

ACTS OF 2022 LEGISLATURE

Acts 598-680

ACT No. 598

SENATE BILL NO. 437

BY SENATOR ROBERT MILLS AND REPRESENTATIVES GAROFALO,
MCFARLAND AND SEABAUGH

AN ACT

To enact Part IV-A of Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:4351.1 through 4351.16, relative to forestry and agriculture; to authorize the creation of the timber and agriculture transportation group self-insurance fund; to provide with respect to group self-insurance funds; to provide for requirements; to provide for definitions; to provide with respect to the qualifications for membership; to provide for regulatory authority; to provide for excess or reinsurance insurance; to provide for the management of assets and investments; to provide for liabilities and the payment of claims; to provide for audits, examinations, and investigations; to provide for licensed insurance producers; to provide for insolvencies; to provide for civil actions for enforcement; to provide for reporting; to provide penalties for noncompliance; to provide for due process rights; to provide for dissolution; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Part IV-A of Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:4351.1 through 4351.16, is hereby enacted to read as follows:

PART IV-A. LOUISIANA TIMBER AND AGRICULTURE TRANSPORTATION GROUP SELF-INSURANCE FUNDS

§4351.1. Definitions

Wherever used in this Part, unless a different meaning clearly appears in the context, the following terms, whether used in the singular or plural, shall have the following meanings:

(1) “Bona fide trade or professional association” means an active trade or professional association that is chartered and domiciled in Louisiana, or a successor organization thereof, that meets all of the following requirements:

(a) Promotes Louisiana timber or agriculture production.

(b) Provides industry support and services to its membership.

(c) Is organized or created for purposes other than the sponsorship, operation, or management of a fund or to provide a related employee safety program or other activity necessary to the operation of the fund.

(d) Has been in existence and conducted regular meetings for a period of not less than five years.

(2) “Department” means the Department of Insurance.

(3) “Fund” means the self-insurance fund established pursuant to this Part to provide automobile coverage for timber transportation vehicles, agriculture transportation vehicles, or a combination of both types of vehicles and shall be known as the Louisiana Agriculture Transportation Group Self-Insured Fund.

(4) “Hazardous financial condition” means a condition in which, based upon its present or reasonably anticipated financial condition, the fund, although not yet financially impaired or insolvent, is unlikely to be able to:

(a) Meet obligations with respect to known claims and reasonably anticipated claims.

(b) Pay other obligations in the normal course of business.

(5) “Insolvency” means the condition existing when the fund’s liabilities are greater than the fund’s assets as determined in accordance with generally accepted accounting principles as delineated in the fund’s financial statement audited by an independent certified public accountant and calculated before a member distribution is payable or before a dividend is declared.

(6) “Operator” means a person, partnership, corporation, or limited liability company who owns or operates a timber or agriculture transportation vehicle.

(7) “Principal” means a person or persons who own a majority interest or the majority of the stock in a corporation, partnership, or limited liability company that is established for the purpose of operating a timber or agriculture business and is a member of the fund.

(8) “Timber or agriculture transportation vehicle” means a vehicle or automobile used to collect and transport timber or agriculture products, or used in the course and scope of a timber or agriculture business, or used by an operator or principal.

(9) “Timber or agriculture transportation vehicle coverage” means automobile coverage for a timber or agriculture transportation vehicle that includes any of the following:

(a) Liability payment for bodily injury caused by the operator of a timber or agriculture transportation vehicle.

(b) Collision coverage to provide payment for repairs or replacement of a timber or agriculture transportation vehicle.

(c) Comprehensive coverage to provide payment to repair or replace the timber or agriculture transportation vehicle if it is damaged by some means other than a collision.

(d) Uninsured motorist coverage as defined in R.S. 22:1295.

§4351.2. Authorization; trade or professional association; initial financial requirements

A.(1) Five or more Louisiana timber or agriculture operators that are not public entities, each of which has a positive net worth, is financially solvent, and is capable of assuming the obligations set forth under this Part, and that are all members of one or more bona fide trade or professional associations, may agree to pool their liabilities for timber or agriculture transportation vehicle coverages as provided by this Part. This arrangement shall not be deemed to be an insurer or insurance and shall not be subject to the Louisiana Insurance Code, unless specifically referenced in this Part. The members of the arrangement likewise shall not be insurers or be subject to the Louisiana Insurance Code.

(2) An agreement to pool liabilities under this Part shall be set forth in an indemnity agreement signed by the members and fund representatives acknowledging and agreeing to the assumption of the liabilities as set forth in this Part.

(3) The arrangement shall not be a member insured of the Louisiana Insurance Guaranty Association, nor shall the Louisiana Insurance Guaranty Association be liable under any circumstances for any claims, or increments of any claims, made against the arrangement.

(4) The arrangement may include the establishment of a trust fund by a trade or professional association for its members, and the arrangement, whether established by association members or by an association, shall be known as the group self-insurance fund for timber or agriculture transportation vehicle coverage and shall be governed by a board of trustees.

(5)(a) The arrangement shall be domiciled in the state of Louisiana. All books, records, documents, accounts, and vouchers shall be kept in such a manner that the arrangement’s financial condition, affairs, and operations can be ascertained so that its financial statements filed with the department of insurance can be readily verified and its compliance with the law determined. Any or all books, records, documents, original indemnity agreements, accounts, and vouchers may be photographed or reproduced on film. Any photographs, microphotographs, optical imaging, or film reproductions of any original books, records, documents, original indemnity agreements, accounts, and vouchers shall for all purposes, including but not limited to admission into evidence in any court or adjudicatory proceeding, be considered the same as the originals thereof, and a transcript, exemplification, or certified copy of any such photograph, microphotograph, optical imaging, or film reproduction shall for all purposes be deemed to be a transcript, exemplification, or certified original. Any original considered reproduced may thereafter be disposed of or destroyed, as provided for in Subparagraph (b) of this Paragraph, if provision is made for preserving and examining the reproduction.

(b) Except as otherwise provided in Subparagraph (a) of this Paragraph, original books, records, documents, accounts, and vouchers, or such reproductions thereof, shall be preserved and kept in this state for the purpose of examination and until the authority to destroy or otherwise dispose of the records is secured from the department. All original records, or certified reproductions thereof, shall be maintained for the period commencing on the first day following the last period examined by the department through the subsequent examination period, or three years, whichever is longer, except that any original, or certified reproduction thereof, whereby the member agrees to or acknowledges such member’s solidary liability for liabilities of the fund shall be permanently maintained.

(6)(a) In order to maintain financial stability in the fund, the department shall at all times require one of the following:

(i) Two or more members of the fund shall maintain a minimum combined net worth of one million dollars and a ratio of current assets to current liabilities of at least one-to-one.

(ii) Five or more principals of members of the fund who have a combined net worth of one million dollars and a ratio of current assets to current liabilities of at least one-to-one.

(b) Once the fund has been operating for three years and has a total surplus of three million dollars, the department may waive the requirements of Subparagraph (a) of this Paragraph.

(7)(a) In order to further maintain the financial stability of the fund, the fund shall assess each member an amount which is equal to a certain percentage of the premium dollars owed by the member and the percentage paid shall be known as a reserve payment. The percentage amount to be paid by all members shall be approved by the department.

(b) All reserve payments shall be deposited into a separate account known as the reserve account and shall be maintained at all times that the fund is in operation. No payments may be paid out of the reserve account unless approved by the department.

B. The fund shall submit to the department an application, on an application form prescribed and furnished by the department, for authority to act as a group self-insurance fund for timber and agriculture transportation vehicle coverage. The application shall include evidence of the fund’s inception, which establishes financial strength and liquidity of the members to pay timber and agriculture transportation vehicle claims promptly and support the financial ability of the fund to satisfy its obligations upon the establishment of the fund, including:

(1) Financial statements, dated not less than one year prior to the application,

audited by an independent certified public accountant, showing at the inception of the fund a combined net worth of those members or principals of not less than the amount required by Subsection A of this Section.

(2) Current financial statements of all other members dated not less than one year prior to the application.

(3) Schedules of the entire membership showing:

(a) The ratio of current assets to current liabilities of all members combined to be greater than one-to-one.

(b) The working capital of all members combined to be of an amount establishing financial strength and liquidity of the members to pay timber and agriculture transportation vehicle claims promptly.

(c) The net worth of all members combined to be not less than the amount required by Subsection A of this Section.

(4) Other financial information and documents as required by the department.

(5) The application shall be in writing, on a form provided by the department, and the application shall comply with all of the following:

(a) Applications shall be submitted to the department at least ninety days prior to the effective date of the establishment of a fund. Any application submitted with fewer than ninety days remaining before the desired effective date, or which does not contain answers to all questions, or which is not sworn to and subscribed before a notary public, or which does not contain all required documents, statements, reports, and required information, may be returned without review by the department.

(b) All applications shall be accompanied by the following items:

(i) The properly completed indemnity agreement in a form acceptable to the department pursuant to Paragraph (A)(2) of this Section.

(ii) Security as required by this Part.

(iii) Copies of acceptable excess insurance or reinsurance, as required by this Part. All excess insurance or reinsurance shall be approved by the department prior to use.

(iv) A bond covering each third-party administrator as provided by this Part. If the fund employs its own administrator, the fund shall be required to purchase a bond, errors-and-omission insurance, directors-and-officers insurance, or other security approved by the department for the administration of the fund.

(v) A certification from a designated depository attesting to the amount of monies on hand.

(vi) Copies of fund bylaws and any trust agreement or other governance documents.

(vii) Individual application of each member of the fund applying for membership in the fund on the effective date of the fund and copies of each member's executed indemnity agreements.

(viii) Evidence of financial strength and liquidity of the members dated as of the date of the filing of the application to satisfy the financial strength and liquidity requirements of this Part.

(ix) Proof that the fund shall have the minimum annual earned normal premium required by this Part.

(x) The current annual report or financial statement of any casualty insurance company providing excess or reinsurance coverage for the fund meeting the requirements of this Part, if the statement is not already on file with the department.

(xi) The name, address, and telephone number of each attorney representing the fund, each qualified actuary for the fund and each certified public accountant who will be auditing the annual financial statements of the fund, as well as evidence of appointment of each by the fund.

(xii) The domicile address in this state where the books and records of the fund will be maintained, and the state from which the fund will be administered.

(xiii) Proof of advance payment to the fund by each initial member of the fund of not less than twenty-five percent of that member's first year estimated annually earned normal premiums.

(xiv) A feasibility study or other analysis prepared by a qualified actuary utilizing actual loss history of the initial members of the fund.

(xv) Pro forma financial statements projecting the first three years of operations of the fund based upon a feasibility study or other analysis prepared by a qualified actuary. The pro forma financial statements shall include a pro forma balance sheet, income statement, and statement of cash flow, each of which shall be prepared in accordance with generally accepted accounting principles.

(xvi) A copy of the fund's premium billing policy indicating whether the premium payments to the fund will be paid by members annually, monthly, quarterly, or any combination thereof.

§4351.3. Requirements; excess insurance; administrative and service companies; status; liability; refunds

A. The fund established pursuant to R.S. 3:4351.2 shall:

(1) File rates in accordance with R.S. 3:4351.7 and maintain at least seven hundred and fifty thousand dollars in earned premiums in the first fund year. For the second and each subsequent year, the fund shall maintain at least two million dollars in earned premiums. The amounts maintained shall be documented on the fund's audited financial statement prepared in accordance with generally accepted accounting principles.

