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Jerry G. Jones
Charles A. Reynard

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Index-Digest of Acts of the 1956 Louisiana Legislature

Jerry G. Jones* and Charles A. Reynard**

This index-digest covers all of the legislation enacted in the Regular and Extraordinary Sessions of the Legislature in 1956, with the exception of those statutes discussed in Part I of this survey, local and special laws, acts increasing salaries, acts authorizing suit against the state, and most appropriation measures.

The plan of organization adopted for this index-digest is that followed in the Louisiana Revised Statutes of 1950. Reference is given to titles and sections of the Revised Statutes which are amended, repealed, or added. The sources of this information are the cumulative tables in West's 1956 Louisiana Legislative Service, Pamphlet Number 4. All acts are those of the Regular Session of 1956, unless otherwise indicated as being legislation of the Extraordinary Session of 1956.

Much credit for the index-digest published in this survey rightfully belongs to the Louisiana Legislative Council, as its Digest of Bills at Introduction has been a constant source of reference and in many instances these materials have been set out verbatim.

General Provisions — Days of public rest, legal holidays, and half-holidays

Act 463 permits banks and trust companies in the Parish of Orleans and in the City of Baton Rouge to remain open, at their option, on the following legal holidays: January 8, January 19, February 22, Good Friday, May 30, June 3, October 12, November 1, and November 11. Mardi Gras is a legal holiday if so declared by ordinance in the Parishes of Orleans, St. Bernard, Jefferson, Plaquemines, St. Charles, St. John the Baptist, and East Baton Rouge. Prior law made these days holidays rather than legal holidays. Those days which were legal holidays for state

* Associate Editor, Louisiana Law Review.
** Professor of Law, Louisiana State University.
department employees are changed to holidays. The provision that Robert E. Lee Day, Washington's Birthday, Confederate Memorial Day, and Huey P. Long Day shall be observed "in such manner as the governor may proclaim" has been eliminated. [Amending R.S. 1:55]

Act 549 adds the Parishes of Lafourche and Terrebonne and omits the Parish of Plaquemines to the list of parishes in which the governing authority may declare Mardi Gras to be a legal holiday. [Amending R.S. 1:55A(3)]

Agriculture — Sampling and analysis of agricultural products

Act 316 empowers the Commissioner of Agriculture and Immigration to secure samples of agricultural products which are sold or traded. The Commissioner shall promulgate procedures for obtaining, identifying, handling, and transporting of samples. Samples and analyses may be requested by any party to a transaction involving agricultural products sold upon the basis of composition. In the event of controversy regarding the composition of an agricultural product, the Commissioner shall appoint an arbitration committee. Dairy products, cotton seeds, and soybeans are excluded from the coverage of this act. [Adding R.S. 3:851-856]

Agriculture — State Soil Conservation Committee

Act 10 changes the legislative declaration of policy as to soil conservation to include "the prevention of floodwater and sediment damage and to further the conservation, development, utilization and disposal of water." The responsibility for the administration of the soil conservation program is transferred from the LSU Board of Supervisors to the State Soil Conservation Committee. [Amending R.S. 3:1201, 3:1204, 3:1206, 3:1207, 3:1208; repealing R.S. 3:1203]

Agriculture — Use of herbicides

Act 251 authorizes the Commissioner of Agriculture and Immigration to enforce rules and regulations concerning the use

1. In State v. St. Julian, 221 La. 1018, 61 So.2d 464 (1952), 13 LOUISIANA LAW REVIEW 606 (1953), discussed in The Work of the Louisiana Supreme Court for the 1952-1953 Term — Legislation, 14 LOUISIANA LAW REVIEW 62, 94 (1954), the court held that where there is a literal conflict between two acts, the one which was passed and signed first in point of time is repealed and superseded by that which is passed and signed last. Act 463 was signed on July 12, 1956, and Act 549 was signed on July 13, 1956.
of dangerous herbicides. Prior law provided for the enforcement of such regulations by local law enforcement officials. [Amending R.S. 3:1621]

**Agriculture — Regulations for the sale of feeds**

Act 402 deletes the requirement that reports to the Commissioner of Agriculture and Immigration be made under oath. [Amending R.S. 3:1893(G)]

**Agriculture — Creation of eradication areas**

Act 118 provides for the creation of brucellosis eradication areas upon the request of 75% of the livestock owners in a designated parish. Prior law authorized the creation of such eradication areas upon the request of cattlemen's associations. The act also provides that the Louisiana Livestock Sanitary Board may authorize the owner of cattle infested with Bang's disease to retain such animals on the premises for a period not to exceed two years. In such case, the diseased cattle must be kept separate from other cattle and the entire herd quarantined. The penalty for violation of this act is increased to a minimum of $50.00 and a maximum of $1,000.00 or a minimum of 30 days and a maximum of one year imprisonment. [Amending R.S. 3:2221, 3:2224, 3:2227, 3:2232; repealing R.S. 3:2222].

**Amusements — State Athletic Commission**

Act 88 increases the membership of the State Athletic Commission from 5 to 15 members, all to be appointed by the Governor. Sums paid for the right to televise contests or exhibitions held in Louisiana are exempt from the payment of the 5% tax on gross receipts. The minimum tax to be paid in cities of less than 200,000 population is increased from $15.00 to $25.00. Theaters or clubs to which a contest is televised are required to pay the gross receipts tax provided for in this act. [Amending R.S. 4:61, 4:67]

**Amusements — Louisiana State Racing Commission**

Act 53 increases the membership of the Louisiana State Racing Commission from 5 to 9 members, and requires that there shall be one member appointed from each congressional district, and one member appointed at large. [Amending R.S. 4:142]
Amusements — Interracial social and athletic activities, see page 101 supra

Amusements and Sports — License fees for conducting race meetings

Act 40 (Extraordinary Session) provides for a license fee to be paid by all licensees conducting racing meetings, except bookmakers, in the amount of 7% of all money handled in the daily pari-mutuel wagering pool, with a minimum fee of $1,000.00 per day. Under prior law, the license fee was fixed by a graduated schedule of rates, with the rate of the fee increasing as the amount of the wagering pool increased. The revenue dedication schedule has been changed so as to dedicate portions of the revenues derived from the fee to the Legislative Council and to permit Louisiana State University to use their dedicated sums for bonding purposes. Licensees are permitted to deduct as a commission 8% of all money handled in the daily wagering pool, with a minimum deduction of $1,000.00. [Amending R.S. 4:153, 4:155, 4:156]

Auctions — General provisions

Act 410 prohibits auction sales unless licensed by the State Auditor and conducted by a licensed auctioneer. No license is necessary for judicial sales. Any auctioneer in the Parish of Orleans may sell at public auction property situated within the Parishes of Jefferson, Plaquemines, St. Bernard, St. Charles, or St. Tammany. Auctioneers shall furnish bond in the amount of $2,000.00, and shall pay a license fee of $25.00, the latter being dedicated to the public school fund. Mortgage certificates shall be obtained by all auctioneers before a sale. [Amending R.S. 5:21-41; repealing R.S. 5:1-11, 5:61-65, 5:121-125, 5:241-245]

Banks and Banking — Joint deposits

Act 244 clarifies the provision regarding withdrawal of funds from banks where joint deposits are made. A joint depositor may prevent a bank from making payment to the other joint depositor only upon notice in writing delivered to the bank. Upon the receipt of such notice the bank may refuse to honor any attempted withdrawal, unless all joint depositors join in the withdrawal and therefore relieve the bank from liability. The act also clarifies the provision imposing liability on banks for
payment of inheritance tax where the bank has knowledge of the death of any joint depositor and allows funds to be withdrawn. Banks are not liable for inheritance tax payments where it permits a surviving husband or wife to withdraw the $500.00 contemplated in R.S. 9:1515. [Amending R.S. 6:32]

Bank and Banking — Credit unions

Act 311 permits the annual meetings of credit unions to be held at some time other than in the month of January when the approval of the Board of Directors and Commissioner is obtained. The general remarks contained in the report of examinations made by the State Banking Department must be read to the members of the credit union at the annual meeting. The provision permitting a single member of the credit committee to prevent a loan from being approved has been deleted. [Amending R.S. 6:641, 6:646B, 6:650, 6:651]

Banks and Banking — Territorial restrictions on loans by Homestead and Building and Loan Associations

Act 431 adds Plaquemines to the list of parishes in which building and loan associations organized in the City of New Orleans or Parishes of Plaquemines or Jefferson may make loans on immovable property. [Amending R.S. 6:732]

Banks and Banking — Purchase of shares by banks, trust companies, other associations

Act 147 provides that banking associations or homestead and building and loan associations "organized under the laws of Louisiana or under the laws of any state of the United States of America, or under the laws of the United States of America" may subscribe for purchases of shares in any building and loan association organized "under the laws of Louisiana, or in any other state of the United States of America, or of the United States of America." Prior law permitted only associations organized under the laws of the United States to benefit from this section. [Amending R.S. 6:872]

Civil Code — Ancillaries, see page 22 supra

Courts and Judicial Procedure, see pages 30 and 45 supra
Criminal Law and Procedure, see page 52 supra

District Attorneys — Third assistant district attorney — Fourth Judicial District

Act 77 creates the office of third assistant district attorney for the Fourth Judicial District and provides for his compensation. [Amending R.S. 16:121, 16:122]

District Attorneys — Third assistant district attorney — Fifteenth Judicial District

