

Regular Session, 2014

HOUSE BILL NO. 401

BY REPRESENTATIVE BARRAS

LEGISLATION: Provides for technical corrections to various provisions of the Constitution Ancillaries, the La. Revised Statutes, the Code of Civil Procedure, and the Code of Criminal Procedure

1 AN ACT

2 To amend and reenact Subparagraph (e) of Paragraph 9 of Article XIV, Section 15.1 of the

3 Louisiana Constitution of 1921, made statutory by Article X, Section 18 of the

4 Louisiana Constitution of 1974, R.S. 4:169(A)(1), R.S. 6:664(B)(1), R.S.

5 9:4822(M)(1), R.S. 11:243(B)(1), (C), (D), and (E), 449(A)(introductory paragraph)

6 and (B), 450(B), 1302.2(A)(1) and (2)(introductory paragraph), 1422(C)(1), 1821(B),

7 and 2096(A), (B), and (C)(introductory paragraph), R.S. 13:5077(A), R.S. 14:35, 38,

8 38.1, 40, 46, 51, 53, 54.2, 55, 56.1, 57, 58, 60, 62.2, 70, 73, 76, 77, 87.1, 87.2, 87.4,

9 88, 91.12, 91.21, 96, 97, 99, 100.1, 101, 107.2(A), 111, 112, 113, 114, 115, 118.1,

10 119.1(A), 124, 125, 126.1, 126.2, 129.2, 131, 139, 201, 203, 204, 205, 206, 208, 209,

11 210, 213, 222(A), (B), and (C), 226(B) and (C), 311, 312, 313.1, 314, 315, 318, 319,

12 320, 321, 322, 329.1, 329.3, 329.4, 351, 354, 355, 356, 357, and 401, R.S. 21:203(6),

13 R.S. 22:691.4(F)(1)(a), R.S. 23:1203.1(H), (I), and (N), R.S. 36:651(CC), R.S.

14 37:961(1) and (3), 1033(F), and 2156(C)(2), R.S. 38:2212(D)(2), R.S.

15 39:1798.6(A)(2)(b), R.S. 40:4(A)(3)(b), 47(B), 531(A)(3), 537(B), 1563.1(B), and

16 2161(Section heading), R.S. 42:19.1(A)(1), R.S. 44:4(4)(b), (c), and (d) and (14),

17 R.S. 46:2(A) and (B), 446.6(Section heading), 448(A) and (E), 460.51(9),

18 2351(A)(6) through (9), and 2402(4), R.S. 49:222(B)(1)(d), (2)(b), and (3)(c),

19 953(F)(3)(h), 954(A) and (B)(2), 954.1(D), 966(A), 1101(C), and 1304(B)(1), R.S.

20 56:424(F)(2), 633(C), and 1703(C)(2)(a) through (d), Code of Civil Procedure

1 Article 1702(C), and Code of Criminal Procedure Articles 410(C) and 725.1(B),
 2 relative to the provisions of the Louisiana Constitution of 1921 made statutory by
 3 Article X, Section 18 of the Louisiana Constitution of 1974, the Louisiana Revised
 4 Statutes of 1950, the Code of Civil Procedure, and the Code of Criminal Procedure;
 5 to provide for various technical corrections, including correcting legal citations,
 6 correcting names of agencies, department offices, and other entities, designating
 7 undesignated statutory provisions, removing references to provisions that have been
 8 repealed, correcting punctuation, correcting typographical errors, making conforming
 9 changes, and clarifying language; to direct the Louisiana State Law Institute to make
 10 certain technical changes in the Louisiana Revised Statutes of 1950; and to provide
 11 for related matters.

12 Be it enacted by the Legislature of Louisiana:

13 Section 1. Subparagraph (e) of Paragraph 9 of Article XIV, Section 15.1 of the
 14 Louisiana Constitution of 1921, made statutory by Article X, Section 18 of the Louisiana
 15 Constitution of 1974, is hereby amended and reenacted to read as follows:

16 §15.1. Fire and police civil service; municipalities of 13,000 to 250,000

17 * * *

18 9. State Examiner and Deputy State Examiner of Municipal Fire and Police
 19 Civil Service.

20 * * *

21 e. When a vacancy occurs in the office of the state examiner or deputy state
 22 examiner, the State Civil Service Commission shall, within thirty days, make a
 23 provisional appointment of any person it deems qualified to fill the vacancy. A
 24 competitive examination shall be prepared, administered, and scored under the
 25 direction of the State Civil Service Commission in order ~~that~~ to establish a list of
 26 persons eligible for appointment to the office ~~can be established~~. As soon as such
 27 list can be and is established, the State Civil Service Commission shall appoint any
 28 person upon the eligibility list who has the experience required in Subparagraphs (a)
 29 and (b) of this Paragraph to fill the office; however, selection preference may be

1 given to any person having such experience in the municipal fire and police
2 classified civil service system. The person appointed shall serve a working test
3 period of six months which shall be considered a portion of the examination. At the
4 termination of such working test period, if successfully completed, the appointee
5 shall become a regular employee as defined in the State Civil Service Law.

6 * * *

7 Section 2. R.S. 4:169(A)(1) is hereby amended and reenacted to read as follows:

8 §169. Licenses, registrations, fees for participating in racing

9 A.(1) The following persons shall be required to take out a license from the
10 commission, and the annual fee shall be as follows:

Recording and registration fees	
11	
12	Apprentice jockey \$25.00
13	Assistant starter \$25.00
14	Authorized agent \$25.00
15	Colors \$25.00
16	Duplicate \$5.00
17	Exercise person \$15.00
18	Groom \$5.00
19	Hot Walker <u>walker</u> \$5.00
20	Jockey agent \$35.00
21	Jockey \$35.00
22	Outrider \$25.00
23	Owner \$25.00
24	Miscellaneous \$5.00
25	Mutuel \$5.00
26	Partnership \$25.00
27	Plater \$35.00
28	Pony person \$25.00
29	Stable foreman \$25.00

1	Stable name	\$50.00
2	Subagent	\$25.00
3	Trainer	\$25.00
4	Valet	\$25.00
5	Vendor	\$50.00
6	Veterinarian	\$100.00

7 * * *

8 Section 3. R.S. 6:664(B)(1) is hereby amended and reenacted to read as follows:

9 §664. Money deposited in a multiple party account

10 * * *

11 B.(1) When any such share deposit is made in any credit union under the
12 names of two or more persons payable to any one of such members, if one of such
13 members seeks to prevent payments from that account, that member must give
14 written notice of his desire to prevent payment. The notice must be signed by him
15 and delivered to the credit union. After the receipt of such notice from one or more
16 of such members, the credit union may refuse to honor any check, draft, or demand
17 upon the ~~said~~ share account or by any of the members, including the one or ones
18 requesting the stopping of payment, unless all of the members upon the ~~said~~ account
19 join in drawing such draft or check or demand for payment or other withdrawal of
20 any of the funds.

21 * * *

22 Section 4. R.S. 9:4822(M)(1) is hereby amended and reenacted to read as follows:

23 §4822. Preservation of claims and privileges

24 * * *

25 M.(1) The contractor may elect to furnish at the contractor's cost and without
26 ~~off-set~~ offset of the cost against the retainage amount a retainage bond equal to and
27 in lieu of the amount of the retainage required by the contract whenever a contract
28 between an owner and a contractor for the construction, alteration, or repair of any
29 work requires the withholding of sums for retainage until after the recordation of

1 formal acceptance of such work, or notice of default by the contractor or
2 subcontractor, or substantial completion, or final payment exclusive of
3 nonconforming work.

4 * * *

5 Section 5. R.S. 11:243(B)(1), (C), (D), and (E), 449(A)(introductory paragraph) and
6 (B), 450(B), 1302.2(A)(1) and (2)(introductory paragraph), 1422(C)(1), 1821(B), and
7 2096(A), (B), and (C)(introductory paragraph) are hereby amended and reenacted to read as
8 follows:

9 §243. Cost-of-living adjustments; permanent benefit increases; restrictions; funding
10 criteria

11 * * *

12 B.(1) On or before December 31, 2013, the governing authority of each of
13 the retirement systems listed in Subsection A of this Section shall, in a public
14 meeting, make an irrevocable election to have future benefit increases for retirees,
15 survivors, and beneficiaries governed by R.S. 11:242 or this Section. ~~In the event~~
16 ~~that~~ If the governing authority takes no action by the specified date, the provisions
17 of this Section shall not apply, and the benefit increases of that system shall continue
18 to be subject to the provisions of R.S. 11:242.

19 * * *

20 C. The provisions of this Section do not repeal provisions relative to
21 cost-of-living adjustments or permanent benefit increases contained within the
22 ~~individual~~ laws governing the systems listed in Subsection A of this Section.
23 However, the provisions of this Section are to be controlling in case of any conflict
24 with ~~the individual~~ such laws.

25 D. The power of the governing authority of a system covered by this Section
26 to provide a cost-of-living adjustment or permanent benefit increase shall be
27 effective in a particular calendar year only if the legislature fails to enact legislation
28 granting a cost-of-living adjustment, unless in the legislation granting the
29 cost-of-living adjustment, the legislature specifically ~~authorized~~ authorizes the

1 governing authority to provide an additional cost-of-living adjustment to retirees,
2 beneficiaries, or survivors of retired public employees of that system.

