the legal parent dies prior to the step-parent filing for adoption of the child.

New law provides for retroactive application to June 1, 2016, as well as prospective application.

Effective August 1, 2017.

(Amends R.S. 40:79(A)(2)(a))

Drug Misbranding or Adulteration (Act 108)

New law adds that any person who violates prior law relative to misbranding or adulteration of any drug with the intent to defraud or mislead is to be imprisoned, with or without hard labor, for up to five years, or fined up to \$10,000, or both.

Effective August 1, 2017.

(Amends R.S. 40:639; adds R.S. 40:971.3)

Controlled Dangerous Substances (Act 100)

New law adds an exception to the existing law definition of "marijuana" for cannabidiol when it is contained in a drug product approved by the U.S. Food and Drug Administration.

Existing law provides for the designation of controlled dangerous substances into Schedules I, II, III, IV, and V based upon the substances' potential for addiction and abuse.

New law adds U-47700, Furanylfentanyl, Acrylfentanyl, Etizolam, and AH-7921 to Schedule I.

New law adds Thiafentanil and Dronabinol to Schedule II.

New law adds Brivaracetam and Cannabidiol to Schedule V.

Effective August 1, 2017.

(Amends R.S. 40:961(25); Adds R.S. 40:964(Schedule I)(A)(57-60), (D)(5), (Schedule II)(B)(29), (F)(2), and (Schedule V)(D)(4) and (F)(1))

Marijuana (Act 319)

Prior law provided that certain persons pursuant to a legitimate medical marijuana prescription or recommendation are not subject to prosecution for possession or distribution of marijuana under prior law (Uniform Controlled Dangerous Substances Law). New law retains prior law but adds that such prescription or recommendations must be issued by a physician licensed by and in good standing with the La. State Board of Medical Examiners.

Prior law provided that (1) the defense of immunity from prosecution under prior law must be raised in accordance with prior law requiring the defendant to produce sufficient proof of a valid prescription to the appropriate prosecuting office and (2) the defendant bears the burden of proof of establishing that the possession or distribution of the marijuana was in accordance with the state-sponsored medical marijuana program. New law deletes prior law.

New law provides that it does not prevent the arrest or prosecution of any person for diversion of marijuana or any of its derivatives or other conduct outside the scope of the state-sponsored medical marijuana program.

New law provides that any pharmacy licensed to dispense marijuana, and any employee, board member, director, or agent of a pharmacy licensed to dispense marijuana is exempt from provisions of prior law for possession of marijuana at a location designated by the La. Board of Pharmacy (board) rules and regulations, or distribution of marijuana in a form approved by the board to a patient with a valid recommendation or prescription, in the state-sponsored medical marijuana program.

New law provides that any licensee or its subordinate contractor licensed by the Dept. of Agriculture and Forestry (department) to produce marijuana and any employee, board member,

director, or agent of a marijuana licensee or its licensed subordinate contractor is exempt from prosecution under prior law for possession, production, or manufacture of marijuana at the production facility designated by the department or for the transportation of marijuana or any of its derivatives in accordance with the department's rules and regulations.

New law provides that any laboratory that tests marijuana or marijuana preparations produced and distributed under the state-sponsored medical marijuana program, and any employee, board member, director, or agent of a testing laboratory, are exempt from prosecution for possession of marijuana or any of its derivatives at a research laboratory designated by the board or for transportation of marijuana or any of its derivatives in accordance with the board rules and regulations.

New law provides that any person conducting research as the licensee and any employee, board member, director, agent, or any person conducting research in partnership with the licensee, is exempt from prosecution for the possession, production, or manufacture of marijuana or any of its derivatives at the production facility designated by the department or for the transportation of marijuana or any of its derivatives in accordance with the department's rules and regulations.

New law provides that the defenses must be raised by reproducing a patient's medical records created by his attending physician that contain the recommendation to possess marijuana for therapeutic use.

New law provides that notwithstanding any other provision of law, except when the person to be arrested has committed a felony, although not in the presence of the officer, no peace officer may arrest an employee, board member, director, or agent during the course and scope of his employment with a pharmacy licensed to dispense marijuana for therapeutic use, a licensee of marijuana for therapeutic use or its subordinate licensed contractor, a testing laboratory of marijuana for therapeutic use, or a licensed researcher of marijuana for therapeutic use.

New law provides that the defendant bears the burden of proving that the possession, manufacture, production, transportation, or distribution was in accordance with the state-sponsored medical marijuana program, the board rules and regulations, or the department rules and regulations, as applicable.

Effective upon signature of the governor (June 22, 2017).

(Amends R.S. 40:966(I))

Controlled Dangerous Substances (Act 76)

New law clarifies that individuals who conduct research with, procure, possess, or prescribe controlled dangerous substances in La. must obtain a license to do so in Louisiana prior to engaging in any such activity.

New law establishes a process for automatic enrollment into the Prescription Monitoring Program upon initial licensure or upon annual renewal of a prescriber's controlled dangerous substance license.

Prior law provided for when a prescriber shall access the Prescription Monitoring Program. New law expands the mandate to access the program prior to initially prescribing any opioid or if the patient's course of treatment continues for more than 90 days. New law provides for exceptions when a prescriber is not required to check the program.

New law requires all prescribers in La. to obtain three continuing education credit hours as a prerequisite of license renewal in the first annual renewal cycle after Jan. 1, 2018. Successful completion of the requirement once shall satisfy the requirement in full. The course shall be in drug diversion training, best practice prescribing of controlled substances, and appropriate treatment for addiction.

Provisions relative to continuing education become effective January 1, 2018 and remainder of the Acts is effective upon signature by the governor (June 12, 2017).

(Amends R.S. 40:973(A) and 978(F); adds R.S. 40:978.3)

Opioid Prescriptions (Act 82)

New law prohibits a medical practitioner from prescribing more than a seven-day supply when issuing a first time opioid prescription for outpatient use to an adult patient with an acute condition.

New law prohibits a medical practitioner from issuing a prescription for more than a seven-day supply of an opioid to a minor at any time and requires the practitioner to discuss with a parent, tutor, or guardian of the minor the risks associated with opioid use and the reasons why the prescription is necessary.

New law exempts prescriptions for more than a seven-day supply which, in the professional medical judgment of the medical practitioner, are necessary to treat the adult or minor patient's acute medical condition or are necessary for the treatment of chronic pain management, pain associated with a cancer diagnosis, or for palliative care.

New law requires a medical practitioner to do both of the following prior to issuing a prescription for an opioid:

- (1) Consult with the patient regarding the quantity of the opioid and the patient's option to fill the prescription in a lesser quantity.
- (2) Inform the patient of the risks associated with the opioid prescribed.

New law authorizes a pharmacist filling a prescription for an opioid to dispense the prescribed substance in an amount less than the recommended full quantity indicated on the prescription if requested by the patient. New law authorizes the patient to request that the pharmacist fill an additional amount not to exceed the remaining prescribed quantity in accordance with federal law provisions regarding prescriptions for controlled dangerous substances.

New law requires, if the dispensed amount is less than the recommended full quantity, the pharmacist or a designee to ensure that the actual dispensed amount is accurately recorded in the prescription monitoring program. New law requires the pharmacist or a designee to also, within seven days, make a notation in the interoperable electronic health record of the patient if the pharmacist has access to the record.

Effective August 1, 2017.

(Adds R.S. 40:978(G) and (H))

Prescription Monitoring Program (Act 241)

Prior law provided statutory authority for certain classes of individuals to have access to prescription monitoring program information. New law adds medical examiners, coroners, licensed substance abuse or addiction counselors, and probation and parole officers to those who may access prescription monitoring program information in certain circumstances.

New law provides for access to audit trail information.

New law adds judicially supervised specialty courts within the criminal justice system that are authorized by the La. Supreme Court to the list of law enforcement and judicial entities that may obtain limited data in report form from the prescription monitoring program.

New law authorizes the Board of Pharmacy to provide prescription monitoring program information in limited circumstances to individuals, parents, legal guardians, legal healthcare agents, and executors of a will or a court-appointed succession representative of an estate.

New law provides that audit trail information may be disclosed to certain individuals in the course of an investigation.

Prior law provided a limitation of liability to the board and advisory council arising from inaccuracy of any information submitted to the board. New law expands and clarifies the

limitation of liability to include failure to possess prescription monitoring information that was not reported to the board, release of information that was factually incorrect, and release of information to the wrong person.

Prior law provided for an orientation course during implementation of the prescription monitoring program and a course for those who missed orientation. New law repeals references to orientation training but retains other trainings on prescribing practices.

Prior law provided penalties for a dispenser who fails to submit prescription monitoring information to the board and who knowingly discloses prescription monitoring information in violation of the law. New law expands the grounds for penalties to also include instances where a dispenser fails to correct or amend data after notification by the board and where he knowingly accesses prescription monitoring information in violation of the law.

Effective upon signature of the governor (June 14, 2107).

(Amends R.S. 40:1007, 1008, and 1009; adds R.S. 40:1003(15))

Needle Exchange Programs (Act 40)

New law authorizes local governments to establish needle exchange programs.

Effective upon signature of governor (June 03, 2017).

(Adds R.S. 40:1024(C))

Abortion and Minors (Act 165)

Prior law required that, in order for a physician to perform an abortion on a minor who has not been emancipated, either by court order or marriage, the physician or abortion clinic must first receive either (1) a notarized statement from the mother, father, legal guardian, or tutor of the unemancipated minor child declaring that the parent or guardian has been informed that the minor intends to seek an abortion and that the

parent or guardian consents to the abortion, or (2) a court order signed by a judge.

New law adds that the notarized statement shall state whether the parent is the lawful mother, father, the legal guardian, or the lawful tutor of the minor, requires the affiant to provide sufficient evidence of identity that is expressly specified in an affidavit to establish an articulable basis for a reasonably prudent person to believe that the affiant is such person giving consent for the minor to obtain an abortion, and requires a copy of a valid and unexpired driver's license or a government issued identification card of the individual giving consent on behalf of the minor.

Prior law provided that, prior to a court order, an ex parte hearing shall be conducted that the court may require the minor to participate in an evaluation and counseling session with a mental health professional or a DCFS staff member, or both.

New law changes the permissive provisions to mandatory and requires that the evaluation and counseling session also endeavor to ascertain whether the minor is the subject of a coerced abortion or the pregnancy is the result of sexual activity constituting a crime under the laws of this state or the result of commercial sexual exploitation of the minor child. New law requires the person conducting the counseling session to examine how well the minor is informed on the indicators of human trafficking and to inform the minor of resources available for her protection.

New law provides that if the minor has not been interviewed prior to the court hearing, the court may appoint a certified child advocate attorney to be with the minor at the hearing and assist the minor in communicating to the court whether her abortion decision was made with sufficient maturity and free and informed consent. New law provides that the certified child advocate attorney shall endeavor to assist the court in determining whether the minor is seeking the abortion of her own free will and is not acting under intimidation, threat, pressure, or extortion by other persons.

New law provides that whether or not the court authorizes the abortion, if the court finds by a

preponderance of the evidence that the minor is a victim of commercial sexual exploitation or any crime against the child, the court may issue any appropriate protective orders or afford the minor the continued services of a court-appointed special advocate, or both.

New law provides that any person giving parental consent on behalf of a minor on whom an abortion was completed shall be subject to penalties for the unlawful production, manufacturing, distribution or possession of fraudulent documents for identification purposes.

New law provides that any employee of a licensed outpatient abortion facility who knowingly aids and abets a person who is not the mother, father, legal guardian or tutor of a minor on whom an abortion was performed in the execution or acceptance of the parental consent requirements shall be subject to the penalties.

New law provides that the physician maintain a copy of the valid and unexpired driver's license or government issued identification card of the individual giving parental consent on behalf of the minor for the abortion.

New law requires the physician to record of whether the abortion was performed pursuant to either notarized parental consent or a judicial bypass order if the pregnant woman is a minor.

Effective August 1, 2017.

(Amends R.S. 40:1061.14, 1061.19, and 1061.21; adds R.S. 40:1061.14.1)

Louisiana Tumor Registry (Act 373)

New law requires the Louisiana Tumor Registry (hereafter, "tumor registry") to provide diagnostic, treatment, and follow-up information concerning a patient at the request of a physician or medical facility diagnosing or treating the case as authorized by federal regulations relative to privacy of health information.

New law requires the tumor registry to collaborate with the National Cancer Institute, the Centers for Disease Control and Prevention, the

North American Association of Central Cancer Registries, the International Agency for Research on Cancer, and any other national or international cancer surveillance program it may designate in providing cancer data and participating in cancer studies.

New law requires the tumor registry to cooperate with the office of public health of the La. Department of Health (OPH) in various ways.

New law provides that the use of registry data by OPH officials and registry-designated national cancer surveillance programs shall be considered an in-house activity and be processed expeditiously.

New law provides that requests by OPH for case-specific data shall require annual approval by the institutional review board of the La. State University Health Sciences Center-New Orleans (LSUHSC-New Orleans). New law requires compliance by OPH with confidentiality standards of the tumor registry.

New law requires that, subject to the limitations of federal law and new law relative to privacy of health information, the tumor registry shall release case-specific data to persons or organizations for the purposes of cancer prevention, control, and research, but prohibits inclusion in such data of information collected for special studies or other research projects.

New law requires requests for such data to be submitted in writing and reviewed and approved by the tumor registry research committee.

New law provides that if a request for data submitted in accordance with new law is denied by the LSUHSC-New Orleans institutional review board, the board shall provide to the requestor notice in writing of the reason for the denial electronically or by postal mail.

New law requires the director of the tumor registry or his designee to coordinate the registry's research committee.

New law provides for duties of the research committee with respect to requests for tumor registry data.

New law requires that in determining the order of processing requests for data, the tumor registry shall give priority to requests for data from OPH for use in responding to concerns about threats to the public health. New law provides that the tumor registry shall process other requests for data in order of receipt, and that the registry may seek reimbursement from a requestor for actual costs of compiling and providing the data.

New law provides for maintenance and reporting by the tumor registry of the data it collects.

New law authorizes the tumor registry to assess a charge to a requestor of data for actual costs of compiling and providing the data, and to require payment before proceeding to fulfill the data request.

New law prohibits the tumor registry from releasing data in cases in which such data would disclose the identity of any person to whom the data relate and thus violate the requirements of the Health Insurance Portability and Accountability Act relating to uses and disclosure of protected health information. New law provides that in such situations, the tumor registry may combine more years of cancer data together at the census tract level or suppress the data according to the suppression rule of the United States Cancer Statistics program.

New law provides that in considering for approval a request for aggregate data, the research committee of the tumor registry shall determine whether the request complies with applicable state and federal laws relating to privacy of health information. New law provides that if the research committee finds that disclosure of data in response to the request would violate any such law, then the committee shall collaborate with the requestor to revise the request in order to preclude such violation.

New law prohibits the research committee of the tumor registry from denying any request for

aggregate data for any reason that is unrelated to compliance with state or federal privacy laws.

New law requires the tumor registry to prepare an annual statistical report concerning cancer rates and counts and to submit the report to the various recipients.

New law requires the tumor registry to develop and publish on its website a mechanism by which individuals may elect to receive notifications and reports in electronic format.

New law grants OPH authority to operate a program of cancer investigation and intervention if sufficient funding is available for this purpose.

New law requires OPH to engage and collaborate with the tumor registry, the La. Cancer Research Center, and the La. Advisory Committee on Populations and Geographic Regions With Excessive Cancer Rates in administering the cancer investigation and intervention program provided for in new law.

New law stipulates that the program shall be conducted in addition to the activities of, and shall not replace or supplant, the La. Cancer Prevention and Control Programs of the School of Public Health of the LSUHSC-New Orleans.

Effective August 1, 2017.

(Amends R.S. 40:1105.10(B); Adds R.S. 40:5.12, 1105.8.1, and 1105.8.2)

Epinephrine Auto-Injections (Act 106)

New law changes the definition of "auto-injector" from a spring-loaded needle and syringe with a single dose of epinephrine that will automatically release and inject the medicine, to a portable, disposable drug delivery device that contains a measured, single dose of epinephrine that is used to treat a person suffering a potentially life-threatening anaphylactic reaction.

Effective upon signature of the governor (June 12, 2017).

(Amends R.S. 40:1131(5))

Experimental Drugs and Devices (Act 292)

Existing law known as the "Right To Try Act" authorizes the prescription of investigational drugs, biological products, and devices to certain terminally ill patients who have given informed written consent to investigational treatment and who meet other criteria necessary to be deemed "eligible patients".