Act 449 creates the office of third assistant district attorney for the Fifteenth Judicial District and provides for his compensation. In lieu of appointing a third assistant district attorney, the district attorney may appoint a special assistant district attorney. [Amending R.S. 16:325; adding R.S. 16:526, 16:327]

District Attorneys — Fourth assistant district attorney — Nineteenth Judicial District

Act 468 creates the office of fourth assistant district attorney for the Nineteenth Judicial District and provides for his compensation. [Amending R.S. 16:423, 16:424]

District Attorneys — Second assistant district attorney — Twenty-First Judicial District

Act 441 repeals the provisions for a second assistant district attorney for the Twenty-First Judicial District. This act becomes effective only upon the adoption of the constitutional amendment proposed by Act 678. [Repealing R.S. 16:456, 16:457, 16:458]

District Attorneys — Assistant district attorney — Thirty-Second Judicial District

Act 540 creates the office of assistant district attorney for the Thirty-Second Judicial District (Parish of Livingston). [Adding R.S. 16:805]

District Attorneys — Retirement system created

Act 56 provides for the establishment of the District Attorneys’ Retirement System. [Adding R.S. 16:1001-1013]
Education — Change of school board district boundaries

Act 78 authorizes Caddo Parish School Board to change boundary lines of school board districts upon the approval of not less than 3/4 of the board membership. [Adding R.S. 17:62]

Education — Use of school buses

Act 168 prohibits the wording of specifications for school bus purchases in such a manner as to restrict competition or to favor any manufacturer of bus bodies, chassis, or equipment, either by use of trade names or detail of design. Any school bus body, chassis, or equipment that meets the latest revised minimum standards adopted and recommended by the National Conference on School Transportation, or sponsored by the National Council of Chief State School Officers, the American Association of School Administrators, the National Education Association, and the United States Office of Education shall be considered to comply with regulations adopted by the Louisiana State Board of Education. [Amending R.S. 17:164]

Education — Proof of child’s age upon entrance into school

Act 170 provides that birth verification forms issued by the local registrar of the parish of birth shall be valid and acceptable for entry into schools and for qualifying for all types of athletic participation where proof of age is required. [Amending R.S. 17:167]

Education — Penalty for publication of names of free lunch program participants

Act 209 provides for a penalty in an amount up to $100.00 or 90 days imprisonment or both for anyone who publishes or permits the publication of the name of any child unable to pay for school lunches. [Amending R.S. 17:195]

Education — Suspension of compulsory school attendance provision, see page 101 supra

Education — Classification of public schools, see page 101 supra

Education — Prior service credit for persons entering military service
Act 286 authorizes credit for time served in armed forces of the United States during World War II and the Korean conflict, in determining the salary of a teacher in public schools under the minimum salary schedule provided in R.S. 17:421. [Adding R.S. 17:423]

**Education — Credit for years of service to transferred teachers**

Act 287 requires parish and city school boards to give full credit for years of satisfactory service rendered in any parish school system in the state in determining the salary to be paid to a teacher transferring from one parish or city school system in the state to another such system in the state. This provision applies only to teachers who have taught three of the five years immediately preceding such transfer. [Adding R.S. 17:424]

**Education — Grounds for removal of school teachers and bus operators, see page 101 supra**

**Education — Substitute teaching by retired teacher**

Act 140 permits a teacher on retirement to perform substitute day by day teaching duties for compensation for any employer without affecting his retirement or retirement allowance granted under the Louisiana Teachers' Retirement System. However, before the retired teacher can be employed each day, the employer must execute an affidavit stating that this is the only available teacher for the job. Such a teacher cannot be employed for more than 45 days in any one school year, nor can a teacher on the retirement rolls over 70 years of age be employed as a substitute teacher. [Adding R.S. 17:577]

**Education — Service credit in retirement system for prior state employment**

Act 224 extends to July 1, 1957, the last day on which members of the Teachers' Retirement System shall be permitted to obtain credit for other services rendered in the employment of the state. [Amending R.S. 17:600]

**Education — Eligibility requirements for retirement benefits**

Act 5 permits a qualified spouse of certain deceased members of the State Teachers' Retirement System to receive a reduced
retirement allowance for life. The spouse must have been married to the member for at least 10 years and living with him at the time of his death. The member must have been eligible for retirement and have completed at least thirty years of creditable service and not have withdrawn his accumulated contribution from the system, and have died in service or have died since January 1950. Under prior law, neither the spouse nor any other person could receive the reduced retirement allowance unless the member, upon retirement, elected to provide such an allowance and had properly filed a statement to that effect with the board of trustees of the retirement system before his death. [Amending R.S. 17:631]

*Education — Benefits payable to eligible surviving spouse*

Act 457 permits the spouse of a deceased member of the State Teachers’ Retirement System to receive a reduced retirement allowance for life. The member, at the time of death, must have been eligible for retirement, and have completed at least 20 years of creditable service, and have died in the service. Under prior law, neither a spouse nor any other person could receive the reduced retirement allowance unless the member, upon retirement, elected to provide such an allowance and had properly filed a statement to that effect with the board of trustees of the retirement system. The act also provides that the refund of contributions to a member withdrawn from service or to a member’s estate or designated beneficiary shall constitute a release of all rights against the retirement system. [Adding R.S. 17:631.1; amending R.S. 17:640]

*Education — Orleans Parish Teachers’ Retirement System*

Act 74 provides for automatic participation in the system by teachers without previous allowable service who are under 50 years of age and automatic participation, regardless of age, for those with prior service for which credit may be allowed. Prior law required automatic membership upon acceptance of teaching position. The maximum credit allowed for time served in military service is four years. The act changes the provision relative to interest to be credited annually *from* the “mean amount in the account at the end of the preceding fiscal year” to “the amount . . . during the preceding fiscal year.” A schedule of benefits to survivors of eligible members is also included in

**Education — State School Employees Retirement System**

Act 458 permits any member with 20 years of service to withdraw from service, leave his accumulated contributions in the system and upon reaching 60 years of age to receive a retirement allowance based on earned credit. Benefits are provided for a surviving widow or dependent widower, and children under 18 years of age. Any member who "is absent from service more than five consecutive years" and has credit for fewer than 20 years of service shall cease to be a member of the retirement system. A new schedule is established for computing payments to the annuity savings fund. [Amending R.S. 17:895, 17:913, 17:915, 17:982; adding R.S. 17:911.1, 17:919]

**Education — Creation of school districts by parish school boards**

Act 231 permits parish school boards to create a consolidated school district consisting of all the territory of a ward or of a parish without the necessity of an election. Such consolidation shall not affect any bond issue or special tax voted in the existing school district or districts prior to their consolidation. [Amending R.S. 17:1371]

**Education — Francis T. Nicholls Junior College**

Act 266 repeals provisions establishing the Francis T. Nicholls Junior College as a branch of Louisiana State University. [Repealing R.S. 17:1511-1513]

**Education — Metropolitan Commuters College**

Act 60 establishes, as a branch of Louisiana State University, a Metropolitan Commuters College to be located in the Greater New Orleans Metropolitan Area. [Adding R.S. 17:1551-1553]

**Education — Legislative scholarships**

Act 268 increases the number of legislative scholarships which may be granted by the Lieutenant Governor and members of the Legislature to students attending state supported colleges and universities from 4 to each such college or university to a total of 50. Students receiving the scholarships must have been
citizens of the state for two years prior to selection. Not more than 20 scholarships may be given to students attending any one college or university. [Amending R.S. 17:1671]

Education — Parish loans to students

Act 398 adds "approved business schools and colleges" to the institutions of higher learning which high school graduates may attend under loans from the parish loan funds. The amount that each parish may donate to the fund is increased to $2,500.00 annually. The maximum amount receivable by any graduate is $500.00 annually. [Amending R.S. 17:1751, 17:1756, 17:1758]

Education—Nonresident athletic scholarships

Act 296 provides that nonresident students in state institutions of higher learning who are granted athletic scholarships shall not be required to pay tuition in amounts in excess of that charged resident students. [Adding R.S. 17:1791]

Education — Regional education compact

Act 281 amends the compact to permit the Governor to appoint an additional (fourth) member to the Board of Control created by the compact, and to grant to the Board power to enter into such agreements or arrangements with any of the states and with educational institutions as may be required in the judgment of the board, and to provide adequate services and facilities for the graduate, professional, and technical education of citizens of the member states. [Amending R.S. 17:1901]

Education — Conferring of degrees by St. Joseph's Abbey

Act 210 grants authority to St. Joseph's Abbey to graduate students and confer such literary honors and degrees as are conferred by any college in the United States or Europe. [Adding R.S. 17:2079]

Education — Conferring of Master's Degree by Southwestern Louisiana Institute

Act 284 directs the State Board of Education to take such steps as are necessary to enable the Southwestern Louisiana Institute to grant the Master's Degree in Education. [Adding R.S. 17:2080]
Education — Requirements for admission to institutions of higher learning, see page 101 supra

Education — Retention of surpluses by colleges

Act 119 authorizes colleges under the control of the State Board of Education to retain any surpluses at the end of each fiscal year resulting from the operations of the various facilities operated within the revolving funds of the colleges and after servicing of bonds issued under the authority of Act 619 of 1954. These surpluses must be expended within one year after the close of the fiscal year. [Adding R.S. 17:2151.1]

Elections — Orleans Parish Registrar of Voters

Act 113 repeals the provision requiring the Registrar of Voters for Orleans Parish to photostat each precinct register and deliver it to certain designated officials. [Repealing R.S. 18:167]

Elections — Delivery of precinct registers to parish custodian of voting machines

Act 318 deletes provisions of R.S. 18:261 relative to the clerk of the district court as ex officio parish custodian of voting machines, his duties and function as such, which are duplicated in R.S. 19:1164 and contained in Chapter 5 on “Voting Machines.” [Amending R.S. 18:261]

Elections — Primary elections

Act 440 makes the following changes in dates for holding first and second primaries for the election of Governor, other state officials, and local officials:

(a) The state central committees of the political parties shall meet on the first Saturday in September next preceding the date of the general state election for Governor and other state officials and shall issue a call for a primary election. Under prior law, it was provided that the committees should meet on the first Tuesday in October next preceding the date of the general state election for Governor and other state officials.