(2)(a) During the first fund year, deposit with the department a safekeeping receipt or trust receipt from a bank doing business in this state or from a savings and loan association chartered to do business in the state indicating that the fund has deposited and has pledged one hundred thousand dollars in money or bonds of the United States, the state of Louisiana, or any political subdivision thereof, of the par value of one hundred thousand dollars, or post a surety bond issued by a corporate surety authorized to do business within the state, in the

amount of one hundred thousand dollars, to secure the obligations of the fund under this Part.

(b) During the second and subsequent fund years, deposit with the department a safekeeping receipt or trust receipt from a bank doing business in this state or from a savings and loan association chartered to do business in this state indicating that the fund has deposited and has pledged two hundred fifty thousand dollars in money or bonds of the United States, the state of Louisiana, or any political subdivision thereof, of the par value of two hundred fifty thousand dollars, or post a surety bond issued by a corporate surety authorized to do business within the state, in the amount of two hundred fifty thousand dollars, to secure the obligations of the fund under this Part.

(3) Provide timber and agriculture transportation vehicle coverage as required by this Part.

(4) Maintain at all times, on a fund-year basis, a contract or contracts of specific excess insurance or reinsurance of not less than two million dollars per occurrence and aggregate excess insurance or reinsurance of not less than two million dollars. The maximum retention under the excess insurance or reinsurance contracts shall not exceed amounts as may be provided by the department by regulation. Solely for the purposes of authorizing the purchase of reinsurance permitted under this Subsection, the fund shall be deemed an insurer. The excess insurance or reinsurance shall be purchased only from a company having a rating of A- by A.M. Best Company, A- by Fitch Ratings, A by Weiss Ratings, A- by Standard & Poor's, or A3 by Moody's Investors Services, or better, and this reinsurance may be purchased from admitted or nonadmitted companies, provided that the provisions of R.S. 22:651 through 661, and Financial Accounting Standard Number 113 as promulgated and updated by the Financial Accounting Standards Board, shall apply to all such reinsurance. All excess insurance policies or reinsurance agreements shall be approved by the department prior to use by the fund.

(5) File with the department financial statements and reports, including financial statements audited by an independent certified public accountant and actuarial reports, as may be required by the department through rules promulgated pursuant to the Administrative Procedure Act.

B. For any casualty insurance company to be eligible to write excess coverage for the fund, the company shall at all times have on file with the department its current financial statement showing assets, including surplus to policyholders, at least equal to the current requirements by the department for admission of a new company to do business in the state. Contracts or policies for excess insurance coverage written by active underwriters of Lloyd's of London shall be acceptable upon prior approval by the department.

C. Any fund administrator contracted by the fund and whose acts are not covered by the fund's bond, errors-and-omissions insurance, directors-and-officers' insurance, or other security approved by the department, and any person, which shall include an individual, partnership, corporation, and other entity contracting, either directly or indirectly, with a fund to provide claims adjusting, underwriting, safety engineering, loss control, marketing, investment advisory, or administrative services to the fund or its membership, other than bookkeeping, or auditing, or claims investigation services to the fund shall:

(1) Post with the department a surety bond issued by a corporate surety authorized to do business in the state of not less than fifty thousand dollars or deposit with the department a safekeeping receipt or trust receipt from a bank doing business in this state or from a savings and loan association chartered to do business in the state indicating that the person has deposited fifty thousand dollars in money or bonds of the United States, the state of Louisiana, or any political subdivision thereof, of the par value of fifty thousand dollars, to secure the performance of its obligations under the contract and under this Part.

(2) Place all terms, agreements, fee arrangements, and any other conditions in a written agreement, which shall constitute the entire agreement between the parties, signed by the person and the fund.

D. The fund in this Part shall not be considered a partnership under the laws of the state.

E. Fund members shall be solidarily liable for liabilities of the fund incurred by the fund after the inception of the fund year in which the operator becomes a member of the fund, to the extent required by this Part.

F. Any monies in excess of the amount necessary to fund all obligations of the fund may be declared as refundable to the members of the fund by the board of trustees. The board of trustees shall be authorized to distribute the refund at its discretion, in accordance with the agreement establishing the fund and the following conditions:

(1) The amount of the distribution shall not exceed the members' distributions payable recorded on the balance sheet as indicated by the most recently completed audited financial statements of the fund.

(2) No later than ten days before the payment of a distribution, the fund shall provide written notification to the department.

G. Any funds which are not guaranteed by a guaranty fund shall give written notice of the lack of a guaranty to the department and the members of the fund.

§4351.4. Investments

A. No security or other investment shall be eligible for purchase or acquisition by the fund unless it is interest-bearing or interest-accruing or dividend- or income-paying, and is not then in default in any respect, and the fund is entitled to receive for its exclusive account and benefit the interest or income accruing thereon.

B. Amounts not needed for current obligations may be invested by the board of trustees, only as provided in this Section, in any or all of the following:

(1) Deposits in federally insured banks or savings and loan associations when

any one of the following applies:

(a) The deposits are insured by the Federal Deposit Insurance Corporation.

(b) The deposits are collateralized by direct obligations of the United States government.

(2) Bonds or securities not in default as to principal or interest, which are obligations of the United States government or of any agency of the United States government, without limitation.

(3) Pass-through mortgage-backed securities and collateralized mortgage obligations issued by the Federal National Mortgage Association, the Government National Mortgage Association, the Federal Home Loan Mortgage Corporation, or the Federal Housing Administration, without limitation, provided that the collateralized mortgage obligations have a minimum rating of A by Moody's, Standard & Poor's, or Fitch.

(4) Obligations of the state of Louisiana or its subdivisions having a minimum rating of A by Moody's, Standard & Poor's, or Fitch. Not more than five percent of the fund's assets may be invested in any particular issue and the type of investment cannot exceed fifteen percent of the fund's assets in the aggregate.

(5) Obligations of any state or its subdivisions having a minimum rating of A by Moody's, Standard & Poor's, or Fitch. Not more than five percent of the fund's assets may be invested in any particular issue and the type of investment cannot exceed fifteen percent of the fund's assets in the aggregate.

(6) Commercial mortgage-backed securities with purchases having a minimum rating of Aaa by Moody's, AAA by Standard and Poor's, or AAA by Fitch. Not more than two percent of the fund's assets may be invested in one issue, and this type of investment shall not exceed ten percent of the fund's assets in the aggregate.

(7) Asset-backed securities with purchases having a minimum rating of Aa by Moody's, AA by Standard and Poor's, or AA by Fitch. No more than five percent of the fund's assets may be invested in one issue, and this type of investment cannot exceed ten percent of the fund's assets in the aggregate.

(8) Repurchase agreements, without limitation, when the collateral for the agreement is a direct obligation of the United States government, provided that the repurchase agreement shall meet all of the following specifications:

(a) Be in writing.

(b) Have a specific maturity date.

(c) Adequately identify each security to which the agreement applies.

(d) State that in the event of default by the party agreeing to repurchase the securities described in the agreement at the term contained in the agreement, title to the described securities shall pass immediately to the fund without recourse.

(9) Corporate bonds, subject to the following limitations:

(a) The bonds shall have a minimum rating of Baa by Moody's, BBB by Standard and Poor's, or BBB by Fitch.

(b) Except as provided in Subparagraph (d) of this Paragraph, not more than five percent of the fund's assets may be invested in corporate bonds of any particular issue or issuer.

(c) Except as provided in Subparagraph (d) of this Paragraph, not more than fifty percent of the fund's assets may be invested in corporate bonds of all types.

(d) The five percent and fifty percent limitations specified in Subparagraphs (b) and (c) of this Paragraph, respectively, may be exceeded up to an additional ten percent of the fund's assets in the event, and only in the event, of financial circumstances acceptable to the department, such as an increase in market value after initial purchase of a corporate bond, provided that:

(i) The initial purchase of corporate bonds was within the limitations specified in Subparagraphs (b) and (c) of this Paragraph.

(ii) For the purpose of determining the financial condition of the fund, the department shall not include as assets of the fund those corporate bonds which exceed fifty percent of the fund's total assets.

(10) Mutual or trust fund institutions registered with the Securities and Exchange Commission under the Securities Act of 1933 and the Investment Company Act of 1940 which have underlying investments consisting solely of securities approved for investment as set forth in this Subsection. This type of investment shall not exceed fifty percent of the fund's assets in the aggregate.

(11)(a) Equities subject to all of the following limitations:

(i) The equity sector shall not exceed fifteen percent of the overall investment fund.

(ii) A minimum of five different issues shall be held in the equity sector to provide for diversification.

(iii) No single issue may represent more than five percent, at cost, of the overall investment fund.

(iv) Market capitalization of each issue shall be at least one billion dollars.

(v) Each eligible issue shall be paying a cash dividend.

(vi) Except as provided in Subparagraph (b) of this Paragraph, equity holdings shall be restricted to high quality, readily marketable securities corporations that are domiciled in the United States and that are actively traded on the major United States exchanges, including the New York Stock Exchange and the National Association of Securities Dealers Automated Quotation Stock Market, LLC.

(b) Foreign domiciled corporations are eligible if they trade American Depositary Receipts on the major United States exchanges.

(c) In lieu of individual securities, investment in a mutual fund or exchange traded fund which pays a dividend and consists of securities which have an average market capitalization of at least one billion dollars shall be permitted. The same general quality constraints shall be met and the aggregate total of the funds, plus any individual securities, may not exceed fifteen percent of the overall investment fund.

C. The fund shall not invest in rental assets, which for the purposes of this Section shall include but not be limited to any of the following:

(1) Any item carried as an asset on the fund's balance sheet which is not, in fact, actually owned by the fund.

(2) Any item carried as an asset on the fund's balance sheet, the ownership of which is subject to resolution, rescission, or revocation upon the fund's insolvency, receivership, bankruptcy, statutory supervision, rehabilitation, liquidation, or upon the occurrence of any other contingency.

(3) Any item carried as an asset on the fund's balance sheet for which the fund pays a regular or periodic fee for the right to carry the item as an asset, whether the fee is characterized as a rental, a management fee, or a dividend not previously approved by the department, or other periodic payment for such right. This provision is not intended to apply to leases capitalized under generally accepted accounting principles.

(4) Any asset purchased for investment by the fund on credit whereby the interest rate paid by the fund on its credit instrument is greater than the interest rate or yield generated by the purchased asset.

(5) Any item carried by the fund as an asset on its balance sheet which is subject to a mortgage, lien, privilege, preference, pledge, charge, or other encumbrance which is not accurately reflected in the liability section of the fund's balance sheet.

(6) Any asset received by the fund as a contribution to capital or surplus from any person which meets any of the criteria set forth in Paragraphs (1) through (5) of this Subsection while in the hands of that contributing person, or at the moment of the contribution to capital, or thereafter.

§4351.5. Authority of Department of Insurance

A. The fund shall not become operative until issued a certificate of authority by the department. Except for the certificate of authority, the department shall keep confidential all documents and records associated with the provision of this Section.

B. The certificate of authority shall be continuous until revoked or suspended by the department, or until it is voluntarily surrendered by the fund.