New law retains existing law and stipulates that a person who can understand and comprehend spoken English but is physically unable to talk or write may be deemed as meeting the criteria of existing law relative to consent if he is competent and able to indicate consent by other means.

Existing law provides that for purposes of existing law, "investigational drug, biological product, or device" means a drug, biological product, or device that has successfully completed phase one of a U.S. Food and Drug Administration (FDA) approved clinical trial, but has not been approved for general use by the FDA and remains under investigation in a clinical trial.

New law adds that, "investigational drug, biological product, or device" shall include any device possessing the following characteristics regardless of whether it has successfully completed phase one of an FDA approved clinical trial:

- (3) If of a robotic nature, the device is designed such that any failure in a multitude of continuous tests of its internal subsystems should cause motion to stop, consistent with applicable federal guidelines for robotics safety.
- (4) The motion of the device responds to specific controls from the user, and the device has no machine state in which motion continues without a specific command from the user.
- (5) The device has an emergency stop button which allows an assistant to force the motion of the device to stop.

Effective August 1, 2017.

(Amends R.S. 40:1169.2(3) and 1169.3(1)(d) and (2))

Medical Malpractice Claim Review (Act 294)

New law specifies that the request for a medical review panel to review a malpractice claim shall be deemed filed on the date: (1) sent, if the request is electronically sent by facsimile transmission or other authorized means; (2) mailed, if the request is delivered by certified or registered mail; or (3) received, if the request is delivered by any other means.

Effective August 1, 2017.

(Amends R.S. 40:1231.8 and 1237.2)

Medicaid Claims Denial Review and Appeal (Act 349)

New law creates and provides for a process through which denial by managed care organizations (MCOs) of claims submitted by healthcare providers for payment for services rendered to Medicaid enrollees may be reviewed, and adverse determinations concerning those claims may be reconsidered.

New law stipulates that it shall not:

- (1) Otherwise prohibit or limit any alternative legal or contractual remedy available to a healthcare provider to contest the partial or total denial by an MCO of a claim for payment for healthcare services.
- (2) Apply to any adverse determination associated with a claim filed with an MCO prior to January 1, 2018, regardless of whether the claim is re-filed after that date.
- (3) Apply to any claim adjudication or adverse determination rendered by a Dental Coordinated Care Network, defined as an MCO that solely provides dental benefits to Medicaid recipients.

New law provides that for all adverse determinations related to claims filed on or after January 1, 2018, the state shall not mandate that the provider and MCO resolve the claim payment dispute through arbitration.

New law stipulates that an adverse determination involved in litigation or arbitration or not associated with a Medicaid enrollee shall not be eligible for independent review pursuant to new law.

New law establishes the following procedure for independent review of adverse determinations by MCOs concerning healthcare provider claims:

- (1) The provider shall submit a written request for reconsideration to the MCO that identifies certain information within 180 days from one of several dates.
- (2) The MCO shall acknowledge in writing its receipt of a reconsideration request within five calendar days after receipt of the request and shall render a final decision and provide a response to the provider within 45 calendar days from the date of receipt of the request for reconsideration, unless a longer time to completely respond is agreed upon in writing by the provider and the MCO.
- (3) Pursuant to the reconsideration request, if the MCO upholds the adverse determination or does not respond to the request within the time frames allowed in new law, then the provider may file a written notice with Louisiana Department of Health (LDH) requesting the adverse action be submitted to an independent reviewer as authorized in new law.
- (4) Upon receipt of a notice of request for independent review and all required supporting information and documentation, LDH shall refer the adverse determination to an independent reviewer.

- (5) Within 14 calendar days of receipt of the request for independent review, the independent reviewer shall request in writing that both the provider and the MCO provide all information and documentation regarding the disputed claim or claims.
- (6) If the independent reviewer determines that guidance on a medical issue from LDH is required to make a decision, then the reviewer shall refer this specific issue to the department for review and response, unless the department designates a different contact for this function by rule.
- (7) Upon receipt of the information requested from the provider and MCO or the lapse of the time period for submission, the independent reviewer shall examine all materials submitted and render a decision on the dispute within 60 calendar days. However, the reviewer may request in writing an extension of time from LDH to resolve the dispute. If an extension of time is granted, then the reviewer shall provide notice of the extension to both the provider and the MCO.
- (8) Upon rendering a decision, the independent reviewer shall send to the MCO, the provider, and LDH a copy of the decision. If the reviewer requires an MCO to pay, the MCO shall send the payment in full, along with interest back to the date the claim was originally denied or recouped, to the provider within 20 calendar days of the date of the reviewer's decision.

New law provides that within 60 calendar days of an independent reviewer's decision, either party to the dispute may file suit in any court having jurisdiction to review the independent reviewer's decision and to recover any funds awarded by the independent reviewer to the other party. New law provides that any claim concerning an independent reviewer's decision not brought

within 60 calendar days of the decision shall be barred indefinitely.

New law requires that the fee for conducting an independent review shall in all cases be paid by the MCO. However, a provider shall, within 10 days of the date of the review decision, reimburse an MCO for the fee associated with the review if the decision of the MCO is upheld. If the provider fails to submit this payment as required, the MCO may withhold future payments to the provider in an amount equal to the cost of the review. The MCO must ensure that the withholding is clearly delineated on the remittance advice.

New law creates the Independent Reviewer Selection Panel within LDH, and provides that the panel shall consist of the secretary of the department or the secretary's duly designated representative, two healthcare provider representatives appointed by the secretary, and two MCO representatives appointed by the secretary.

New law requires that all decisions of the panel be made by majority, that the panel shall meet at least twice per year, and that panel members shall serve without compensation.

New law requires that the panel select a chairperson select and identify an appropriate number of independent reviewers and determine a uniform rate of compensation per review to be paid to each reviewer, and continually review the number and outcome of requests for reconsideration and independent reviews on an aggregated basis.

New law prohibits provision of any patient-identifying information to the panel.

New law requires MCOs to utilize only independent reviewers who are selected by the panel.

New law provides that any MCO found to be in violation of new law may be subject to a penalty of up to \$25,000 per violation. If an MCO is subject to more than 100 independent reviews annually and the percentage of adverse determinations overturned in favor of healthcare

providers is greater than 25%, the MCO may be subject to a penalty of up to \$25,000.

New law revises references to the name "Bayou Health" which had formerly been applied to the Medicaid managed care program.

Effective August 1, 2017.

(Amends R.S. 40:1253.2, 1253.3, and 1253.4 and R.S. 46:460.31 and 460.51; Adds R.S. 46:460.81-460.89)

Drinking Water Study (Act 263)

New law requires the La. Department of Health (LDH) to lead a collaborative effort to evaluate the issues and conditions of drinking water treatment and distribution in communities throughout La. by performing a thorough evaluation of (1) the sanitary survey results for each water utility system across La. and (2) the effects deteriorating systems have on the safety, health, and well-being of La. families, communities, and businesses.

New law requires LDH to engage and solicit, as necessary, input, recommendations, and guidance from interested parties and stakeholders including but not limited to various specified agencies and classes of persons.

New law requires LDH to develop a report of the results of the collaborative effort, including findings, recommendations, and proposed legislation, if necessary, and to submit the report to the House and Senate committees on health and welfare no later than 30 days prior to the convening of the 2020 Regular Session.

New law requires LDH to submit an interim progress report no later than 30 days prior to the convening of the regular session of each year until the final report is submitted.

New law terminates on December 31, 2020.

Effective August 1, 2017.

(Adds R.S. 40:1290.1-1290.4)

Life Safety and Property Protection Contracting (Act 170)

Prior law prohibited a person or firm who does not hold a current and valid license issued by the state fire marshal from engaging in life safety and property protection contracting. New law makes it unlawful for any person to engage in the business of life safety and property protection contracting without an active license.

New law imposes criminal fines and prison for violations.

Prior law authorized various officials while engaged in the performance of their official duties, to investigate and cause the arrest of individuals suspected of having committed various crimes enumerated in law. New law adds the crime of engaging in life safety and property protection contracting without authority to this list.

Effective August 1, 2017.

(Amends R.S. 40:1563.1; adds R.S. 14:206.1)

Behavioral Health Services Provider Licensing (Act 33)

New law repeals prior law that exempted healthcare providers meeting all of the following criteria from the requirement for behavioral health services provider licensure:

- (1) Was an accredited mental health rehabilitation provider enrolled in the La. Medicaid program as of Feb. 28, 2012.
- (2) Was enrolled with the statewide management organization for the La. Behavioral Health Partnership as of March 1, 2012.
- (3) Maintains continuous, uninterrupted accreditation through an approved accreditation organization.
- (4) Maintains continuous, uninterrupted enrollment with the statewide

management organization for the La. Behavioral Health Partnership.

New law requires mental health rehabilitation providers meeting the above criteria to be licensed as behavioral health services providers prior to April 1, 2018, in order to provide behavioral health services.

New law requires each provider subject to new law to submit a completed application to the La. Department of Health for a behavioral health services provider license on or before Dec. 1, 2017.

Effective upon signature of governor (June 3, 2017).

(Adds R.S. 40:2154.1; Repeals R.S. 40:2154(A)(14))

Community-Based Care Facility Licensing (Act 417)

New law provides that its purpose is to authorize the La. Department of Health (LDH) to promulgate and adopt rules, regulations, and standards to license and regulate facilities to be operated as community-based care facilities in order to provide for the health, safety, and welfare of persons receiving mental health services.

New law defines "community-based care facility" as a facility where five or more adults with a primary diagnosis of mental illness who are not related to the operator or administrator and who do not require care above intermediate-level nursing care reside and receive care, treatment, or services that are above the level of room and board and include no more than three hours of nursing care per week per resident.

New law requires each community-based care facility to be licensed in accordance with the requirements of new law. New law provides that community-based care facilities shall not be subject to requirements of existing law for licensure and regulation as behavioral health services providers.

New law stipulates that no facility, agency, institution, person, society, corporation, partnership, unincorporated association, group, or other legal entity providing community-based care services may be established, operated, or reimbursed through the Medicaid program unless licensed as a community-based care facility by LDH.

New law provides that a license issued to a community-based care facility shall be issued only for the owner and premises named in the application; shall be on a form prescribed by LDH; shall be valid for a 12-month period beginning the month of issuance unless revoked or otherwise suspended prior to that date; and shall not be transferable or assignable.

New law requires LDH to adopt rules, regulations, and licensing standards to provide for the licensure of community-based care facilities, which must address various specified matters.

New law applies to community-based care facilities various fees established in existing law for licensed healthcare facilities and providers, all of which are payable to LDH.

New law provides that following receipt of a license application and the required fee, LDH shall perform an onsite survey and inspection, and shall issue a license to the applicant if it finds that the applicant meets all applicable licensure requirements.

New law provides that LDH may perform another onsite survey and inspection after receiving an annual license renewal application, and shall renew the facility's license if the facility continues to meet all applicable licensure requirements.

New law provides that LDH may perform any onsite inspections of community-based care facilities at reasonable times as necessary to ensure compliance with new law.

New law authorizes LDH to license community-based care facilities which propose to operate in one or more state-owned residential buildings.

New law requires the secretary of LDH to direct department staff to cooperate with and give assistance to any applicant who seeks to operate a community-based care facility in one or more state-owned residential buildings and is otherwise qualified for licensure pursuant to new law.

New law provides that its implementation shall be subject to approval by the Centers for Medicare and Medicaid Services (CMS) and by the Joint Legislative Committee on the Budget.

New law extends the termination of the moratorium on licensure of level 4 adult residential care providers provided in prior law from July 1, 2017, to July 1, 2022.

Effective August 1, 2017; however, new law stipulates that its provisions relative to community-based care facility licensure shall only become effective in the event that a specific appropriation by the legislature is made for such purposes and the program receives approval by CMS.

(Amends R.S. 40:2166.7.1; Adds R.S. 40:2006, 2154, and 2162.1-2162.8)

Prescription Drug Marketing (Act 220)

New law requires each drug manufacturer or pharmaceutical marketer who engages in any form of prescription drug marketing to a prescriber, his designee, or any member of his staff in La. to provide to the La. Board of Pharmacy no later than Jan. 1st, Apr. 1st, July 1st, and Oct. 1st of each calendar year the current wholesale acquisition cost information for the U.S. Food and Drug Administration approved drugs marketed in the state by that manufacturer.

Effective August 1, 2017.

(Adds R.S. 40:2255.1 and 2255.11)

Peace Officer Standards and Training (Act 210)

New law requires all peace officers to successfully complete a minimum of 400 hours of

basic core curriculum training and a minimum of 20 hours of in-service training on an annual basis to maintain P.O.S.T. certification, to be prescribed by the P.O.S.T. council.

New law requires the council to develop and implement curriculum for de-escalation, bias policing recognition, sudden in-custody death, and crisis intervention training, including law enforcement interaction with persons with mental illness and persons with developmental disabilities, for peace officers no later than Jan. 1, 2018.

Prior law required the Council on Peace Officer Standards and Training to develop and implement by Aug. 1, 2006, a training course on law enforcement interaction with mentally ill or developmentally disabled persons with assistance from community, local, and state organizations specialized in the area of working with such population, subject to available funding. New law repeals prior law.

Effective upon signature of governor (June 14, 2017).

(Adds R.S. 40:2404.2; Repeals R.S. 40:2405.5)

Peace Officer Standards and Training (Act 271)

Existing law establishes the Council on Peace Officer Standards and Training and authorizes the council to develop curriculum requirements for training of peace officers and accredit law enforcement training centers. Existing law provides for the training requirements for peace officers.

New law adds that annual training required by the council to maintain P.O.S.T. certification may be made available online and at no cost to the peace officer.

New law requires that when there is a lapse of employment, a peace officer shall be required to complete the annual training to maintain P.O.S.T. certification for the year in which the peace officer resumes employment.

New law adds the conviction of any offense that results in the restriction of a peace officer's right to bear arms as grounds for revocation of P.O.S.T. certification.

New law allows the council to conduct a revocation hearing to revoke P.O.S.T. certification when any of various circumstances.

Effective upon signature of governor (June 16, 2017).

(Amends R.S. 40:2405)

Peace Officers and Guns (Act 177)

Prior law provided that a reserve or part-time peace officer shall not be permitted to carry a concealed weapon unless he is in the actual discharge of his official duties as a reserve or part-time peace officer or he possesses a concealed handgun permit or he has been certified by the Council on Peace Officer Standards and Training under the same standards as full-time officers.

New law deletes prior law and provides that, subject to the policy and procedures of the law enforcement agency with which he is employed, a reserve or part-time peace officer may be permitted to carry a concealed weapon if he has completed the Council on Peace Officer Standards and Training basic firearms course.

Effective August 1, 2017.

(Amends R.S. 40:2405(A)(3))

Vehicular Homicide Investigations (Act 94)

Existing law requires that all peace officers assigned to lead investigations in homicide cases successfully complete the homicide investigator training program or receive a waiver based on prior training or experience.

New law exempts peace officers investigating cases of vehicular homicide from completing the homicide investigator training program.

Effective August 1, 2017.

(Amends R.S. 40:2405.8(B))

Police Representation (Act 101)

Existing law gives police employees and law enforcement officers under investigation the right to obtain counsel and allows up to 30 days to secure such representation.

New law adds an exception for officer-involved incidents by granting law enforcement officers up to 14 days to secure representation for officer-involved incident investigations.

New law provides that if the police employee or law enforcement officer is confined to a medical facility due to injury or illness related to the officer-involved incident, or if two or more officers are involved in the officer-involved incident, the police employees or law enforcement officers have 30 days to secure representation.

Effective August 1, 2017.

(Amends R.S. 40:2531(B)(4)(b))

Pretrial Diversion Facilities (Act 107)

New law removes the requirement that all pretrial diversion facilities must be accredited by the American Correctional Association within 24 months of opening and maintain accreditation at all times.

Effective August 1, 2017.

(Amends R.S. 40:2852(D) and repeals R.S. 40:2852(E))

TITLE 41: PUBLIC LANDS

Public Lease Law (Act 308)

New law provides for electronic submittal procedures for the lease of public land.

New law provides that each bid for the lease of public lands must be submitted by hand, registered or certified mail, or electronically.

New law prohibits the submittal of a bid on holidays recognized by the U.S. Postal Service.