(b) The date of the first primary to nominate candidates for Governor or other state officials shall be the first Saturday
in December following the date of the meeting of the state central committees. Under prior law, the first primary was held on the third Tuesday of January following the date of the meeting of the state central committees.

(c) The second primary shall be held three weeks from the date of the first primary. If this date falls on Christmas Day, the second primary shall be held on Tuesday of the fourth week after the first primary. Under prior law, the second primary was held five weeks after the first primary.

(d) In the second primary for Governor, each candidate shall, at least ten days prior to the second primary, submit to the chairman of each respective parish committee the names of five persons to act as commissioners. On the third day preceding the date of the second primary the parish committee shall meet to name the commissioners. Under prior law, the names were submitted at least 21 days before the second primary, and the commissioners were selected by the parish committees on the fourteenth day preceding the second primary.

(e) The second primary for local officials shall be held at the same time as the second primary for state officials and United States Senators or Representatives. If no second primary for state officials and United States Senators or Representatives is held, the second primary for local officials shall be held three weeks from the date of the first primary. If this day falls on Christmas Day, the second primary shall be held on the Tuesday in the fourth week after the first primary. Under prior law, the second primary for local officials was held five weeks from the date of the first primary. [Amending R.S. 18:299, 18:356, 18:357, 18:358]

Elections — Vacancies in nominations

Act 442 permits political parties to fill vacancies among the nominees they have selected and requires certification of such nominees to the Secretary of State within ten days of the last day allowed to candidates to qualify with the committee. This provision shall not affect the chapter relative to death or withdrawal of any candidate after he has been nominated. [Amending R.S. 18:362]
Elections — Signing nomination papers for general elections

Act 396 prohibits the Registrar of Voters from certifying any signature of a voter on nomination papers if that voter has registered as being affiliated with any other political party recognized under the laws of this state. This prohibition does not apply to nominating papers of candidates for presidential elector. The number of signatures required on nomination papers is as follows: 1,000 for officers to be elected from the state at large, including United States Senators; 100 for district, municipal, or parish officers, including legislators and congressmen; 25 for ward officers. [Amending R.S. 18:624]  

Elections — Voting machines

Act 15 (Extraordinary Session) increases the membership of the Board for Voting Machines to nine members. The provision enacted in the 1956 regular session to the effect that the parish custodian must consent to the appointment of assistants by the state custodian is deleted. Expenses incurred in conducting elections are re-allocated so that local subdivisions are required to pay such costs only when the election is solely for the purpose of selecting a parish, ward, or municipal officer. All functions, rights, and duties attached to the office of the Secretary of State in connection with voting machines are transferred to the Board for Voting Machines. [Amending R.S. 18:1162, 18:1163, 18:1169, 18:1173A, 18:1183A, 18:1195, as amended by La. Acts 1956, Nos. 40, 191]  

Elections — Delivery of election results to clerk of court

Act 378 requires that a copy of the results of elections be delivered immediately upon completion of count and tabulation by the commissioners to the clerk of court for the use of the press and the public. The clerk shall receive and receipt for the tabulation results immediately upon delivery. [Adding R.S. 18:1190E]  

Elections — Registrars of Voters Retirement System

Act 445 amends the Registrars of Voters Retirement System Act as follows:

(a) The contribution by members is reduced from 5% of
earnable compensation to 4% of earnable compensation in excess of $1,200.00 per year.

(b) The expense fund is increased from $5,000.00 annually to $7,500.00 annually.

(c) When employees have 30 years or more of creditable service and retire before reaching the age of 65 years, the retirement allowance shall be subject to a deduction of 3% for each year of age below 60 years.

d) Benefits may be received by a surviving widow of a member who has completed 20 years of service and who has died prior to his retirement, if the widow is not entitled to social security benefits. The widow must have been married to the member for two years immediately preceding the death and must be at least 50 years old and remain unmarried to be eligible to receive such benefits.

(e) A member who is 60 years old and has retired on a superannuation retirement allowance after 20 years of service shall be allowed an additional compensation equal to 1\(\frac{1}{2}\)% of $1,200.00 multiplied by the number of years of service. This additional compensation is to cease after payment of the monthly amount due on the member's sixty-fifth brithday. [Amending R.S. 18:1651, 18:1732, 18:1738, 18:1832, 18:1840, 18:1844]

Insurance — See page 64 supra

Labor — Right to Work Law

Acts 16 and 397 repeal the Right to Work Law. [Repealing R.S. 23:881-888]

Labor — Agricultural laborers' right to work

Act 397 enacts a “Right to Work Law” for agricultural laborers. The provisions of this act are similar to those included in the Right to Work Law that was repealed by La. Acts 1956, Nos. 16, 397. [Adding R.S. 23:889.1-889.9]

Labor — Workmen’s Compensation — See page 98 supra

Labor—“Agricultural labor” definition expanded

Act 377 adds the “handling, care and sale of nursery stock effective on and after January 1, 1957,” to the services included
in the definition of "agricultural labor" under the Louisiana Employment Security Law. [Amending R.S. 23:1472(2)c]

Act 403 adds the "ginning of moss after January 1, 1957," to the services included in the definition of "agricultural labor" under the Louisiana Employment Security Law. [Amending R.S. 23:1472(2)c]

Labor—Unemployment compensation—Reduction of rates

Act 317 provides that only the annual taxable payroll reported by the employer on or before July 25th immediately succeeding the computation date shall be used to determine the employer's rate for payments into the unemployment compensation fund. This same restriction applies to R.S. 23:1536. [Amending R.S. 23:1540D, E, 23:1542(2)]

Legislature — Increase in membership of House of Representatives

Act 162 increases the membership of the House of Representatives from 101 to 102 members, the additional seat being allotted to East Baton Rouge Parish. This act is effective only if the amendment to article III, § 2, of the Constitution is adopted. [Amending R.S. 24:35]

Legislature — Distribution of current acts

Act 360 requires the Secretary of State to distribute current acts and journals of the Legislature to the clerk or secretary of the police jury or other governing authority of each parish. [Amending R.S. 24:173(3)]

Legislature — Continuous revision of laws

Act 87 instructs the Louisiana State Law Institute to prepare projets for revision of the Code of Criminal Procedure and for a Code of Evidence. [No R.S. citation]

Libraries and Museums — Rendition of library services to blind persons

Act 70 authorizes the Louisiana State Library, with the approval of the Federal Government, to enter into agreements with

2. See note 1 supra. Act 377 was signed on July 11, 1956, and Act 403 was signed on July 12, 1956.
surrounding state governments for library services to the blind. The agreements shall provide for the payment to the Louisiana State Library of their proportionate share of the total cost of the service rendered to the states. All funds received by the library are to be used to defray the cost of the service in the foreign state. [Amending R.S. 25:16]

**Libraries and Museums — Huey P. Long Memorial Library**

Act 83 eliminates from the statute creating the Huey P. Long Memorial Library all references to the Law Library of Louisiana. The latter library was placed under the direct control and supervision of the Supreme Court of Louisiana by La. Acts 1954, No. 409. [Amending R.S. 25:61-70; omitting R.S. 25:71]

**Libraries and Museums — Law Library of Louisiana**

Act 82 corrects an error in the prior law which provided for six members on the Law Library Advisory Commission, but enumerated seven positions to be filled. Under the corrected provision, the Commission is composed of seven members. [Amending R.S. 25:92]

**Libraries and Museums — State Museum**

Act 206 reconstitutes the governing body of the State Museum under the name of the “Board of Managers.” A business manager of the museum is to be elected by the Board, who shall have been a Louisiana resident for the ten years preceding his appointment. A person experienced in museum work shall be appointed Curator of Exhibits. [Amending R.S. 25:341, 25:342]

**Libraries and Museums — Administration of Huey P. Long residence**

Act 341 transfers the administration of the Huey P. Long residence in New Orleans from the Board of Curators of the Louisiana State Museum to the Louisiana State University Agricultural and Mechanical College. The building is to be renovated and used as a residence for the Dean of the Medical School of Louisiana State University. [Adding R.S. 25:348]

**Libraries and Museums — Orleans Parish Landmarks Commission**

Act 85 creates the Orleans Parish Landmarks Commission to be composed of five members appointed by the Governor. The
Commission shall mark with bronze plaques those houses which are landmarks in the Parish of Orleans. [Adding R.S. 25:381, 25:382]

Libraries and Museums — State Archives and Records Commission created

Act 337 establishes the State Archives and Records Commission and enumerates the functions it shall perform. [Adding R.S. 25:401-429]

Libraries and Museums — Union catalog of Louisiana items

Act 361 establishes a Union Catalog of Louisiana Items to be found in all public libraries, and provides for the appointment of a staff to carry into effect the provisions of the act. [Adding R.S. 25:451-455]

Liquors — Alcoholic Beverage Control Law

Act 36 transfers the administration of the Alcoholic Beverage Control Law from the Collector of Revenue to the Louisiana Board of Alcoholic Controls. [Amending R.S. 26:1, 26:21-34, 26:40, 26:72, 26:85, 26:89]

Liquors — Collection of revenue

Act 123 amends the beverage tax laws as follows:

(a) Malt beverages do not include liquors regardless of how defined.