C.(1) The department shall have the authority to examine the affairs, books, transactions, workpapers, files, accounts, records, assets, and liabilities of the fund to determine compliance with this Part and with any rules and regulations promulgated by the department or orders and directives issued by the department. In addition, to the extent necessary and material to the examination of the fund, the department shall have the authority to examine the affairs, books, transactions, workpapers, files, accounts, and records of the fund's administrator, service company, certified public accountant, or actuary generated in the course of transacting business on behalf of the group self-insurance fund being examined. All examinations shall be conducted in accordance with the provisions of this Part. The reasonable expenses of the examinations shall be paid by the fund.

(2) Upon the request of the department, the group self-insurance fund established pursuant to this Part shall cause a rate review to be conducted by a national independent actuarial firm, provided that the department shall not make more than two requests in any calendar year for a rate review under the provisions of this Subsection. The firm shall report its findings to the department.

(3) All work papers, recorded information, documents, information, and copies thereof produced by, obtained by, or disclosed to the department or any other person, pursuant to the authority of the department under this Part, shall be given confidential treatment and shall not be subject to subpoena, except in the following circumstances:

(a) Information sought has been provided pursuant to R.S. 3:4351.10(C) or R.S. 3:4351.11(I).

(b) Documents sought are audited financial statements which have been filed with the department.

D. The department shall have authority to issue cease and desist orders and suspend or revoke the certificate of authority of the fund which the department determines is not in compliance with this Part or with any rule promulgated by the department pursuant to the Administrative Procedure Act or order or directive issued by the department. Without limiting the generality of the provisions of this Subsection, a cease and desist order may include a prohibition on writing or incurring any new or renewal business by the fund.

E. Upon the determination by the department that the fund or any trustee, member, officer, director, or employee of the fund failed to comply with the provisions of this Part, any applicable laws relating to the fund, or any rule promulgated by the department or order or directive issued by the department, the department may levy a fine not to exceed two thousand dollars for each violation. If the conduct for which a previous fine was levied by the department is committed again, the department may levy a fine not to exceed four thousand dollars. The enforcement of any fine and any appeal from a fine shall be conducted in accordance with the Administrative Procedure Act.

F. The division of administrative law shall conduct a hearing in accordance with R.S. 22:2191.

G. Nothing in this Section shall prohibit the legislative auditor from reviewing records and conducting an audit in accordance with R.S. 24:513.

H.(1) The department is authorized to order the group self-insurance fund to submit a corrective action plan to the department for its approval to remediate any noncompliance or financial issues affecting the fund. This authority is in addition to any other authority the department holds.

(2) The corrective action plan shall be submitted by the fund to the department for its approval and include standards, time frames, and other parameters acceptable to the department. Any corrective action plan that is submitted to

the department by the fund shall be kept confidential by the department.

(3) Without limiting the discretion of the department, the corrective action plan may include any of the following:

(a) Mandatory training.

(b) On-site or off-site monitoring and supervision of the activities of the fund for a specified period of time to determine progress regarding correction of deficiencies.

(c) The submission of written progress reports.

(d) The institution of measures to conserve or generate additional funding for the fund.

(e) The imposition of fines and penalties for any misconduct which contributed to the need for the imposition of the corrective action plan.

(4) Failure by the group self-insurance fund to comply with a corrective action plan approved by the department may result in any of the following:

(a) The imposition of fines and penalties.

(b) Revocation of the fund's certificate of authority.

(c) Placement of the fund into administrative supervision, pursuant to R.S. 22:731, et seq.

(d) Placement of the fund into receivership, pursuant to R.S. 22:2001, et seq.

§4351.6. Licensing of agents; claims against insurance agents

A. Any person soliciting membership for the fund shall be licensed by the department as a property and casualty producer, pursuant to R.S. 22:1571, et seq. No employee of a bona fide trade or professional association which has established the fund or employee of the fund shall be required to be licensed if the solicitation of membership for the fund is not the primary duty of the employee.

B. No action shall lie against an insurance producer or other person involved in the marketing, selling, or solicitation of participation in the fund authorized by this Part for any claims arising out of the insolvency of the fund or the inability of the fund to pay claims as the claims become due unless and until any claimant shall have first exhausted all remedies available to him against the members of the fund as provided by this Part.

§4351.7. Rates; filing; review of rate determination

A. The fund shall file rates on an actuarially justified basis with the department and may use the rates ninety days after filing, unless the department disapproves the use of rates within the ninety-day period.

B. The fund shall provide a reasonable procedure for any member aggrieved by the fund to request in written form a review of the application of the rating system for the coverage afforded by the fund. The fund shall have thirty days from receipt to grant or deny the request in written form. If the fund rejects the request or fails to grant or reject the request within the thirty-day period, the member may, within thirty days of the expiration of the thirty-day period, appeal to the division of administrative law for a hearing in accordance with the provisions of the Administrative Procedure Act. After the hearing, the administrative law judge may affirm, modify, or reverse the action taken by the fund.

§4351.8. Consecutive net losses

If the fund has three years of consecutive net losses on the audited financial statements of the fund, or two years of consecutive net losses on the audited financial statements of the fund in excess of five hundred thousand dollars or five percent of the premium of the latest audited financial statement, whichever is greater, an authorized representative of the fund shall:

(1) Attend a meeting with the department, the administrator of the fund, any third-party administrator contracted or performing services for the fund, and the fund's board of trustees to discuss the financial condition of the fund and to advise the department of the course of action the fund will take to obtain net incomes on subsequent audited financial statements.

(2) File with the department a written and signed plan from the fund's board of trustees describing the actions the fund will take to generate net incomes on subsequent audited financial statements.

(3) Obtain an actuarial rate analysis, if an actuarial rate analysis was not performed for the previous fund year.

§4351.9. Insolvencies

A. In the event the fund is insolvent, then in addition to any other provision of law or rule, the department shall require that the fund files a plan in writing within sixty days from the date that the fund becomes aware of the insolvency and the plan shall be signed by the board of trustees. For the purpose of determining insolvency, assets will not include intangible property, such as patents, trade names, or goodwill. The plan submitted by the fund to eliminate the insolvency shall set forth in detail the means by which the fund intends to eliminate the insolvency, and may include an assessment of the members of the fund. The fund shall also include the timetable for the implementation of the plan and requirements for reporting to the department. The department shall review the plan submitted by the fund and notify the fund of the plan's approval or disapproval within thirty days of the department's receipt of the plan.

B. Upon determination by the department that a plan submitted by the fund is disapproved or that the fund is not implementing a plan in accordance with the terms of the plan, it shall notify the fund in writing of the determination.

C. If the fund fails to file a plan to eliminate an insolvency as called for pursuant to this Section, or if the department notifies the fund that the plan has been disapproved or that the fund is not implementing the plan according to the plan, the department shall have the following powers and authority in addition to any other powers and authority granted under law:

(1) To order the fund to immediately levy an assessment upon its members in an amount sufficient to eliminate the insolvency.

(2) To levy an assessment, in the name of the fund, upon the members of the

fund sufficient to eliminate the insolvency if the fund fails or refuses to levy the assessment.

D.(1) In addition to any other powers of the department, in the event that the group self-insurance fund is insolvent, operating in a hazardous financial condition, or operating in violation of the requirements of this Part, the department is hereby expressly authorized to institute delinquency proceedings against the fund, including entering an order for injunctive relief or placing the fund into administrative supervision, pursuant to R.S. 22:731, et seq. or into receivership, pursuant to R.S. 22:2001, et seq.

(2)(a) The Nineteenth Judicial District Court shall have exclusive jurisdiction to hear any delinquency proceeding instituted by the department for the failure of the fund to comply with the approved corrective action plan.

(b) The court may issue an injunction to restrain the fund and its officers, agents, directors, or employees from transacting any insurance business or disposing of property until further action by the court. The court may issue any other injunction as it deems necessary to prevent interference with the proceedings or with the ability of the department to conduct business, as well as any injunction sought to protect any assets that are in the control of the department.

(3) The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act providing for the grounds, conduct, and procedures applicable to the delinquency proceedings.

E. The distribution of general assets from the estate of the fund shall be prioritized as follows:

(1) The department's costs and expenses of administration.

(2) Payment of claims to third-parties and insureds arising out of and within the coverage of agreements or evidences of coverage issued by the fund, up to the policy limits.

(3) Payment of claims by the federal government other than those claims otherwise prioritized within this Subsection.

(4) Payment of compensation owed to employees of the fund shall be paid in accordance with the applicable provisions of administrative supervision, pursuant to R.S. 22:731, et seq. or receivership, pursuant to R.S. 22:2001, et seq.

(5) Payment of claims for unearned premiums or other premium refunds and claims of general creditors, including claims of any ceding and assuming company in their capacity as such.

(6) Payment of all other claims.

§4351.10. Examination

A. The department shall make an examination, at least once every five years, of the group self-insurance fund established pursuant to this Part doing business in this state, and at any other time when in the opinion of the department it is necessary for such an examination to be made.

B. Upon determining that an examination should be conducted, the department shall appoint one or more examiners to perform the examination and instruct them as to the scope of the examination. In conducting the examination, the examiner or examiners shall observe those guidelines and procedures that the department deems appropriate.

C. Nothing contained in this Part shall be construed to limit the department's authority to use any final or preliminary examination report, any examiner or fund work papers or other documents, or any other information discovered or developed during the course of any examination in the furtherance of any legal or regulatory action which the department may, in its sole discretion, considers appropriate.

D. Nothing contained in this Part shall be construed to limit the authority of the department to terminate or suspend any examination in order to pursue other legal or regulatory action pursuant to the applicable laws of this state. Findings of fact and conclusions made pursuant to any examination shall be prima facie evidence in any legal or regulatory action.

E. In conducting the examination pursuant to this Section, the department shall examine the affairs, transactions, accounts, records, documents, and assets of the authorized group self-insurance fund. For the purpose of ascertaining its condition or compliance with this Part, the department may, as often as it deems advisable, examine the accounts, records, documents and transactions of all of the following:

(1) Any insurance agent, solicitor or broker, but only insofar as the accounts, records, documents and transactions relate to group self-insurance funds.

(2) Any person having a contract under which he enjoys, in fact, the exclusive or dominant right to manage or control the group self-insurance fund.

F. The group self-insurance fund being examined, and its officers, trustees, employees, administrators and representatives, shall produce and make freely accessible to the department the accounts, records, documents, and files in its possession or control relating to the subject of the examination, and shall otherwise facilitate the examination.

G. The department may take depositions, subpoena witnesses or documentary evidence, administer oaths, and examine under oath any individual relative to the affairs of the group self-insurance fund being examined. Any person who testifies falsely or makes any false affidavit during the course of such an examination shall be guilty of perjury.

H. Whenever the department makes an examination or investigation pursuant to this Part, all expenses incurred by the department in conducting the examination or investigation, including the expenses and fees of examiners, auditors, accountants, actuaries, attorneys, or clerical or other assistants who are employed by the department to make the examination, shall be paid by the group self-insurance fund.

I. The department may recover all expenses incurred from the examination or investigation of any person or entity acting as an administrator or third-party

administrator in this state for the group self-insurance fund.

J. The department shall employ the examiners, auditors, accountants, actuaries, attorneys, and clerical or other assistants as are necessary to conduct the examination and to compile and prepare a report thereon, and the compensation for such examination shall be fixed according to the time actually devoted to the work, including conducting the examination and compiling the report thereon, as required by law. The compensation shall be reasonable and commensurate with the value of the services performed.