New law requires that all lessors provide for electronic receipt of bids in accordance with the standards of the governor's office, the division of administration, and the office of technology services, unless the lessor meets certain exceptions.

New law exempts lessors with no high speed internet access from new law until a time when the lessor does have high speed internet access.

New law exempts the following from new law requirements: (1) parishes with police juries and populations less than 20,000; (2) cities or municipalities with populations less than 10,000; and (3) lessors that are unable to comply with new law without securing and expending additional funding.

New law specifies that lessors have the option of requiring electronic bidding for competitive bids.

New law requires lessors to include all information regarding the advertisement for bids in existing law.

Effective August 1, 2017.

(Amends R.S. 41:1214)

TITLE 42: PUBLIC OFFICERS AND EMPLOYEES

OGB Policy and Planning Board (Act 316)

Prior law provided for the duties and membership of the OGB Policy and Planning Board.

New law changes quorum requirement for any action taken by the board from eight to six.

Effective August 1, 2017.

(Amends R.S. 42:883(D))

Public School Teacher Compensation (Act 388)

Prior law Code of Governmental Ethics provided, subject to certain exceptions, that no public servant shall receive any thing of economic value, other than compensation and benefits from the governmental entity to which he is duly entitled, for the performance of the duties and responsibilities of his office or position.

New law provides that an award or stipend provided to any public school teacher or administrator for his participation in the National Math and Science Initiative shall be considered to be compensation from his governmental entity to which he is duly entitled. New law specifies that such stipend or award shall not be considered regular compensation from his governmental entity, nor shall it form any basis for governmentally supported benefits, but that the services for which the award or stipend is received shall be deemed to be performed for the benefit of the public school teacher's or administrator's governmental entity.

Effective upon signature of the governor (June 23, 2017).

(Adds R.S. 42:1111(A)(6))

Disaster Relief for Public Servants (Act 30)

New law provides an exception to the Code of Governmental Ethics to allow a public servant, during the time period extending from the date of a gubernatorially declared disaster or emergency and ending on the date five years after the date of the governor's declaration, to accept a thing of economic value as a contribution or donation from a not-for-profit organization or a fund within a not-for-profit organization for the purpose of disaster aid or relief to offset any economic losses suffered by the public servant as a result of the gubernatorially declared disaster or emergency. New law limits the total value of such contributions or donations received by the public servant to \$25,000.

New law requires each not-for-profit organization which disburses a contribution or

donation to a public servant to utilize objective criteria in both evaluating the need for and the disbursement of contributions and donations to public servants to ensure that fair and equitable disbursements are made and that the disbursements be based upon demonstrated and documented needs directly related to the gubernatorially declared disaster or emergency.

New law requires each not-for-profit organization to file a report, by Feb. 15 of each year following a year it gives such contributions or donations, with the Board of Ethics, containing the identification of the gubernatorially declared disaster associated with the contribution or donation, the objective criteria utilized, the name of each public servant to whom a contribution or donation was given, the name of his agency, the nature of the donation or contribution, and the value of the donation or contribution. New law requires a report covering 2016 to be filed no later than Feb. 15, 2018.

New law provides that it shall be applied retroactively to Jan. 1, 2016, as well as prospectively.

Effective upon signature of governor (June 3, 2017).

(Adds R.S. 42:1111.1; Repeals R.S. 42:1123(36))

State Police Nepotism Exception (Act 71)

Existing law Code of Governmental Ethics generally prohibits an immediate family member of an agency head from being employed in his agency, but contains a general exception to allow the continued employment of an immediate family member of an agency head provided that such public employee has been employed in the agency for a period of at least one year prior to the public employee's immediate family member becoming the agency head.

New law provides an additional exception to allow the continued employment of a cadet or graduate of the state police training academy in the classified state police service and specifies that existing law shall not be construed to hinder, alter, or in any way affect normal promotional

advancements for such public employee in the classified state police service where a public employee's immediate family member becomes the agency head, provided that such public employee has been employed in the classified state police service for a period of at least four months prior to his immediate family member becoming the agency head.

Provisions of new law are to be applied retroactively as well as prospectively.

Effective upon signature of governor (June 4, 2017).

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

Small Town Ethics (Act 408)

Existing law provides that the ethics code does not preclude a mayor or member of a governing authority of a municipality with a population of 5,000 or less, or legal entity in which he has a controlling interest, from entering into any transaction that is under the supervision or jurisdiction of the municipality, but requires the municipality to submit a plan to the Bd. of Ethics for approval.

New law additionally allows an immediate family member of such a mayor or governing authority member, or legal entity in which such an immediate family member has a controlling interest, to enter into transactions with the municipality subject to the same conditions, and requires the elected official involved to file the same affidavits required by existing law for transactions entered into by his immediate family member and legal entities in which his immediate family member owns a controlling interest.

Effective upon signature of governor (June 26, 2017).

(Amends R.S. 42:1123(22))

District Attorneys and Attorney's Fees (Act 414)

Existing law prevents the state from having any liability for damage caused by a district attorney,

coroner, assessor, sheriff, clerk of court, or other public officer of a political subdivision.

New law creates an exception and requires the state to indemnify the district attorney's office against claims or suits in federal court based on the constitutional validity of a statute when the district attorney's office has not initiated any prosecution based upon that statute.

New law provides that payment of a final judgment or payment of legal services shall be made by legislative appropriation and any payment must be approved by a subcommittee of the Joint Legislative Committee on the Budget (JLCB).

New law provides that the attorney defending the claim must present a detailed abstract of the facts of the case and the calculation of fees to the subcommittee of the JLCB.

New law requires the abstract submitted by the defense attorney and the amount of the final judgment to be a public record, except material that reflects the mental impressions, conclusions, opinions, or theories of an attorney.

Effective August 1, 2017.

(Amends R.S. 42:1441)

TITLE 45: PUBLIC UTILITIES AND CARRIERS

Movers of Household Goods (Act 412)

Existing law, in pertinent part, provides that any carrier, whether domiciled in or outside of La., who is providing the intrastate transportation of household goods in La. shall maintain a permanent establishment in La. New law further requires the physical location or place of business to be open for business and to be staffed during regular business hours by one or more persons employed by the carrier on a permanent basis for the purpose of general management of the household goods moving business.

Existing law provides that, should the carrier cease to maintain a permanent establishment in

the state, its right to conduct business in the state shall be immediately suspended. New law adds that the La. Public Service Commission (commission) has discretion to suspend or cancel that right to conduct business in the state. However, new law limits the discretion of the commission to suspend or cancel that right to conduct business in the state without issuing notice and having a hearing before an administrative law judge.

Prior law stated that the provisions of existing law shall apply only when the contract for moving household goods exceeds \$250. New law changes the minimum amount required from \$250 to \$400.

Effective January 1, 2018.

(Amends R.S. 45:164)

Airports and Internet (Act 322)

New law provides that any public airport may provide free access to broadband Internet, as defined by the Federal Communications Commission, solely to patrons at the airport. New law provides that such broadband Internet must be procured in accordance with applicable state and local procurement laws and rules.

Effective August 1, 2017.

(Adds R.S. 45:844.81)

TITLE 46: PUBLIC WELFARE AND ASSISTANCE

Military Family Assistance (Act 60)

Existing law requires the Louisiana Military Family Assistance Board to establish rules governing the adjudication of need-based claims submitted by families of certain military personnel, authorizes the board to enter into a cooperative agreement with a third party administrator, and requires that the agreement be approved by the Joint Legislative Committee on the Budget.

New law requires that, when the board has not entered into a cooperative agreement, the third party administrator shall be one or more employees of the La. Department of Veterans Affairs who is designated by the secretary and approved by the board.

Effective August 1, 2017.

(Amends R.S. 46:121 and 123)

Sexual Assault and Minor Victims (Act 337)

Existing law provides for numerous rights of crime victims and their families, but only if the victim reports the crime to law enforcement within 72 hours of the occurrence or discovery of the crime, unless extenuating circumstances exist.

New law provides that the rights provided to victims of sexual assault in new law attach whether or not a victim seeks the help of law enforcement or a healthcare provider and whether or not the victim receives a forensic medical exam or is administered a sexual assault collection kit.

New law provides that stolen or other personal property of the victim shall be returned when no longer needed as evidence by the judicial and law enforcement agencies at no cost to the victim or the victim's family.

New law changes "any sexual offense" in existing law definitions to include a human trafficking-related offense.

New law provides that the notification of parole and pardon hearings shall also be made to any person who files a victim registration and notification form.

New law provides that a victim of sexual assault has the right to be notified and request a sexual assault advocate during a forensic medical examination or scheduled interview with law enforcement.

New law requires the district attorney to make reasonable efforts to interview the victim or

designated family member to determine the facts and whether the victim or family is seeking restitution.

New law requires law enforcement and judicial agencies to provide a private setting for all interviews of victims of sexual assault, and provides that only persons directly and immediately related to the interviewing of the victim be present for such interviews.

New law authorizes the victim of a sexual assault or the parents of a minor victim to refuse any request for interviews from the attorney for the defendant.

New law provides that a contradictory hearing with the district attorney must occur before a victim of sexual assault may be subpoenaed to testify by the defendant, and willful disregard of new law may be punishable as contempt of court.

New law provides that failure to comply with the provisions of new law shall not affect the admissibility of evidence in a civil or criminal proceeding, nor shall the failure to comply with new law invalidate a final disposition.

Existing law provides that if a defendant is charged with certain crimes, certain records of a minor victim cannot be produced unless a contradictory hearing is held with the state.

New law expands the list of crimes that a defendant must be charged with to trigger the mandatory contradictory hearing provided for in existing law and expands the existing law to apply to such crime victims regardless of the age of the victim.

New law provides that the district attorney must provide written notice to the victim of a hearing on the production of the victim's records. New law provides that records obtained without full compliance are inadmissible and willful violations may be punishable as contempt of court.

Effective August 1, 2017.

(Amends R.S. 15:260 and R.S. 46:1842, 1843, and 1844; Adds R.S. 46:1845)

SNAP and TANF Benefits (Act 265)

New law revises the eligibility criteria for the following assistance programs:

- (1) The Supplemental Nutrition Assistance Program (successor to the Food Stamp Program) (SNAP).
- (2) The following cash assistance programs funded by the state's Temporary Assistance for Needy Families block grant (TANF cash assistance):
 - (a) The Family Independence Temporary Assistance Program (cash assistance for low-income families with dependent children).
 - (b) The Kinship Care Subsidy Program (cash assistance for low-income kinship caregivers, including grandparents, step-grandparents, and other adult relatives within the fifth degree of kinship who have legal custody or guardianship of a minor relative).

New law repeals prior law which provided that an individual convicted under federal or state law of any felony offense which involves the possession, use, or distribution of a controlled substance shall be ineligible for SNAP benefits and for TANF cash assistance benefits for a one-year period commencing on the date of conviction if he is not incarcerated, or from the date of release from incarceration if he is incarcerated.

Pursuant to authorization provided in federal law, new law provides that all individuals domiciled in La. shall be exempt from the prohibition established in federal law on eligibility for SNAP benefits and for TANF cash assistance benefits based on prior drug convictions.

Effective October 1, 2017.

(Adds R.S. 46:233.3; Repeals R.S. 46:233.2 and 237(D))

Medicaid Fraud Task Force (Act 420)

New law creates a seven-member task force on coordination of Medicaid fraud detection and prevention initiatives (hereafter, the "task force") within the office of the legislative auditor.

New law authorizes appropriation by the legislature of monies in the Medical Assistance Programs Fraud Detection Fund for activities of the task force.

New law provides that the task force shall include various nonvoting advisory members.

New law provides that the purposes of the task force shall include:

- (1) To study and evaluate on an ongoing basis the laws, rules, policies, and processes by which the state implements Medicaid fraud detection and prevention efforts.
- (2) To identify and recommend opportunities for improving coordination of Medicaid fraud detection and prevention initiatives across state agencies and branches of state government.
- (3) To identify any systemic or systemwide issues of concern within the Medicaid program with respect to fraud, waste, and abuse.
- (4) To develop recommendations for policies and procedures by which to facilitate and implement all of the following:
 - (a) Random sampling of Medicaid cases to be selected for verification of enrollee eligibility.

(b) Improvements in the Medicaid program integrity functions of the La. Department of Health.

(c) Optimization of data mining among state-owned data sets for purposes of Medicaid fraud detection and prevention.

(5) To make reports to the governor and to the legislature as provided in new law.

New law provides that on or before Jan. 1, 2018, and semiannually thereafter, the task force shall prepare and submit to the governor and the legislature a report concerning the status of Medicaid fraud detection and prevention initiatives and the status of efforts to coordinate such initiatives across state agencies and branches of state government.

New law creating and providing for the task force terminates on Aug. 1, 2018.

Effective August 1, 2017.

(Amends R.S. 46:440.1(E)(2); Adds R.S. 46:440.4-440.8)

Managed Care Organization (Act 301)

New law prohibits a managed care organization (MCO) from paying a local pharmacy a per-prescription reimbursement at a rate less than the legacy Medicaid rate.

Prior law authorized an MCO to negotiate the ingredient cost reimbursement in its contracts with providers. New law repeals prior law.

Prior law required any contract between La. Dept. of Health (LDH) and an MCO that included provisions for pharmacy reimbursement to provide for a reimbursement dispute process for local pharmacies. New law repeals prior law.

Prior law required the full cost of implementing and performing the provisions of prior law to be the responsibility of LDH through a reallocation of existing budget resources and not through additional appropriations.

New law repeals prior law.

Effective October 1, 2017.

(Amends R.S. 46:460.36(D); Repeals R.S. 46:460.36(B), (C), and (E))

Calcasieu Cameron Hospital Service District (Act 149)

Prior law provided that the maximum per diem for the Calcasieu Cameron Hospital Service District was \$100. New law increases the maximum per diem for that district to \$300.

Effective August 1, 2017.

(Amends R.S. 46:1053(C)(2)(d))

St. Landry Parish Hospital Service District No. 1 (Act 139)

New law increases the minimum and maximum per diem, to \$40 and \$100 respectively, that the governing authority of St. Landry Parish may pay members of the governing board of Hospital Service District No. 1 of St. Landry Parish.

Effective August 1, 2017.

(Adds R.S. 46:1053(C)(2)(h))

Pointe Coupee Parish Hospital Service District No. 1 (Act 156)

New law changes the composition of the board of commissioners of Pointe Coupee Parish Hospital Service District Number One.

Effective February 1, 2019.

(Amends R.S. 46:1053(V)(2))

Hospital Service District Executives (Act 161)

Prior law provided for a hospital service district commission contracting for a director with approval of the medical staff.

New law retains these provisions and authorizes a commission to contract for hospital executives, including but not limited to vice president,

assistant administrator, and department director, and removes the requirement for approval by the medical staff.

Effective August 1, 2017.

(Amends R.S. 46:1056(A) and (B))

Funding of Councils on Aging (Act 203)

Existing law provides for the annual distribution of funds by the governor's office of elderly affairs to the parish councils on aging.

Prior law provided that a parish council on aging's annual distribution not exceed \$100,000. New law allows the formula distribution to exceed \$100,000 if funding is appropriated by the legislature for that purpose.

Effective July 1, 2017.

(Amends R.S. 46:1606(A) and (B)(1))

Jefferson Parish Services for Seniors (Act 215)

New law requires the Jefferson Council on Aging (council) to ensure that certain minimum levels of services for seniors are provided at the following centers: Harvey Community Center, Marrero Community and Senior Center, and Woodmere Community Center.

New law requires the council to provide services to a center specified in new law only if a nonprofit service provider that provides activities, programs, and services for residents age 60 and over at the primary location of the center has entered into a contract with Jefferson Parish. New law requires the council to provide services at each center until the value of the services provided for and funded reaches \$10,000 in a fiscal year.

New law requires that the services provided by the council be for residents age 60 and over and provides that such services may include: a senior prescription program providing low-cost or free prescription medications to seniors, a senior health insurance information program, aging and

disability resources, and other special services specified in new law.

Effective August 1, 2017.

(Adds R.S. 46:1608(G) and 1608.1)

Crime Victims Reparation Fund (Act 53)

New law provides that when a crime victim cannot be located by the probation and parole officer within one year after a condition of restitution is imposed, the defendant shall direct the restitution payments to the Crime Victims Reparations Fund.

New law provides for a procedure by which a victim who was owed restitution as a condition of an offender's parole but whose restitution payments were directed to the Crime Victims Reparations Fund pursuant to new law may recover the restitution payments from the fund.