(b) The term “Beer Outlet” is substituted for “Saloon,” and is defined as a place where any person draws or removes any malt beverage from containers for sale or consumption on the premises.

(c) Prior law prohibited the collector from issuing permits to sell beverages of low alcoholic content wherever such business had been prohibited by local option election held under the authority of Chapter 3 of Title 26. This prohibition is now made inapplicable to the licensing and sale of alcoholic beverages containing 3.3% of alcohol by weight or less, thus carrying into effect the provisions already in Chapter 3 to the effect that local option elections prohibiting the sale of alcoholic beverages “shall not operate as a prohibition of the manufacturing, producing,
using, distributing, storing, or selling of beverages containing more than one-half of one per cent alcohol by volume but not more than three and two-tenths per cent alcohol by weight."

(d) When an applicant for a permit is a lessee he must show in his application the name and current address of the lessor.

(e) An applicant cannot be the spouse of a person ineligible for a permit unless such persons are legally separated.

(f) The Collector has the power to suspend or revoke a permit of a person not qualified to receive a permit.

(g) It is no longer necessary that a person holding a permit keep the premises well lighted and all outside doors and windows opened to view from the outside.

(h) The failure to pay any excise tax due from any regulated business is a cause for revocation or suspension of permits.

(i) The causes enumerated for suspension or revocation of a permit shall also be causes for withholding or denying a permit.

(j) The sum that the Collector may withhold from the collection of taxes on beverages of low alcoholic content to pay administration expenses is increased from $75,000.00 to $125,000.00. [Amending R.S. 26:241(5), (10), 26:272(1), 26:279A(4), 26:279C, 26:459; adding R.S. 26:279A(10), 26:286(4), 26:286.1; repealing R.S. 26:285(10)]

Liquors — Gallonage tax on beverages of high alcoholic content

Act 152 increases the license tax on liquors from $1.58 to $1.68 per standard wine gallon. [Amending R.S. 26:341]

Military and Veterans Affairs — Educational benefits

Act 197 increases the amount of educational benefits payable to eligible children of certain deceased servicemen who died in active service or who died as a result of active service from $300.00 per year to $500.00 per year for each beneficiary. [Amending R.S. 29:289]

Military and Veterans Affairs — Recordation of birth certificates of children born to members of the armed forces

Act 136 directs each parish governing authority to maintain a special book for the recordation of birth certificates of children of members of the armed services whose parents were residents
of Louisiana at the time the child was born. The recording fee shall not exceed 25¢. Birth records issued by qualified registration officials are acceptable for registration in any parish. [Adding R.S. 29:291]

**Military and Veterans Affairs — Veterans Guardianship Law**

Act 557 requires the petition for the appointment of a tutor or curator for a mentally incompetent veteran or helpless child of a deceased or living veteran to show that such ward has been rated incompetent on examination by the Veterans Administration in accordance with laws and regulations governing the Veterans Administration. In the case of all other incompetent persons entitled to receive benefits from the Veterans Administration, the petition must show that the appointment of a curator is a condition precedent to the payment of further benefits on behalf of such other incompetent ward. Under prior law, in the case of a mentally incompetent ward, the petition had to show that the ward was rated incompetent on examination by the Veterans Administration.

A certificate of the administrator or his representative setting forth the facts regarding the incompetency of the veteran or helpless child shall be prima facie evidence of the necessity for the appointment of a tutor or curator. Under prior law, a certificate of the administrator constituted prima facie evidence of the need for the appointment.

When a minor ward for whom a tutor has been appointed has attained the age of majority and has not been found incompetent, or when any incompetent veteran or helpless child of a living or deceased veteran has been rated competent by the Veterans Administration, or when any other incompetent ward has been found on investigation to be capable of receiving and administering Veterans Administration benefits, a certificate of the administrator or his duly authorized representative shall be prima facie evidence that a tutor or curator is no longer necessary. Under prior law the tutorship or curatorship was terminated when a minor ward had not been found incompetent by the Veterans Administration. [Amending R.S. 29:355, 29:357, 29:367]

*Minerals, Oil, and Gas, see page 94 supra*
Motor Vehicles and Traffic Regulations — Who may fix speed limits

Act 439 authorizes the Director of the Department of Highways to reduce the speed limits set in R.S. 32:223, 32:225, and 32:226, where he feels it is in the best interest of the traveling public. The designation of speed limits is to be duly recorded in the office of the clerk of court of the parish in which the order applies, and proper signs are to be placed to notify the public of the reduced speed limit. [Amending R.S. 32:229]

Motor Vehicles and Traffic Regulation — Motor vehicle head lamps

Act 213 changes the existing requirement as to head lamps on motor vehicles from “with two head lamps” to “with at least two head lamps.” [Amending R.S. 32:291]

Motor Vehicles and Traffic Regulation — Auxiliary driving lamps

Act 214 changes the height for mounting of auxiliary driving lamps on motor vehicles from not less than 24 inches above the level on which the vehicle stands to not less than 21 inches above the level on which the vehicle stands. [Amending R.S. 32:298]

Motor Vehicles and Traffic Regulation — Authority of Director of Public Safety with reference to lighting devices

Act 389 authorizes the Director of Public Safety to charge a fee not in excess of $25.00 for the approval or disapproval of each lighting device submitted for use in the state on motor vehicles. [Amending R.S. 32:305]

Motor Vehicles and Traffic Regulation — Driver’s License Law

Act 68 dedicates one-half of the proceeds of each driver’s license fee as follows: 50¢ to the Division of State Police and 50¢ to the State Police Pension and Retirement fund. [Amending R.S. 32:412]

Motor Vehicles and Traffic Regulation — Assigned risk plans, see Insurance, page 64 supra

Motor Vehicles and Traffic Regulation — Vehicle Certificate of Title Law
Act 585 makes the following changes in the Vehicle Certificate of Title Law:

(a) A "manufacturer" is defined as any person regularly engaged in the business of manufacturing or assembling new motor vehicles.

(b) The term "manufacturer's certificate" is defined as a certificate showing the original transfer of a new vehicle from the manufacturer to the original purchaser.

(c) A "manufacturer's certificate" may be delivered to a purchaser of a vehicle of the model year 1957 or any later model year in lieu of furnishing a form showing the non-existence of a certificate of title.

(d) A purchaser of a new vehicle of the model year 1957 or any later model year shall furnish a "manufacturer's certificate" in order to obtain a certificate of title from the Commissioner. [Amending R.S. 32:702, 32:705, 32:707]

Motor Vehicles and Traffic Regulation — Distribution and sale of motor vehicles

Act 586 makes the following changes relative to the distribution and sale of motor vehicles:

(a) The definition of a "Motor Vehicle Dealer" is changed so as to permit only licensed dealers holding a franchise with a manufacturer or distributor of new or unused motor vehicles to sell, publicly solicit, and advertise for the sale of new and unused motor vehicles as such.

(b) The manner of appointing commissioners is changed so that the Governor directly selects and appoints the commissioners rather than appointing them from a list of names submitted to him. Appointments made under prior law are ratified and confirmed for the remainder of their respective terms.

(c) It shall be unlawful to engage in the business of selling motor vehicles without first obtaining a license, regardless of whether or not the vendor maintains a place of business in this state.

(d) It shall be unlawful for a vehicle dealer or salesman to require a purchaser, as a condition of sale, to purchase special accessories not desired by the purchaser; to represent and sell
as a new vehicle any vehicle which has been used as a demonstrator; to resort to false or misleading advertisement.

(e) It shall be unlawful for a manufacturer, distributor or wholesaler of motor vehicles to induce or coerce any motor vehicle dealer to deliver equipment which has not been voluntarily ordered by the dealer; to order for another person any parts, accessories, etc.

(f) It shall be unlawful for a manufacturer or distributor to refuse to deliver any vehicle within 60 days which has been ordered for immediate delivery; to threaten to cancel the franchise held by a dealer; to refuse to extend to a dealer the privilege of determining the mode of transportation facility which the dealer desires to be employed in making deliveries of new vehicles to him; to resort to any false or misleading advertisement.