K. Upon completion of the examination of the group self-insurance fund or at stated periods during an examination, the department shall forward to the group self-insurance fund a statement showing the amount of expenses incurred in the examination to the date of the statement. Upon receipt, the group self-insurance fund shall pay the amount of expenses to the department.

L. If the group self-insurance fund considers the amount of expenses billed to it unreasonable or contrary to the provisions of this Part, it may within fifteen days after the receipt of the billing file a rule to show cause in a court of competent jurisdiction upon the department as to the reasonableness and legality under this Part of the amount of expenses billed to it by the department, and the rule shall be tried by preference, and upon appeal, shall be given preference in the appellate court, as provided by the laws of this state for other state cases.

M. If the group self-insurance fund fails or refuses to pay the expenses of examination as billed by the department after fifteen days from the receipt of the billing or after final judgment of the court where a rule has been filed as provided in this Part, then the department may suspend or revoke the certificate of authority of such group self-insurance fund to do business in this state until the full amount of the bill is paid.

§4351.11. Examination reports

A. All examination reports shall be comprised only of facts appearing upon the books, records, or other documents of the group self-insurance fund or as ascertained from the testimony of its officers or agents or other persons examined concerning its affairs, and any conclusions and recommendations the examiners find reasonably warranted from the facts. The department shall keep confidential all documents and records associated with the provision of this Section.

B. Not later than sixty days following completion of the examination, the examiner in charge shall file with the department a verified written report of examination under oath. Upon receipt of the verified report, the department shall transmit the report to the fund examined, together with a notice which shall afford the fund examined a reasonable opportunity, of not more than thirty days, to make a written submission or rebuttal with respect to any matters contained in the examination report.

C. Within thirty days of the end of the period allowed for the receipt of written submissions or rebuttals, the department shall fully consider and review the report, together with any written submissions or rebuttals and any relevant portions of the examiner's work papers, and enter an order for one of the following:

(1) Adoption of the examination report as filed, or with modifications or corrections. If the examination report reveals that the group self-insurance fund is operating in violation of any law, rule, regulation, or prior order or directive of the department, the department may order the fund to take any action the department determines is necessary and appropriate to cure the violation.

(2) Rejection of the examination report with direction to the examiners to reopen the examination for purposes of obtaining additional documentation, data, information, and testimony.

D. Within thirty days of rejection by the department of an examination report in accordance with Paragraph (C)(2) of this Section, unless the department extends the time for reasonable cause, the examiner in charge shall refile with the department a verified written report of examination, as may be modified or corrected, under oath. Upon receipt of the refiled verified report, the department shall transmit the refiled report to the fund examined, together with a notice similar to the notice provided for in Subsection B of this Section, except that the notice shall indicate that the report is a refiled report.

E. Within thirty days of the end of the period allowed for the receipt of written submissions or rebuttals, as provided for in Subsections B and D of this Section, the department shall fully consider and review the refiled report, together with any written submissions or rebuttals and any relevant portions of the work papers of the examiner, and enter an order for one of the following:

(1) Adoption of the examination report as refiled or with modification or corrections. If the refiled examination report reveals that the group self-insurance fund is operating in violation of any law, rule, regulation, or prior order or directive of the department, the department may order the fund to take any action the department considers necessary and appropriate to cure the violation.

(2) Rejection of the examination report and referral of the matter for hearing before an administrative law judge within the division of administrative law in accordance with the provisions of the Administrative Procedure Act, for purposes of obtaining additional documentation, data, information, and testimony.

F. All orders entered pursuant to Paragraph (C)(1) or (E)(1) of this Section shall be accompanied by findings and conclusions resulting from consideration by the department and review of the examination report, relevant examiner work papers, and any written submissions or rebuttals. Any order shall be served upon the fund by certified mail, together with a copy of the adopted examination report. Within thirty days of the issuance of the adopted report, the trustees of the group self-insurance fund shall state, under oath, that they have received a copy of the adopted report and related orders.

G. Within thirty days of receiving notification of the department's order pursuant to Subsection F of this Section, the fund may make written demand for an administrative law hearing in accordance with the provisions of the Administrative Procedure Act.

H.(1) The hearing provided for under Subsection G of this Section shall be conducted as required by the Administrative Procedure Act. At the conclusion of the hearing, the administrative law judge shall enter an order adopting the examination report as filed, or subsequently filed again with modifications or corrections, and may order the fund to take any action that the department considers necessary and appropriate to cure any violation of any law, regulation, or prior order or directive of the department.

(2) The division of administrative law shall issue the order within thirty days after the conclusion of the hearing and shall give a copy of the order to each person to whom notice of the hearing was given or required to be given.

I.(1) Upon the adoption of the examination report under Paragraph (C)(1) or (E)(1) or Subsection H of this Section, the department shall continue to hold the content of the examination report as private and confidential information for a period not to exceed thirty consecutive days, unless the provisions of R.S. 3:4351.10(C) and Subsection B of this Section apply. Thereafter, the department may open the report for public inspection provided no court of competent jurisdiction has stayed its publication.

(2) Notwithstanding any provision of law to the contrary, nothing shall prevent, or be construed as prohibiting, the department from disclosing the content of an examination report, preliminary examination report or results, or any matter relating thereto, to the insurance department of this or any other state or country, or to law enforcement officials of this or any other state or agency of the federal government at any time, provided the agency or office receiving the report or matters relating thereto agrees, in writing, to hold it confidential and in a manner consistent with this Part.

(3) If the department determines that regulatory action is appropriate as a result of any examination, he may initiate any proceedings or actions as provided by law.

J. All work papers, recorded information, and documents, as well as all copies thereof produced by, obtained by, or disclosed to the department, or any other person, in the course of an examination made under this Part, or pursuant to the authority of the commissioner under this Part, shall be given confidential treatment and are not subject to subpoena and may not be made public by the department or any other person, unless the provisions of R.S. 3:4351.10(C) and Subsection I of this Section apply. The parties shall agree, in writing prior to receiving the information, to provide to it the same confidential treatment as required by this Section, unless the prior written consent of the fund to which it pertains has been obtained.

K.(1) No examiner may be appointed by the department if that examiner, either directly or indirectly, has a conflict of interest or is affiliated with the management of or owns a pecuniary interest in any person or entity subject to examination under this Part.

(2) Notwithstanding the requirements of this Section, the department may retain from time to time, on an individual basis, qualified actuaries, certified public accountants, or other similar individuals who are independently practicing their professions, even though those persons may from time to time be similarly employed or retained by persons subject to examination under this Part.

L.(1) No cause of action shall arise nor shall any liability be imposed against the department, the authorized representative of the department, or any examiner appointed by the department for any statement made or conduct performed in good faith while carrying out the provisions of this Part.

(2) No cause of action shall arise, nor shall any liability be imposed, against any person for the act of communicating or delivering information or data to the department, or the authorized representative of the department, or an examiner, pursuant to an examination made under this Part, if that act of communication or delivery was performed in good faith and without fraudulent intent or the intent to deceive.

M.(1) In addition to those examinations performed by the department pursuant to R.S. 3:4351.10, the department shall conduct financial reviews of the group self-insurance fund. The reviews shall include the audited financial statements of the group self-insurance fund rendered pursuant to generally acceptable accounting principles, results of prior examinations and office reviews, management changes, consumer complaints, and any other relevant information as from time to time may be required by the department.

(2) Failure by the group self-insurance fund to supply information requested by the department during the course of a financial review shall subject the group self-insurance fund to revocation or suspension of its license or, in lieu thereof, a fine not to exceed ten thousand dollars per occurrence.

(3) All work papers, recorded information, and documents as well as all copies thereof produced by, obtained by, or disclosed to the department, or any other person in the course of conducting a financial review shall be given confidential treatment and are not subject to subpoena and may not be made public by the department or any other person, except that any access may be granted to insurance departments of other states, international, federal or state law enforcement agencies or international, federal, or state regulatory agencies with statutory oversight over the financial services industry, if the recipient agrees to maintain the confidentiality of those documents which are confidential under the laws of this state.

(4) In conducting financial reviews, the examiner or examiners shall observe those guidelines and procedures as the department may deem appropriate.

(5) Nothing contained in this Part shall be construed to limit the department's

authority to use any final or preliminary analysis findings, any department or fund work papers or other documents, or any other information discovered or developed during the course of any analysis in the furtherance of any legal or regulatory action.

(6) The group self-insurance fund against whom a fine has been levied shall be given ten days notice of such action. Upon receipt of this notice, the aggrieved party may apply for and shall be entitled to an administrative hearing pursuant to the Administrative Procedure Act.

N. Nothing in this Section shall prohibit the legislative auditor from reviewing records and conducting an audit in accordance with R.S. 24:513.

§4351.12. Authorization of the Department of Insurance to employ investigators
The department shall have authority to employ investigators to investigate complaints received against the group self-insurance fund authorized to do business in this state and against any unauthorized group self-insurance fund that is reported to be operating in this state.

§4351.13. Disclosure

A. It shall be unlawful for any person who is an officer, trustee, employee, administrator, agent, or representative of the group self-insurance fund, as well as any person, partnership, corporation, banking corporation, or any other legal entity which performs any service for the group self-insurance fund, or prepares any report, audit, financial statement or report for, or makes any representation on behalf of, for, or with regard to the group self-insurance fund, in connection with any investigation, or examination authorized by this Part, to act with the specific intent to do any of the following:

(1) Represent falsely, directly or indirectly, to the department or any employee, trustee or administrator thereof, that an asset of such group self-insurance fund is unencumbered, or to misrepresent any other material fact pertaining to the status of any asset or liability of the group self-insurance fund.

(2) Materially misrepresent to the department, or any employee, trustee or administrator of the department, the value of any asset or the amount of any liability of the group self-insurance fund, or any affiliate, subsidiary, or holding fund associated therewith, provided that with regard to a material misrepresentation of the value of any asset or liability, any deviation from the actual value of such assets or liability which results from utilization of and compliance with generally accepted insurance accounting and reporting procedures shall not be deemed a violation of this Section.

(3) Fail to disclose to the department the existence of any liability of the group self-insurance fund, or affiliate, subsidiary, or holding company associated therewith when such disclosure is properly requested or required in writing by an examiner or administrator of the department.

(4) Materially misrepresent, withhold, deny access to, or otherwise preclude the obtainment of any information properly requested in writing and in accordance with provisions of law affecting dissemination or disclosure of information by specific institutions by an examiner or administrator of the department, which is material and relevant to an examination properly conducted by the department and examiners and administrators of the department.

B. Whoever violates any provision of this Section, upon conviction, shall be fined by the court not more than fifty thousand dollars, or imprisoned with or without hard labor for not more than five years, or both.

§4351.14. Departmental complaint directives; failure to comply; fines; hearing
A. Any person subject to the regulatory authority of the department who fails to comply with any directive issued by the department in connection with a consumer complaint shall be fined an amount not to exceed two hundred fifty dollars for each occurrence.

B. Any person against whom a fine has been levied shall be given ten days notice of the action. Upon receipt of this notice, the person aggrieved may apply for and shall be entitled to an administrative hearing conducted in accordance with the provisions of the Administrative Procedure Act.

§4351.15. Dissolution

A. If the fund chooses to dissolve, it shall apply to the department for the authority to dissolve. An application to dissolve shall be on a form prescribed by the department and shall be approved or disapproved by the department within sixty days of receipt.