New law provides that the existing law provisions regarding criteria for and determinations of eligibility for reparations and determinations of the amount of reparations do not apply to the payment of restitution to a victim who applies for the recovery of restitution pursuant to new law.

Effective August 1, 2017.

(Amends R.S. 15:574.4.2 and R.S. 46:1807 and 1816; Adds R.S. 46:1806 and 1809)

Parole Conditions (Act 258)

New law, beginning Aug. 1, 2018, authorizes a registered victim, within three months of an inmate's earliest projected release date, for those inmates who are to appear before the committee on parole to determine whether the person should be granted parole, to submit a reentry statement and to request that the inmate be subject to certain proximity or contact restrictions, as part of the inmate's parole conditions, that the victim believes are necessary for the victim's protection.

New law provides that the victim's reentry statement is not binding on the committee on parole, but requires the committee on parole to

consider the victim's reentry statement, along with other relevant information, only for the purpose of determining the inmate's parole conditions.

New law requires, to the extent that funding is available for such purposes, the La. Commission on Law Enforcement and Administration of Criminal Justice to develop and provide, by Aug. 1, 2018, a system by which an agency may choose to complete and submit the uniform victim notice and registration form electronically and the victim may choose to receive all notices electronically.

Effective August 1, 2017.

(Amends R.S. 46:1844)

Human Trafficking Prevention Commission (Act 181)

New law creates a Louisiana Human Trafficking Prevention Commission to assist state and local leaders in developing and coordinating human trafficking prevention programs.

New law also creates a Human Trafficking Prevention Commission Advisory Board to provide information and recommendations to the commission.

Effective upon signature of the governor (June 12, 2017).

(Adds R.S. 46:2165 – 2168)

Emergency Ground Ambulance Service Provider (Act 179)

Prior law defined "emergency ground ambulance service provider" as a private, for profit, nonpublic, nonfederal provider. New law amends definition of "emergency ground ambulance service provider" to include only nonpublic, nonfederal providers.

Effective upon signature of the governor (June 12, 2017).

(Amends R.S. 46:2626(I)(5))

TITLE 47: REVENUE AND TAXATION

Donations to Horse Rescue Association (Act 67)

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. Horse Rescue Association in lieu of that amount being paid as a refund.

Effective for taxable years beginning on or after Jan. 1, 2018.

(Adds R.S. 47:120.331)

Tax Credit for Motion Picture Investors (Act 384)

Prior law required that, in order to be considered an eligible production expense for the Motion Picture Investor Tax Credit, entities paying compensation for personal services shall remit withholding tax at the rate of six percent or at the highest individual income tax rate in effect.

New law requires the payor to withhold taxes, excluding amounts otherwise not subject to withholding requirements, at the rate determined in accordance with an employee's withholding allowance certificate, or the highest individual rate in effect at the time if there is no employee withholding allowance certificate.

Effective July 1, 2017.

(Amends R.S. 47:164(D)(2)(b))

Income Tax Credits and Sales Tax Exemptions (Act 400)

New law amends certain income tax credits and sales tax exemptions as follows:

- (1) Corporate income tax offset for state insurance premium taxes paid is increased from 72% to 100%.
- (2) Income tax credits for employee and dependent health insurance is changed from 3.6% to 4% on 40% of the amount

- of the contract received in a tax year if 85% of the full-time employees of each contractor are offered health insurance and each contractor or sub-contractor pays 75% of the premium for each full-time employee.
- (3) Income tax credits for elderly, contributions to candidate for public office, investments, foreign taxes, work incentive, jobs, and residential energy credits are changed from 7.2% to 7%.
 - (4) Income tax credit for environmental equipment purchase is changed from 14.4% to 14%.
 - (5) Income tax reduction for rehabilitation of owner-occupied residential structures is changed from 18.5% to 18% of the eligible costs and expenses.
 - (6) Sales tax exemption for purchase of new recycling manufacturing or process equipment and service contracts is changed from 14.4% to 14% of the cost of the equipment or contract.
 - (7) Corporate income and franchise tax credit for donations made to a public school is changed from 28.8% to 28%.
 - (8) Angel Investor Tax Credit is changed from 25.2% to 25% of the amount of investment.
 - (9) Corporate Income tax credit for digital interactive media and software is changed from 7.2% to 7%.
 - (10) Income tax credit for musical and theatrical production, where total base investment is between \$100,000 and \$300,000, is changed from 7.2% to 7%; and where the total base investment is between \$300,000 and \$1 million is changed from 14.4% to 14%; and if the base investment is spent on payroll for Louisiana residents, an additional credit is changed from 7.2% to 7%.
 - (11) Income tax credit for green jobs industries, where total base investment is between \$100,000 and \$300,000, is changed from 7.2% to 7%; and where the total base investment is between \$300,000 and \$1 million is changed from 14.4% to 14%; and if the base investment is spent on payroll for Louisiana residents, an additional \$1 million credit is changed from 7.2% to 7%.
 - (12) Technology commercialization credit is changed from 28.8% to 29% of the money invested in commercialization costs for one business location; and a credit for new jobs created is changed from 4.32% to 4%.
 - (13) Modernization credit approved on or after July 1, 2015, is changed from 3.6% to 4%.
- New law repeals the sunset date (June 30, 2018) for the 28% reductions to the following tax credits contained in Act No. 125 of the 2015 RS, as amended by Act No. 29 of the 2016 1st ES, thereby providing for the continued effectiveness of the 28% reductions:
- (1) Atchafalaya Trace Heritage Area Development Zone tax credit
 - (2) Corporation tax credit
 - (3) Neighborhood assistance tax credit
 - (4) Credit for contributions to educational institutions
 - (5) Credits arising from refunds by utilities
 - (6) Credits arising from refunds by utilities
 - (7) Corporation tax credit; re-entrant jobs credit
 - (8) Jobs credit
 - (9) Credit for employment of first-time nonviolent offenders

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| <ul style="list-style-type: none"> (10) Neighborhood assistance tax credit (11) Credit for contributions to educational institutions (12) Credit for bone marrow donor expense (13) Credit for employee and dependent health insurance coverage (14) Reduction to tax due (15) Credit for rehabilitation of residential structures (16) Certain military service members and dependents hunting and fishing licenses (17) Employer Credit (18) Qualified new recycling manufacturing equipment and service contracts (19) Credit for donations to assist playgrounds in economically depressed areas (20) Louisiana Basic Skills Training Tax Credit (21) Employer tax credits for donations of materials, equipment, advisors, or instructors (22) Credit for donations to public schools (23) Credit for expenses paid by economic development corporations (24) Credit for purchasers from "PIE contractors" (25) Angel Investor tax credit program (26) Digital interactive media and software tax credit (27) Sound recording investor tax credit (28) Credit for La. Citizens Property Insurance Corp. assessment | <ul style="list-style-type: none"> (29) Cane River heritage tax credit (30) Credit for certain milk producers (31) Musical and theatrical production income tax credit (32) Credit for conversion of vehicles to alternative fuel usage (33) Ports of Louisiana tax credit (34) Credit for "green job industries" (35) Incentives (Urban Revitalization) (36) Technology commercialization credit (37) Modernization tax credit (38) Community Development Financial Institution tax credit <p>New law is applicable to all tax periods beginning on or after January 1, 2017.</p> <p>Effective upon signature of governor (June 26, 2017).</p> <p>(R.S. 47:227, 287.759, 297, 297.6, 6005, 6013, 6020, 6034, and 6037, R.S. 47:6022, and R.S. 51:2354 and 2399.3, R.S. 51:2354, 2399.3; repeals Secs. 4, 5, and 6 of Act No. 125 of 2015 R.S.)</p> <p>Income and Corporate Franchise Tax Credits (Act 403)</p> <p>New law sunsets the following income and corporation franchise tax credits beginning January 1, 2020:</p> <ul style="list-style-type: none"> (1) Atchafalaya Trace Heritage Area Development Zone tax credit. (2) Corporation tax credit. (3) Tax credit for contributions to educational institutions. (4) Corporation tax credit; re-entrant jobs credit. |
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- (5) Jobs credit.
- (6) Credit for employment of first-time nonviolent offenders.
- (7) Credit for contributions to educational institutions.
- (8) Reduction to tax for taxpayer, spouse, or dependent who is deaf, blind, mentally incapacitated or has lost the use of one limb.
- (9) Reduction to tax due to person maintaining a household where one or more dependents is physically or mentally incapable of caring for themselves.
- (10) Credits for certain military service members and dependents for hunting and fishing licenses.
- (11) Credit for La. Citizens Property Insurance Corp. assessment.

New law sunsets the following income and corporation franchise tax credits beginning January 1, 2022:

- (1) Offset against tax based on insurance premiums.
- (2) Tax credit; rehabilitation of historic structures.
- (3) Credit for conversion of vehicles to alternative fuel usage.

Prior law provided that the purchaser of a new vehicle originally equipped to be propelled by an alternative fuel may claim the credit either on 36% of the value of the equipment directly related to the alternative fuel or, if the purchaser cannot determine the value of the equipment, 7.2% of the total purchase price of the vehicle or \$1,500, whichever is less.

New law eliminates the 36% credit for the value of the property directly related to the alternative fuel and changes the value of the credit from

7.2% to 10% and changes the vehicle cap from \$1,500 to \$2,500.

Effective upon signature of the governor (June 26, 2017).

(Amends R.S. 47:227, R.S. 47:297.2, 6019, and 6035; adds R.S. 25:1226.4(D), R.S. 47:34(F), 37(I), 287.748(D), 287.749(E), 287.752(D), 287.755(I), 297(Q), 297.9(D), 6025(E), 6035(I))

Exclusion for Nonresident Disaster Relief Income (Act 358)

New law excludes from the determination of gross income, all income earned by a nonresident business that performs disaster or emergency-related work in La. during a declared state disaster or emergency during the disaster period. New law provides that the nonresident business shall not be considered to have established a presence that requires the business to register, file, or remit income taxes imposed by existing law.

New law excludes from the determination of gross income, compensation for personal services rendered by a nonresident individual who is an out-of-state employee during a declared state disaster or emergency. The out-of-state employee shall not be considered to have established residency or a presence in the state that requires the filing or payment of income taxes or to be subject to tax withholdings.

New law defines a "nonresident business" as a business entity whose services are requested by a registered business in La. or by a state or local government for purposes of performing disaster or emergency-related work. A nonresident business, prior to the declared state of emergency, must not have been registered to do business in La., must not have had employees, agents or independent contractors in La., was not transacting business in La., and had not filed or was not required to file any state or local tax return.

New law defines an "out-of-state employee" as a nonresident individual who does not provide services or activities in this state, except for

disaster or emergency-related work during a disaster period.

New law defines a "declared state disaster or emergency" as a disaster or emergency event declared by executive order or proclamation by the governor, the president, or a state event that the governor or an appropriate local official declares a disaster or emergency.

New law defines the "disaster period" as a period that begins within 10 days of the first day of the disaster declaration through 60 calendar days after the end of the declared disaster or emergency period.

New law requires nonresident businesses and out-of-state employees to pay all transaction taxes and fees on other purchases such as motor fuel taxes and hotel occupancy taxes during the disaster period.

New law requires nonresident businesses or out-of-state employees that remain in La. After the disaster period to be subject to the state's normal standards for establishing presence, residency, or doing business in the state and to be subject to any business or employee tax requirements that ensue.

New law requires any registered business in the state that requests any nonresident business to perform disaster or emergency-related work to provide written notice of specified information to the Secretary of the Department of Revenue within the disaster period.

New law exempts remuneration for services performed by a nonresident individual during a declared state disaster or emergency from the definition of wages.

New law exempts (1) salaries, wages, or other compensation received by a nonresident individual for personal services rendered during a declared state disaster or emergency and (2) income from construction, repair, or other similar services received by a nonresident corporation for disaster emergency-related work rendered during a declared state disaster or emergency, from

being designated as either allocable income or apportionable income.

New law factors in salaries, wages or other compensation received for disaster or emergency-related work rendered during a declared state disaster or emergency for the determination of tax table income.

New law exempts income received by a nonresident business for disaster or emergency-related work rendered during a declared state disaster or emergency from the calculation of gross income.

New law is applicable to all tax years beginning on and after Jan. 1, 2018.

Effective July 1, 2017.

(Amends R.S. 47:242 and 293(10); Adds R.S. 47:53.5 and 111(A)(11) and 287.71(B)(8))

Dividend Received Deduction (Act 352)

New law adds dividend income received by a regulated group of entities to the list of dividend income that may be deducted from corporation income.

New law defines "regulated group of entities" to mean a group made up of a parent entity and other legal entities when the parent entity owns a majority of either the vote or the value of stock, membership interest, partnership interest, or other ownership interest and in which either one of the following applies:

- (1) One or more of the members of the group is regulated by the La. Public Service Commission as a telecommunications service provider and at least one of the members of the group has at any time been party to a contract entered into under contracts executed with the State Board of Commerce and Industry.
- (2) One or more of the members of the group is regulated by the Louisiana Public Service Commission as an electric utility.

New law is applicable to all taxable periods beginning on and after Jan. 1, 2018.

Effective January 1, 2018.

(Amends R.S. 47:287.71(B)(6))

Tax Credits for Accessibility Renovations (Act 270)

Existing law authorizes a credit against individual income tax for the owner of a newly constructed one- or two-family dwelling that includes certain accessible and barrier-free design elements. Existing law limits eligibility to individuals who own and have claimed the homestead exemption on the dwelling, and requires that the tax credit be taken in the taxable year in which the construction is completed.

New law adds, to the structures eligible for the credit, existing dwellings if the taxpayer, the taxpayer's spouse, or a dependent who resides with the taxpayer has a physical disability that requires, or will require, the inclusion of such accessible and barrier-free design elements in the dwelling.

New law provides that if the dwelling is co-owned in division by two or more taxpayers who qualify for and claim a homestead exemption on the dwelling, the credit allowed to each taxpayer shall be limited to the pro-rata ownership interest of the taxpayers.

New law increases the amount of the credit to the lesser of \$5,000 or the cost of the construction, and authorizes excess, unused credit to be carried forward and applied to subsequent tax liability for five years.

New law requires the renovation of an existing dwelling to meet any of the standards enumerated in existing law to be eligible for the tax credit.

New law provides that the taxpayer shall be allowed to claim the tax credit if any individual in the taxpayer's household has a physical disability that requires, or will require, the inclusion of accessible and barrier-free design elements in the dwelling, provided that such

individual, for the taxable year of the taxpayer, has as his principal place of abode the home of the taxpayer and can be identified as a member of the taxpayer's household.

New law authorizes a taxpayer to claim the tax credit if there is a valid and enforceable contract of lease between the taxpayer and any individual who occupies and resides in any portion of the dwelling pursuant to the terms of the contract of lease and who has a physical disability that requires, or will require, the inclusion of accessible and barrier-free design elements in the dwelling.

New law establishes a program cap not to exceed \$500,000 in credits granted by the Dept. of Revenue each calendar year and provides for the claim of credits on a first-come, first-served basis. A taxpayer whose claim is disallowed due to the cap may claim the credit in the next calendar year and have priority over other claims.

New law is applicable to all taxable periods beginning on or after Jan. 1, 2018.

Effective January 1, 2018.

(Amends R.S. 47:297)

Tax Credit for Rural Doctors (Act 342)

Prior law authorized tax credits for up to five years for medical doctors who establish and maintain their primary office within 20 miles of a community hospital not owned predominately by other physicians, provided both the office and hospital are located more than 20 miles from the nearest city of 30,000 or more, and the physician relocates the office from outside the hospital's service area.

New law changes eligibility of the tax credit to licensed physicians and primary care nurse practitioners whose primary offices are within a federally designated primary care needs geographic health professional shortage area and within a rural area as defined by the La. Dept. of Health (LDH).

Existing law provides a tax credit for up to five years to dentists who establish and maintain a primary office within a federally designated Dental Health Professional Shortage Area.

New law adds requirement that the dentist office be located in a rural area as defined by LDH.

New law requires LDH to be responsible for receiving applications for the tax credit and certifying the eligibility of taxpayers for the credit. Tax credits are earned when the taxpayer's eligibility is certified by LDH. If a taxpayer does not maintain the requirements of new law, the tax credit amounts certified shall be subject to disallowance or recapture.

New law limits the total amount of tax credits certified by LDH and granted by the Dept. of Revenue to \$1.5 million per year.