(g) An application for a license as a motor vehicle dealer must be accompanied by the filing with the Commission of a bona fide contract or franchise in effect between the applicant and a manufacturer or distributor of new vehicles. [Amending R.S. 32:1251, 32:1252, 32:1253, 32:1254; adding R.S. 32:1259, 32:1260; deleting R.S. 32:1255 (6), (7), (8)]

Municipalities and Parishes, see page 81 supra

Navigation and Shipping — Territorial limits of Lake Charles Harbor and Terminal District

Act 195 changes the territorial limits of the Lake Charles Harbor and Terminal District. [Amending R.S. 34:201]

Navigation and Shipping — Leasing by the Lake Charles Harbor and Terminal District

Act 196 changes the maximum term of leases entered into by the Board of Commissioners of the Lake Charles Harbor and Terminal District from 25 years to 99 years. Authority is granted the Board to lease facilities to others for commercial and business purposes to promote industrial development of the district. [Amending R.S. 34:203, 34:206]
Navigation and Shipping — Transfer of lands to the Board of Commissioners of Lake Charles Harbor and Terminal District

Act 307 transfers title in certain lands from the State of Louisiana to the Board of Commissioners of the Lake Charles Harbor and Terminal District. [Adding R.S. 34:213, 34:214]

Navigation and Shipping — Morgan City Harbor and Terminal District

Act 325 increases the membership of the Board of Commissioners of the Morgan City Harbor and Terminal District from five to nine members. Terms of office are changed from a period of five years to a period of nine years. [Amending R.S. 34:322, 34:324]

Navigation and Shipping — Morgan City Harbor and Terminal District

Act 428 authorizes the Board of Commissioners of the Morgan City Harbor and Terminal District to construct, administer, operate, and maintain shipways, channels, and slips; to acquire industrial plant sites and buildings; to sell and lease lands and facilities owned by it for industrial purposes; to issue revenue bonds and pledge and mortgage properties; and to receive money as gifts from the federal and state governments and to pledge such sums received. This act is effective only if the amendment of article XIV, § 31, of the Constitution is adopted at the general election in November 1956. [Amending R.S. 34:323, 34:330]

Navigation and Shipping — Creation of Vinton Harbor and Terminal District

Act 466 creates the Vinton Harbor and Terminal District as a political subdivision of the state and enumerates the rights and duties to be exercised by the district. [Adding R.S. 34:334.1-334.10]

Navigation and Shipping — Bar pilots

Act 406 changes the name of “Bar Pilots for the Port of New Orleans” to “Associate Branch Pilots of the Port of New Orleans.” The territory included within the jurisdiction of the Associate Branch Pilots of the Port of New Orleans is expanded to
include the entrance of the New Orleans Tidewater Channel at the western shore to the Chandeleur Sound off Point Chicot. [Amending R.S. 34:406]

**Navigation and Shipping — New Orleans and Baton Rouge Steamship Pilots**

Act 146 increases the pilotage fees of New Orleans and Baton Rouge port pilots. Changes are also made in shifting, docking and undocking, compass adjusting, trial trip, detention, and discharge fees. The new act eliminates the provision concerning New Orleans and Baton Rouge steamship pilots which stated that "there shall be nine such pilots, appointed and commissioned by the Governor on July 30, 1942." [Amending R.S. 34:1043, 34:1048]

**Navigation and Shipping — Greater Ouachita Port Commission**

Act 190 creates the Greater Ouachita Port Commission and designates the powers and rights to be exercised by the Commission. [Adding R.S. 34:1401-1406]

**Navigation and Shipping — Greater Krotz Springs Port Commission**

Acts 228 and 246 create the Greater Krotz Springs Port Commission and designate the powers and rights to be exercised by the Commission. [Adding R.S. 34:1451-1456]

**Navigation and Shipping — Overton-Red River Waterway and Port District**

Act 192 creates the Overton-Red River Waterway and Port District and designates the powers and rights to be exercised by the governing authority of the district. This act is effective only upon the adoption of the constitutional amendment proposed by La. Acts 1956, No. 605. [Adding R.S. 34:1501-1515]

**Notaries Public and Commissioners — Custodian of Notarial Records in the Parish of Orleans**

Act 173 provides that the term of office of the Custodian of Notarial Records in the Parish of Orleans shall run concurrently with that of the Governor and that the Governor, in case of a
vacancy, shall appoint a custodian to serve for the unexpired term. [Amending R.S. 35:322]

Notaries Public and Commissioners — Preservation of acts and instruments by notaries public in the Parish of Orleans

Act 67 adds “acts of or in connection with the voluntary surrender of children under R.S. 9:401 through 9:405 and all acts amendatory thereto” to the list of acts that a notary public in the Parish of Orleans need not preserve in his office in permanent books. [Amending R.S. 35:337]

Notaries Public and Commissioners — Notaries public in Jefferson Parish

Act 451 provides for the appointment of notaries public in the Parish of Jefferson and specifies the qualifications for such appointment. Notarial commissions issued prior to the effective date of this act in the Parish of Jefferson shall remain in effect. [Adding R.S. 35:601-604]

Professions and Occupations — Barbers

Act 169 requires all new barber shops and all existing shops that move to a new location to request an inspection prior to opening of the shop to the public. [Amending R.S. 37:354]

Professions and Occupations — Cosmetic therapy

Act 225 increases the membership of the Board of Control of Cosmetic Therapy from six to eleven members. The executive secretary of the Board shall be a registered voter of the state, appointed by the Governor, and shall serve as ex officio member of the Board. Under prior law, the executive secretary was appointed by the Board. [Amending R.S. 37:491]

Professions and Occupations — Approved schools of cosmetic therapy

Act 472 provides that instructors in approved training schools of cosmetic therapy must have completed the curriculum for the teaching training course under the supervision of a licensed teacher of beauty culture. Under prior law, the instructor was required to be a registered cosmetician who had practical shop experience for two years. [Amending R.S. 37:503]
Professions and Occupations — Pharmacy

Act 272 declares the practice of pharmacy to be a profession of "highest standards." The Louisiana Board of Pharmacy is directed to promulgate a code of ethics within the next six months. The Board is directed to confer the honorary title of "ethical pharmacist" on any licensed pharmacist in good standing. [Adding R.S. 37:1206-1208]

Professions and Occupations — Physicians, Surgeons and Midwives

Act 380 authorizes the Louisiana State Board of Medical Examiners to grant a temporary permit to any doctor of medicine who meets the requirements of the Board, if the applicant is serving as a first year intern, or is in a one, two, three, or four year approved residency or graduate medical training program. Permits are not to exceed a period of four years. [Amending R.S. 37:1277; repealing R.S. 37:1290(6)]

Act 379 authorizes the Louisiana State Board of Medical Examiners to charge an intern, resident, and graduate medical trainee a temporary permit fee of $5.00. [Amending R.S. 37:1281]

Professions and Occupations — Real Estate and Business Chance Brokers

Act 556 makes the following changes relative to the regulation of real estate and business chance brokers:

(a) No two appointments to the Board shall be made by the Governor from the same district, with the exception of the First Supreme Court District.

(b) The domicile of the Board is changed from the City of New Orleans to the City of Baton Rouge.

(c) The Board shall inquire into the "knowledge" of any applicant for a salesman's or real estate broker's license.

(d) The Board is given the authority to require any business chance broker, curb broker, or real estate broker to keep records of all real estate transactions. The Board, through its authorized representative, is authorized to inspect the licensee's records at the latter's office.
(e) The Board may subpoena any licensee or witness for the purpose of holding any hearing, and the failure to comply with such subpoena shall be punishable as contempt.

(f) The Board may require all real estate brokers, business chance brokers, or curb brokers to deposit all monies or things of value received on behalf of clients in a separate banking account in a bank in the parish in which their main offices are located, and the monies so received are not to be co-mingled with the personal funds of such licensees.

(g) It shall be the duty of brokers to provide their clients with executed copies of sales or exclusive sales listing contracts within three days from the execution thereof, which shall specify a definite terminal date that shall not be subject to any qualifying terms or conditions, unless specifically shown therein.

(h) Every broker must display in a conspicuous place a certified copy of his bond and license, as well as the licenses of all his salesmen.

(i) Licenses shall be automatically suspended if not timely renewed. Under prior law, the licensee was given notice of expiration of the license before it was suspended.


Professions and Occupations — Watchmakers

Act 259 requires the Board of Examiners in Watchmaking to maintain a list of accredited schools of watchmaking and sets up rules for accreditation of such schools. The act sets out the qualifications and requirements of applicants for certificates in watchmaking, and takes from the Board the right to define the standards of workmanship and skill required of applicants. Minimum requirements for obtaining a certificate as an apprentice watchmaker are enumerated. The secretary of the Board must furnish a bond in the amount of $2,000.00. The time for filing applications for examinations has been extended from ten to thirty days. [Amending R.S. 37:1588, 37:1589, 37:1592, 37:1593, 37:1600; adding R.S. 37:1581(3), (4), (5), 37:1611]
Professions and Occupations — State Licensing Board for Contractors

Act 233 creates the State Licensing Board for Contractors and provides for the appointment of its members. The Board is given authority to make rules and regulations and to issue licenses to all persons, firms, corporations, or associations engaged in business as a contractor. A “contractor” is defined as any person, firm, etc., who, at a fixed price, commission, etc., in excess of $30,000.00 undertakes to construct, supervise, etc., any building, etc. The definition does not include persons engaging in private residential construction or architects performing usual architectural services, contractors building highways under federal aid projects, and public utilities subject to regulation by the Louisiana Public Service Commission. A procedure is established for the review of a decision of the Board refusing or revoking a license. The penalty for violation of this act is a fine not to exceed $1,000.00 and/or three months in prison. The Board may sue and be sued. No awarding authority or its agent shall issue to an unlicensed contractor any proposal for bids, nor shall any bid of an unlicensed contractor required to be licensed be accepted. [Adding R.S. 37:2151-2163]