3 E. No governing authority to which this Section applies shall provide a
4 cost-of-living adjustment or permanent benefit increase to any retiree, beneficiary,
5 or survivor during any calendar year prior to the final adjournment of the regular
6 session of the legislature ~~and shall not~~ or do so during the same year within which
7 the legislature has granted an increase, unless in the legislation granting the increase,
8 the legislature specifically authorizes the governing body to provide an additional
9 increase to retirees, beneficiaries, and survivors of that system. The restrictions
10 contained in this Subsection shall be inapplicable with respect to any system for
11 which the legislature has failed to grant an increase.

12 * * *

13 §449. Deferred Retirement Option Plan

14 A. The system shall establish a Deferred Retirement Option Plan which shall
15 be a part of the system fund. While participating in the plan, ~~participant's~~
16 participants' contributions shall be credited to subaccounts as ~~herein~~ established in
17 this Section.

18 * * *

19 B. Both subaccounts shall be within the Deferred Retirement Option Plan
20 established ~~herein~~ pursuant to this Section. Management of the funds shall be by the
21 system during the contributing period. When the funds are transferred to the self-
22 directed subaccount for the investment period, the system is authorized to hire a ~~third~~
23 ~~party~~ third-party provider who shall be an agent of the system for purposes of
24 investing balances in the self-directed subaccounts of the participants.

25 * * *

26 §450. Termination of participation

27 * * *

28 B. Upon termination of participation in the plan but not employment, credits
29 to the account shall cease and no retirement benefits shall be paid to the participant

1 §2096. Actuary; appointment; duties and powers

2 A. The board of trustees shall designate an actuary who shall be a technical
3 advisor of the board of trustees on matters regarding the operation of the system
4 created by the provisions of this ~~Chapter~~, Chapter and shall perform such other duties
5 as are required by law or by the board of trustees.

6 B. Immediately after the establishment of the retirement system, the actuary
7 shall make such investigation of the mortality, service, and compensation experience
8 of the members of the system as he shall recommend and the board of trustees shall
9 authorize, and on the basis of such investigation, he shall recommend for adoption
10 by the board of trustees such tables and such rates as are required in Subsection C of
11 this Section. The board of trustees shall adopt tables and certify rates, and as soon
12 as practicable thereafter, the actuary shall make a valuation based on such tables and
13 rates of the assets and liabilities of the system created by this Chapter.

14 C. In ~~1956~~, 1956 and at least once in each five-year period thereafter, the
15 actuary shall make an actuarial investigation into the mortality, service, and
16 compensation experience of the members and beneficiaries of the retirement ~~system~~,
17 system and shall make a valuation of the assets and liabilities of the funds of the
18 system, and taking into account the result of such investigation and valuation, the
19 board of trustees shall:

20 * * *

21 Section 6. R.S. 13:5077(A) is hereby amended and reenacted to read as follows:

22 §5077. Miscellaneous provisions

23 A.(1) The attorney general shall provide a notice of removal to any
24 manufacturer that it determines should be removed or have any of its brand families
25 removed from the state directory. The notice shall state the grounds for the removal
26 and inform the manufacturer that it or its brand families will be removed from the
27 state directory thirty days following the date of the notice.

28 (2) During the thirty days following the date of the notice, the manufacturer
29 may do either of the following:

1 §38.1. Mingling harmful substances

2 A. Mingling harmful substances is the intentional mingling of any harmful
3 substance or matter with any food, drink, or medicine with intent that the same shall
4 be taken by any human being to his injury.

5 B. Whoever commits the crime of mingling harmful substances shall be
6 imprisoned, with or without hard labor, for not more than two years or fined not
7 more than one thousand dollars, or both.

8 * * *

9 §40. Intimidation by officers

10 A. Intimidation by officers is the intentional use, by any police officer or
11 other person charged with the custody of parties accused of a crime or violation of
12 a municipal ordinance, of threats, violence, or any means of inhuman treatment
13 designed to secure a confession or incriminating statement from the person in
14 custody.

15 B. Whoever commits the crime of intimidation by officers shall be fined not
16 more than five hundred dollars, or imprisoned for not more than six months, or both.

17 * * *

18 §46. False imprisonment

19 A. False imprisonment is the intentional confinement or detention of another,
20 without his consent and without proper legal authority.

21 B. Whoever commits the crime of false imprisonment shall be fined not
22 more than two hundred dollars, or imprisoned for not more than six months, or both.

23 * * *

24 §51. Aggravated arson

25 A. Aggravated arson is the intentional damaging by any explosive substance
26 or the setting fire to any structure, watercraft, or movable whereby it is foreseeable
27 that human life might be endangered.

28 B. Whoever commits the crime of aggravated arson shall be imprisoned at
29 hard labor for not less than six nor more than twenty years, and shall be fined not

1 more than twenty-five thousand dollars. Two years of such imprisonment at hard
2 labor shall be without benefit of parole, probation, or suspension of sentence.

3 * * *

4 §53. Arson with intent to defraud

5 A. Arson with intent to defraud is the setting fire to, or damaging by any
6 explosive substance, any property, with intent to defraud.

7 B. Whoever commits the crime of arson with intent to defraud shall be fined
8 not more than ten thousand dollars, imprisoned with or without hard labor for not
9 more than five years, or both.

10 * * *

11 §54.2. Manufacture and possession of delayed action incendiary devices; penalty

12 A. It shall be unlawful for any person; without proper license as required by
13 R.S. ~~40:1471.1~~ 40:1472.1 et seq. to knowingly and intentionally possess or have
14 under his control any instrument, device, chemical, or explosive substance which is
15 arranged, manufactured, mixed, or so made up as to be a device or substance which,
16 when exposed to heat, humidity, air, or foreign elements, will after prolongation of
17 time burst into flame, ignite, cause to be ignited, or explode.

18 B. This ~~section~~ Section shall not apply to fireworks possessed within the
19 meaning and contemplation of R.S. 51:650 et seq.

20 C. Whoever violates this Section shall be fined not more than ten thousand
21 dollars or be imprisoned at hard labor for not more than twenty years, or both.

22 * * *

23 §55. Aggravated criminal damage to property

24 A. Aggravated criminal damage to property is the intentional damaging of
25 any structure, watercraft, or movable, wherein it is foreseeable that human life might
26 be endangered, by any means other than fire or explosion.

1 §58. Contaminating water supplies

2 A. Contaminating water supplies is the intentional performance of any act
3 tending to contaminate any private or public water supply.

4 B. Whoever commits the crime of contaminating water supplies, when the
5 act foreseeably endangers the life or health of human beings, shall be fined not more
6 than one thousand dollars, or imprisoned, with or without hard labor, for not more
7 than twenty years, or both.

8 C. Whoever commits the crime of contaminating water supplies, when the
9 act does not foreseeably endanger the life or health of human beings, shall be fined
10 not more than five hundred dollars, or imprisoned, with or without hard labor, for not
11 more than five years, or both.

12 * * *

13 §60. Aggravated burglary

14 A. Aggravated burglary is the unauthorized entering of any inhabited
15 dwelling, or of any structure, water craft, or movable where a person is present, with
16 the intent to commit a felony or any theft therein, ~~if the offender,~~ under any of the
17 following circumstances:

18 (1) ~~Is~~ If the offender is armed with a dangerous weapon, ~~or.~~

19 (2) ~~After~~ If, after entering, the offender arms himself with a dangerous
20 weapon, ~~or.~~

21 (3) ~~Commits~~ If the offender commits a battery upon any person while in such
22 place, or in entering or leaving such place.

23 B. Whoever commits the crime of aggravated burglary shall be imprisoned
24 at hard labor for not less than one nor more than thirty years.

25 * * *

26 §62.2. Simple burglary of an inhabited dwelling

27 A. Simple burglary of an inhabited home is the unauthorized entry of any
28 inhabited dwelling, house, apartment, or other structure used in whole or in part as

1 a home or place of abode by a person or persons with the intent to commit a felony
2 or any theft therein, other than as set forth in ~~Article 60~~ R.S. 14:60.

3 B. Whoever commits the crime of simple burglary of an inhabited dwelling
4 shall be imprisoned at hard labor for not less than one year, without benefit of parole,
5 probation or suspension of sentence, nor more than twelve years.

6 * * *

7 §70. False accounting

8 A. False accounting is the intentional rendering of a financial statement of
9 account which is known by the offender to be false, by anyone who is obliged to
10 render an accounting by the law pertaining to civil matters.

11 B. Whoever commits the crime of false accounting shall be fined not more
12 than five hundred dollars or imprisoned for not more than six months, or both.

13 * * *

14 §73. Commercial bribery

15 A. Commercial bribery is the giving or offering to give, directly or
16 indirectly, anything of apparent present or prospective value to any private agent,
17 employee, or fiduciary, without the knowledge and consent of the principal or
18 employer, with the intent to influence such agent's, employee's, or fiduciary's action
19 in relation to the principal's or employer's affairs.

20 B. The agent's, employee's, or fiduciary's acceptance of or offer to accept,
21 directly or indirectly, anything of apparent present or prospective value under such
22 circumstances shall also constitute commercial bribery.

23 C. ~~The An~~ offender under this ~~article~~ Section who states the facts, under
24 oath, to the district attorney charged with prosecution of the offense, and who gives
25 evidence tending to convict any other offender under this article, may, in the
26 discretion of the district attorney, be granted full immunity from prosecution for
27 commercial bribery, in respect to the particular offense reported.