New law prohibits tax credits from being certified for applications received on or after Jan. 1, 2021.

Effective Jan. 1, 2018.

(Amends R.S. 47:297)

Income Tax Credit for Schoolchildren Ended (Act 375)

Prior law provided an \$18 individual income tax credit for each qualified dependent child who was in school in kindergarten through 12th grade at least part of the year.

New law sunsets the credit beginning on January 1, 2017.

Effective upon signature of the governor (June 23, 2017).

(Amends R.S. 47:297)

Sales Tax on Coins and Bullion (Act 340)

Prior law provided an exclusion from certain state sales and use taxes for the purchase of gold, silver, or numismatic coins, or gold, silver, or platinum bullion (hereinafter "exclusion").

New law limits the exclusion to purchases of platinum, gold, or silver bullion that is valued solely upon its precious metal content, and by limiting the exclusion for purchases of numismatic coins to only those coins that are valued at less than \$1,000 or that are sold at a numismatic trade show.

New law makes the exclusion effective and applicable for all state sales and use taxes, beginning Oct. 1, 2017.

Effective upon signature of governor (June 22, 2017).

(Amends R.S. 47:301; Adds R.S. 47:302(AA)(29) and 321.1(F)(67))

Various Sales Tax Exclusions (Act 424)

Prior law provided for a state sales and use tax exclusion for all purchases of fuels or gas. New law limits application of the exclusion to purchases of fuels or gas for residential use only.

Existing law provides for an exemption from state sales and use taxes imposed under R.S. 47:302, 321, and 331, for purchases and leases by qualifying radiation therapy treatment centers. Prior law provided that this exemption was not in effect for the state sales and use taxes imposed under R.S. 47:302 and 321.1 for the time between July 1, 2016, and June 30, 2018.

New law provides that the exemption is effective and applicable against all state sales and use taxes beginning July 1, 2017.

New law adds the Willis-Knighton Health System in Shreveport, La. to the list of qualifying radiation therapy treatment centers for purposes of the sales and use tax exemption for purchases and leases by qualifying radiation therapy treatment centers.

New law adds polyroll tubing for commercial farm irrigation to the definition of farm equipment partially exempt from state sales and use tax beginning Oct. 1, 2017.

Effective upon signature of governor (June 26, 2017).

(Amends R.S. 47:301 and 302; Adds R.S. 47:305.25(A)(6), 305.64(A)(2)(b)(iv), and 321.1(F)(67))

Sales Tax Exemption for Certain Agricultural Items (Act 378)

Prior law provided for sales and use tax exemptions and exclusions for certain agricultural inputs including feed, seed, fertilizer, pesticides, fuel, and irrigation equipment that are used by anyone in preparing, finishing, manufacturing, or producing crops or animals for market.

New law limits their application to commercial farmers, who are defined by new law as persons who produce such food or commodities at a profit and file their farm income and expense on a federal Schedule F or similar federal tax form, including 1065, 1120, and 1120S, filed by a person assigned a North American Industry Classification System (NAICS) Code beginning with 11.

New law requires the Department of Revenue to honor farmer exemption certificates issued under prior law until July 1, 2019.

Effective January 1, 2018.

(Amends R.S. 47:301, 305.3, 305.8, 305.37, and 305.63; adds R.S. 47:301(30))

Sales Tax Exemption for Certain Medical Devices (Act 395)

Prior law partially suspended the state sales and use tax exemption for sales and purchases of orthotic devices, prosthetic devices, prostheses, restorative materials, and other dental devices, subjecting these purchases to state sales and use tax at the rate of three percent until July 1, 2018.

New law exempts sales and purchases of orthotic devices, prosthetic devices, prostheses, restorative materials, and other dental devices from all state sales and use tax beginning

Oct. 1, 2017.

Effective July 1, 2018.

(Amends R.S. 47:302; adds R.S. 47:321.1(F)(67))

Sales Tax Exemption for Certain Medical Devices (Act 426)

Prior law partially suspended the state sales and use tax exemption for sales and purchases of medical devices used by patients under the supervision of a physician, subjecting these purchases to state sales and use tax at the rate of 3% until July 1, 2018.

New law exempts sales and purchases of medical devices used by patients under the supervision of a physician from all state sales and use tax beginning July 1, 2017.

Effective upon signature of the governor (June 23, 2017).

(Amends R.S. 47:302; adds R.S. 47:321.1(F)(67))

Sales Tax Exemption for Repairs to Certain Aircraft (Act 279)

Existing law includes repairs to tangible personal property as one of the services subject to sales and use tax. New law provides that for purposes of the sales and use tax levied by the state or a political subdivision, "repair to tangible personal property and fabrication" does not include surface preparation, coating, and painting of a fixed or rotary wing military aircraft or certified transport category aircraft with an FAA registration address outside this state for purposes of imposition of the sales and use tax.

New law provides that as to the specific exclusions and exemptions levied against the 2% tax under R.S. 47:302, beginning July 1, 2017, the exclusion applies for surface preparation, painting, and coating fixed or rotary wing aircraft and certified transport category aircraft registered outside of this state.

New law provides an exclusion, beginning July 1, 2017, for surface preparation, painting, and coating fixed or rotary wing aircraft and certified transport category aircraft registered outside of this state to the 1% tax levied under R.S. 47:321.1.

Effective July 1, 2017.

(Amends R.S. 47:302; adds R.S. 47:301(14)(g)(iv) and 321.1(F)(67))

Sales Taxes Administration (Act 274)

New law establishes two new governmental entities for purposes of administration and enforcement of state and local sales and use taxes.

La. Uniform Local Sales Tax Board

New law establishes the La. Uniform Local Sales Tax Board (board) as a political subdivision of the state, domiciled in East Baton Rouge Parish, for the purpose of promoting certain uniform procedures and policies concerning the collection and administration of local sales and use taxes, and to provide policy advice and support to local sales and use tax collectors.

New law provides with respect to board member appointments and other aspects of membership on the board.

New law provides for the authority of the board, including the following activities:

- (1) Support and advise local tax collectors concerning collection and administration of local sales and use taxes, including the prescription of uniform forms and model procedures, and the provision of educational and training programs for tax collectors.
- (2) Promulgate rules and regulations pursuant to the APA relating to local sales and use tax, specifically including rules for a voluntary disclosure program and a uniform refund request and approval process.

- (3) Procure the development of computer software and equipment for the collection and administration of local sales and use taxes.

New law provides for funding of the board through a dedication of a percentage of the total statewide collections of local sales and use taxes on motor vehicles.

La. Sales and Use Tax Commission for Remote Sellers

New law establishes the La. Sales and Use Tax Commission for Remote Sellers (commission) as an independent agency within the Dept. of Revenue for the administration and collection of state and local sales and use taxes related to remote sales, and to provide for policy uniformity and simplicity in sales and use tax compliance for remote sellers.

New law requires the commission to be domiciled in East Baton Rouge Parish, but meetings may be held at any location within the state.

New law provides that the commission will serve as the single entity in La. required under any federal law that may require remote sellers to collect and remit sales and use tax on La. sales.

To accomplish this, activities of the commission shall include:

- (1) Establish the minimum tax administration, collection, and payment requirements required by federal law with respect to the collection and remittance of sales and use tax imposed on remote sales.
- (2) Establish a fiscal agent solely for the purpose of remote seller remittances.
- (3) Serve as the single entity in La. to require remote sellers to collect and remit to the commission sales and use taxes on remote sales sourced to La.

New law establishes a method of funding the operations of the commission through a dedication of a percentage of the state and local sales and use taxes collected on remote sales by the commission, not to exceed 1%. However, the commission shall not be authorized to utilize these monies unless and until a federal law authorizing states to require remote sellers and their agents to collect state and local sales and use taxes on their sales has been enacted and becomes effective.

New law provides for the powers and duties of the commission, to include:

- (1) To serve as the single entity within the state responsible for all state and local sales and use tax collection and administration for remote sales sourced to La., and to remit local tax collections to the respective collector monthly.
- (2) To assign and direct a single audit of remote sellers for all sales and use taxes.
- (3) To serve as the single entity within the state to represent both the state and local taxing authorities in taking appropriate action to enable La. to participate in programs designed to allow La. to more efficiently enforce and collect state and local sales and use taxes on sales made by a remote seller.
- (4) To conduct administrative hearings as requested by aggrieved remote sellers and to render decisions following hearings.
- (5) To provide to the single tax collector for each parish an annual report of revenues collected and distributed.
- (6) With the consent of the affected local taxing authority, to issue notices of intent to assess and notices of assessments, to enforce collection of local taxes by distraint and sale, and to institute summary proceedings or ordinary proceedings for collection of local taxes.

New law limits the powers and duties of the commission to those expressly provided in new law and prohibits the commission from any activities historically and customarily undertaken by local sales and use tax collectors.

Effective upon signature of governor (June 16, 2017).

(Amends R.S. 47:302, 337.2, 337.19, 337.23, 337.49, 337.81, 337.87, 337.92, and 1407; Adds R.S. 36:459(A), R.S. 47:337.86(E)(3), 337.102, 339, and 340)

New Orleans Quality of Life Fund (Act 333)

New law creates the New Orleans Quality of Life Fund as a special fund in the state treasury, and dedicates 3.97% of the state sales and use tax levied on hotel rooms in residential locations collected in Orleans Parish to the New Orleans Quality of Life Fund to be used by the city of New Orleans for code enforcement by the City of New Orleans Short Term Rental Administration.

Effective July 1, 2017.

(Adds R.S. 47:302.56, 322.49, and 332.55)

Sales Tax Exclusion for Certain Construction Contracts (Act 209)

Existing law excludes from any new sales tax levy, materials and services for a lump sum or unit price construction contract entered into and reduced to writing either before the effective date of the new tax levy, or within 90 days of that date if the contract involves contractual obligations undertaken prior to that date and were computed and bid on the basis of tax rates effective and existing prior to the effective date of the new tax.

New law includes the following types of contracts as eligible for the exclusion: fixed rate and guaranteed maximum price construction contracts. New law is applicable for purposes of any additional state sales and use taxes enacted on or after July 1, 2017.

Effective upon signature of governor (June 14, 2017).

(Amends R.S. 47:305.11(A))

St. Landry Parish Central Collection Commission (Act 134)

New law modifies provisions for selection of St. Landry Parish central sales tax collection commission members.

Effective August 1, 2017.

(Amends R.S. 47:337.14(E))

Duson Sales Tax (Act 175)

New law authorizes the town of Duson, subject to voter approval, to levy an additional sales and use tax not to exceed one percent.

Effective upon signature of governor (June 12, 2017).

(Adds R.S. 47:338.24.4)

Lafayette Parish School Board (Act 174)

New law provides that the Lafayette Parish School Board shall, by resolution, fix the form, maturities, and terms of certain bonds and the rate of interest, with a term not to exceed 40 years. New law deletes provisions regarding serial coupon bonds, the limit on the interest rate on the bonds, and the signatories on the bonds.

Prior law made reference to coupons attached to the bonds and provided that a redemption in advance of maturity shall have a premium not greater than five percent of the principal amount of the bonds. New law deletes the provisions regarding coupon bonds and the premium for a redemption in advance of maturity.

Prior law provided for the manner of sale of the bonds and the time and place of the advertisement of the sale. New law repeals prior law.

Prior law provided that the powers conferred by prior law are not affected by any other provision of law and that the provisions and requirements for the issuance of debt in other provisions of law do not apply to bonds issued under prior law.

New law deletes prior law and provides that notwithstanding any provisions of law contained in prior law or any other provision of law to the contrary, bonds issued pursuant to prior law are also subject to the provisions of Chapters 13 and 13-A of Title 39 of the Louisiana Revised Statutes. Chapters 13 and 13-A provide relative to securities of public entities and fully registered securities, including maximum interest rates, advertising for bids, the form of the securities, the price at which the securities may be sold, the issuance, execution, and transfer of fully registered securities, and continuing disclosure by the issuers of securities.

Effective upon signature of the governor (June 12, 2017).

(Amends R.S. 47:338.86(B))

West Ascension Parish Sales Taxes (Act 330)

Existing law authorizes the West Ascension Parish Hospital Service District to levy and collect a sales and use tax within the boundaries of the district. New law reduces the maximum amount of the sales and use tax from 1/2% to 1/4%, subject to voter approval, requires the district's governing authority to submit to the voters the question no later than the congressional primary election in 2018.

Effective July 1, 2017.

(Amends R.S. 47:338.164(A))

Jonesboro Hotel Tax (Act 4)

New law authorizes the governing authority of the town of Jonesboro, subject to voter approval, to levy and collect a hotel occupancy tax, not to exceed 3% of the rent or fee charged for such occupancy.

New law requires that the proceeds of the tax be used to fund tourism-related activities and recreation programs within the town of Jonesboro.

Effective July 1, 2017.

(Adds R.S. 47:338.218)

Prestige Licenses Plates (Acts 2, 3, 81, 118, 125, 289, 320, and 324)

New laws create and provide for or change various prestige license plates.

Effective Jan. 1, 2018.

(Adds R.S. 47:463.192)

DDD and N.O. Regional Black Chamber (Act 397)

New law changes the recipient of the dedication of 25% of the local automobile rental tax from the Downtown Development District of New Orleans to the New Orleans Regional Black Chamber of Commerce. New law requires that this distribution is made pursuant to a cooperative endeavor agreement between the chamber and the city of New Orleans providing that the distribution is for a public purpose and is not gratuitous and the city receives something of comparable value.

Effective upon signature of the governor (June 23, 2017).

(Amends R.S. 47:551(D)(4))

Oil and Gas Severance Taxes (Act 421)

Existing law provides for a severance tax rate on oil and gas production of 12%.

Prior law authorized a five-year exemption from severance tax for production from oil and gas wells returned to service after two or more years of inactivity or that had thirty days or less of production during the most recent two years (inactive well), effective July 1, 2006 through June 30, 2010.

New law modifies the term and extent of the incentive for production from an inactive well from a five-year full exemption to a 50% rate reduction for 10 years, and by establishing a new effective period from July 1, 2018, through June 30, 2023.

New law establishes an incentive for production from a well with orphan well designation for more than 60 months. Production shall be taxed at 75% of the normal rate for 10 years, effective for the period from July 1, 2018, through June 30, 2023.

New law provides that to qualify for the reduced orphan and inactive well tax rate, the oil and gas production must be produced within the same producing interval or within 100 feet above or below the producing interval that the well-produced from before its inactivity or designation as an orphan well.

New law requires the Dept. of Revenue to notify the commissioner of conservation to cease certification of new inactive and orphan wells for the remainder of a fiscal year if the severance tax paid at the reduced orphan and inactive rate rises above \$15 million in any fiscal year.

Effective August 1, 2017.

(Amends R.S. 47:633(7)(c)(iv))

Aviation Gasoline (Act 145)

New law redefines "aviation gasoline" as any gasoline which is intended for or primarily used for propelling aircraft and which is invoiced, received, sold, stored, or withdrawn from storage by any person for propelling aircraft. New law specifies that motor fuel intended to propel motor vehicles is not "aviation gasoline".

Effective July 1, 2017.

(Amends R.S. 47:716.1 and 818.2(4))

Telephone Taxes (Act 273)

Existing law provides for a monthly tax on each residential and business customer telephone access line of the local exchange companies operating in La.

New law decreases the monthly tax from \$.05 to \$0.045, but expands the services upon which the tax is levied to include wireless handset devices.

New law exempts wireless devices used only for data purposes and prepaid wireless devices

New law requires the tax to be levied per month and to be assessed per line for each wireless access line and per telephone number for each wireless handset device.

Prior law authorized companies collecting and remitting the tax to retain a portion, not to exceed 2%, from the amount collected and remitted, as compensation for collecting the tax if the remittance of the monies to the Dept. of Revenue is made timely. New law increases the amount from 2% to 3%.

New law expands the use of the monies in the Telecommunications for the Deaf Fund to include captioning and American sign language services to be utilized by the legislature.

Effective October 1, 2017.

(Amends R.S. 47:1061(A) and (B))

Sharing of Tax Information (Act 344)

New law prohibits the secretary of the Department of Revenue (DOR) from disclosing the address (but not the name) of a taxpayer who filed an income or corporation franchise tax return.