Professions and Occupations — Weather Modification

Act 350 requires any person who engages in weather modification to procure a license from the Louisiana State Department of Agriculture and Immigration. “Weather modification” is defined as “the changing or controlling by chemical, mechanical, or physical methods the occurrence of lightning or the precipitation of rain, hail, mist, sleet, or snow.” The commissioner shall determine the qualifications and requirements which applicants for licenses shall meet. [Adding R.S. 37:2201-2209]

Public Contracts, Works, and Improvements — Department of Public Works

Act 262 increases the membership of the Board of Public Works from three to five members. [Amending R.S. 38:16]

Act 405 directs the Louisiana Department of Public Works to confer with the Louisiana Wild Life and Fisheries Commission in the earliest possible planning stage on every project affecting wetlands and other wildlife habitat. [Adding R.S. 38:18]
Public Contracts, Works, and Improvements — Dedication of artificial waterways as public navigable waterways by levee districts

Act 7 authorizes levee districts, except in the Parish of Orleans, to dedicate canals or other artificial waterways subject to the free and unrestricted navigation by the public. The waterway must be navigable in fact and connected to a lake, river, stream, bayou, or other navigable waterway. Nothing in this act shall be construed as authorizing the taking of private property, except as provided elsewhere by law. Proceedings taken by the governing authority of any levee district in conformity with the above requirements prior to the effective date of this act are approved, ratified, and confirmed. [Adding R.S. 38:291, 38:292]

Public Contracts, Works, and Improvements — Atchafalaya Basin Levee District

Act 417 increases the membership of the Atchafalaya Basin Levee District from seven to twelve members, all to be appointed by the Governor. Seven of the commissioners shall be appointed from the Mississippi River parishes. [Amending R.S. 38:693]

Public Contracts, Works, and Improvements — Buras Levee District

Acts 29 and 30 (Extraordinary Session) make the following changes relative to the Buras Levee District:

(a) The terms of commissioners are to be concurrent with that of the Governor.

(b) The Board of Commissioners is required to file copies of financial statements with designated state officials. [Amending R.S. 38:783, 38:786, as amended by La. Acts 1956, No. 386]

Public Contracts, Works, and Improvements — Grand Prairie Levee District

Acts 31 and 38 (Extraordinary Session) make the following changes relative to the Grand Prairie Levee District:

(a) The Board of Commissioners is directed to publish the record of proceedings in a New Orleans newspaper.

(b) All financial statements are to be filed with designated

Public Contracts, Works and Improvements — Buras Back Levee District

Acts 32, 33, and 34 (Extraordinary Session) make the following changes relative to the Buras Back Levee District:

(a) All commissioners are to be appointed by the Governor.

(b) Financial statements are to be filed with designated state officials.

(c) Records of proceedings are to be published in a New Orleans newspaper.

(d) Funds under the control of the Board of Commissioners are to be deposited with the state treasurer and withdrawn only upon the presentation of warrants. [Amending R.S. 38:823, 38:826, 38:827, as amended by La. Acts 1956, No. 386]

Public Contracts, Works, and Improvements — Lake Borgne Basin Levee District

Acts 35 and 37 (Extraordinary Session) make the following changes relative to the Lake Borgne Basin Levee District:

(a) Financial statements must be filed with designated state officials.

(b) Records of proceedings must be published in a New Orleans newspaper. [Amending R.S. 38:1071, 38:1076, as amended by La. Acts 1956, No. 386]

Public Contracts, Works, and Improvements — Filing of documents by parish governing authorities

Act 36 (Extraordinary Session) requires parish governing authorities that have assumed the indebtedness of levee districts to file with designated state officials copies of all contracts entered into by the parish authorities concerning levee district matters. [Amending La. Acts 1956, No. 386]

Public Contracts, Works, and Improvements — Appointment of additional police jurors

Act 39 authorizes the Governor to appoint 12 additional police jurors in any parish where the police jury has assumed the in-
debtedness of a levee district. These additional police jurors shall participate as members of the police jury when the latter body is considering any matter concerning levee districts. [Amending La. Acts 1956, No. 386]

Public Contracts, Works, and Improvements — Irrigation districts

Act 462 provides that land which can receive no benefit from the operation of an irrigation district shall be excluded from the district at the time it is created. [Adding R.S. 38:2101C]

Act 461 provides for the taxation of all lands within the boundaries of an irrigation district except those lands within the corporate limits of an incorporated town or city. This tax may be levied even though water from the natural or artificial waterways within the district is not used on certain lands. [Amending R.S. 38:2118]

Public Contracts, Works, and Improvements — Sabine River Authority

Act 116 increases the membership of the Sabine River Authority Board from seven to twelve members, and provides the manner of appointment of members. [Amending R.S. 38:2322]

Act 432 makes the following changes and additions relative to the Sabine River Authority:

(a) A treasurer, in addition to a secretary, may be appointed to serve on the Board. The Board shall adopt rules and regulations for the orderly transaction of its business, with specific authority given in the act to appoint an attorney, engineers, and a general manager for its properties.

(b) The Authority shall not be required to pay any tax or assessment on its properties, nor to pay any excise, license, or other tax or imposition on its operating revenues or bonds.

(c) The Authority is granted power to acquire properties, enter into contracts, let contracts for construction, incur debts and borrow money, fix, maintain, collect, and revise rates and rentals for its facilities, pledge all or part of its revenues, utilize the waters of the Sabine River for the generation of electric power, and to purchase facilities for the generation of electricity. However, no generating capacity other than hydro-electric shall
be installed by the Authority, and no electric transmission or
distribution lines shall be constructed or purchased.

(d) Title to property acquired by the Authority may be in
the name of the Authority, or may be held jointly with an instru-
mentality of the State of Texas.

(e) Provision is made for the construction of crossings and
for the cooperation of other agencies in this construction.

(f) The contract power is expanded.

(g) Numerous changes are made in the bonding provisions,
the most notable being the authorization to issue bonds in
amounts not to exceed $50,000,000.00, and for a term not to ex-
ceed 60 years. Under prior law, the ceiling on the issuance of
bonds was $25,000,000.00 and the term could not exceed 40
years.

(h) The Board is authorized to own and operate toll bridges
or ferries across any of the waters under its jurisdiction.

(i) The Board may publish the resolution authorizing the
issuance of any bonds or any resolution authorizing the execu-
tion of any lease or contract in a newspaper having general cir-
culation. Any person in interest may contest the legality of the
bonds authorized in such resolution or the legality of the con-
tract authorized to be executed for a period of 30 days from the
date of publication of the resolution. [Amending R.S. 38:2323,
38:2324, 38:2325, 38:2329, 38:2330; adding R.S. 38:2335,
38:2336, 38:2337]

Public Contracts, Works, and Improvements — State Building
Authority

Act 132 restricts the powers, duties, and functions of the
Louisiana State Building Authority to the issuance of any re-
main ing bonds authorized to be issued by Act 13 of 1954, to the
retirement of the principal of and interest on bonds issued under
Act 317 of 1952, Act 13 of 1954, and Act 30 of 1955. All other
functions, rights, and duties heretofore exercised by the Louisi-
amana State Building Authority are transferred to the State Treas-
urer. The obligations heretofore incurred by the Authority are
preserved and shall be discharged by the State Treasurer. All
funds appropriated to the Authority are transferred to the State
Treasurer. [Adding R.S. 38:2439-2442]
Public Contracts, Works, and Improvements — Water conservation

Act 472 repeals the 1954 legislation which created the Southwest Louisiana Water Conservation District. [Repealing R.S. 38:2501-2507]

Public Contracts, Works, and Improvements — Bayou D'Arbonne Lake Watershed District

Act 9 provides for the creation and operation of the Bayou D'Arbonne Lake Watershed District. [Adding R.S. 38:2551-2572]

Public Finance — Division of Administration

Act 42 makes the following changes relative to the Division of Administration:

(a) Certain administrative functions are transferred from the Budget Office to the Division of Administration.

(b) Financial planning, budgeting, and accounting are changed from a biennial basis to an annual basis.

(c) The Commissioner of Administration is designated as the officer to approve work programs and requests for allotments. Under prior law, the Governor served in this capacity.