B. The dissolution of the fund without authorization is prohibited and shall not absolve or release the fund, a member, or any person or entity which has executed an indemnity agreement from the fund's or person's obligations incurred or entered into prior to the dissolution of the fund.

C. An application to dissolve shall be granted if either of the following conditions is met:

(1) The fund has no outstanding liabilities including incurred but not reported liabilities.

(2) The fund is covered by an irrevocable commitment from a licensed insurer which provides for payment of all outstanding liabilities and for providing all related services, including payment of claims, preparation of reports, and administration of transactions associated with the period during which the plan provided coverage.

D. Upon the dissolution of the fund and after payment of all outstanding liabilities and indebtedness, the assets of the fund shall be distributed to all employers participating in the fund pursuant to a distribution plan submitted by the fund to the department and approved by the department.

§4351.16. Exclusive use of expirations

A.(1) Except as otherwise provided in this Section, for purposes of soliciting, selling, or negotiating the renewal or sale of group self-insurance coverage, products, or insurance services, an insurance agent or insurance broker shall have the exclusive use of expirations, records, or other written or electronic information directly related to the group self-insurance application submitted

by or the group self-insurance policy written through an insurance agent or insurance broker. The group self-insurance fund shall not use expirations, records, or other written or electronic information to solicit, sell, or negotiate the renewal or sale of insurance coverage, insurance products, or insurance services to the insured, either directly or by providing such information to others, without the express written consent of the insurance agent or insurance broker.

(2) The expirations, records, or other written or electronic information may be used to review the group self-insurance application, to issue a policy, or for any other purpose necessary for placing such business through the insurance producer. The expirations, records, or other written or electronic information may also be used for any other purpose which does not involve the soliciting, selling, or negotiating the renewal or sale of group self-insurance coverage, products, or services.

B. This Section shall not apply:

(1) When the insured requests, individually or through an insurance producer that the group self-insurance company renew the policy or write other insurance business.

(2) When the insurance agent has, by contract, agreed to act exclusively for one company or group of affiliated companies, in which case the rights of the agent shall be determined by the terms of the agent's contract with that company or affiliated group.

(3) When the insurance producer is in default for nonpayment of premiums under the insurance agent's or insurance broker's contract or other agreement with the group self-insurer, unless there is a legitimate dispute as to monies owed.

(4) When the agency contract is terminated and the insurance company is required by law to continue coverage for the insured, in which event the insurance company shall continue to pay the insurance agent or the insurance broker commissions on such policies that the company is required to renew during the thirty-six-month period following the effective date of the termination. The commission shall be at the insurer's prevailing commission rates in effect on the date of renewal for that class or line of business in effect on the date of renewal for brokers or agents whose contracts are not terminated.

C. The insurance producer and insurer may in a written agreement separate from the agency contract, mutually agree to terms different from the provisions set forth in this Section. The terms of any such agreement shall be negotiated in good faith between the parties.

D.(1) The department may adopt rules, in accordance with the Administrative Procedure Act, to enforce the provisions of this Section, and any violation of this Section or the rules adopted pursuant to this Section shall be subject to regulation by the department under R.S. 3:4351.5.

(2) In addition, the insurance producer shall have a right to a claim for lost commissions. The claim shall be resolved in accordance with the dispute resolution terms in the applicable contract or agreement. In the absence of any dispute resolution terms, the parties shall attempt to resolve their dispute through mediation. If the claim is not resolved through mediation, the claim may be resolved through binding arbitration if the parties agree. In the absence of an agreement to resolve the claim through binding arbitration, the insurance producer may maintain an action for lost commissions.

(3) Except as provided in Subsection B of this Section, nothing in this Section shall be interpreted as impairing any rights in law or contract currently enjoyed by any party.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 599

HOUSE BILL NO. 817
BY REPRESENTATIVE MIKE JOHNSON
AN ACT

To amend and reenact R.S. 15:1202(A), relative to the membership of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice; to add a member to the commission; to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1202(A) is hereby amended and reenacted to read as follows:

§1202. Composition of commission

A. The commission shall consist of ~~fifty-eight~~ fifty-nine members as follows:

(1) The chairman of the Senate Committee on Judiciary C, or his designee.

(2) The chairman of the House Committee on the Administration of Criminal Justice or his designee.

(3) The secretary of the Department of Public Safety and Corrections or his designee.

(4) The chief justice of the Louisiana Supreme Court or his designee.

(5) The chief judge of each of the courts of appeal.

(6) The president of the Louisiana Juvenile Judges Association.

(7) The president of the Louisiana District Attorneys Association.
(8) The president of the Louisiana State Troopers Association.
(9) The president of the Louisiana Sheriffs' Association.
(10) The president of the Louisiana Fraternal Order of Police.
~~(10) (11)~~ The president of the Louisiana Municipal Association.
~~(11) (12)~~ The president of the Louisiana Association of Chiefs of Police.
~~(12) (13)~~ The chairman of the Louisiana State Bar Association Section on Criminal Law.
~~(13) (14)~~ The state public defender employed by the Louisiana Public Defender Board.
~~(14) (15)~~ The deputy secretary for public safety services of the Department of Public Safety and Corrections.
~~(15) (16)~~ Three district attorneys appointed by the governor.
~~(16) (17)~~ Three sheriffs appointed by the governor.
~~(17) (18)~~ Two chiefs of police appointed by the governor.
~~(18) (19)~~ A district court judge appointed by the governor.
~~(19) (20)~~ A juvenile court judge appointed by the governor.
~~(20) (21)~~ Three professional or lay persons appointed by the president of the Senate.
~~(21) (22)~~ Three professional or lay persons appointed by the speaker of the House of Representatives.
~~(22) (23)~~ Fifteen professional or lay persons appointed by the governor as may have a vital concern with law enforcement and the administration of criminal justice.
~~(23) The president or director of the Louisiana chapter of the National Constables Association.~~ ~~(24) The president of the Louisiana City Marshals and City Constables Association, or his designee.~~
~~(24) (25)~~ One person appointed by the governor from a list of at least three persons submitted by Victims and Citizens Against Crime, Inc.
~~(25) (26)~~ The president of the Louisiana Union of Police, or his designee.
~~(26) (27)~~ The attorney general or his designee.
~~(27) (28)~~ The deputy secretary of youth services of the Department of Public Safety and Corrections or his designee.
~~(28) (29)~~ The director of the Louisiana Clerks of Court Association.
~~(29) (30)~~ The chairperson of the Louisiana Legislative Women's Caucus, or her designee.
~~(30) (31)~~ The chairman of the Senate Committee on Judiciary B, or his designee.
~~(31) (32)~~ The chairman of the Senate Select Committee on Women and Children, or his designee.

* * *

Approved by the Governor, June 17, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 600

HOUSE BILL NO. 830
BY REPRESENTATIVE DAVIS
AN ACT

To amend and reenact R.S. 49:222(B)(1)(a) and to enact R.S. 49:222(B)(15), relative to fees chargeable by the secretary of state; to provide for transferring a limited liability company name; to establish a fee for certain termination services; to establish fees relative to structured settlement purchase companies; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 49:222(B)(1)(a) is hereby amended and reenacted and R.S. 49:222(B)(15) is hereby enacted to read as follows:

§222. Fees chargeable by secretary of state
* * *
B. The secretary of state is authorized to collect the following fees:
(1) Domestic business corporations and limited liability companies.
(a) Twenty-five dollars for reserving a corporate name; or limited liability company name, transferring a reserved corporate name or limited liability company name, terminating a reserved corporate name or limited liability company name, registering a corporate name, or renewing a registered corporate name.

* * *

(15) Structured settlement purchase company registrations.
(a) Six hundred dollars for filing initial structured settlement purchase company registration.(b) Two hundred fifty dollars for filing renewals for structured settlement purchase company registration.

Approved by the Governor, June 17, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 601

HOUSE BILL NO. 1021
BY REPRESENTATIVES MCFARLAND, DEVILLIER, EDMONDS,
FRIEMAN, GAROFALO, HARRIS, AND ROMERO

AN ACT

To amend and reenact R.S. 11:710(A)(3), (F)(1), and (G) and R.S. 11:710.1(A) (introductory paragraph) and to enact R.S. 11:710(H), 710.1(F), and 710.2, relative to critical teacher shortages; to provide for employment of retirees of the Teachers' Retirement System of Louisiana; to allow a retiree to return to work without suspension or reduction of benefit in certain circumstances; to provide for application; to provide for determinations and reporting; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article X, Section 29(C) of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 11:710(A)(3), (F)(1), and (G) and R.S. 11:710.1(A)(introductory paragraph) are hereby amended and reenacted and R.S. 11:710(H), 710.1(F), and 710.2 are hereby enacted to read as follows:

§710. Employment of retirees who retired on or before June 30, 2020
A. As used in this Section, the following words and phrases shall have the following meanings, unless a different meaning is clearly required by the context:

* * *

(3) "Critical shortage" means any situation in which the employer has advertised and posted notice of positions to be filled a solicitation for certified teachers, has listed on the specified websites the positions that are unfilled or filled by reemployed retirees, and has received fewer than three certified applicants as provided in Subsection F of this Section.

* * *

F.(1)(a) A retiree who is employed in a critical shortage position shall not receive a benefit during the period of his reemployment as provided in this Section unless and until the Board of Elementary and Secondary Education and the board of trustees of this system have received certification that a critical shortage exists. Prior to making such certification for any full-time critical shortage position, the employer shall cause to be advertised in the official journal of the employer's governing authority, on two separate occasions, notice that a shortage of certified teachers exists and the positions sought to be filled. Additionally, the employer shall cause notice to be posted at the career development office, or similar such entity, of every post-secondary institution within a one hundred twenty-mile radius of the employer's governing authority satisfy the requirements of Subparagraph (b) of this Paragraph. If a certified applicant who is not a retiree applies for an advertised position, such person shall be hired before any certified retiree is employed, unless fewer than three applicants have applied for the position each of whom is certified in the critical shortage area being filled.

(b) For any position sought to be filled by employment of a retiree, the employer may certify the existence of a critical shortage only after complying with all of the following requirements:

(i) Posting with the career development office, or similar such entity, of every postsecondary education institution within a one hundred twenty-mile radius of the employer's governing authority at the beginning of each semester a general statement that the employer is soliciting applications for future employment of certified teachers.

(ii) Advertising at least once per month in the official journal of the employer's governing authority that the employer is soliciting applications for future employment of certified teachers.

(iii) Prominently displaying a listing of positions that are unfilled or that are filled by reemployed retirees, including those positions filled under the provisions of Subsection G of this Section, on the website of the employer's governing authority and of the employer, if the employer maintains a separate website.

* * *

G.(1) A retiree of this system who has been retired for at least twelve months and who did not retire based on a disability may be directly reemployed without suspension or reduction in benefit if either of the following apply:

(a) The retiree is certified to teach mathematics, science, English language arts, or special education excluding gifted and talented and is reemployed to fill a position in the area of certification.

(b) The retiree is certified, has at least thirty years of creditable service, has attained at least age sixty-two, and is reemployed to fill a vacancy created because a teacher is on maternity leave pursuant to R.S. 17:1211, military leave pursuant to R.S. 17:1215, sabbatical leave pursuant to R.S. 17:1171, or extended sick leave pursuant to R.S. 17:1202.

(2) The provisions of this Subsection shall not apply to anyone reemployed by contract or corporate contract.