1 governmental authorities, or any officer or agent thereof, in the proper performance
2 of duties.

3 * * *

4 §101. Desecration of graves

5 A. Desecration of graves is ~~the~~ either of the following:

6 (1) Unauthorized opening of any place of interment, or building wherein the
7 dead body of a human being is located, with the intent to remove or to mutilate the
8 body or any part thereof, or any article interred or intended to be interred with the
9 ~~said body; or,~~

10 (2) Intentional or criminally negligent damaging in any manner; of any
11 grave, tomb, or mausoleum erected for the dead.

12 B. Whoever commits the crime of desecration of graves shall be fined not
13 more than five hundred dollars, or imprisoned for not more than six months, or both.

14 * * *

15 §107.2. Hate crimes

16 A. It shall be unlawful for any person to select the victim of the following
17 offenses against person and property because of actual or perceived race, age,
18 gender, religion, color, creed, disability, sexual orientation, national origin, or
19 ancestry of that person or the owner or occupant of that property or because of actual
20 or perceived membership or service in, or employment with, an organization: first
21 or second degree murder; manslaughter; battery; aggravated battery; second degree
22 battery; aggravated assault with a firearm; terrorizing; mingling harmful substances;
23 simple, forcible, or aggravated rape; sexual battery, second degree sexual battery;
24 oral sexual battery; carnal knowledge of a juvenile; indecent behavior with juveniles;
25 molestation of a juvenile or a person with a physical or mental disability; simple,
26 second degree, or aggravated kidnaping; simple or aggravated arson; ~~placing~~
27 ~~combustible materials~~; communicating of false information of planned arson; simple
28 or aggravated criminal damage to property; contamination of water supplies; simple
29 or aggravated burglary; criminal trespass; simple, first degree, or armed robbery;

1 the intent to influence him to lose or cause to be lost, or corruptly to affect or
2 influence the result thereof, or to limit his or his team's or his mount or beast's
3 margin of victory in any baseball, football, hockey, or basketball game, boxing,
4 tennis, or polo match or horse race or any professional or amateur sport or game in
5 which such player or participant or jockey or driver is taking part or expects to take
6 part, or has any duty in connection therewith.

7 (2) The acceptance of; or the offer to accept directly or indirectly anything
8 of apparent present or prospective value under such circumstances by any of the
9 above named persons shall also constitute bribery of sports participants.

10 B. Whoever commits the crime of bribery of sports participants is guilty of
11 a felony and shall be punished by a fine of not more than ten thousand dollars and
12 imprisoned for not less than one year nor more than five years, with or without hard
13 labor, or both.

14 ~~B. C.~~ C. The offender under this Section, who states the facts under oath to the
15 district attorney charged with the prosecution of the offense, and who gives evidence
16 tending to convict any other offender under that Section, may, in the discretion of
17 such district attorney be granted full immunity from prosecution in respect to the
18 offense reported, except for perjury in giving such testimony.

19 * * *
20 §119.1. Bribery of parents of school children

21 A.(1) Bribery of parents of school children is the giving or offering to give,
22 directly or indirectly, any money; or anything of apparent present or prospective
23 value to any parent, to any tutor or guardian, to any person having legal or actual
24 custody of, or to any person standing in loco parentis to, any child eligible to attend
25 a public school in this ~~State~~ state, as an inducement to encourage, influence, prompt,
26 reward, or compensate any such person to permit, prompt, force, or cause any such
27 child to attend any such school in violation of any law of this state.

28 (2) The acceptance of, or the offer to accept, directly or indirectly, any
29 money, or anything of apparent present or prospective value, by any such person

1 under any such circumstances, shall also constitute bribery of parents of school
2 children.

3 * * *

4 §124. Inconsistent statements; perjury

5 A. It shall constitute perjury whenever any person, having taken an oath
6 required by law, or made an equivalent affirmation, swears or affirms any fact or
7 state of facts material to the issue or question in controversy; and thereafter in the
8 same or other proceedings, where such matter is material to the issue or question in
9 controversy, swears or affirms in a manner materially contradictory of or
10 inconsistent with his former sworn or affirmed statement. It shall not be necessary
11 for the prosecution, in such case, to show which of the contradictory or inconsistent
12 statements was false; but it shall be an affirmative defense that at the time he made
13 them, the accused honestly believed both statements to be true.

14 B. This ~~article~~ Section shall ~~only be applicable~~ be applicable only in cases
15 where at least one of the contradictory or inconsistent statements was made in, or for
16 use in, a judicial proceeding or a proceeding before a board or official wherein such
17 board or official is authorized to take testimony.

18 §125. False swearing

19 A. False swearing is the intentional making of a written or oral statement,
20 known to be false, under sanction of an oath or an equivalent affirmation, where such
21 oath or affirmation is required by law; provided that this article shall not apply where
22 such false statement is made in, or for use in, a judicial proceeding or any proceeding
23 before a board or official, wherein such board or official is authorized to take
24 testimony.

25 B. Whoever commits the crime of false swearing shall be fined not more
26 than five hundred dollars, or imprisoned for not more than one year, or both.

27 * * *

1 §126.1. False swearing for purpose of violating public health or safety

2 A. No person shall make a false statement, report, or allegation concerning
3 the commission of a crime for the purpose of violating, disrupting, interfering with,
4 or endangering the public health or safety, or to deprive any person or persons of any
5 right, privilege, or immunity secured by the United States Constitution and laws or
6 by the Louisiana Constitution and laws, or cause such false statement or report to be
7 made to any official or agency of the state or any parish, city, or political subdivision
8 thereof, or to any judicial, executive, or legislative body or subdivision thereof
9 within this state, knowing or having reason to believe the same or any material part
10 thereof to be false and with the intent to cause an investigation of or any other action
11 to be taken as a result thereof.

12 B. Any person or persons convicted of violating the provisions of this
13 Section shall be punished by imprisonment for not less than one year nor more than
14 five years, with or without hard labor, or by a fine of not less than one hundred
15 dollars nor more than one thousand dollars, or by both such fine and imprisonment.

16 §126.2. False statements concerning denial of constitutional rights

17 A. No person shall wilfully and knowingly, whether orally or in writing,
18 make or cause to be made to any agency, board, commission, member, officer,
19 official, appointee, employee or representative thereof, of the executive, legislative,
20 or judicial department of the United States or any subdivision thereof, which may be
21 now in existence, or who may be now appointed, or hereafter created or appointed,
22 including but not limited to any commissioner, referee, or voting referee now
23 appointed or who may be hereafter appointed by any court of the United States or
24 any judge thereof, and further including but not limited to any member of the Federal
25 Bureau of Investigation and any agent or representative, investigator, or member of
26 the Commission of Civil Rights of the United States, or the Advisory Committee or
27 Board of the Commission of Civil Rights of the United States appointed in and for
28 the state of Louisiana, any false or fictitious or fraudulent statement or statements,
29 or to use any false writing or document asserting or claiming that such person or

1 persons, or any other person or persons have been or are about to be denied or
2 deprived of any right, privilege, or immunity granted or secured to them, or to any
3 of them, by the United States Constitution and laws, or by the Louisiana Constitution
4 and laws, by any officer, agency, employee, representative, board or commission or
5 any member thereof of the state of Louisiana, or of any parish or municipality of the
6 state of Louisiana, or of any other political subdivision of the state of Louisiana, or
7 by the state of Louisiana.

8 B. Any person or persons violating the provisions of this Section shall, upon
9 conviction thereof, be punished by imprisonment for not less than one year nor more
10 than five years with or without hard labor, or by a fine of not less than one hundred
11 dollars nor more than one thousand dollars or by both such fine and imprisonment.

12 * * *

13 §129.2. Recording, listening to, or observing proceedings of grand or petit juries
14 while deliberating or voting

15 A. It shall be unlawful for any person knowingly and intentionally, by any
16 means or device whatsoever, to do either of the following:

17 (1) ~~to~~ To record or attempt to record; the proceedings of any grand or petit
18 jury in any court of the state of Louisiana while such jury is deliberating or voting;
19 ~~or.~~

20 (2) ~~to~~ To listen to or observe, or attempt to listen to or observe, the
21 proceedings of any grand or petit jury of which he is not a member in any court of
22 the state of Louisiana while such jury is deliberating or voting.

23 B. Whoever violates the provisions of this Section shall be fined not more
24 than five hundred dollars, or imprisoned for not more than six months, or both.

25 * * *

26 §131. Compounding a felony

27 A. Compounding a felony is the accepting of anything of apparent present
28 or prospective value which belongs to another, or of any promise thereof, by a person
29 having knowledge of the commission of a felony, upon an agreement, express or

1 implied, to conceal such offense, or not to prosecute the same, or not to reveal or
2 give evidence thereof.

3 B. Whoever commits the offense of compounding a felony shall be fined not
4 more than one thousand dollars or imprisoned, with or without hard labor, for not
5 more than two years, or both.