(d) The Governor or Commissioner of Administration is the appropriate officer to approve transfers of allotments from one category to another. Under prior law, the Governor or Budget Appeals Commission served in this capacity. [Amending R.S. 39:1-9, 39:41-60, 39:91-99, 39:132, 39:232-234]

Act 548 directs the Division of Administration to prepare a report containing the names of all employees of the State of Louisiana in each parish. [Adding R.S. 39:10]

Public Finance — Lease of housing space by state agencies

Act 131 requires contracts and agreements for the lease or rental of housing space by state agencies to be in the name of the agency and to be executed only upon the approval of the Commissioner of Administration. Costs of such rentals are to be included in the budget of the leasing agency. Certain state
agencies are excluded from coverage by this act. [Adding R.S. 39:193]

Public Finance — Property Tax Relief Fund

Act 465 changes the effective date of limitations on reimbursement to parishes and special districts out of the Property Tax Relief Fund based on homestead exemption from July 28, 1954, to "the effective date of this act." Reimbursements are permitted for additional taxes authorized for completion or extension of districts, if the districts were created and in operation prior to the effective date of this act. [Amending R.S. 39:253]

Public Health and Safety — State Board of Health

Act 264 increases the membership of the State Board of Health from eight to eleven members. One of the two new members is to be a representative of the restaurant industry, and the other added member is to be a representative of the dairy industry. [Amending R.S. 40:1, 40:3]

Public Health and Safety — Certificates of birth in Orleans Parish

Act 384 changes the ink to be used for birth and death certificates from "durable black ink" to "durable jet black ink." [Amending R.S. 40:154]

Public Health and Safety — Vital statistics

Act 330 provides a procedure for procuring a birth certificate where all evidence of birth has been lost or where no birth record was ever obtained. [Adding R.S. 40:331-335]

Public Health and Safety — Expropriation by housing authorities

Act 553 provides that the resolution declaring property necessary for re-development projects shall be prima facie evidence that such property is in fact necessary. Under prior law, the resolution was conclusive evidence of the necessity existing for the expropriation of the property. [Amending R.S. 40:455]

Public Health and Safety — Food and drugs

Act 6 (Extraordinary Session) authorizes the Commissioner of Agriculture and Immigration to include in the monthly re-
ports issued by the Milk Testing Division the prevailing retail and wholesale prices of milk in Louisiana and in other states. Milk plants are required to pay off on the average of five day samples when there is a variation from the composite milk sample taken by the plant of more than .1% of butterfat. Act 447 of 1956 required such a payoff when there was a 1% butterfat content. [Amending R.S. 40:882(5), as amended by La. Acts 1956, No. 447]

Act 415 requires that all milk and milk products containing powdered milk be labeled as to the grade of the milk for the purpose of informing the consumer. [Amending R.S. 40:921]

Act 207 establishes the State Department of Hospitals and transfers to this department the functions of numerous enumerated boards, commissions, and agencies. [Adding R.S. 40:2001-2011]

Public Lands — Sale of timber on school lands

Act 374 authorizes parish school boards to sell timber on sixteenth section school lands to the highest bidder at public auction. If the sixteenth section is located in a township which extends into two parishes, the timber sales may be made by the joint action of the school boards of both parishes. Under prior law, the parish school boards were required to conduct an election in order to sell such timber. [Amending R.S. 41:717]

Public Lands — Sixteenth section sales made prior to 1921

Act 580 ratifies and confirms all sales of sixteenth section school lands made prior to July 1, 1921, notwithstanding any informalities in the sales relative to holding elections, appraisements, etc. [Adding R.S. 41:1323.2]

Public Officers and Employees — Eligibility to hold office or position, see page 30 supra

Public Officers and Employees — Retirement

Act 21 changes the formula for computing retirement allowances under the Louisiana State Employees Retirement System. Retirement contributions are to be refunded to surviving children under the age of eighteen, if a member of the system dies before
he is eligible for retirement. [Amending R.S. 42:583, 42:633; adding R.S. 42:597]

Public Officers and Employees — Group insurance

Act 295 changes the coverage under group insurance plans from “employees or any class or classes thereof” to “employees, officials or heads of departments or any class or classes thereof.” The state contribution to such plans is limited to 50% of the premium payable out of the money specifically appropriated for that purpose and included in the budget of the particular agency. The Governor is given authority to procure group insurance contracts for any department or agency which is directly responsible to him. [Amending R.S. 42:295]

Public Officers and Employees — Health and accident insurance

Act 294 adds “officials and department heads” to the list of persons that may be covered by policies of group health, accident, accidental death, and dismemberment, and hospital, surgical, or medical expense insurance. The contribution of the State of Louisiana is limited to 50% of the premium. The Governor may procure contracts of insurance for any department which is directly responsible to him. The amount of the premiums to be paid by the state shall be subject to the approval of the Commissioner of Administration. [Amending R.S. 42:851]

Public Printing and Advertisements — State advertisements

Act 134 adds the Greater Ouachita Port Commission to the list of state agencies excluded from the prohibition against expending public funds to advertise in newspapers, books, pamphlets, and periodicals. [Amending R.S. 43:111]

Public Records and Recorders — Recorder of conveyances in Orleans Parish

Act 383 adds the Director of Streets to the list of officials to whom the Register of Conveyances in Orleans Parish must transmit lists of conveyances recorded every month. [Amending R.S. 44:205]

Public Utilities and Carriers — Motor carriers

Act 120 dedicates fees collected under the provisions of R.S. 45:169 and R.S. 45:1177 to the Louisiana Public Service Com-
mission for the purpose of enforcing the provisions of Chapter 4 of Title 45 of the Revised Statutes. [Adding R.S. 45:169.1]

**Public Utilities and Carriers — Attorney to assist Louisiana Public Service Commission**

Act 304 provides that the special attorney of the Louisiana Public Service Commission shall devote as much of his time as is necessary to the work of the Commission and that he shall receive a salary to be fixed by the Commission. Under prior law, the special attorney was required to devote all of his time to the work of the Commission. [Amending R.S. 45:854, 45:855]

**Public Utilities and Carriers — Waiting room facilities, see page 101 supra**

**Public Welfare and Assistance — State Board of Public Welfare, see page 180 supra**

**Public Welfare and Assistance — Education leaves with pay**

Act 182 authorizes the Commissioner of the Louisiana Department of Public Welfare to grant educational leave with pay to an employee of the Department or to an employee of the Division of Probation and Parole. [Adding R.S. 46:55.1]

**Public Welfare and Assistance — Preservation of records**

Act 186 requires that the Department of Public Welfare preserve all records for a period of three years or until all useful purpose has been served, whichever is the longer period of time. Fiscal records shall not be destroyed until proper state and federal agencies have completed audits and have approved destruction of such records. Files or documents may be destroyed as provided in R.S. 44:39 if the department is in need of additional space. [Adding R.S. 46:69]

**Public Welfare and Assistance — Fraud in obtaining assistance**

Act 184 requires a recipient of assistance to notify the Department of Public Welfare immediately if his personal circumstances change. No penalty is imposed for the failure to render this report unless the recipient has become ineligible for assist-
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ance as a result of the unreported change in circumstances. Recipients of assistance shall notiﬁc the Department of Public Welfare, instead of the local parish oﬃce, of any acquisition of property or change in income. [Amending R.S. 46:114]

Public Welfare and Assistance — Persons over sixty-ﬁve

Act 194 permits recipients of old age assistance to earn $30.00 per month from full or part time work or from other sources without affecting their right to receive old age assistance. This provision is not effective until approved by the Secretary of the United States Health, Education and Welfare Department. [Amending R.S. 46:151]

Public Welfare and Assistance — Minimum assistance for persons over sixty-ﬁve

Act 73 reduces the “minimum need” for any person entitled to old age assistance from $85.00 per month to $65.00 per month. Where two or more persons are living in the same household, the minimum need for each person shall not be less than $60.00 per month. [Amending R.S. 46:152]

Public Welfare and Assistance — Amount of assistance for the blind

Act 292 increases the amount of annual earnings of applicants or recipients of assistance to needy blind which are disregarded in determining need for assistance from $50.00 per month to $2,000.00 per year, provided “that the amount that is disregarded does not exceed the maximum amount that the federal government permits the state to disregard under the laws and regulations pertaining to matching funds.”

Act 354 changes the amount of assistance to needy blind from an amount determined by the parish department of public welfare to an amount not less than $65.00 per month. [Amending R.S. 46:294]

Public Welfare and Assistance — Appointment of curator

Act 177 requires that a curator be appointed for a mentally incompetent person eligible or entitled to apply for public wel-

3. See note 1 supra. Act 292 was signed on July 12, 1956, and Act 354 was signed on July 10, 1956.
fare assistance upon petition of a relative or other interested person, and provides a procedure for the appointment. The judgment and appointment of a curator shall not constitute an interdiction of the incompetent. The curator appointed is to take oath, have letters of authority issued to him, and is to render such accounting as the judge may require. Curators appointed under prior law shall continue to serve and be considered as properly appointed under this act. [Amending R.S. 46:431-435]

Public Welfare and Assistance — Mental health research and training

Act 480 dedicates funds received from the payment of fees by patients in state hospitals to the State Mental Health Authority for the purpose of conducting research programs in problems relating to mental illness. [Adding R.S. 46:663.1, 663.2]

Public Welfare and Assistance — Charity hospitals

Act 4 (Extraordinary Session) increases the appointive membership of the Board of Administrators of the Charity Hospital of Louisiana from 12 to 15 members. Members are to serve a term concurrent with that of the Governor. The Lieutenant Governor or the Governor's Executive Secretary may represent the Governor in his absence. The Director may be an appointive member of the Board. [Amending R.S. 46:753, as amended by Acts 1956, No. 47]

Public Welfare and Assistance — Lake Charles Charity Hospital

Act 218 provides for the creation of the Lake Charles Charity Hospital. [Adding R.S. 46:831]

Public Welfare and Assistance — Confederate Memorial Medical Center at Shreveport

Act 46 increases the membership of the Board of Directors of the Confederate Memorial Medical Center from seven to thirteen members. The chairman of the Board shall be appointed from a panel of three names submitted by the council member of the Louisiana State Medical Society for the Fourth Congressional District. [Amending R.S. 46:892]
Public Welfare and Assistance — Commission on the Aging

Act 479 creates the Louisiana Commission on the Aging to be composed of nine members appointed by the Governor on the basis of recognized interest in and knowledge of problems of the aging. [Adding R.S. 46:931-938]

Public Welfare and Assistance — Juvenile Detention Home for the Sixth Congressional District

Act 278 establishes and provides for the maintenance of the Juvenile Detention Home for the Sixth Congressional District. [Adding R.S. 46:1351-1361]