New law adds authorization for the sharing by the secretary of DOR of tax data of wholesale tobacco dealers of this information with a court, arbitrator, and firms including data clearinghouses contemplated by the tobacco settlements, retained for calculating tobacco revenue owed to the state pursuant to the Master Settlement Agreement, the NPM Adjustment Agreement, and counsel for parties or experts in any related proceedings.

New law requires that any information received by the state pursuant to the NPM Adjustment Settlement Agreement be confidential and not be disclosed except in accordance with settlement terms or by court order.

Effective July 1, 2017.

(Amends R.S. 47:1508(B)(8) and (11))

Electronic Filing and Payment of Taxes (Act 150)

Prior law authorized the secretary of the Department of Revenue (secretary) to require tax payments to be made by electronic funds transfers only for tax returns valued at certain amounts. New law removes the limitation on the value of the return in order for the secretary to be required to be paid by electronic funds transfer in favor of granting the secretary discretion to require payments by electronic funds transfer.

New law authorizes an exemption from the requirement to make payments through electronic funds transfer if the taxpayer can prove the payment by electronic funds transfer would create an undue hardship.

Prior law authorized the secretary to require a certain percentage of individual income tax returns prepared by a tax preparer that prepares more than 100 state individual income tax returns during any calendar year to be filed electronically. New law repeals the prior law limitation on the percentages of tax returns that could be required to be filed electronically in favor of granting the secretary discretion to require electronic filing of tax returns.

Existing law provides that failure to comply with requirements for electronic filing will result in the assessment of a penalty of \$100 or 5% of the tax, whichever is greater. If it is determined that the failure to comply is attributable, not to the negligence of the taxpayer, but to another cause set forth in written form and considered reasonable by the secretary, the secretary may remit or waive payment of the whole or any part of the penalty. Prior law required that if the penalty exceeded \$25,000, the penalty could be waived by the secretary only after approval by the Board of Tax Appeals. New law changes the oversight authority for penalty waivers exceeding \$25,000 from the Board of Tax Appeals to the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs, but only for cases other than a waiver

granted under the department's voluntary disclosure program.

Effective upon signature of governor (June 12, 2017).

(Amends R.S. 47:1519 and 1520)

Tax Credits for Inventory Taxes (Act 338)

Existing law provides for an income or corporation franchise tax credit, equal to the amount of ad valorem taxes paid by the taxpayer to political subdivisions on inventory held by manufacturers, distributors, and retailers.

New law adds to the definition of "inventory" any item of tangible personal property owned by a retailer that is available for or subject to a short-term rental and that will subsequently or ultimately be sold by the retailer.

New law defines the term "short-term rental" as a rental of an item of tangible personal property for a period of less than 365 days, for an undefined period, or under an open-ended agreement.

New law adds to the definition of "retailer" a person engaged in the short-term rental of tangible personal property classified under code numbers 532412 and 532310 of the North American Industry Classification System (NAICS) published by the U.S. Bureau of Census and who is registered with the Dept. of Revenue as a retailer.

New law is applicable retroactively to tax periods beginning on and after Jan. 1, 2016.

Effective upon signature of governor (June 22, 2017).

(Amends R.S. 47:6006)

Tax Credits for Inventory Taxes (Act 385)

Prior law provided for a refundable tax credit for local ad valorem taxes paid on inventory and limits refundability for certain affiliated taxpayers. New law restricts the refund limitation for affiliated taxpayers to taxpayers that are

members of the same federal consolidated group for federal income tax purposes.

New law makes related party language uniform throughout new law.

New law is applicable to all claims for the credit on any return filed on or after July 1, 2017, regardless of the taxable year to which the return relates. New law prohibits application of new law to claims for the credit on an amended return filed on or after July 1, 2017, if the credit was properly claimed on an original return that was filed prior to July 1, 2017.

Effective upon signature of the governor (June 23, 2017).

(Amends R.S. 47:6006(B)(2) and (4))

Tax Credits for Property Taxes Paid on Vessels (Act 418)

Existing law authorizes a state income and corporation franchise tax credit for ad valorem taxes paid on vessels in Outer Continental Shelf Lands Act Waters which have been certified by the taxpayer to the assessor as being principally located in such areas within the calendar year immediately preceding the taxable year of assessment of the vessel.

Prior law required that in order for a taxpayer to be eligible for the credit, the taxes had to be paid without protest. New law removes the restriction on eligibility for the credit for taxes which have been paid under protest.

New law adds requirements for document submission and timing concerning taxpayer notification to the Dept. of Revenue that they have paid ad valorem taxes under protest.

New law provides that if the taxpayer prevails in the suit against the political subdivision, the amount of the credit issued under new law for ad valorem taxes paid by the taxpayer that are determined by the court to not be due to the political subdivision shall be subject to recapture by the department for up to two years, with judicial interest.

Existing law requires that collectors of ad valorem taxes segregate payments under protest and hold the payment pending the outcome of a suit challenging the tax that is filed within 30 days of the date the payment under protest is made.

New law provides an exception to the requirement in existing law for segregation of taxes paid under protest in the case where the sole challenge in the suit is a challenge of the legality of the ad valorem tax on vessels in Outer Continental Shelf Lands Act waters.

New law prohibits the Dept. of Revenue from pursuing action to recapture credits issued for ad valorem taxes related to a suit for taxes paid under protest if the taxpayer prevails in the suit and if the sole challenge in the suit is a challenge of the legality of the ad valorem tax on vessels in Outer Continental Shelf Lands Act waters, the collecting officer was not required to segregate or escrow the amount paid in accordance with new law, and the taxpayer does not receive a refund of the taxes paid from the collecting officer.

New law requires the filing of an amended tax return by a taxpayer who prevails in a suit for taxes paid under protest if the sole challenge in the suit is that of the legality of the ad valorem tax on vessels in Outer Continental Shelf Lands Act waters and the collecting officer refunds any amount paid under protest that was not required to be segregated or held in escrow. The amended return shall be filed within 60 days of the issuance of the refund and reflect the amount of the refund and any interest paid on the refunded amount as a reduction in the ad valorem tax credit originally received for the taxes paid under protest. A taxpayer who fails to file an amended return as set forth in new law shall be subject to penalties as provided in existing law.

Applicable to income tax periods beginning on and after Jan. 1, 2017, and franchise tax periods beginning on and after Jan. 1, 2018.

Effective July 1, 2017.

(Amends R.S. 47:6006.1)

Tax Credits for Movie-Making and Entertainment (Act 309)

New law changes the five types of tax credits for state-certified motion picture productions to:

- (1) A base investment credit of 25% for projects in excess of \$300,000, or if a production is a LA screenplay production.
- (2) An additional base investment credit of 5% for projects filmed outside the New Orleans Metro Zone, as delineated by the federal OM&B but not including St. John the Baptist Parish.
- (3) An additional base investment credit of 10% for certain expenditures equal to or greater than \$50,000 but no greater than \$5 million for projects meeting certain Louisiana screenplay criteria.
- (4) A 15% credit for Louisiana resident payroll expenditures.
- (5) A 5% credit for certain Louisiana-based visual effects expenditures meeting certain requirements.

New law limits the maximum credit available for the combined base investment, the out-of-zone and Louisiana screenplay base investment enhancements, and the additional Louisiana payroll and visual effects credits to 40% of base investment.

New law also creates a new payroll tax credit for qualified entertainment companies. The tax credit is 15% for Tier 1 new jobs with payroll between \$45,000 and \$66,000 per year, or 20% for Tier 2 new jobs with payroll between \$66,000 and \$200,000 per year.

New law adds numerous definitions, eligibility criteria, and procedural requirements for new qualified entertainment company payroll credit.

New law requires all state-certified productions to participate in a career-based learning and training program approved by the office.

Prior law specified that state-certified productions may only seek one final certification of tax credits after the expiration of the initial certification period, except for state-certified productions with Louisiana post production activities.

New law adds an exception for state-certified productions for scripted episodic content and qualified entertainment credits, which may request final certification of tax credits more than once.

New law requires that catering and craft services be purchased from a Louisiana source to be eligible for the tax credit.

New law defines "independent film production" and "Louisiana screenplay production".

New law ends transfers of certain motion picture tax credits to third parties after 12/31/17.

New law provides that projects with an application date on or after July 1, 2017, may transfer credits to the Department of Revenue for 90% (rather than 85%) of the face value.

New law adds requirements to the application process that prevents stacking of film credits.

New law makes the \$150 million annual credit granting cap permanent for applications submitted on or after July 1, 2017, but adds a 5% carve out of the front-end cap to qualified entertainment companies, a 5% carve out for Louisiana screenplay productions and a 10% carve out for independent film productions.

New law provides that a single state-certified production shall not exceed \$20 million (rather than \$30 million), except for state-certified productions for scripted episodic content which may grant up to \$25 million per season.

New law provides that no credits shall be authorized for applications received after July 1, 2025.

Prior law specified that for fiscal years 2015-2018, no more than \$180 million may be claimed

on returns, and that there shall be no cap beginning in Fiscal Year 2018-2019. New law specifies that beginning July 1, 2017, no more than \$180 million of credits may be claimed on tax returns or transferred to the Department of Revenue per fiscal year.

New law provides for a procedure for the transfer of legacy tax credits that have been recorded in the Louisiana Tax Credit Registry by July 1, 2017, to the Dept. of Revenue for 85% of face value.

New law requires the Department of Revenue to subtract the face value of the credit from the remaining available cap when a credit or legacy credit is transferred to the Department of Revenue for completed transfer applications submitted to the Department of Revenue after July 1, 2017.

Effective upon signature of the governor (June 15, 2017).

(Amends R.S. 47:6007)

Entertainment Development Fund (Act 223)

Existing law authorizes the transfer of tax credits and requires that the transferor and transferee submit a notification of the transfer to the Dept. of Revenue. New law changes the amount of the processing fee from up to \$250 per transferee to \$200 for requests to transfer filed with the office prior to July 1, 2017, and 2% of the tax credit transfer value for requests to transfer filed on or after July 1, 2017.

New law creates the Louisiana Entertainment Development Fund and deposits into the fund the fees required in new law. New law requires 25% of the fund to be appropriated to the Dept. of Revenue for administrative purposes and 75% to the Dept. of Economic Development for education development initiatives, matching grants for La. filmmakers, a loan guarantee program, and a deal closing fund.

Effective August 1, 2017.

(Amends R.S. 47:6007(C)(4)(b); Adds R.S. 47:6007(C)(4)(g))

Tax Credits for Research (Act 336)

New law reduces certain income and corporation franchise tax credits for increased research expenses for taxpayers.

New law allows a taxpayer receiving a federal Small Business Innovation Research Grant to be eligible for a tax credit equal to 30%, rather than 40% of the award received during the tax year.

New law reduces the amount of the tax credit from 40% to 30% of the award received during the tax year and adds eligibility for the tax credit to taxpayers who receive Phase I or Phase II grants from the Federal Small Business Technology Transfer program.

New law authorizes credits based on participation in the Small Business Technology Transfer Program or the Small Business Innovation Research Grant program for 2018 and thereafter that were not previously claimed by any taxpayer against income tax liability to be transferred or sold to one or more La. taxpayers. To utilize the transferred tax credit, new law requires transferors and transferees to submit written notification of any transfer or sale of this tax credit within 10 business days after the transfer or sale to the Dept. of Revenue (DOR). The notification submitted to DOR shall include a transfer processing fee of \$200 per transferee.

New law prohibits a tax credit transfer or sale from being effective until recorded in the tax credit registry.

New law authorizes carryforward of the credit beginning on the date on which the credit was earned, regardless of when the credit was transferred or sold.

New law redefines "base amount" depending upon the number of persons the taxpayer employs and increases the "base amount" for purposes of a taxpayer that employs 50 or more persons from 70% to 80% of the average annual qualified

research expenses in La. during the three years preceding the taxable year.

New law decreases the "base amount" for purposes of a taxpayer that employs less than 50 persons from 70% to 50% of the average annual qualified research expenses in La. during the three preceding taxable years.

New law extends the sunset of the credit to research expenditures incurred or Small Business Innovation Research Grant funds received after Dec. 31, 2021, and adds funds received from the federal Small Business Technology Transfer Program to eligibility of the credit.

New law applies to tax years beginning on or after Jan. 1, 2017.

Effective upon signature of governor (June 22, 2017).

(Amends R.S. 47:6015)

Tax Credits for Angel Investors (Act 345)

Existing law establishes the Angel Investor Tax Credit Program which authorizes a tax credit for certain investments in a qualifying La. Entrepreneurial Business (business). The program is administered by the Dept. of Economic Development (DED).

New law extends the sunset through July 1, 2021, and prohibits the granting or reservation of credits under this program for applications received by the DED after that date.

New law changes prior law effective July 1, 2018, by reducing the amount of the credit from 35% to 25% of the investment, and by reducing the number of years over which the credit shall be taken from five to three years.

New law changes prior law effective July 1, 2018, by reducing the annual limit of qualified investments per business from \$1 million to \$720,000, and the overall limit per business from \$2 million to \$1.44 million.

Existing law establishes conditions under which a tax credit shall be recaptured from an investor during the three-year period after the tax credit certificate is issued based upon the investor transferring the equity received in connection with the qualified investment.

New law adds an exception for the instance where the investor transfers the equity in the business to an entity, trust, or other organization under the control of the investor.

Provisions of new law concerning the amount of the credit, the number of years over which it may be taken, and other program modifications become effective July 1, 2018.

(Amends R.S. 47:6020)

Tax Credits for Movies and Music Companies (Act 275)

Existing law provides for a state income tax credit for investments made in state-certified productions and state-certified sound recording infrastructure projects. The tax credit is earned by investors at the time expenditures are certified by the Dept. of Economic Development (DED) according to the total base investment certified for the sound recording production company per calendar year.

Existing law provides that the amount of the credit for each investor for state-certified productions certified on and after July 1, 2015, and state-certified infrastructure projects which have been applied on or after July 1, 2015, is 18% of the base investment made by that investor in excess of \$15,000 or, if a resident of this state, in excess of \$5,000.

New law extends the program from Jan. 1, 2020, to July 1, 2021.

New law deletes references to state-certified sound recording infrastructure projects.

New law adds payroll expenditures from qualified music companies (QMCs) approved by the office and the secretary on or after July 1, 2017, to the definition of "base investment".

New law defines a "QMC" as an entity authorized to do business in La., engaged directly or indirectly in the production, distribution and promotion of music, certified by the secretary as meeting the eligibility requirements, and executing a contract providing the terms and conditions for its participation.

New law provides for a project-based production credit for applications for state-certified productions received on or after July 1, 2017, for each investor equal to 18% of the base investment made by that investor in excess of \$25,000. However, if the investor applying for the tax credit is a La. resident, the 18% tax credit shall be allowed on base investments which exceed \$10,000.

New law provides for a company-based QMC payroll credit for applications for QMCs received on or after July 1, 2017, to the extent that base investment is expended on payroll for La. residents in connection with a QMC. The amount of the tax credits varies as follows:

- (1) Tier 1 - A payroll credit of 10% for each new job whose QMC payroll is equal to or greater than \$35,000 per year, up to \$66,000 per year.
- (2) Tier 2 - A payroll credit of 15% for each new job whose QMC payroll is equal to or greater than \$66,000 per year, but no greater than \$200,000 per year.

Existing law restricts the aggregate amount of credits certified for all investors during any calendar year from exceeding \$2,160,000. New law requires 50% of the annual cap to be reserved for QMCs and limits the tax credits that may be granted per project, per calendar year, to a maximum amount of \$100,000.

New law provides for eligibility requirements for applicants applying for the company based QMC payroll credit.

New law prohibits a credit earned and claimed against an investor's income tax liability from reducing the investor's income tax liability below 50% of the amount of the liability prior to

application of the credit. New law authorizes excess amounts of the credit to be carried forward for up to five years against the subsequent income tax liability of the taxpayer.

Existing law requires DED to directly engage and assign a certified public accountant to prepare an expenditure verification report on a sound recording production company's cost report of expenditures. Prior law required applicants to be assessed the department's actual cost for the expenditure verification report fee. New law changes the amount of the expenditure verification report fee and the deposit therefore to amounts on a schedule.

Existing law requires the Dept. of Economic Development to submit a tax credit certification letter to the Dept. of Revenue on behalf of the investor who earned the sound recording tax credits. New law limits the tax credit certification letter to project based tax credits.