6 * * *

7 §139. Political payroll padding

8 A. Political payroll padding is committed when any public officer or public
9 employee shall, at any time during the six months preceding any election for
10 governor:

11 (1) Increase the number of public employees in his office, department, board,
12 agency, or institution more than five percent over the average number of such
13 employees for each of the first six months of the twelve months next preceding ~~said~~
14 the election; or

15 (2) Increase the payroll or other operating expenses of his office, department,
16 board, agency, or institution more than fifteen percent over its average amount of
17 such expenditures for each of the months of the first six months of the twelve months
18 next preceding ~~said~~ the election.

19 B. The provisions of this ~~Article~~ Section shall not apply where the increases
20 are necessitated by flood, invasion by a common enemy, or other public emergency.

21 C. Whoever commits the crime of political payroll padding shall be
22 imprisoned for not more than five years with or without hard labor or shall be fined
23 not more than five thousand dollars or both.

24 * * *

25 §201. Collateral securities, unauthorized use or withdrawal prohibited; penalty;
26 proof of intent; of personal advantage

27 A. No customer, nor any officer, member, or employee of any person who
28 is a customer of any bank or banking institution, savings bank, or trust company
29 organized under the laws of this state, of the United States, or of any foreign country,

1 or of a private banker or of a person, or association that loans money on collateral
2 security, doing business in this state, who is allowed to withdraw any collateral
3 pledged by him, either personally or in his representative capacity, on a trust receipt
4 or other form of receipt, shall do any of the following:

5 (1) Use, sell, repledge, or otherwise dispose of the collateral so withdrawn,
6 for any other purpose other than that of paying the indebtedness for the security of
7 which the collateral was pledged;~~or,~~

8 (2) Fail or refuse to return the collateral on demand;~~or,~~

9 (3) Fail or refuse in lieu of the return of the collateral to make the pledgee
10 a cash payment equivalent to the full value of the collateral so withdrawn;~~or,~~

11 (4) If the collateral exceeds in value the indebtedness it secures, fail or refuse
12 to make a cash payment to the pledgee equal to the full amount of the indebtedness;
13 ~~or,~~

14 (5) If the delivery of the collateral was to be made in the future and the
15 customer has taken possession or control of the collateral, fails or refuses to deliver
16 the collateral on demand.

17 B. Whoever violates this Section shall be imprisoned with or without hard
18 labor, for not more than ten years.

19 C. Proof of any of the acts set forth in this Section shall be considered prima
20 facie evidence of criminal intent. The state may proceed further and prove criminal
21 intent by any competent evidence in its possession.

22 D. Where the person doing the acts denounced by this Section was an
23 officer, agent, or employee of any person, who was a customer of any lender (as
24 ~~mentioned in the first paragraph~~ provided in Subsection A of this Section) loaning
25 money on collateral security, it shall not be necessary, to complete the proof of the
26 crime charged, for the state to prove that the person derived any personal benefit,
27 advantage, or profit from the transaction. The state may always prove the crime
28 charged by any competent evidence it may have in its possession.

29 * * *

1 §203. Electrical appliances, sale without original factory serial number prohibited;
2 penalty

3 A. No person shall offer to sell or cause to be sold or distributed, either retail
4 or wholesale, new household appliances, such as radios, television sets, refrigerators,
5 washing machines, ironers, dryers, gas or electric ranges, or air conditioners, without
6 the appliance having the original factory serial number indicated thereon provided
7 it is the custom of the manufacturer to place serial numbers on the appliances.

8 B. Whoever violates this Section shall be fined not more than one hundred
9 dollars or imprisoned for not more than ninety days, or both.

10 §204. Fire-raising on lands of another by criminal negligence; penalty

11 A. Fire-raising on lands of another by criminal negligence is the performance
12 of any of the following acts:

13 (1) The setting fire to any grass, leaves, brush, or debris on lands by the
14 owner, or by the owner's agent or lessee, and allowing the fire to spread or pass to
15 lands of another.

16 (2) The starting of fire with wood or other fuel on lands of another, without
17 malice, for camping or other purposes, with failure to exercise sufficient precautions
18 so as to prevent the fire from spreading to grass, leaves, brush, or other debris on the
19 lands.

20 (3) The setting fire to grass, leaves, brush, or other debris on lands of another
21 by means of casting aside a lighted match or lighted cigar or cigarette stub.

22 (4) The burning over or causing burning over to be done on any land which
23 adjoins woodlands of another within the boundaries of any parish of this state
24 wherein an organized fire protection unit is maintained by the state or federal
25 government, or both, without first giving the protecting agency written notice of
26 intention to burn over the lands, giving a description of the property which will
27 reasonably describe the location where the burning shall begin, and the date on
28 which the lands are to be burned over. For the purpose of this Section, an "organized

1 fire protection unit" is defined to be any area in which an organized system of fire
2 prevention and control is in effect.

3 B. Whoever commits the crime of fire-raising on lands of another by
4 criminal negligence shall be fined not more than three hundred dollars or imprisoned
5 for not more than thirty days, or both.

6 * * *

7 §205. Fire-raising on lands of another with malice; penalty

8 A. Fire-raising on lands of another with malice is the malicious setting fire
9 to any grass, leaves, brush, or debris on lands of another, or the procuring same to
10 be done.

11 B. Whoever commits the crime of fire-raising on lands of another with
12 malice shall be fined not more than five hundred dollars, or imprisoned for not more
13 than six months, or both.

14 §206. Fire prevention interference; penalty

15 A. Fire prevention interference is the intentional performance of any of the
16 following acts:

17 (1) Defacing or destroying fire warning notices or posters.

18 (2) Injuring, destroying, removing, or in any manner interfering with the use
19 of any tools, equipment, towers, buildings, or telephone lines used in the detection,
20 reporting, or suppression of fire.

21 B. Whoever commits the crime of fire prevention interference shall be fined
22 not more than five hundred dollars or imprisoned for a period of not more than six
23 months, or both.

24 * * *

25 §208. Operas, performance or representation without consent of owner prohibited;
26 penalty

27 A. No person or company shall take part in or cause to be publicly performed
28 or represented for profit any unpublished or undedicated dramatic or musical
29 composition known as an opera without the consent of its owner or proprietor, or

1 knowing an opera is unpublished or undedicated, shall permit, aid, or take part in a
2 public performance or representation without the consent of the owner or proprietor.

3 B. Whoever violates this Section shall, for every performance, be fined not
4 less than one hundred dollars nor more than five hundred dollars or imprisoned for
5 not less than thirty days.

6 §209. Seals, breaking prohibited; penalty

7 A. No person shall, without legal authority, break any seal placed, in
8 accordance with law, on the effects or any place or thing containing the effects or
9 property of any deceased person.

10 B. Whoever violates this Section shall be fined not more than one thousand
11 dollars and imprisoned with or without hard labor for not more than two years.

12 §210. Taxicabs, tampering with meter forbidden; penalty

13 A. No person shall, without the written consent of the owner, tamper with
14 or alter in any manner or form the fare-registering device of any taxicab or
15 automobile for hire.

16 B. Whoever violates this Section shall be fined not less than fifty dollars nor
17 more than two hundred dollars, or imprisoned for not less than six months nor more
18 than one year, or both.

19 * * *

20 §213. False packing of cotton bales and other agricultural products; penalty

21 A. The false packing of cotton bales or other agricultural products is the
22 packing of a bale or bales of cotton or other agricultural products in such manner as
23 is calculated to deceive persons with regard to quantity, weight, or quality of the
24 product therein contained, whether ~~said~~ the false packing of cotton bales or other
25 agricultural products be accomplished by the wetting of the product packed, or by
26 concealing in the interior of the packed product another substance, or by plating the
27 product by concealing in the interior thereof material inferior in grade or quality to
28 that on the exterior thereof, or by any other means.

1 §311. Discharging fire-works or explosives within one thousand feet of hospital
2 prohibited; penalty

3 A. No person shall shoot, discharge, explode, or cause to be shot, discharged
4 or exploded any fire-crackers, fire-works, or other explosives within one thousand
5 feet of any hospital in Louisiana.

6 B. Whoever violates this Section shall be fined not more than one dollar or
7 imprisoned for not more than one day, or both.

8 §312. Jumping from state bridge for publicity prohibited; penalty

9 A. No person shall dive or jump off of any public bridge, constructed or
10 owned by the state or any of its political subdivisions, where the object and purpose
11 of the act is to gain publicity.

12 B. Whoever violates this Section shall be fined not more than twenty-five
13 dollars, or imprisoned for not more than thirty days, or both.

14 * * *

15 §313.1. Distributing candy or gifts on Halloween and other public holidays by "sex
16 offenders" prohibited; penalty

17 A. It shall be unlawful for any person convicted of or who pleads guilty to
18 a sex offense specified in R.S. 24:932 to distribute candy or other gifts to persons
19 under eighteen years of age on or concerning Halloween, Mardi Gras, Easter,
20 Christmas, or any other recognized holiday for which generally candy is distributed
21 or other gifts given to persons under eighteen years of age.

22 B. Whoever violates the provisions of this Section shall be sentenced to a
23 term of imprisonment of not less that six months nor more than three years.

24 §314. Mississippi River, making unauthorized cut-offs prohibited; penalty

25 A. No person shall make or cause to be made any cut-off in the Mississippi
26 River without authority of law.

27 B. Whoever violates this Section shall be fined not less than one hundred
28 dollars nor more than one thousand dollars and imprisoned for not less than one
29 week nor more than twelve months.