(3) If a teacher who is not a retiree of this retirement system and who is certified in one of the areas listed in Subparagraph (1)(a) of this Subsection applies for a position in the area of certification filled at that time by a retiree reemployed under the provisions of Subparagraph (1)(a) of this Subsection, that nonretiree shall be employed to replace the retiree at the start of the next grading period.

(4) The provisions of this Subsection shall terminate July 1, 2027.

H. Notwithstanding any other provision of law to the contrary, the provisions of this Section shall be applicable only to a retiree who returns to active service with an employer covered by the provisions of this Chapter retired on or before June 30, 2020, and any retiree covered under Subparagraph (A) ~~(6)(a)~~ of this Section.

§710.1. Employment of retirees who retired on or after July 1, 2020
A. Except as otherwise provided in this Section, any retiree who returns to active service with an employer covered by the provisions of this Chapter

and who retired on or after July 1, 2020, shall for that period of employment choose one of the following irrevocable options, which shall be made in writing and filed with the appropriate officer of the employer:

* * *

F. Any retiree who retired on or before June 30, 2020, and who returned to active service under the provisions of this Section may elect to be reemployed pursuant to the provisions of R.S. 11:710. The retiree shall submit to his employer a form provided by the system noting his decision to have his reemployment covered by the provisions of R.S. 11:710. After the termination of R.S. 11:710(G), the retiree may elect to be covered by the provisions of this Section as provided in Subsection B of this Section. Any retiree who elects to be reemployed pursuant to the provisions of R.S. 11:710 and who subsequently elects to be covered by the provisions of this Section as provided in Subsection B of this Section shall thereafter be covered exclusively by the provisions of this Section.

§710.2. Employment of retirees; postsecondary institution critical shortages
A. The provisions of this Section shall apply to any retiree of the retirement system who retired on or before June 30, 2020, and who meets all of the following criteria:

- (1) The retiree has been retired for at least twelve months.
- (2) He did not retire based on a disability.
- (3) He has at least thirty years of creditable service in the retirement system.
- (4) He has attained at least age sixty-two.
- (5) He is being employed to fill a position for an adjunct professor as defined in R.S. 11:710 and assigned the professional activities of instructing pupils in a nursing program at a public postsecondary education institution where a critical shortage exists.

B. A retiree to whom this Section applies shall not receive a benefit during the period of his reemployment as provided in this Section unless and until the institution's postsecondary education management board, the Board of Regents, and the board of trustees of the retirement system have received certification that a critical shortage exists. Prior to making such certification, the institution shall comply with the provisions of Subsection C of this Section.

C. In order to declare the existence of a critical shortage, a public postsecondary education institution shall cause to be prominently displayed a listing of positions to which this Section applies that are unfilled or that are filled by reemployed retirees on the websites of the institution, of the institution's management board, and of the Board of Regents.

D. During the period of his return to active service, the retiree and his employer institution shall make contributions to the retirement system as otherwise provided by law, but the retiree shall receive no additional service credit and shall not accrue any additional retirement benefits in the retirement system. Upon termination of active service, the retiree shall, upon application, be refunded the employee contributions paid since reemployment. The refund shall be without interest. The retirement system shall retain the employer contributions.

E. When any retiree covered by this Section returns to active service with an employer institution covered by the provisions of this Chapter, the employing institution shall, within thirty days thereafter, notify the board of trustees in writing of such employment and the date on which employment commenced. Upon termination, the institution shall provide the same notice. In addition, the employing institution shall also report to the retirement system within forty-five days after June thirtieth of each year, the names of all persons being paid by the employing institution and all persons having received a benefit pursuant to the provisions of this Section, along with such individuals' social security numbers, their positions, their designations as part-time or full-time, and the amount of their earnings during the previous fiscal year ending on June thirtieth of the reporting year. Additionally, the employing institution shall transmit a monthly contributions report pursuant to R.S. 11:888(A). Such monthly reports shall be transmitted within thirty days of the last day of each month and shall include the salary paid to each individual retiree reemployed under this Section. Should failure to give notice of return to active service or failure to report any other information required by this Section result in any payment being made in violation of this Section, the employing institution shall be liable to the system for the repayment of such amounts.

F. The provisions of this Section shall not apply to anyone reemployed by contract or corporate contract.

G. The provisions of this Section shall terminate July 1, 2027.

Section 2. The cost of this Act, if any, shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Section 3. The Department of Education shall undertake a study to determine whether the critical shortages suffered by schools participating in the Teachers' Retirement System of Louisiana are suffered to the same degree by public schools that are not participating employers of the system. The department shall ascertain the causes of the shortages, and, if the shortages are not substantially the same, the department shall ascertain the reasons for the disparity. In either case, the department shall propose policy changes that will reduce or eliminate the shortages in both the long and short term without employment of retirees. The department shall submit its findings and proposed policy changes to the House and Senate committees on retirement and House and Senate committees on education by January 20, 2023.

Section 4. The provisions of Sections 1 and 2 of this Act shall become effective when the Act which originated as Senate Bill No. 377 of the 2022 Regular Session of the Legislature becomes effective.

Section 5. The provisions of Sections 3 and 4 and of this Section of this Act

shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 602

**HOUSE BILL NO. 42
BY REPRESENTATIVE FRIEMAN
AN ACT**

To amend and reenact R.S. 14:95(K), relative to carrying of weapons; to provide relative to the crime of illegal carrying of weapons; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:95(K) is hereby amended and reenacted to read as follows:
§95. Illegal carrying of weapons

* * *

K.(1) The provisions of this Section shall not prohibit a retired justice or judge of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, retired attorney general, retired assistant attorneys general, retired district attorneys, retired assistant district attorneys, retired justices of the peace, and former members of either house of the legislature from possessing and concealing a handgun on their person provided that such retired person or former member of the legislature is qualified annually, at their expense, in the use of firearms by the Council on Peace Officer Standards and Training and has on their person valid identification showing proof of their status as a former member of the legislature or as a retired justice, judge, attorney general, assistant attorney general, district attorney, or assistant district attorney, or retired justice of the peace. For a former member of the legislature, the valid identification showing proof of status as a former legislator required by the provisions of this Paragraph shall be a legislative badge issued by the Louisiana Legislature that shall include the former member's name, the number of the district that the former member was elected to represent, the years that the former member served in the legislature, and words that indicate the person's status as a former member of the legislature.

(2) The retired justice, judge, attorney general, assistant attorney general, district attorney, or assistant district attorney, justice of the peace, or former member of the legislature shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of qualification. However, this Subsection shall not apply to a retired justice, judge, attorney general, assistant attorney general, district attorney, or assistant district attorney, retired justice of the peace, or to a former member of the legislature who is medically retired based upon any mental impairment, or who has entered a plea of guilty or nolo contendere to or been found guilty of a felony offense. For the purposes of this Subsection, "retired district attorney" or "retired assistant district attorney" shall mean a district attorney or an assistant district attorney receiving retirement benefits from the District Attorneys' Retirement System.

* * *

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 603

**HOUSE BILL NO. 57
BY REPRESENTATIVE HOLLIS
AN ACT**

To amend and reenact R.S. 9:1145 and 1147, relative to homeowners associations; to provide relative to privileges; to provide for notice to certain owners; to provide for time periods; to provide for procedures for cancellation of certain privileges; to provide for attorney fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:1145 and 1147 are hereby amended and reenacted to read as follows:

§1145. Association of owners; privilege; notice to owner; definition
A.(1) If an individual lot owner has failed to pay the charges, expenses, or dues imposed upon his lot by the association of owners of lots in a residential or commercial subdivision, the association shall deliver a written demand for past due charges, expenses, or dues owed to the association to the owner by certified or registered mail, by commercial courier as defined in Code of Civil Procedure Article 1313, or at the address and method on file with the association.

(2) The individual lot owner shall have thirty days after delivery of the written demand to deliver payment for the amount owed to the association. After the thirty days has run, the association may file a sworn detailed

CODING: Words in struck through type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.

statement in accordance with this Part.
B. Upon the filing of a sworn detailed statement in accordance with this Part, an association of owners of lots in a residential or commercial subdivision shall have a privilege upon the lot and improvements thereon of an owner in the subdivision who fails to pay charges, expenses or dues imposed upon such lot and improvements thereon in accordance with recorded restrictions, servitudes, or obligations affecting such subdivision. ~~An association of owners refers to a nonprofit corporation, partnership, association, or other legal entity whose members are owners of lots in the subdivision, and which maintains certain portions of the land or improvements in such subdivision for the use and benefit of the owners of lots in such subdivision.~~ The privilege shall secure unpaid charges, expenses or dues imposed by the association of owners, together with legal interest from the date due and reasonable attorney's attorney fees.

C. For actions brought pursuant to this Section, the court may award the prevailing party costs of court, reasonable attorney fees, and other related costs, as well as any other sanctions and relief requested pursuant to Code of Civil Procedure Article 863.

D. For the purposes of this Part, an association of owners refers to a nonprofit corporation, partnership, association, or other legal entity whose members are owners of lots in the subdivision, and which maintains certain portions of the land or improvements in such subdivision for the use and benefit of the owners of lots in such subdivision.

* * *
§1147. Privilege; five year period
A.(1) A recorded sworn statement shall preserve the privilege against the lot or lots and improvements thereon for charges assessed to the owner for alleged violations of community documents for a period of five years one year after the date of recordation. The effect of recordation shall cease and the privilege preserved by this recordation shall perempt unless a suit to enforce the privilege is filed within five years one year after the date of its recordation and a notice of the filing of such suit is filed in the mortgage records of the parish in which the subdivision is located.

(2) This Subsection shall not apply to the affirmative duty of a homeowner to pay monthly or periodic dues or fees, or assessments for particular expenses or capital improvements that are reasonable for the maintenance, improvement, or safety, or any combination thereof, of the planned community.

B. A recorded sworn statement shall preserve the privilege against the lot or lots and improvements thereon for dues, fees, or assessments as provided in Paragraph (A)(2) of this Section for a period of five years after the date of recordation. The effect of recordation shall cease and the privilege preserved by this recordation shall perempt unless a suit to enforce the privilege is filed within five years after the date of its recordation and a notice of the filing of such suit is filed in the mortgage records of the parish in which the subdivision is located.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 604

HOUSE BILL NO. 97
BY REPRESENTATIVE MAGEE
AN ACT

To amend and reenact R.S. 38:2212(C)(3), relative to the termination date applicable to provisions governing certain work not publicly bid; to extend the termination date for the restoration or rehabilitation of a levee not maintained with federal funds and not publicly bid; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 38:2212(C)(3) is hereby amended and reenacted to read as follows:

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

* * *
C. * * *

(3)(a) The annual limit by a public entity for any work to restore or rehabilitate a levee that is not maintained with federal funds, including mitigation on public lands owned by the state or a political subdivision, shall not exceed the sum of one million dollars, including labor, materials, and equipment, which is not publicly bid, as per the rates in the latest edition of the Associated Equipment Distributors Rental Rate Book, and administrative overhead not to exceed fifteen percent; provided that the work is undertaken by the public entity with its own resources and employees, or with the resources and employees of another public entity through a cooperative endeavor or other agreement with such entity.

(b) The provisions of this Paragraph shall remain effective until December 31, ~~2022~~ 2028.