Prior law provided that beginning July 1, 2018, the amount of the credit increased from 18% of the base investment to 25% of the base investment and the total aggregate amount of credits that may be certified each calendar year increased from \$2,160,000 to \$3,000,000. New law makes the reductions in the amount of the tax credit to 18% of the base investment and limiting the total aggregate amount of credits that may be certified each calendar year to \$2,160,000 permanent.

Effective August 1, 2017.

(Amends R.S. 47:6023)

Tax Credits for Old Solar Energy Systems (Act 413)

Existing law provides for a state income tax credit for the purchase and installation of a solar energy system on a La. residence. The credit requirements and benefits differ based upon whether the system is purchased by the homeowner for installation at his residence, or if it is purchased by a third party for installation at another person's residence.

With respect to systems purchased by homeowners, new law provides that notwithstanding the limitation on the amount of credits that may be granted in a fiscal year under existing law, any taxpayer whose claim for a credit was denied or would have been denied for any portion of the original claim for a credit shall be granted the full amount of the credit for which the purchased solar energy system is eligible based on the original claim provided the claim relates to a solar energy system that was purchased and installed on or before Dec. 31, 2015.

New law prohibits the amendment of a tax credit claim concerning the date of purchase and installation of the solar energy system.

New law provides that for taxpayers whose claim would have been denied, an amended return claiming a tax credit for a system which was purchased and installed on or before Dec. 31, 2015, and which meets all other requirements of an eligible system shall be filed with the department before Sept. 1, 2017, in order to be eligible for payment of the tax credit.

New law provides that for all claims, including those which were denied and which would have been denied, all supporting documentation necessary to constitute a complete and eligible claim shall be submitted to the department no later than Nov. 1, 2017, in order to be eligible for payment of the tax credit.

New law authorizes the payment of interest at the annual rate established in existing law to accrue beginning 90 days from Oct. 1st, of the year which relates to the fiscal year credit cap from which the credit or installment of credit is paid.

New law authorizes that credits for systems purchased before Dec. 31, 2015 that taxpayers did not receive due to the annual caps, be allowed in three equal parts over fiscal years 2017-2018 through 2019-2020 and not to exceed \$5 million per fiscal year, not including interest. However, if any taxpayer has a tax credit balance remaining at the end of FY 2019-2020, the balance may be claimed in FY 2020-2021.

New law provides that the amounts authorized pursuant to the three-year payout shall be exclusive of any amounts granted pursuant to the amounts authorized pursuant to the tax credit cap for FY 2016-2017 and the allocation for claims submitted after July 1, 2017.

New law changes the sunset date of the credit for purchased systems from Jan. 1, 2018, to Jan. 1, 2016.

Existing law regarding leased systems authorizes credits for the purchase and installation of a system by a third-party through a lease with the owner of the residence.

New law changes the amount of the credit for systems installed on or after Jan. 1, 2014, and before July 1, 2015, from 38% of the first \$20,000 of the cost of purchase to 38% of the first \$25,000 of the cost of purchase.

Effective upon signature of governor (June 26, 2017).

(Amends R.S. 47:6030)

Tax Credits for Musical and Theatrical Projects (Act 396)

Prior law provided for income tax credits for state-certified productions and state-certified musical or theatrical facility infrastructure projects with annual limitations of up to \$60 million. New law removes these limitations.

New law institutes a \$10 million per fiscal year cap on the amount of all musical and theatrical credits that can be granted and provides that if the available cap is not used in any fiscal year then any amount of cap remaining shall be available for use in subsequent fiscal years.

New law provides for a \$1 million per project credit cap.

New law reserves 50% of the annual credit cap for state-certified musical or theatrical productions by approved nonprofit organizations.

New law prohibits any credit granted for an application received on or after June 30, 2025.

Effective July 1, 2017.

(Amends R.S. 47:6034)

Tax Credits for Clean-Burning Fuel Equipment Costs (Act 325)

Prior law provided refundable tax credits for the cost of qualified clean-burning motor vehicle fuel property. New law makes the credit nonrefundable for all purchases made on or after January 1, 2018.

New law modifies the definitions of the cost of qualified clean-burning motor vehicle fuel property.

New law reduces the credit rate to 30% (from 36%) of the cost of vehicle conversion equipment and fueling equipment and makes the reduction permanent.

Prior law provided that the purchaser of a new vehicle originally equipped to be propelled by an alternative fuel may claim the credit either on 36% of the value of the equipment directly related to the alternative fuel or, if the purchaser cannot determine the value of the equipment, 7.2% of the total purchase price of the vehicle or \$1,500, whichever is less.

New law eliminates the 36% credit for the value of the property directly related to the alternative fuel but retains the 7.2% credit and the \$1,500 per vehicle cap.

Effective upon signature of the governor (June 22, 2017).

(Amends R.S. 47:6035)

Tax Credits for Investing in Port Projects (Act 245)

Prior law provided for an investor tax credit of 72% of the capital costs associated with a qualifying port project, up to \$1.8 million per project, with a total annual program cap of \$4.5

million, for projects approved by the commissioner of administration, the Joint Legislative Committee on the Budget, and the State Bond Commission. New law removes the requirement of prior approval by the State Bond Commission.

Prior law provided for an import-export cargo tax credit of up to \$1.8 million per taxpayer at the rate of \$3.60 per ton of qualified cargo that is approved by the commissioner of administration, the Joint Legislative Committee on the Budget, and the State Bond Commission. New law removes the requirement of prior approval by the State Bond Commission.

Prior law defined "pre-certification tonnage" as the number of tons of qualified cargo owned by the international business entity receiving the credit, imported or exported, and which were moved by way of an oceangoing vessel berthed at public port facilities in this state during the 2013 calendar year. New law provides that the vessel was berthed at public port facilities in the state during the year prior to the year in which the import-export cargo credit application is submitted.

Prior law terminated both the investor credit and the import-export cargo credit on January 1, 2020. New law extends the termination date of both credits to July 1, 2021.

Effective upon signature of the governor (June 14, 2017).

(Amends R.S. 47:6036)

Tax Credits for Donations to School Tuition Organizations (Act 377)

Prior law authorized a rebate for donations made to a school tuition organization (STO) by a taxpayer who files a Louisiana income tax return, equal to the actual amount of the taxpayer's donation used by an STO to fund a scholarship, exclusive of administrative costs.

New law replaces the rebate with a nonrefundable tax credit that is equal to the actual amount of the taxpayer's donation used by an STO to fund a

scholarship, exclusive of administrative costs, for all donations made after December 31, 2017. New law specifies, the taxpayer must be required to file a Louisiana income tax return.

New law provides the credit may be used in addition to any federal tax credit or deduction earned for the same donation, but prohibits the taxpayer from receiving any other state tax credit, exemption, exclusion, deduction or any other benefit for which the taxpayer has received a credit for the donation.

New law provides a three-year carry-forward for credits that cannot be used in the year originally earned.

New law provides that the credit shall be earned at the time the donation is made.

Prior law required that an STO carryforward all funds in accordance with the duration of time indicated by the donor, and that at the end of a fiscal year, a donor may request and receive a refund of any unused portion of his donation. New law repeals prior law.

Existing law requires the STO to provide a public report to the DOE regarding all scholarships awarded in the previous fiscal year. New law provides that failure of the STO to report accurately and timely to the DOE shall result in the STO being barred from participating in the credit program for the current and upcoming academic years, but authorizes the department to grant an extension of up to 30 days for good cause for an STO to submit the information.

New law requires an STO to annually pay out or reserve for scholarships at least 75% of all donated monies. Reserved monies shall be designated for specific students who have been awarded a scholarship for the next school year or multiple school years.

New law replaces the requirement that the STO advertise to the public with a requirement that the STO shall notify the public.

Effective upon signature of the governor (June 23, 2017).

(Amends R.S. 47:6301)

TITLE 48: ROADS, BRIDGES AND FERRIES

St. Landry Parish Road Commissions (Act 229)

New law changes composition and term lengths and limits if District Five and Six Road Commissions of St. Landry Parish.

Effective August 1, 2017.

(Amends R.S. 48:600.1 and 600.2)

Regional Transit Authority Contracts (Act 216)

New law authorizes the Regional Transit Authority (RTA) to solicit proposals for and enter into contracts for public-private partnership projects for a transportation facility, provided the authority complies with present law applicable to public-private partnership projects of the La. Transportation Authority, when the commissioners of the RTA determine a public-private partnership is in the best interest of taxpayers and receives approval from the House and Senate transportation, highways, and public works committees.

New law makes present law provisions relative to the payment of a bond and the process for the payment of the claim of a contractor applicable in the same manner as any other department projects.

New law prohibits the RTA from receiving an unsolicited proposal for a public-private partnership project.

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

(Adds R.S. 48:1660.1)

TITLE 49: STATE ADMINISTRATION

Department of Treasury Continued (Act 317)

New law provides for the general re-creation of the Department of the Treasury and its statutory entities, effective June 30, 2017, in accordance with the sunset law. New law makes July 1, 2023, the new termination date, and termination would begin on July 1, 2022, unless the department is again re-created.

Effective June 30, 2017.

(Adds R.S. 49:191(10)(b); repeals R.S. 49:191(8)(g))

Hurricane Protection Projects Funding (Act 405)

New law provides that, beginning with FY 2022, a portion of the total federal revenues received by the state generated from Outer Continental Shelf oil and gas activity shall be allocated solely for construction and maintenance of hurricane protection projects that are included in or consistent with the master plan as follows: (1) for FY 2022 through 2024, a minimum of 40%, (2) for FY 2025 through 2027, a minimum of 45%, and (3) for FY 2028 and subsequent fiscal years, a minimum of 50%.

New law further provides that, if the total federal revenues received by the state generated from Outer Continental Shelf oil and gas activity are less than \$100 million in any fiscal year, then the minimum allocations shall not apply.

New law authorizes the Coastal Protection and Restoration Authority (authority) to offset the funds allocated for hurricane protection projects in new law with funds from other available sources.

New law provides that if the authority is unable to meet the allocations in new law in any fiscal year, the authority may modify the allocation for that fiscal year, subject to prior approval of the Coastal Protection and Restoration Authority Board and the Joint Legislative Committee on the Budget.

New law requires that revenues received by the state and allocated to a levee district be utilized

exclusively for construction, and operations and maintenance of hurricane protection projects.

Effective July 1, 2017.

(Adds R.S. 49:214.5.4(E)(5))

Acquisition of Property for Coastal Protection (Act 199)

New law provides that no full ownership interest in property shall be acquired for integrated coastal protection by the state, the Coastal Protection and Restoration Authority (CPRA), a levee district, a levee authority, a sponsoring authority, a political subdivision, or any other state, local, or federal entity, or their agents or employees, unless such interest is voluntarily offered and agreed to in writing by owners with at least 75% ownership interest in the property, or the entity seeking to acquire the property proves in a court that a full ownership interest is the minimum interest necessary to carry out the purposes of integrated coastal protection for the specific project for which it is acquired.

New law provides that access rights, rights of use, servitudes, easements, or other property interests acquired for integrated coastal protection by the state, the CPRA, a levee district, a levee authority, a sponsoring authority, a political subdivision, or any other state, local, or federal entity, or their agents or employees, shall be for a fixed term only and shall not be acquired in perpetuity, unless such acquisition in perpetuity is voluntarily offered and agreed to in writing by owners with at least 75% ownership interest in the property. New law provides that no fixed term for any access rights can exceed the life of the integrated coastal protection project for which it is acquired, unless such term is voluntarily offered and agreed to in writing by owners with at least 75% ownership interest in the property.

New law does not authorize acquisition of privately owned mineral interest and the reservation of mineral interest shall be as provided in existing law.

New law prohibits the transfer to the acquiring entity of any claims, causes of action, or litigious

rights existing prior to the date of the acquisition, but shall not extinguish the rights of the owners of the property to exercise such claims, causes of action, or litigious rights on the date of acquisition.

Effective upon signature of governor (June 14, 2017).

(Amends R.S. 49:214.5.5)

CPRA Consulting (Act 356)

New law authorizes the Coastal Protection and Restoration Authority (CPRA) to use an outcome-based performance contract alternative project delivery method to contract for financing, designing, constructing, and monitoring integrated coastal protection projects.

New law prohibits the use of outcome-based performance contracts for projects that cost more than \$250 million or with terms exceeding 25 years.

New law requires approval of the contract by the Coastal Protection and Restoration Authority Board and the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

New law generally defines "outcome-based performance contract" to be a contract with specific outcomes or goals and for payment upon completion of those agreed-upon outcomes or goals.

New law defines "outcome-based performance contractor" as any person or entity properly licensed, bonded, and insured who is responsible to the CPRA for the integrated coastal protection project to be delivered.

New law defines "resident business" to be one authorized to do and doing business under the laws of this state that either maintains its principal place of business in the state or that employs a minimum of two employees who are residents of Louisiana.

New law prohibits the CPRA from accepting unsolicited proposals for outcome-based performance contracts, but does not prohibit a company from making suggestions for new projects or alterations to solicited proposals. New law provides that the award of any contract may be made only after the issuance of a request for proposal and competitive bid.

New law provides for financing terms and conditions of outcome-based performance contracts to be determined by the CPRA and the outcome-based performance contractor.

New law provides for any revenues or earnings from activities pursuant to new law to be deposited in the Coastal Protection and Restoration Fund.

New law allows the CPRA to acquire land and easements in order to serve the purpose of new law.

New law requires outcome-based performance contractors to employ duly licensed professionals.

New law requires the CPRA to provide a request for statement of interest and qualification (RSIQ), including a statement of the ability and intention of a contractor to provide equal opportunities.

New law requires that the CPRA establish a qualification review committee which must evaluate the responses to the RSIQ, create a list of the highest rated proposers, and present the list to the executive director.

New law requires that the executive director issue a request for proposal (RFP) to those making the list of highest rated proposers.

New law requires the executive director to establish a proposal review committee to select the outcome-based performance contractor.

New law requires the proposal review committee to make recommendations to the executive director within 90 days of the deadline for responses to the RFP.

New law requires the authority and the selected outcome-based performance contractor to execute a contract within 60 days of the award of the outcome-based performance contract. If no contract is executed within those 60 days, new law authorizes the authority to re-advertise the project.

New law requires the CPRA to cancel any solicitation and decline to award a contract if a determination is made that the cancellation or declination is in the best interests of the state.

New law provides that there shall be no challenge by legal process to any selection of an outcome-based performance contractor except for fraud, bias, or arbitrary and capricious selection by the authority.

Effective upon signature of governor (June 22, 2017).

(Amends R.S. 49:214.6.2(A); Adds R.S. 49:214.7)

Advisory Council on Heroin Opioid Prevention and Education (Act 88)

New law requires the Drug Policy Board to establish an Advisory Council on Heroin and Opioid Prevention and Education (council) to coordinate resources and expertise to assist in a statewide response.

New law authorizes the council to engage and solicit, as necessary, input, recommendations, and guidance pertaining to heroin and opioid prevention and education from interested parties and stakeholders.

New law requires the council to serve in an advisory capacity to the board and establish an Interagency Heroin and Opioid Coordination Plan, which shall include various specified information.

New law requires the council to coordinate parish-level data on opioid overdoses and usage of overdose-reversal medication.

New law requires the council to also coordinate a central online location to disseminate information and resources, including the Interagency Heroin and Opioid Coordination Plan.

Effective August 1, 2017.

(Adds R.S. 49:219.5)

Review of Special Funds (Act 355)

New law establishes a dedicated fund review subcommittee of the Joint Legislative Committee on the Budget (JLCB) to review and make recommendations on special funds in the state treasury that dedicate state revenue as required in new law.

Old law required every two years that the division of administration submit to JLCB a plan of not more than 25% of the special dedicated funds in law.

New law changes the percentage from not more than 25% to at least 50%. New law authorizes JLCB to add funds to the plan submitted by the division of administration.

New law requires JLCB to ensure that after two consecutive plans have been approved, all special funds established by law on the date of the submission of the second consecutive plan will have been reviewed at least once.

New law changes the committee required in present law to review the funds in the approved plan from JLCB to the Dedicated Fund Review Subcommittee of the Joint Legislative Committee on the Budget (subcommittee). New law requires the review of the funds in the approved plans to result in a recommendation for each fund in the plan.

New law requires the subcommittee to post the hearing schedule for the plan on the website of the Louisiana Legislature and to notify the commissioner of administration and the treasurer of the schedule.

New law requires the treasurer to provide to the subcommittee certain specified information on

each fund and requires attendance of the treasurer, or his staff, at each subcommittee hearing.