1 §315. Mississippi River, stopping outlets or bayous prohibited; reopening; penalty

2 A. No person shall stop any outlet or natural bayou of the Mississippi River.

3 If any outlet or natural bayou is closed, the opening of it may be ordered by the state
4 engineer at any time.

5 B. Whoever violates this Section shall be fined not less than one thousand
6 dollars nor more than ten thousand dollars and shall be liable for all expenses
7 necessary for the reopening of the bayou or outlet.

8 C. This Section shall not apply to bayous already closed, or that may be
9 hereafter opened by crevasses.

10 §318. Sale of fireworks containing white or yellow phosphorus prohibited; penalty

11 A. No person shall sell, exchange, barter, or in any other manner dispose of
12 any friction firework containing white or yellow phosphorus and explosives, which
13 makes a noise and resembles a piece of candy in size and general appearance.

14 B. Whoever violates this Section shall be fined not less than fifty dollars or
15 imprisoned for not more than sixty days, or both.

16 §319. Sale of toy pistols prohibited; penalty; exceptions

17 A. No person shall sell or offer to sell any toy pistol constructed so as to
18 accommodate blank powder cartridges, blank cartridges, or shells used in firing or
19 discharging toy pistols.

20 B. Whoever violates this Section shall be fined not less than ten dollars nor
21 more than fifty dollars, or imprisoned for not more than ten days, or both.

22 C. Paper cap pistols and other toy pistols not constructed so as to
23 accommodate blank powder cartridges or shells are not included within the
24 provisions of this Section.

25 §320. Telegrams, divulging or obtaining knowledge of contents prohibited; penalty

26 A. No person shall wrongfully obtain, or attempt to obtain, any knowledge
27 of a private telegraphic message by connivance with a clerk, operator, messenger,
28 or other employee of a telegraph company. No clerk, operator, messenger, or other
29 employee shall use, or suffer or permit to be used, or wilfully divulge to anyone but

1 the person to whom it was addressed or his agent, or a duly authorized United States
2 Government official or under due process of any court of record, the contents of a
3 telegraphic message or dispatch intrusted to him for transmission or delivery, or the
4 nature thereof.

5 B. Whoever violates this Section shall be fined not more than two hundred
6 and fifty dollars or imprisoned for not more than four months, or both.

7 §321. Unauthorized signals to persons in charge of locomotives, etc., prohibited;
8 penalty

9 A. No person without authority and in the absence of apparent danger shall,
10 out of the spirit of mischief, or with any purpose other than to prevent or give
11 information of an accident, make or cause to be made any signal to persons in charge
12 of a locomotive, railroad train, or railroad cars, or to any of these persons or in their
13 sight, with intent to cause the stopping of the locomotive, train, or cars.

14 B. Whoever violates this Section shall be fined not less than ten dollars nor
15 more than two hundred dollars or imprisoned for not more than three months.

16 §322. Wire-tapping prohibited; penalty

17 A. No person shall tap or attach any devices for the purpose of listening in
18 on wires, cables, or property owned and used by any person, for the transmission of
19 intelligence by magnetic telephone or telegraph, without the consent of the owner.

20 B. Whoever violates this Section shall be fined not less than ten dollars nor
21 more than three hundred dollars, or imprisoned for not more than three months.

22 C. This Section shall not be construed to prevent officers of the law, while
23 in the actual discharge of their duties, from tapping in on wires or cables for the
24 purpose of obtaining information to detect crime.

25 * * *

26 §329.1. Riot

27 ~~A.~~ A riot is a public disturbance involving an assemblage of three or more
28 persons acting together or in concert which by tumultuous and violent conduct, or
29 the imminent threat of tumultuous and violent conduct, results in injury or damage

1 to persons or property or creates a clear and present danger of injury or damage to
2 persons or property.

3 * * *

4 §329.3. Command to disperse; who may give; failure to comply

5 A. Any law enforcement or peace officer or public official responsible for
6 keeping the peace may issue a command to disperse under the authority of R.S.
7 ~~14:329.1-14:329.8~~ 14:329.1 through 329.8 if he reasonably believes that riot is
8 occurring or about to occur. The command to disperse shall be given in a manner
9 reasonably calculated to be communicated to the assemblage.

10 B. Whoever willfully fails to comply with a lawful command to disperse
11 shall be punished in accordance with the provisions of R.S. 14:329.7.

12 §329.4. Wrongful use of public property; permits for use of public property

13 A. Wrongful use of public property is:

14 (1) The intentional entering of or onto any public property without the
15 permission of the lawful custodian thereof, or his designated representative, at any
16 time when the public property is not open to the public and the remaining in or
17 occupying of any public property after having been requested to leave by the lawful
18 custodian thereof, or his designated representative, or any law enforcement or peace
19 officer, and

20 (2) The depriving of the general public of the intended use of public property
21 without a permit.

22 B. In accordance with ~~R.S. 14:329.1-14:329.8~~ R.S. 14:329.1 through 329.8,
23 permits to occupy or use public property may be obtained from the lawful custodian
24 thereof, or his designated representative, upon written application therefor. All such
25 applications shall ~~(1)~~ describe the public property sought to be occupied or used; and
26 ~~(2)~~ state the period of time during which the public property will be occupied or
27 used.

28 C. The lawful custodian, or his designated representative, may issue the
29 permit if he determines that the use or occupation of the public property will not

1 reasonably interfere with the intended or customary use of the public property by the
2 general public and that the intended use will not destroy or damage the public
3 property.

4 D. For the purposes of this ~~section~~ Section, the term "public property" means
5 any public land, building, facility, structure, or enclosure used for a public purpose
6 or as a place of public gathering, owned ~~and/or~~ or under the control of the state or
7 one of its agencies or political subdivisions.

8 * * *

9 §351. Bail, sale, etc. of real estate securing, prohibited; penalty

10 A. No person shall, with intent to defraud, sell, transfer, donate, give,
11 mortgage, hypothecate, or in any way encumber to the prejudice of the state any real
12 estate offered as security to the state on any bail or appearance bond for the release
13 of any person charged with crime.

14 B. Whoever violates this Section shall be imprisoned with or without hard
15 labor for not less than six months nor more than twelve months.

16 * * *

17 §354. Fiduciaries, failure to file accounts in court; penalty

18 A. No administrator, tutor, executor, or other person holding fiduciary trusts
19 shall neglect, fail, or refuse, after having been ordered by a court of competent
20 jurisdiction, to file in the court where such trust is exercised, once between the first
21 day of January and the thirty-first day of December of each calendar year, a full and
22 complete account and statement of the trust.

23 B. Whoever violates this Section shall be fined not more than five hundred
24 dollars and, in default of fine, imprisoned for not more than six months.

25 §355. Property exempt from execution; penalty for deprivation of rights

26 A. No person shall make any seizures prohibited under R.S. 13:3881 or shall,
27 by any artifice or subterfuge, induce or procure another to sign away, by contract or
28 otherwise, any of the rights he may have under R.S. 13:3881.

1 housing a court of the ~~State~~ state of Louisiana, or in or near a building or residence
2 occupied or used by such judge, juror, witness, or court officer, or with such intent
3 uses any sound-truck or similar device or resorts to any other demonstration in or
4 near any such building or residence, shall be fined not more than five thousand
5 dollars or imprisoned not more than one year, or both.

6 B. Nothing in this ~~section~~ Section shall interfere with or prevent the exercise
7 by any court of the ~~State~~ state of Louisiana of its power to punish for contempt.

8 Section 8. R.S. 21:203(6) is hereby amended and reenacted to read as follows:

9 §203. Definitions

10 For the purposes of this Chapter, the following terms shall have the following
11 meanings unless the context clearly indicates otherwise:

12 * * *

13 (6) "Person" means an individual, public entity, firm, corporation,
14 partnership, limited liability company, trust, association, or any other business entity
15 or juridical person, whether operating on a ~~for-profit~~ for profit or nonprofit basis.

16 * * *

17 Section 9. R.S. 22:691.4(F)(1)(a) is hereby amended and reenacted to read as
18 follows:

19 §691.4. Acquisition of control of or merger with domestic insurer

20 * * *

21 F. Exemptions. (1) The provisions of this Section shall not apply to any
22 offer, request, invitation, agreement, or acquisition which the commissioner, by
23 order, shall exempt for any of the following reasons:

24 (a) The offer or agreement was not made or entered into for the purpose of,
25 and did not have the effect of ~~hanging~~ changing or influencing the control of a
26 domestic insurer.

27 * * *

28 Section 10. R.S. 23:1203.1(H), (I), and (N) are hereby amended and reenacted to
29 read as follows:

1 §1203.1. Definitions; medical treatment schedule; medical advisory council

2 * * *

3 H. The director, with the assistance of the medical advisory council, is
4 authorized to review and update the medical treatment schedule no less often than
5 once every two years. Such updates shall be made by rules promulgated in
6 accordance with the Administrative Procedure Act, R.S. 49:950; et seq. In no event
7 shall the schedule contain multiple guidelines covering the same aspects of the same
8 medical condition which are simultaneously in force.

9 I. After the promulgation of the medical treatment schedule, throughout this
10 Chapter, and notwithstanding any provision of law to the contrary, medical care,
11 services, and treatment due, pursuant to R.S. 23:1203; et seq., by the employer to the
12 employee shall mean care, services, and treatment in accordance with the medical
13 treatment schedule. Medical care, services, and treatment that varies from the
14 promulgated medical treatment schedule shall also be due by the employer when it
15 is demonstrated to the medical director of the office by a preponderance of the
16 scientific medical evidence, that a variance from the medical treatment schedule is
17 reasonably required to cure or relieve the injured worker from the effects of the
18 injury or occupational disease given the circumstances.