* * *
Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin

Secretary of State

ACT No. 605

HOUSE BILL NO. 100
BY REPRESENTATIVE DESHOTEL
AN ACT

To amend and reenact R.S. 33:3005, relative to the Avoyelles Parish Local Government Gaming Mitigation Fund; to provide relative to deposits into the fund; to change requirements for payment from the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 33:3005 is hereby amended and reenacted to read as follows:
§3005. Avoyelles Parish Local Government Gaming Mitigation Fund; allocation and use of monies in the fund

A. ~~Beginning October 1, 1995, and each quarter thereafter, as received, the~~ The state treasurer shall credit to the ~~Bond Security and Redemption Fund~~ immediately deposit all quarterly financial contributions received by the state of Louisiana under the provisions of ~~that the~~ compact between the state and the Tunica-Biloxi Indian Tribe of Louisiana entitled, “Tribal-State Compact for the Conduct of Class III Gaming Between the Tunica-Biloxi Indian Tribe of Louisiana and the State of Louisiana”, as amended and hereinafter known as the “compact”; ~~and after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay the remainder of such funds,~~ into a special fund which is hereby created in the state treasury and designated as the “Avoyelles Parish Local Government Gaming Mitigation Fund”, hereinafter referred to as the “fund”.

B. The monies in the fund ~~shall be subject to an annual appropriation by the legislature and~~ shall be used solely to offset and defray the expenses of certain political subdivisions within Avoyelles Parish as provided in Subsection C of this Section which result from the conduct of Class III gaming. All unexpended and unencumbered monies in the fund at the end of each fiscal year shall remain in the fund; the treasurer shall invest all monies in the fund in the same manner as the monies in the state general fund and all interest earned shall remain to the credit of the fund.

C. Within ten days of the deposit of the monies into the fund each quarter, the state treasurer shall, ~~in accordance with the provisions of Subsection B of this Section,~~ remit all such monies to the Avoyelles Parish Police Jury. The Avoyelles Parish Police Jury shall, within ten days of the receipt of such monies, distribute all such funds to the governing authority of the political subdivisions of Avoyelles Parish as determined by the Gaming Revenue Distribution Committee created by the parish governing authority.

D. ~~Notwithstanding Subsection C, the funds will be distributed as follows for the first year, beginning October 1, 1995:~~

- ~~(1) Avoyelles Parish Police Jury – twenty-five percent;~~
- ~~(2) Avoyelles Parish Law Enforcement District – thirty percent;~~
- ~~(3) The district attorney for the Twelfth Judicial District – five percent;~~
- ~~(4) Avoyelles Parish School Board – fifteen percent;~~
- ~~(5) The municipalities in Avoyelles Parish – twenty-five percent, to be distributed to the individual municipalities in accordance with a formula developed by the Avoyelles Parish Mayors Association and approved by the police jury;~~

E.D. The Gaming Revenue Distribution Committee shall meet annually prior to October first each year to determine the proportion of funds to be distributed to each political subdivision of the parish. The Avoyelles Parish Mayors Association shall develop a formula for the distribution of the revenues allocated for the municipalities in the parish.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 606

HOUSE BILL NO. 123
BY REPRESENTATIVE MIKE JOHNSON
AN ACT

To amend and reenact R.S. 29:26.1(B)(6)-(11), (C)(3)(b), (D)(1), and (E)(2) and to enact R.S. 29:26.1(B)(12), relative to the Louisiana National Guard; to provide for definitions; to provide for disability claims and death benefits; to provide for availability of disability and death benefits; to provide for subsequent disabilities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 29:26.1(B)(6)-(11), (C)(3)(b), (D)(1), and (E)(2) are hereby amended and reenacted and R.S. 29:26.1(B)(12) is hereby enacted to read as follows:

§26.1. National Guard death and disability benefits
* * *
B. Definitions. As used in this Section, the following terms shall have the following meanings unless a different meaning is clearly required by context:
* * *

(6) “Guardsmen or guardsmen” means a person who was an officer or enlisted member of the Louisiana National Guard and, for purposes of this

Section's disability benefits, who was discharged or released from all periods of federal and state service under honorable or general under honorable conditions.

(7) “Initial rating decision” means the first disability rating decision by the United States Department of Veterans Affairs on the guardsman’s first-filed claim for service-connection of injuries.(8) “LANG” means the Louisiana National Guard.

(8) (9) “Period of activation” means service during any declared national emergency or contingency operations as defined by 10 U.S.C. 101(a)(13), or during any state emergency declared by the governor of the state of Louisiana, within any of the following:

(a) That period, subsequent to September 11, 2001, for which the governor of the state of Louisiana orders a guardsman into state active service pursuant to R.S. 29:7.

(b) That period, subsequent to September 11, 2001, for which the president of the United States orders a guardsman into active military duty, pursuant to 32 U.S.C. 502(f)(1).

(c) That period, subsequent to September 11, 2001, for which the president of the United States orders a guardsman to federal active duty pursuant to 10 U.S.C. 12301, 12302, or 12303.

(9) (10) “Qualifying claim” means an application for benefits by a guardsman or beneficiary for a qualifying death or disability incurred during a period of activation in the line of duty, and meeting the documentation requirements of this Section.

(10) (11) “Qualifying disability” means a one hundred percent permanent total disability rating, or a permanent and total unemployability disability rating as determined by the United States Department of Veterans Affairs and certified by the Louisiana secretary of veterans affairs in a final adjudication of the initial rating decision or as determined or certified by the proper state entity that adjudicates such claims for guardsmen in accordance with the workers’ compensation law of this state. A qualifying disability shall be certified by the Louisiana secretary of veterans affairs or his designee. As provided for in this Paragraph, the initial rating decision shall not apply to a United States Department of Veterans Affairs rating decision which predates service in the Louisiana National Guard.

(11) (12) “Qualifying subsequent examination disability” means after initial examination or rating, the guardsman’s initial injuries progressed or worsened the initial rating decision, the combination of service-connected ratings of all injuries the guardsman incurred during a period of activation, as well as any other injuries service-connected on a secondary basis to those injuries incurred during a period of activation, reaches a causing the guardsman to receive one hundred percent permanent total disability rating, or a permanent and total unemployability disability rating as determined by the United States Department of Veterans Affairs.

C. * * *

(3) Each claim for a disability benefit shall include all of the following documentation:

(b) ~~A disability~~ The guardsman’s initial rating decision and any subsequent rating decisions reached by the United States Department of Veterans Affairs and certified by the Louisiana secretary of veterans affairs or his designee. * * *

D. Benefits available. (1) During periods of activation, subsequent to September 11, 2001, of a guardsman ordered by the governor or by the president of the United States, benefits in a lump-sum amount of two hundred fifty thousand dollars for a qualifying death, one hundred thousand dollars for a qualifying disability, and fifty thousand dollars for qualifying subsequent ~~examination disability~~ shall be paid by the state to a guardsman or his beneficiary, when such death or disability occurs during a period of activation in the line of duty as required by this Section. Such benefits shall be paid only when funds are available, having been appropriated for the purpose.

E. * * *

(2) A qualifying disability or qualifying subsequent disability shall be determined by the United States Department of Veterans Affairs or by the proper state entity that adjudicates such claims for guardsmen in accordance with the workers’ compensation law of this state and certified by the secretary of the Louisiana Department of Veterans Affairs or his designee.

* * *

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 607

HOUSE BILL NO. 136
BY REPRESENTATIVES MARINO, BISHOP, BOURRIQUE, BOYD, BRASS,
BROWN, ROBBY CARTER, WILFORD CARTER, CORMIER, DAVIS,
DESHOTEL, DEVILLIER, DUBUISSON, DUPLESSIS, EDMONSTON,
EMERSON, FISHER, FREEMAN, FREIBERG, GLOVER, GOUDEAU,
GREEN, HARRIS, HILFERTY, HORTON, ILLG, IVEY, JEFFERSON,

TRAVIS JOHNSON, KERNER, LAFLEUR, LANDRY, LARVADAIN,
LYONS, MCKNIGHT, NEWELL, CHARLES OWEN, PHELPS, PRESSLY,
ROMERO, SCHEXNAYDER, SCHLEGEL, SELTERS, STAGNI, THOMPSON,
WHITE, WRIGHT, AND ZERINGUE

AN ACT

To amend and reenact R.S. 17:7.2(D) and to enact R.S. 17:7.2(A)(7), relative to teacher education programs; to require that such programs include dyslexia education; to provide relative to the powers and duties of the State Board of Elementary and Secondary Education; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7.2(D) is hereby amended and reenacted and R.S. 17:7.2(A)(7) is hereby enacted to read as follows:

§7.2. Approved teacher education programs
A. In carrying out its responsibility to prescribe the qualifications and provide for the certification of teachers under authority of R.S. 17:7(6), the State Board of Elementary and Secondary Education, subject to the constitutional power and authority of the Board of Regents, the Board of Supervisors for the University of Louisiana System, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and the Board of Supervisors of Southern University and Agricultural and Mechanical College, shall establish qualifications and requirements for the approval of teacher education programs from which graduates may be certified. The qualifications and requirements established by the State Board of Elementary and Secondary Education for an approved teacher education program shall include but not be limited to the following:

* * *

(7)(a) That the program include no less than three credit hours on teaching students with dyslexia within the existing credit hour requirements. The coursework shall include but need not be limited to the following:

(i) An overview of the body of scientific work regarding dyslexia, including the history, epidemiology, and clinical presentation, including early clinical indicators of dyslexia and common, persistent classroom presentations.

(ii) An overview of evidence-based instruction for individuals with dyslexia including remediation of weaknesses, fortification of strengths, and common accommodations to help mediate between the two.

(iii) An introduction to the process of becoming a dyslexia practitioner or dyslexia therapist, pursuant to R.S. 17:392.2.

(b) The specific content of the coursework required by this Paragraph is subject to rules and regulations promulgated by the board in accordance with the Administrative Procedure Act.

(c) Each program shall designate at least one faculty member to teach the coursework who has been provided specialized training in instructing future teachers on how to teach students with dyslexia.

* * *

D. Nothing in this Section shall be construed to prohibit the provision by the board for certification by alternative means other than by completion of an approved teacher education ~~program~~ program; however, alternative means shall include at least three credit hours on teaching students with dyslexia as provided in Paragraph (A)(7) of this Section within the existing credit hour requirements.

Section 2. The provisions of R.S. 17:7.2(A)(7) as enacted by this Act and the provisions of R.S. 17:7.2(D) as amended by this Act shall apply to students who enter a teacher education program during the 2024-2025 school year and thereafter.

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 608

HOUSE BILL NO. 161
BY REPRESENTATIVE LYONS

AN ACT

To amend and reenact R.S. 24:31.4(A) and (C), relative to the office expense allowance for members of the legislature; to provide for the amount of the allowance; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:31.4(A) and (C) are hereby amended and reenacted to read as follows:

§31.4. Members’ office allowance
A. In addition to the salary, per diem, and all other allowances provided by law for members of the legislature, each member of the legislature shall be paid a monthly expense allowance in the amount of ~~five hundred one thousand~~ one thousand dollars per month, or so much thereof as may be necessary, for payment of rent for office space in a parish or parishes which he represents, and for payment of the cost of maintaining utilities in said office or offices and for other expenses related to the holding or conduct of their office.