New law requires the head of each state agency or entity receiving an appropriation from a fund in the previous five years to provide to the subcommittee certain specified information on each fund. New law attendance of the head of each agency or entity, or their staff, at each subcommittee hearing.

Proposed law requires the subcommittee to allow public comment on each fund included in the plan.

New law requires, following the review of each fund in a plan, the subcommittee to offer motions that will produce a report of findings and recommendations on each fund reviewed.

New law requires the subcommittee to report the findings and recommendations to JLCB for review.

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

(Amends R.S. 49:308.5; Adds 24:653(N))

TITLE 51: TRADE AND COMMERCE

Disclosure of Decedents' Account Information (Act 115)

New law, with respect to securities law, authorizes the disclosure of certain account information of a decedent by a dealer to a representative of, or attorney for, the decedent's estate upon receipt of written notice of the decedent's death and satisfactory evidence of the representative's authority to represent the estate. New law clarifies that satisfactory evidence of such a representative's authority to represent the estate may include an affidavit executed by that representative.

Effective August 1, 2017.

(Adds R.S. 51:703(K))

Manufactured and Modular Housing (Act 221)

New law provides for greater inclusion of and applicability to modular housing in law applicable to manufactured and modular housing.

New law amends the definitions of "manufactured home" and "manufactured housing", "manufacturer", "retailer", "salesman", "seal" or "label", "frame tie" or "tie down", "ground anchor", "installer", "setup" or "installation", and "transporter", and adds the definition of "modular home".

New law adds transporters as persons required to show proof of at least \$100,000 in continued and ongoing general liability coverage.

New law changes the composition of the La. Manufactured Housing Commission.

Prior law required the commission to hire a qualified person with certain credentials to serve as executive director and required the executive director to take and subscribe to the oath of office prior to engaging in duties. New law repeals prior law, and new law authorizes the commission's discretion to hire a qualified person with certain credentials to serve as executive director.

New law adds transporters as persons under the commission's authority with respect to powers and duties exercised by the commission, including requirements for licensure, payment of associated fees, and the commission's assessments of penalties.

New law requires presentation of the uniform written transportation and installation contract to a customer prior to moving a customer's home. New law does not apply to transporters who are only passing through the state or delivering a home from a manufacturer to a licensee of the commission.

New law authorizes the commission to adopt rules governing the repairs or renovations of manufactured homes.

New law requires the serial number to be stamped on the Header Plate or front cross member of the frame of a manufactured or modular home.

New law provides that all costs incurred by the commission to hold hearings to investigate and determine violations, including reasonable attorney fees, may be borne by the person or licensee found in violation.

New law provides for a civil penalty not to exceed \$2,500 for each violation of a provision applicable to manufactured and modular housing.

New law authorizes the commission to double the civil penalty up to \$5,000 for each violation, if the commission determines a violation was intentional or the violator is a habitual offender.

Existing law prohibits a retailer from setting forth a down payment in any retail installment sales contract, chattel mortgage, or security agreement unless all of the down payment has actually been received by the retailer at the time of execution of such document. Existing law prohibits cash down payment amounts made to a retailer from any rebate or other consideration received by or to be given to the consumer from the retailer or his agent. New law retains existing law and makes existing law applicable to a developer and his agent.

Existing law requires homeowners to provide the commission with written notice of defects to homes by registered or certified mail within one year after knowledge of defect, prior to the homeowner making reparative or civil action. New law retains existing law and requires the written notice to be provided on the consumer complaint form provided by the board.

New law requires installation for the setup of new or used modular homes to be in compliance with the International Residential Code enforced by the local authority having jurisdiction.

New law deletes mobile homes from certain installation standards.

Prior law required diagonal ties only at each end of each manufactured home unit. New law

replaces diagonal ties in favor of longitudinal ties at each end of each manufactured home unit.

Prior law required vertical and diagonal ties with stabilizer devices on the perimeter side walls of manufactured homes and required spacing between ties to be a minimum of 12 feet for Zone I homes. New law removes the requirement for vertical ties on perimeter side walls and shortens the distance requirement from 12 feet to 10 feet.

New law authorizes a licensed installer to perform the functions of a transporter without obtaining a transporter license.

Prior law authorized the fire marshal to provide oversight of remedial actions carried out by manufacturers and a manufacturer's handling of consumer complaints as to plants located within this state. New law removes the portion of law applicable to plants located in the state.

New law repeals prior law which prohibited a person from acting as a manufactured home broker without first obtaining a license from the commission.

New law repeals prior law which provided for a manufactured home broker license and an associated \$150 licensure fee.

Effective August 1, 2017.

(Amends R.S. 51:911.21, 911.22, 911.24, 911.26, 911.29, 911.30, 911.32, 911.36, 911.38, 911.39, 911.41, 911.43, 911.46, 912.3, 912.5, 912.21, 912.22, 912.25, 912.26, 912.27, 912.28, and 912.52; Repeals R.S. 51:911.28(A)(10))

Tax Free Shopping Program (Act 318)

New law extends the La. Tax Free Shopping Program through July 1, 2023.

Effective upon signature of the governor (June 22, 2017).

(Adds R.S. 51:1301(D))

Tax Subsidy Changes (Act 386)

Prior law provided for a program under which the Board of Commerce and Industry, with the approval of the Joint Legislative Committee on the Budget and the governor, may enter into contracts for tax exemptions, tax credits, and rebates with businesses that locate in university research and development parks. New law provides that no new contracts with businesses that locate in university research and development parks shall be entered into on or after July 1, 2017.

Prior law provided for the Enterprise Zone Program under which the La. Department of Economic Development (DED) enters into contracts with qualified applicants for rebates of sales and use tax and an investment tax credit. New law provides that no new advance notifications for the Enterprise Zone Program shall be accepted on or after July 1, 2021.

Prior law authorized the secretary of the DED and the governor to enter into cooperative endeavor agreements with qualified mega-projects for rebates up to the total amount of state severance tax paid on natural gas consumed by the mega-project. New law provides that no cooperative endeavor agreement with a mega-project for the rebate of severance tax shall be entered into on or after July 1, 2017.

Prior law provided for the La. Quality Jobs Program under which the DED can enter into contracts with qualified applicants for rebates of sales and use tax and an investment tax credit. New law provides that no new advance notifications for the Quality Jobs Program shall be accepted on or after July 1, 2022.

Prior law provided for a Competitive Projects Payroll Incentive Program under which the DED can enter into contracts with qualified applicants for rebates of sales and use tax and an investment tax credit. New law provides that no new contracts under the Competitive Projects Payroll Incentive Program shall be approved on or after July 1, 2022.

Prior law provided for the La. Quality Jobs Program under which the DED can enter into contracts with qualified applicants for an employment credit, rebates of sales and use tax, and an investment tax credit. New law lowers the minimum benefit rate to four percent from five percent and increases the per hour compensation required by employers to receive the four percent benefit rate from \$14.50 to \$18.00 per hour. New law increases the per hour compensation required by employers to receive the six percent benefit rate from \$19.10 to \$21.66 per hour.

Prior law provided that the applicable wage rates include the value of required healthcare benefits. New law removes the value of the healthcare benefit from the wage calculation and requires that employers be in compliance with any applicable federal healthcare requirements.

Prior law required employers to be located in a distressed region as designated by the DED or that at least 50% of the new jobs be filled by employees who reside in the distressed region. New law requires that employers be located in parishes within the lowest 25% of parishes based on income.

New law adds maintenance, repair, and overhaul of commercial aircraft, corporate headquarters, and corporate operations services to the employers who may qualify for a contract under the program.

New law adds to the list of employers not eligible for quality jobs incentives the following:

- (1) Professional service firms that do not provide more than 50% of their services to out-of-state customers.
- (2) Construction companies that are not the corporate headquarters of a multi-state business or that do not have more than 50% of their total sales to out-of-state customers or the federal government.
- (3) Businesses with a North American Industry Classification Systems (NAICS) code of 5613 (employment services).

- (4) Medical professionals with a NAICS code of 62 that are not engaged in biomedical or biotechnology industries, servicing rural hospitals, or providing at least 50% of their services to out-of-state patients.

New law increases the actual verified gross payroll from \$500,000 to \$625,000 and the new direct jobs from five to 15 for purposes of the third year rebate under the program for large employers. Failure to meet these thresholds will trigger recapture of the rebates.

New law applies the changes to the La. Quality Jobs Program only for advance notifications filed on or after July 1, 2017, unless a La. Economic Development Organization certifies before May 31, 2017, that it is in active negotiations on an economic development project with a business, submits project details including the anticipated number of jobs payroll, and the business submits an advanced notification before January 1, 2018.

Effective upon signature of the governor (June 23, 2017).

(Amends R.S. 51:1787, 2452, 2453, 2453, 2453, 2455, 2457, 2461, and 3121; adds R.S. 17:3389(G), R.S. 51:2367(F), and 2458(11))

Enterprise Zone Program Extended (Act 206)

Existing law establishes the enterprise zone program.

New law extends the sunset of the program from July 1, 2017, to July 1, 2021.

Effective upon signature of governor (June 14, 2017).

(Amends R.S. 51:1787(K))

La. Immersive Technologies Enterprise (Act 12)

Old law established the La. Immersive Technologies Enterprise (LITE) and created the La. Immersive Technologies Enterprise

Commission (commission). New law deletes prior law effectively dissolving the commission.

New law provides that ownership of all property of the commission shall be transferred to the Univ. of La. at Lafayette.

New law provides that, notwithstanding any other provision of law to the contrary, the Bd. of Supervisors for the Univ. of La. System has the authority to grant leases of any portion of the LITE building to public or private lessees without the necessity of advertisement or bid.

Effective August 1, 2017.

(Repeals R.S. 51:2101 and 2102)

Tax Subsidy Changes (Act 323)

Prior law authorized the secretary of the Department of Economic Development to contract with an eligible corporation to allow the use of a single sales factor in determining their Louisiana corporation income and franchise tax. New law prohibits execution of any new contracts authorizing the use of the single sales factor on or after July 1, 2021.

Prior law provided for the angel investor tax credit program that authorizes tax credits for investments in a "Louisiana Entrepreneurial Business". Prior law provided that the angel investor tax credit program sunsets on July 1, 2017. New law extends the sunset date to July 1, 2021, and provides that no credits shall be reserved under the program for reservation applications on or after July 1, 2021.

Prior law provided for a sound recording investor tax credit for eligible production costs of state-certified productions. New law provides that no sound recording investor tax credits shall be earned for applications received on or after July 1, 2021.

Prior law provided a tax credit for green job industries that will be funded once the state Department of Natural Resources receives certification from the U.S. Department of Energy. New law provides that no green job industries

credit shall be allowed for applications received on or after July 1, 2017.

Prior law provided a tax exemption from state income or franchise taxes for the employment of certain individuals in urban revitalization zones. New law prohibits the execution of urban revitalization tax exemption contracts on or after July 1, 2017.

Prior law authorized a technology commercialization tax credit program for investments in commercialization costs for a qualified business location and that no credits shall be earned after December 31, 2017. New law provides that no credits shall be earned after July 1, 2017.

Prior law provided for the Motion Picture Incentive Act that provides sales tax exemptions and income and franchise tax payroll credits to productions that received their state certification before December 31, 2005. New law repeals the Motion Picture Incentive Act.

Effective upon signature of the governor (June 22, 2017).

(Amends R.S. 51:2356; adds R.S. 47:4331(G), 6020(G), 6023(J), 6037(J), and R.S. 51:1807(F); repeals R.S. 47:1121-1128, and Sec. 3 of Act No. 414 of 2011 RS as amended by Act 104 of 2015 RS)

TITLE 56: WILDLIFE AND FISHERIES

Department of Wildlife and Fisheries (Act 404)

Prior law required that the monies credited to the "Saltwater Fish Research and Conservation Fund" (fund) be used by the office of fisheries for data collection and management and conservation of recreational saltwater fish species. New law limits use of the fund only to the administration and conducting of the Louisiana Recreational Creel Survey (LACREEL) and the Recreational Offshore Landing Permit program (ROLP).

New law prohibits monies allocated to the programs described in new law being used on or for any of the various specified purposes.

New law provides that if the Department of Wildlife and Fisheries violates any of the prohibitions in new law, the treasurer will not release any more monies credited to the fund to DWF, until such time as DWF ceases its violation.

Effective August 1, 2017.

(Amends R.S. 56:10)

Shad Taking (Act 109)

Prior law prohibited the taking of shad during the closed season and on weekends of the open season. New law allows the taking of shad during such times with a shad gill net for bait purposes only provided:

- (1) The shad gill net shall not exceed 150 feet in length.
- (2) No more than 50 pounds of shad shall be taken per day.
- (3) The gill net shall be attended at all times.

Effective upon signature of the governor (June 12, 2017).

(Amends R.S. 56:322.2(D))

Crab Traps (Act 153)

Existing law authorizes the Wildlife and Fisheries Commission to establish a crab trap removal program. New law adds that crab traps may be prohibited when crab season is closed for biological or technical reasons for the duration of the closure.

Effective August 1, 2017.

(Amends R.S. 56:332)

Alternative Oyster Cultures (ACT 222)

Existing law authorizes the Dept. of Wildlife and Fisheries to issue an alternative oyster culture (AOC) permit to a holder of a valid oyster lease on state water bottoms within the confines of that oyster lease. New law expands the eligibility for an AOC permit to include a person owning a water bottom or holding an oyster lease on a privately owned water bottom or on a dual-claimed water bottom.

Prior law required a determination that the water bottom in question is a state-owned water Bottom, and required suitability mapping. New law removes both of these requirements.

Prior law required the Dept. of Wildlife and Fisheries to develop a suitability map to identify areas appropriate for alternative oyster cultivation. New law removes references to suitability mapping.

New law repeals the requirement that an AOC permit can only authorize alternative oyster culture activities on state-owned water bottoms, and also repeals suitability mapping requirements relative to potential areas of conflict and suitability for alternative oyster culture activities.

Effective August 1, 2017.

(Amends R.S. 56:431.2)

Oyster Harvesting on Sabine and Calcasieu Lakes (Act 259)

New law limits the gear used for oyster harvest on Sabine Lake and Calcasieu Lake to hand tonging.

Effective August 1, 2017.

(Amends R.S. 56:435.1 and 435.1.1)

Game and Fish Commission (Act 185)

New law requires a public hearing prior to adoption of a rule by a game and fish commission. New law provides that proposed rules and regulations proposed by a commission

are not effective until approved by the Wildlife and Fisheries Commission.

New law provides that if W&F Commission fails to take action on the proposed rules and regulations within 180 days after submission by the commission, then the proposed rules and regulations shall be deemed to be adopted.

New law requires the game and fish commission to publish in the Louisiana Register any adopted rule that has not been adopted by the W&F Commission and submit the rule to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources for legislative oversight review.

New law limits the liability of the W&F Commission for actions under any rule adopted by a game and fish commission when the W&F Commission has failed to take action within the 180-day period.

Effective August 1, 2017.

(Amends R.S. 56:722(A)(2) and 727)

River Drainage (Act 189)

New law allows for the permitting of clearing and snagging, and dredging operations conducted or contracted for by a political subdivision, the state, or the federal government for drainage purposes, in the Comite River, West Pearl River, Tangipahoa River, Tchefuncte River, Bogue Falaya River, Abita River, Amite River, and Bayou Manchac.

Effective June 30, 2018.

(Amends R.S. 56:1855)

Endangered Native Plants (Act 228)

New law includes native plants in the species to be conserved by the Dept. of Wildlife and Fisheries under the endangered species laws. New law authorizes the use of federal funds for these purposes.

New law provides that it is unlawful to willfully destroy or harvest any endangered or threatened species of native plant on private land without written permission of the landowner or his representative. New law provides that it is unlawful to destroy or harvest on public land, without a permit from the department and written permission from the public entity holding title to the land.

New law requires any permit issued to be consistent with the federal Endangered Species Act.

New law specifically excludes the clearing of land for agricultural purposes, clearing of land by a landowner or his agent, clearing of land by a public entity when acting in performance of its obligation to provide service to the public, propagation of legally harvested species by licensed entities of the horticultural and nursery industry, any emission or discharge permitted by the Department of Environmental Quality, or any water intake for a facility that holds such permit.

New law does not authorize the department to designate critical habitat on private property.

Effective August 1, 2017.

(Amends R.S. 56:1901, 1902, 1903, 1904, and 1907; Adds R.S. 56:1902(3))