19 * * *

20 N. The medical treatment schedule is not relevant nor shall it be considered
21 as evidence of a medical provider's legal standard of professional care as
22 contemplated by the Louisiana medical malpractice provisions, R.S. 40:1299.41; et
23 seq.

24 * * *

25 Section 11. R.S. 36:651(CC) is hereby amended and reenacted to read as follows:

26 §651. Transfer of boards, commissions, departments, and agencies to Department
27 of Education; boards, commissions, and agencies within Department of
28 Education

29 * * *

1 CC. The MediFund Board (R.S. ~~51:2214~~ 51:2211 et seq.) is hereby placed
2 within the Board of Regents and shall exercise and perform its powers, duties,
3 functions, and responsibilities in the manner provided in R.S. 36:802.23.

4 Section 12. R.S. 37:961(1) and (3), 1033(F), and 2156(C)(2) are hereby amended
5 and reenacted to read as follows:

6 §961. Definitions

7 As used in this Part:

8 (1) "Board" means the Louisiana State Board of Practical Nurse Examiners;
9

* * *

10 (3) "Accredited school" means a school of practical nursing approved by the
11 board;
12

* * *

13 §1033. Required training

14 * * *

15 F. Direct service workers with a finding on the ~~Department of Health and~~
16 ~~Hospital's~~ Direct Service Worker Registry of the Department of Health and Hospitals
17 shall not perform tasks pursuant to this Part.

* * *

19 §2156. Unexpired licenses; fees; renewals

20 * * *

21 C.

* * *

23 (2) The board shall have the authority to assess an additional surcharge of
24 no more than four hundred dollars in connection with the application for and
25 issuance of a contractor's license to a contractor not domiciled in the state of
26 Louisiana, to be utilized to defray the additional cost of the investigation of the
27 application of ~~said~~ the non-Louisiana contractor, including references supplied by
28 the contractor, work history supplied by the work contractor, and other pertinent

1 information required by the board in connection with an application for a contractor's
2 license.

3 * * *

4 Section 13. R.S. 38:2212(D)(2) is hereby amended and reenacted to read as follows:

5 §2212. Advertisement and letting to lowest responsible bidder; public work;
6 electronic bidding; participation in mentor-protégé program; exemptions

7 * * *

8 D.

9 * * *

10 (2) ~~Limitations.~~ (a) Every contract negotiated by a public entity under the
11 authority of this Subsection shall be supported by a written determination and
12 findings by the public entity justifying use of the authority.

13 (b) When contract action under this authority is taken pursuant to telephone
14 or other oral offers, a written confirmation of the accepted offer shall be obtained and
15 made a part of the contract case file. In addition, whenever contract action is taken
16 as authorized by this Subsection, a record shall be established by the public entity
17 which shall contain, as at a minimum, the following information with respect to each
18 offer: a description of the work to be performed, the name and address of each
19 offeror quoting, and the performance time and terms of each offer. If quotations
20 lower than the accepted quotation are received, the reasons for their rejection shall
21 be recorded and made a part of the contract case file. Such records shall be retained
22 for a minimum of six years following the purchase or completion of the public work.

23 * * *

24 Section 14. R.S. 39:1798.6(A)(2)(b) is hereby amended and reenacted to read as
25 follows:

26 §1798.6. Powers

27 A. In addition to the powers granted it by the General Nonprofit Corporation
28 Law, Title 12 of the Louisiana Revised Statutes of 1950, the corporation shall have

1 power to undertake any project, to provide for the financing thereof, and in
2 connection therewith:

3 * * *

4 (2)

5 * * *

6 (b) To enter into, and to execute such agreements, covenants, conditions, and
7 contracts as are necessary to properly effectuate leases or subleases by the Office
8 Facilities Corporation, for a period not to exceed twenty years, of portions of the
9 property located in the First Municipal District of the City of New Orleans, Parish
10 of Orleans, generally bounded by South Liberty Street, Julia Street, Le Rouge Street,
11 Girod Street, LaSalle Street and Poydras Street (Sugar Bowl Drive), and commonly
12 referred to as the New Orleans Centre property, including the office tower formerly
13 ~~known~~ known as the Dominion Tower, the retail property formerly known as the New
14 Orleans Shopping Centre and the associated parking garage facility, for the purpose
15 of accommodating various agencies of the state government, and provided that any
16 such lease or sublease between the corporation and the owner of the New Orleans
17 Centre property is perfected and entered into before July 1, 2010. Any such lease or
18 sublease between the corporation and the owner of the New Orleans Centre property
19 shall be subject to prior approval of the Joint Legislative Committee on the Budget.

20 * * *

21 Section 15. R.S. 40:4(A)(3)(b), 47(B), 531(A)(3), 537(B), 1563.1(B), and
22 2161(Section heading) are hereby amended and reenacted to read as follows:

23 §4. Sanitary Code

24 A. The state health officer acting through the office of public health of the
25 Department of Health and Hospitals shall prepare, promulgate, and enforce rules and
26 regulations embodied within the state's Sanitary Code covering all matters within his
27 jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary
28 Code shall be accomplished in strict accordance with the provisions of the

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 Administrative Procedure Act, and further, in conformity with the following
2 guidelines and directives:

3 * * *

4 (3)

5 * * *

6 (b) In order to protect the public from disease associated with the handling
7 of dead human remains, the state health officer, acting through the office of public
8 health, shall prepare and promulgate all rules necessary to ensure that all hospitals
9 will identify corpses that are infected with a contagious disease, when there is actual
10 knowledge of such infection, and report such to embalmers and funeral directors who
11 handle the corpses for interment or cremation. The state health officer shall prepare
12 a list of contagious diseases, and such list shall be added to or deleted from as
13 circumstances warrant.

14 * * *

15 §47. Compulsory registration of deaths and spontaneous fetal deaths (stillbirths)

16 * * *

17 B. When spontaneous fetal death, required to be reported by this Section,
18 occurs without medical attendance at or immediately after the delivery or when
19 inquiry is required by R.S. ~~40:34(A)(2)(r)(iv)~~ 40:34(B)(2)(r)(iv) the coroner shall
20 investigate the cause of death and shall prepare and file the certificate within five
21 days.

22 * * *

23 §531. Appointment of commissioners to local housing authority

24 A.

25 * * *

26 (3) Notwithstanding any other provision of law to the contrary, when the
27 governing body of a parish with a population of not more than forty-six thousand
28 five hundred persons and not less than forty-five thousand five hundred persons
29 based on the latest federal decennial census has determined by resolution as set forth

1 in R.S. ~~40:393~~, 40:393 that it is expedient to establish a local housing authority, the
2 chief elected official of the parish shall appoint five persons who shall constitute the
3 governing body of the local housing authority and who shall be called
4 commissioners.

5 * * *

6 §537. Removal of commissioners

7 * * *

8 B. The chief elected official or the governing body of the municipality or
9 parish, as the case may be, which seeks to remove a commissioner shall send a notice
10 of removal to such commissioner, which notice shall set forth the charges against
11 ~~him or her~~ the commissioner. Unless, within ten days from the receipt of such
12 notice, such commissioner files with the clerk or secretary of the municipality's or
13 parish's governing body a request for a hearing before the governing body, the
14 commissioner shall be deemed removed from office. If a request for hearing is so
15 filed, the governing body of the municipality or parish, as the case may be, shall hold
16 a hearing, not sooner than ten days subsequent to the date a hearing is requested, at
17 which the commissioner shall have the right to appear in person or by counsel and
18 the governing body shall determine whether the removal shall be upheld. If the
19 removal is not upheld by the governing body, the commissioner shall continue to
20 hold ~~his or her~~ office.

21 * * *

22 §1563.1. Authority to make arrests and carry firearms; arson task force

23 * * *

24 B. The officials enumerated in this Section shall also have the power to seize
25 contraband subject to forfeiture as described in R.S. 14:54.4, in accordance with the
26 procedure established in ~~said~~ that provision.

27 * * *

28 §2161. Drug free zone; notice; signs

29 * * *

1 Section 16. R.S. 42:19.1(A)(1) is hereby amended and reenacted to read as follows:

2 §19.1. Procedure for the levy, increase, renewal, or continuation of a tax or for
3 calling an election for such purposes by political subdivisions

4 A.(1) In addition to any other requirements provided for in R.S. 42:19 or
5 other provisions of law, public notice of the date, time, and place of any meeting at
6 which a political subdivision as defined in Article VI, Section 44(2) of the
7 Constitution of Louisiana intends to levy, increase, renew, or continue any ad
8 valorem property tax or sales and use tax or authorize the calling of an election for
9 submittal of such question to the voters of the political subdivision shall be both
10 published in the official journal of the political subdivision no more than sixty days
11 nor less than thirty days before such public meeting and ~~shall be~~ announced to the
12 public during the course of a public meeting of such political subdivision no more
13 than sixty days nor less than thirty days before such public meeting.