Public Welfare and Assistance — Child welfare agencies

Act 367 provides for the licensing of parish, municipal, and private child welfare agencies. [Adding R.S. 46:1401-1410]

Revenue and Taxation — See page 75 supra

Roads, Bridges and Ferries — Department of Highways

Act 39 re-creates the State Department of Highways substantially as it existed prior to the adoption of article VI, section 191.1 of the Constitution in 1952. The following changes are made in the law as it existed before 1952:

(a) The Department is authorized to acquire property for use by other state departments and to perform such incidental road and street construction as may be required on such property;

(b) The Director of Highways is authorized, with the approval of the Board, to set up agencies needed to conduct the business of the Department with the United States Government;

(c) The Board is authorized to sell and issue bonds in accordance with the Long Range Highway Program as established by article VI, section 23 of the Constitution. [Amending R.S. 48:1, 48:11, 48:12, 48:21-26, 48:51-54, 48:71-75]

Roads, Bridges and Ferries — Wages of employees of Department of Highways

Act 454 provides that the Department of Highways may fix the wage scale on highway construction work done by the
contractors in various sections of the state and, subject to the rules and regulations of civil service, shall recommend wage scales for maintenance and force account work based on $1.00 minimum per hour for common labor. No worker employed on a statewide or floating bridge or road crew shall be paid a subsistence allowance of less than $4.00 per day for each day necessarily spent away from his usual place of residence. [Amending R.S. 48:53]

Roads, Bridges and Ferries — Certified checks accompanying bids

Act 41 requires that every State Highway Department bid be accompanied by a certified check in an amount not less than 4% nor more than 6% of the engineer's cost estimate. In cases of contracts in excess of a half million dollars, the Director of Highways may fix an amount, not less than $25,000.00. Under prior law, the check was required to be in the amount of 5% of the bid estimate. [Amending R.S. 48:253]

Roads, Bridges and Ferries — Employment of engineers by parish governing authority

Act 418 authorizes the governing authority of any parish to employ an engineer to design roads, bridges, and tunnels in the parish to be constructed with funds from the royalty road fund whenever the department of highways is unable to assign engineers for the purpose. However, the design must be approved by the State Department of Highways. [Adding R.S. 48:484]

State Administration — Governor-elect

Act 95 requires the Governor to vacate the mansion one week prior to the end of his term in order that the governor-elect may occupy it during that period and enjoy the services of its regularly employed personnel. The Legislature shall appropriate the sum of $10,000 for use by the governor-elect for office expenses. [Adding R.S. 49:208, 209]

State Administration — Supervisor of Public Funds

Act 2 transfers the functions, powers, and duties of the State Auditor authorized by Act 59 of 1952 to the Supervisor of Public Funds. [Adding R.S. 48:421, 48:422]
Trade and Commerce — Untrue and misleading advertisements

Act 293 includes “radio broadcasts, telecasts, wire, wireless, and motion pictures” as media of communication included in the false advertising prohibition. The act also prohibits false advertising, representing, or holding out that any sale of goods is an insurance, salvage, closing out, going out of business, liquidation or smoke, fire or water damage sale. No person contemplating such a sale may order any goods for the purpose of selling them at such a sale, and purchases or additions to the stock during the term of the sale or within sixty days prior thereto shall constitute a violation of this section. [Amending R.S. 51:411]

Trade and Commerce — Unfair trade

Act 121 changes the definition of “cartage” so as to eliminate the requirement that it be paid by the wholesaler. Tobacco excise stamp tax and markup are not a part of the cost in figuring cartage. “Cost of doing business” includes the tobacco stamp tax which is now a part of the wholesaler's cost instead of the retailer's cost. The prohibition against allowing discounts between wholesalers or between retail outlets to effect a price less than the minimum price permitted under law is deleted. However, wholesalers and retailers are now prohibited from furnishing labor or services to a purchaser in the conduct of his business when it would have the effect of reducing the selling price below the minimum provided by law. Any sale between wholesale outlets or between retail outlets or between wholesale and retail outlets operating a separate business or under a separate name at a price less than the minimum prescribed is unlawful. Trade associations are permitted to seek injunctive relief when any of their members engage in unfair trade practices. [Amending R.S. 51:421, 51:422, 51:424]

Trade and Commerce — Purchases of copper wire

Act 388 requires all dealers, owners, or collectors of junk to register the names and residences of all persons from whom copper wire or cable is purchased, together with a description of each purchase, including weight, length and condition of wire or cable. [Adding R.S. 51:579]
Trade and Commerce — Sale of gasoline or mineral spirits in glass containers

Act 550 prohibits the sale or purchase of gasoline or mineral spirits in glass containers. [Adding R.S. 51:801]

Trade and Commerce — Department of Commerce and Industry

Act 72 increases the membership of the Board of Commerce and Industry from 12 to 15 members. [Amending R.S. 51:921]

Trade and Commerce — Legislative Committee for New Industries

Act 193 creates the Legislative Committee for New Industries. [Adding R.S. 51:921-935]

Wild Life, Fisheries and Forestry — Department of Wild Life and Fisheries, see page 130 supra

Wild Life, Fisheries and Forestry — Hunting license tax

Act 48 decreases the hunting license tax from $2.00 to $1.00. [Amending R.S. 56:104D(1)]

Wild Life, Fisheries and Forestry — Hunting privileges of holders of Mississippi licenses

Act 543 provides that the holder of an angling or hunting license issued by the State of Mississippi shall have the same rights and privileges as Louisiana residents to hunt and fish upon the waters of the Mississippi River where that river forms the boundary between the states of Louisiana and Mississippi. [Amending R.S. 56:104G, 56:332B]

Wild Life, Fisheries and Forestry — Hunting season

Act 349 changes the hunting season for squirrels and wild rabbits from “between October first and February tenth” to “between October fifteenth and succeeding February tenth.” [Amending R.S. 56:123]

Wild Life, Fisheries and Forestry — Killing of Nutria

Act 535 authorizes the Louisiana Wild Life and Fisheries Commission to issue permits to landowners and lessees to take
nutria by the use of guns or other means, but nutria killed or taken out of season by permit shall not be pelted or sold on the market. [Amending R.S. 56:262]

Wild Life, Fisheries and Forestry — Taking of lizards

Act 276 repeals the prohibition against the taking and transporting of lizards. [Repealing R.S. 56:301-303]

Wild Life, Fisheries and Forestry — Resident angling license

Act 49 provides that any female person domiciled or actually residing in the state shall be issued a fishing license upon application without paying a license tax. [Amending R.S. 56:331]

Wild Life, Fisheries and Forestry — Seines for taking fresh water commercial fish

Act 126 increases the lawful minimum size of mesh in seines used in taking fresh water commercial fish in the Fourth, Fifth, and Eighth Congressional Districts from “2 inches square or 4 inches stretched after treating with tar” to “4 inches square or 8 inches stretched after treating with tar.” [Amending R.S. 56:364]

Wild Life, Fisheries and Forestry — Obstruction of streams

Act 309 removes the restriction on the use of leaders on hoop nets in overflowed regions where the water is out of the actual bed of the natural stream or lake. [Amending R.S. 56:367]

Wild Life, Fisheries and Forestry — Taking of terrapin

Act 276 deletes the prohibition against the taking of diamondback terrapin by means of traps.

Act 399 excepts “the eggs of the mobile turtle” from the prohibition against taking of turtle eggs. [Amending R.S. 56:370]4

Wild Life, Fisheries and Forestry — License and nets for commercial fishing

Act 276 makes it unlawful to use a trawl of a length of more than 50 feet along the cork line in inside waters. Commercial

4. See note 1 supra. Act 276 was signed on July 11, 1956, and Act 399 was signed on July 12, 1956.
fishermen’s licenses shall not be required for taking fresh or salt water commercial fish by means of trot lines.

Act 322 exempts commercial crab fishermen and shrimp trawlers from the payment of a commercial fishermen’s license tax. [Amending R.S. 56:376]

Wild Life, Fisheries, and Forestry — Fishing in Tensas River

Act 150 repeals the provisions prohibiting commercial fishing in the Tensas River. [Repealing R.S. 56:411]

Wild Life, Fisheries, and Forestry — Closed season for fishing oysters

Act 404 prohibits the removal of oysters from natural reefs for steam processing from August 31 through November 30, inclusive. [Amending R.S. 56:433]

Wild Life, Fisheries, and Forestry — Division of coastal waters into classes

Act 92 establishes the dividing line of coastal waters between inside and outside waters as “from Southwest Pass west of Marsh Island to the mouth of the Sabine River the dividing line between inside and outside waters shall be the shoreline.” [Amending R.S. 56:495]

Wild Life, Fisheries, and Forestry — Forests and forestry

Act 103 requires the Forestry Commission to furnish any Louisiana landowner or farmer engaged in forestry activities a maximum of 5,000 seedlings per year at a cost of 50¢ per 1,000 and permits the Commission to fix the price of seedlings sold to persons other than farmers or landowners engaged in forestry activities. [Amending R.S. 56:1502, 56:1503]

Wild Life, Fisheries, and Forestry — Parks

Act 201 permits the executive secretary or executive counsel to the Governor to represent the Governor on the State Parks and Recreation Commission. The terms of members of the Commission are to be concurrent with that of the Governor. [Amending R.S. 56:1681]

5. See note 1 supra. Act 276 was signed on July 11, 1956, and Act 322 was signed on July 15, 1956.