14 * * *

15 Section 17. R.S. 44:4(4)(b), (c), and (d) and (14) are hereby amended and reenacted
16 to read as follows:

17 §4. Applicability

18 This Chapter shall not apply:

19 * * *

20 (4)

21 * * *

22 (b) To copies of items exempted under Subparagraph (a) of this Paragraph
23 in the custody or control of the ~~office of financial institutions~~ Office of Financial
24 Institutions or any agent or employee of that agency, except as otherwise provided
25 in R.S. 6:103, R.S. 9:3518.1, R.S. 37:1806, or R.S. 51:1934 or 2389.

26 (c) To investigative records of the ~~office of financial institutions~~ Office of
27 Financial Institutions which pertain to the application of any person for a charter or
28 license for a new financial institution, and the confidential portion of any application
29 by an entity chartered, licensed, and/or supervised by the ~~office of financial~~

1 services now or to be furnished by the state or any political subdivision, either
2 directly or through contractual agreement, under the provisions of this Title or the
3 provisions of the Social Security Act.

4 * * *

5 §446.6. Definitions; requirements of health insurers for the right of the Department
6 of Health and ~~Hospital's~~ Hospitals and of health care ~~provider's right~~
7 providers to recover in Medicaid claims

8 * * *

9 §448. Emergency assistance information and referral

10 A. ~~Definitions~~ As used in this Section:

11 ~~1. As used in this Section, "office~~ (1) "Office of children and family
12 services" shall mean the office of children and family services, Department of
13 Children and Family Services, state of Louisiana.

14 ~~2. As used in this Section "emergency~~ (2) "Emergency assistance" shall
15 mean any service, food, clothing, shelter, money grant, or any other assistance
16 available to people who find their ability to obtain the necessities of life threatened
17 by fire, flood, death, or other sudden and necessitous circumstances.

18 ~~3. As used in this Section, "governmental~~ (3) "Governmental agency" shall
19 mean any political subdivision department, office, agency, board, corporation, or
20 other instrumentality funded in whole or in part by local, state, or federal funds that
21 provides some form of emergency assistance in this state.

22 ~~4. As used in this Section, "private~~ (4) "Private agency" shall mean any
23 department, office, agency, board, corporation, or other instrumentality that provides
24 some form of emergency assistance in this state, but shall not include any private
25 agency that chooses not to take referrals or discriminates in their assistance on the
26 grounds of race.

27 * * *

1 E. The services provided ~~by~~ pursuant to this Section shall be funded from
2 such monies as are already provided for the office of children and family services,
3 and to this end, shall be deemed not to require additional personnel or appropriations.

4 * * *

5 §460.51. Definitions

6 The following terms shall have the following meanings unless the context
7 clearly indicates otherwise:

8 * * *

9 (9) "Primary care case management" means a system under which an entity
10 contracts with the state to furnish case management services that include but are not
11 limited to the location, coordination, and monitoring of primary health care services
12 to Medicaid beneficiaries.

13 * * *

14 §2351. Creation; membership; terms; compensation

15 A. The Louisiana Commission for the Deaf, hereinafter referred to as "the
16 commission", is hereby created and established within the Department of Health and
17 Hospitals. The commission shall consist of seventeen members as follows:

18 * * *

19 (6) The superintendent of education; or his designee.

20 (7) The executive director of the Louisiana Workforce Commission; or his
21 designee.

22 (8) The speaker of the House of Representatives; or his designee.

23 (9) The president of the Senate; or his designee.

24 * * *

25 §2402. Definitions

26 Except where the context clearly indicates otherwise, in this Chapter:

27 * * *

1 (4) "Director" means the executive director of the Louisiana Children's Trust
2 Fund Board.

3 * * *

4 Section 19. R.S. 49:222(B)(1)(d), (2)(b), and (3)(c), 953(F)(3)(h), 954(A) and (B)(2),
5 954.1(D), 966(A), 1101(C), and 1304(B)(1) are hereby amended and reenacted to read as
6 follows:

7 §222. Fees chargeable by secretary of state

8 * * *

9 B. The secretary of state is authorized to collect the following fees:

10 (1) Domestic corporations and limited liability companies.

11 * * *

12 (d) Twenty dollars for issuing and sealing any other certificate required or
13 permitted by the ~~business corporation law~~ Business Corporation Law, R.S. 12:1 et
14 seq., or the ~~limited liability companies law~~ Limited Liability Company Law, R.S.
15 12:1301 et seq.

16 * * *

17 (2) Nonprofit corporations.

18 * * *

19 (b) Twenty dollars for issuing and sealing any other certificate required or
20 permitted by the ~~nonprofit corporation law~~ Nonprofit Corporation Law, R.S. 12:201
21 et seq.

22 * * *

23 (3) Foreign corporations and limited liability companies.

24 * * *

25 (c) Twenty dollars for issuing and sealing any other certificate required or
26 permitted by the ~~foreign corporation law~~ Foreign Corporation Law, R.S. 12:301 et
27 seq., or the ~~limited liability companies law~~ Limited Liability Company Law, R.S.
28 12:1301 et seq.

29 * * *

1 §953. Procedure for adoption of rules

2 * * *

3 F.

4 * * *

5 (3) Notwithstanding any other provision of this Chapter to the contrary,
6 when the Department of Environmental Quality proposes a rule that is identical to
7 a federal law or regulation applicable in Louisiana, except as provided in Paragraph
8 (4) of this Subsection, it may use the following procedure for the adoption of the
9 rule:

10 * * *

11 (h) No later than fifteen days prior to the time of publication of the final rule
12 in the Louisiana Register, the secretary or any authorized assistant secretary of the
13 department shall do each of the following:

14 (i) ~~certify~~, Certify under oath, to the governor of the state of Louisiana, the
15 attorney general of Louisiana, the speaker of the House of Representatives, the
16 president of the Senate, the chairman of the House Committee on Natural Resources
17 and Environment, the chairman of the Senate Committee on Environmental Quality,
18 and the Office of the State Register that the proposed rule is identical to a specified
19 federal law or regulation applicable in Louisiana ~~and~~.

20 (ii) ~~furnish~~ Furnish the chairman of the Senate Committee on Environmental
21 Quality and the chairman of the House Committee on Natural Resources and
22 Environment the response to comments and submissions required under
23 Subparagraph (g) of this Paragraph, together with a copy of the notice required under
24 Subparagraph (a) of this Paragraph.

25 * * *

26 §954. Filing; taking effect of rules

27 A. No rule adopted on or after January 1, 1975, is valid unless adopted in
28 substantial compliance with this Chapter. Each ~~rule-making~~ rulemaking agency shall
29 file a certified copy of its rules with the Office of the State Register. No rule,

1 whether adopted before, on, or after January 1, 1975, shall be effective, nor may it
 2 be enforced, unless it has been properly filed with the Office of the State Register.
 3 No rule; adopted on or after November 1, 1978, shall be effective, nor may it be
 4 enforced, unless prior to its adoption a report relative to the proposed rule change is
 5 submitted to the appropriate standing committee of the legislature or to the presiding
 6 officers of the respective houses as provided in R.S. 49:968. No rule; adopted on or
 7 after September 12, 1980, shall be effective, nor may it be enforced, unless the
 8 approved economic and fiscal impact statements, as provided in R.S. 49:953(A),
 9 have been filed with the Office of the State Register and published in the Louisiana
 10 Register. The inadvertent failure to mail notice and statements to persons making
 11 request for such mail notice, as provided in R.S. 49:953, shall not invalidate any rule
 12 adopted hereunder. A proceeding under R.S. 49:963 to contest any rule on the
 13 grounds of noncompliance with the procedures for adoption, as given in this Chapter,
 14 must be commenced within two years from the date upon which the rule became
 15 effective.

16 B. Each rule hereafter adopted shall be effective upon its publication in the
 17 Louisiana Register, said publication to be subsequent to the act of adoption, except
 18 that:

19 * * *

20 (2) Subject to applicable constitutional or statutory provisions, an emergency
 21 rule shall become effective on the date of its adoption, or on a date specified by the
 22 agency to be not more than sixty days future from the date of its adoption, provided
 23 written notice is given within five days of the date of adoption to the governor of
 24 Louisiana, the attorney general of Louisiana, the speaker of the House of
 25 Representatives, ~~and~~ the president of the Senate, and the Office of the State Register
 26 as provided in R.S. 49:953(B). Such emergency rule shall not remain in effect
 27 beyond the publication date of the Louisiana Register published in the month
 28 following the month in which the emergency rule is adopted, unless such rule and
 29 the reasons for adoption thereof are published in ~~said that~~ that issue; ~~provided,~~ however,

1 ~~that~~ any emergency rule so published shall not be effective for a period longer than
2 one hundred twenty days, ~~except as provided by R.S. 49:967(D)~~; but the adoption of
3 an identical rule under R.S. 49:953(A)(1), (2), and (3) is not precluded. The agency
4 shall take appropriate measures to make emergency rules known to the persons who
5 may be affected by them.

6 §954.1. Louisiana Administrative Code and Louisiana Register; publication;
7 distribution; copies; index; interagency rules

8 * * *

9 D. One copy, or multiple copies if practical, of the Louisiana Register and
10 Louisiana Administrative Code shall be made available upon request to state
11 depository libraries free of charge, and to other agencies or persons at prices fixed
12 by the Office of the State Register to recover all or a portion of the mailing and
13 publication costs. Notwithstanding the provisions of R.S. 49:951(2) ~~of this Chapter~~
14 to the contrary, the Office of the State Register shall provide free copies of the
15 Louisiana Register and the Louisiana Administrative Code to the David R. Poynter
16 Legislative Research Library, the Senate Law Library, and the Huey P. Long
17 Memorial Law Library.

18 * * *

19 §966. Construction and effect; judicial cognizance

20 A. Nothing in this Chapter shall be held to diminish the constitutional rights
21 of any person or to limit or repeal additional requirements imposed by statute or
22 otherwise recognized by law. Notwithstanding the foregoing, and except as provided
23 in R.S. 49:967, any and all statutory requirements regarding the adoption or
24 promulgation of rules other than those contained in Sections 953, 954, 954.1, and
25 968 of this Title are hereby superseded by the provisions of this Chapter and are
26 repealed. Except as otherwise required by law, all requirements or privileges relating
27 to evidence or procedure shall apply equally to agencies and persons. Every agency

1 is granted all authority necessary to comply with the requirements of this Chapter
2 through the issuance of rules or otherwise.

3 * * *

4 §1101. Naming state statutory entities, agencies, departments, offices, or budget
5 units

6 * * *

7 C. Any contrary action taken by any management board of higher education
8 notwithstanding, the names of the public institutions of higher education in the state
9 of Louisiana shall be, on the effective date of this Section, as provided by the
10 legislature in R.S. 17:3215 through ~~17:3217~~ 3217. Prior to naming any newly-
11 created or renaming any existing institution of public education, the Board of
12 Regents shall obtain legislative approval of any proposed name or name change by
13 concurrent resolution adopted by a vote of at least a majority of the membership of
14 each house of the legislature.

15 * * *

16 §1304. Submission of other information

17 * * *

18 B.(1) Except as provided in R.S. 49:1303, each board, commission, or like
19 entity covered by this Chapter shall submit to the commissioner of administration all
20 information required to be included on the website pursuant to R.S. 49:1302; by
21 February first of each year. Except as provided in R.S. 49:1302(E)(2) and (G), the
22 information shall be complete for the previous calendar year.

23 * * *

24 Section 20. R.S. 56:424(F)(2), 633(C), and 1703(C)(2)(a) through (d) are hereby
25 amended and reenacted to read as follows:

26 §424. Taking of oysters

27 * * *

28 F.

29 * * *

1 state parks in the state and shall be allocated, subject to appropriation by the
2 legislature, as follows:

3 * * *

4 (2) Fifty percent of the monies in the fund shall be allocated for use
5 throughout the state park system on the following priority need basis, as
6 recommended by the assistant secretary of the office of state parks:

7 (a) First, for protection of life or property on existing park areas;

8 (b) Second, for general repairs and improvements to existing facilities on
9 existing park areas;

10 (c) Third, for addition of new facilities on existing park areas;

11 (d) Fourth, for acquisition of property to expand existing park areas;

12 * * *

13 Section 21. Code of Civil Procedure Article 1702(C) is hereby amended and
14 reenacted to read as follows:

15 Art. 1702. Confirmation of default judgment

16 * * *

17 C. In those proceedings in which the sum due is on an open account or a
18 promissory note, other negotiable instrument, or other conventional obligation, or a
19 deficiency judgment derived therefrom, including those proceedings in which one
20 or more mortgages, pledges, or other security for ~~said~~ the open account, promissory
21 note, negotiable instrument, conventional obligation, or deficiency judgment derived
22 therefrom is sought to be enforced, maintained, or recognized, or in which the
23 amount sought is that authorized by R.S. 9:2782 for a check dishonored for
24 nonsufficient funds, a hearing in open court shall not be required unless the judge,
25 in his discretion, directs that such a hearing be held. The plaintiff shall submit to the
26 court the proof required by law and the original and not less than one copy of the
27 proposed final judgment. The judge shall, within seventy-two hours of receipt of
28 such submission from the clerk of court, sign the judgment or direct that a hearing
29 be held. The clerk of court shall certify that no answer or other pleading has been

1 filed by the defendant. The minute clerk shall make an entry showing the dates of
2 receipt of proof, review of the record, and rendition of the judgment. A certified
3 copy of the signed judgment shall be sent to the plaintiff by the clerk of court.

4 * * *

5 Section 22. Code of Criminal Procedure Articles 410(C) and 725.1(B) are hereby
6 amended and reenacted to read as follows:

7 Art. 410. Revising and supplementing the general venire

8 * * *

9 C. The commission shall then supplement the list prepared at the previous
10 commission meeting and the corresponding slips in the box by selecting a sufficient
11 number of additional persons in compliance with Article 408 or Article 409,
12 whichever is applicable. Where the general venire list is maintained in a form
13 suitable for use by a computer, the general venire shall likewise ~~as hereinabove~~
14 ~~provided~~ be deleted and supplemented as provided in this Article.

15 * * *

16 Art. 725.1. Disclosure by the defendant; names of defense witnesses

17 * * *

18 B.(1) If the defendant moves, pursuant to Article 716(D), for disclosure of
19 statements of witnesses to be called by the state in its case in chief, the defendant
20 shall, upon motion by the state, disclose to the district attorney, and ~~to~~ permit or
21 authorize the district attorney to inspect and copy any written or recorded statements
22 of any witness the defendant intends to call at trial.

23 (2) For purposes of this Article:

24 ~~(1)~~ ~~"written"~~ (a) "Written" or recorded statement of a witness" shall mean any
25 audio or audio-video recording of an oral statement or interview of a witness, and
26 any statement a witness writes or signs;

27 ~~and (2) for the purposes of this Article, "trial"~~ (b) "Trial" shall mean the
28 phase of the case at which the defense responds to the state's attempt to meet its

1 burden as to guilt, and specifically does not extend to pretrial matters or hearings, or
2 to the penalty phase in capital prosecutions.

3 Section 23. The Louisiana State Law Institute is directed to delete the following:

4 (A) The Subsection heading of R.S. 11:2178(D) "Death Benefits."

5 (B) The Paragraph heading of R.S. 11:2178(I)(1) "Maximum benefit."

6 Section 24. The Louisiana State Law Institute is directed to alphabetize the terms
7 defined in Code of Criminal Procedure Article 725.1 as amended by the provisions of this
8 Act.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Barras

HB No. 401

Abstract: Provides for technical corrections to certain provisions of the La. Constitution of 1921 made statutory by Article X, Section 18 of the La. Constitution of 1974, the La. Revised Statutes of 1950, the Code of Civil Procedure, and the Code of Criminal Procedure.

Proposed law makes technical corrections in provisions of the La. Constitution of 1921 made statutory by Article X, Section 18 of the La. Constitution of 1974, the La. Revised Statutes of 1950, the Code of Civil Procedure, and the Code of Criminal Procedure, including correcting legal citations, correcting names of agencies, department offices, and other entities, designating undesignated statutory provisions, removing references to provisions that have been repealed, correcting punctuation, correcting typographical errors, conforming terms to those elsewhere in the law, and clarifying language.

Proposed law directs the La. State Law Institute to delete certain headings in the La. Revised Statutes of 1950.

(Amends Art. XIV, §15.1(9)(e) of 1921 Const. of La., R.S. 4:169(A)(1), R.S. 6:664(B)(1), R.S. 9:4822(M)(1), R.S. 11:243(B)(1), (C), (D), and (E), 449(A)(intro. para.) and (B), 450(B), 1302.2(A)(1) and (2)(intro. para.), 1422(C)(1), 1821(B), and 2096(A), (B), and (C)(intro. para.), R.S. 13:5077(A), R.S. 14:35, 38, 38.1, 40, 46, 51, 53, 54.2, 55, 56.1, 57, 58, 60, 62.2, 70, 73, 76, 77, 87.1, 87.2, 87.4, 88, 91.12, 91.21, 96, 97, 99, 100.1, 101, 107.2(A), 111, 112, 113, 114, 115, 118.1, 119.1(A), 124, 125, 126.1, 126.2, 129.2, 131, 139, 201, 203, 204, 205, 206, 208, 209, 210, 213, 222(A), (B), and (C), 226(B) and (C), 311, 312, 313.1, 314, 315, 318, 319, 320, 321, 322, 329.1, 329.3, 329.4, 351, 354, 355, 356, 357, and 401, R.S. 21:203(6), R.S. 22:691.4(F)(1)(a), R.S. 23:1203.1(H), (I), and (N), R.S. 36:651(CC), R.S. 37:961(1) and (3), 1033(F), and 2156(C)(2), R.S. 38:2212(D)(2), R.S. 39:1798.6(A)(2)(b), R.S. 40:4(A)(3)(b), 47(B), 531(A)(3), 537(B), 1563.1(B), and 2161(Section heading), R.S. 42:19.1(A)(1), R.S. 44:4(4)(b), (c), and (d) and (14), R.S. 46:2(A) and (B), 446.6(Section heading), 448(A) and (E), 460.51(9), 2351(A)(6)-(9), and 2402(4), R.S. 49:222(B)(1)(d), (2)(b), and (3)(c), 953(F)(3)(h), 954(A) and (B)(2), 954.1(D), 966(A), 1101(C), and 1304(B)(1), R.S. 56:424(F)(2), 633(C), and 1703(C)(2)(a)-(d), C.C.P. Art. 1702(C), and C.Cr.P. Arts. 410(C) and 725.1(B))