* * *

C. The allowance provided in Subsection A of this Section shall be withdrawn from the treasury and paid to the persons entitled thereto in the same manner as is provided by law for the salary provided in R.S. 24:31.1. Each member shall be required to file with the presiding officer, prior to payment of the

allowance each month, an itemized statement of expenses, and appropriate invoices or receipts supporting the same. The amount of the allowance paid to each member each month shall be equal to the total amount of the itemized statement, provided that in no case shall the total reimbursement exceed ~~five hundred~~ one thousand dollars.

* * *

Section 2. This Act shall become effective on July 1, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2022, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 609

HOUSE BILL NO. 173
BY REPRESENTATIVE STEFANSKI
AN ACT

To amend and reenact R.S. 15:587(C), relative to criminal identification and information; to provide relative to a criminal history records check for gaming licenses; to provide relative to information made available from the Louisiana Bureau of Criminal Identification and Information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(C) is hereby amended and reenacted to read as follows:
§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information

* * *

C. The bureau shall, upon request and after receipt of fingerprint cards or other identifying information from the office of state police, make available to the state police gaming division, the ~~Louisiana Riverboat Gaming Commission, and the Louisiana Economic Development and Gaming Corporation~~ Louisiana Gaming Control Board, the Louisiana Lottery Corporation, the office of charitable gaming, and the Louisiana State Racing Commission, information contained in the bureau's criminal history record and identification files, which pertains to an applicant or prospective employee of any of them. In addition, in order to determine an applicant's suitability for a gaming or employee license or permit under the provisions of the ~~Louisiana Video Draw Poker Devices Control Law (R.S. 27:401 et seq.), the Louisiana Riverboat Economic Development and Gaming Control Act (R.S. 27:41 et seq.), the Louisiana Economic Development and Gaming Corporation Act (R.S. 27:201 et seq.), the Louisiana Regulation of Gaming Equipment Law (R.S. 47:7001 et seq.), and the Regulation of Charitable Gaming Law (R.S. 40:1485.1 et seq.)~~ law found in Titles 4, 9, 27, 40, and 47 of the Louisiana Revised Statutes of 1950, for each applicant shall be fingerprinted, and the fingerprints shall be forwarded to the Federal Bureau of Investigation for a national criminal history record check.

* * *

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 610

HOUSE BILL NO. 174
BY REPRESENTATIVE GREEN
AN ACT

To amend and reenact R.S. 40:1472.3(E)(3)(b), relative to the license to handle explosives; to provide relative to the qualifications of an applicant to handle explosives; to provide relative to criminal history records checks of applicants for licenses to handle explosives; to require fingerprints of applicants for licenses to handle explosives; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1472.3(E)(3)(b) is hereby amended and reenacted to read as follows:

§1472.3. License; manufacturer, dealer-distributor, user, blaster, or handler of explosives

* * *

E.

* * *

(3)

* * *

(b) The department shall execute a thorough background investigation, including a criminal history records check, of every applicant for the purpose of verifying or renewing the qualifications of the applicant pursuant to the requirements of this Section. For purposes of this Subparagraph, a background check shall be defined as ~~a computer check of available online state records~~ all state records of arrest, prosecution, or conviction and all expunged information and dismissed convictions pursuant to Code of Criminal Procedure Articles 893 and 894, as well as national records

~~including but not limited to the federal Interstate Identification Index for a national identification and criminal history records check and which may shall include fingerprints of the applicant and other identifying information, if so that shall be requested by the department. The department shall require any current or prospective manufacturer, dealer-distributor, user, blaster, or handler as defined in R.S. 40:1472.2 to submit to a criminal history records check to be conducted by the Louisiana Bureau of Criminal Identification and Information. Fingerprints and other identifying information from the current or prospective manufacturer, dealer-distributor, user, blaster, or handler shall be submitted to the bureau. In addition, when the department requests a national criminal history records check, the bureau shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check and shall provide the department with the national criminal history record information of the current or prospective manufacturer, dealer-distributor, user, blaster, or handler.~~

* * *

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 611

HOUSE BILL NO. 193
BY REPRESENTATIVE FREEMAN
AN ACT

To enact R.S. 25:762.1, relative to the city of New Orleans; to provide relative to historic preservation districts and landmarks commissions; to provide relative to regulations established by such districts and commissions; to provide relative to the violation of such regulations; to provide relative to penalties imposed for certain violations; and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 25:762.1 is hereby enacted to read as follows:

§762.1. Commission enforcement powers; city of New Orleans

Notwithstanding any other provision of law to the contrary, in the city of New Orleans, any owner, agent, lessee, or other person acting for or in conjunction with him who demolishes a structure or edifice located in the city of New Orleans without having received an appropriate certificate of appropriateness may be fined a single fine of not more than the greater of twenty-five thousand dollars or fifteen percent of the assessed value of the structure or edifice in accordance with the assessed value immediately preceding the demolition as provided for in the tax rolls of the city.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 612

HOUSE BILL NO. 204
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To enact R.S. 40:41(C)(1)(f) through (i), relative to the state registrar of vital records; to provide with respect to those parties who may inspect records or be issued a death certificate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:41(C)(1)(f) through (i) are hereby enacted to read as follows:

§41. Disclosure of records

* * *

C.(1) The state registrar shall not permit inspection of the records or issue a certificate, or any part thereof, unless he is satisfied that the applicant is any of the following:

* * *

(f) A universal or general legatee in judgment of possession.

(g) Any beneficiary of a decedent's public pension plan.

(h) Any beneficiary of a decedent's individual retirement account or other private retirement plan or pension.

(i) Any beneficiary of a decedent's financial institution accounts, including security accounts, classified as a "payable on death account".

* * *

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 613

HOUSE BILL NO. 224
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact R.S. 24:202(F)(1) and (G), relative to meetings of the

Louisiana State Law Institute; to provide for the location of meetings; to provide for meetings via electronic means; to provide for the authority of the Louisiana State Law Institute; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:202(F)(1) and (G) are hereby amended and reenacted to read as follows:

§202. Council; membership; terms; vacancies; meetings

* * *

F.(1) All meetings of the Louisiana State Law Institute, including but not limited to council, committee, and subcommittee meetings, Council shall be held at a meeting space located in a public building and open to the public for the purposes of the meeting. The institute shall select meeting space that is available without charge or at a reduced cost. At least a majority half of the council Council meetings, and at least a majority of the meetings of each committee, subcommittee or other body of the institute, held each year shall be in Baton Rouge.

* * *

G.(1) Meetings of the institute shall be subject to the Open Meetings Law and the Public Records Law.

(2)(a) Notwithstanding Paragraph (1) of this Subsection or provisions of the Open Meetings Law to the contrary, committees and subcommittees of the institute may conduct periodic meetings via electronic means provided that all of the following requirements are met:

(i) No later than twenty-four hours prior to the meeting, the institute shall provide the notice and agenda for the meeting, which shall include information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda. The notice and agenda shall be posted on the website of the institute and emailed to any member of the public or the news media who requests notice of the committee or subcommittee's meetings.

(ii) The institute shall provide a mechanism to receive public comment electronically both prior to and during the meeting. The institute shall properly identify and acknowledge all public comments during the meeting and shall maintain those comments in its record of the meeting.

(iii) The institute shall ensure that each person participating in the meeting is properly identified and that all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting, including the public.

(iv) A committee or subcommittee shall not conduct successive meetings via electronic means.

(b) The provisions of Subparagraph (a) of this Paragraph shall not limit the conduct of meetings via electronic means during a gubernatorially proclaimed or declared disaster or emergency in the manner provided by R.S. 42:17.1.

(c) The institute may adopt rules, regulations, and procedures to allow the public to participate in a meeting via electronic means.

(d) For purposes of this Paragraph, the following words and phrases shall have the following meanings:

(i) "Meeting via electronic means" shall mean a meeting occurring via teleconference or video conference.

(ii) "Teleconference" shall mean a method of communication that enables persons in different locations to participate in a meeting and to hear and otherwise communicate with each other.(iii) "Video conference" shall mean a method of communication that enables persons in different locations to participate in a meeting and to see, hear, and otherwise communicate with each other.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 614

HOUSE BILL NO. 272

BY REPRESENTATIVE JEFFERSON

AN ACT

To amend and reenact R.S. 9:327(B), 331, 355.15, and 365, relative to mental health evaluations in divorce and child custody proceedings; to provide for the qualifications of certain mental health professionals; to prohibit ex parte communication; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:327(B), 331, 355.15, and 365 are hereby amended and reenacted to read as follows:

§327. Determination of domestic abuse for spousal support

* * *

B. In the absence of a criminal conviction, the court may order an evaluation of both parties that may be used to assist the court in determining

the existence and nature of the alleged domestic abuse. The evaluation shall be conducted by an independent, court-appointed, licensed mental health professional who is an expert has experience in the field of domestic abuse. The licensed mental health professional shall have no family, financial, or prior medical relationship with either party or their attorneys of record. The licensed mental health professional shall provide the court and the parties with a written report of his findings.

* * *

§331. Custody or visitation proceeding; evaluation by licensed mental health professional

A. The court may order an evaluation of a party or the child in a custody or visitation proceeding for good cause shown. The evaluation shall be made by a licensed mental health professional selected by the parties or by the court. The court may render judgment for costs of the evaluation, or any part thereof, against any party or parties, as it may consider equitable.

B. The court may order a party or the child to submit to and cooperate in the evaluation, testing, or interview by the licensed mental health professional. The licensed mental health professional shall provide the court and the parties with a written report. The licensed mental health professional shall serve as the witness of the court, subject to cross-examination by a party.

C. "Licensed mental health professional" as used in this Chapter means a person who possesses at least a master's degree and who is licensed in counseling, social work, psychology, marriage and family counseling, or exempt from licensing requirements pursuant to R.S. 37:1113 and R.S. 37:1121.

D. When a licensed mental health professional has been appointed by the court, there shall be no ex parte communication by the litigants or their attorneys with the licensed mental health professional unless authorized by law or court order or agreed to by the parties. All oral communication with the licensed mental health professional shall be by teleconference or meeting in which each party to the proceeding participates either through the party's attorney or as a self-represented litigant. All written communication or correspondence to the licensed mental health professional, along with any attachments thereto, shall be provided contemporaneously to all parties to the litigation or their attorneys of record. Communications initiated by the licensed mental health professional with a litigant for the purpose of conducting the court-ordered evaluation shall not be considered ex parte communications prohibited by this Subsection.

* * *

§355.15. Mental health expert; appointment

The court, on motion of either party or on its own motion, may appoint an independent, licensed mental health professional as an expert to render a report to assist the court in determining the best interest of the child.

* * *

§365. Qualification of licensed mental health professional

Any licensed mental health professional appointed by the court to conduct a custody evaluation in a case where family violence is an issue shall have current and demonstrable training and experience working with perpetrators and victims of family violence.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 615

HOUSE BILL NO. 282

BY REPRESENTATIVE MARINO

AN ACT

To amend and reenact R.S. 13:5304(B)(3)(b) and Code of Criminal Procedure Article 893(B)(3), relative to probation programs; to provide relative to the probation period for certain defendants who participate in a drug division probation program; to provide relative to the supervision of defendants on probation in specialty court programs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5304(B)(3)(b) is hereby amended and reenacted to read as follows:

§5304. The drug division probation program

* * *

B. Participation in probation programs shall be subject to the following provisions:

* * *

(3) In offering a defendant the opportunity to request treatment, the court shall advise the defendant of the following:

* * *

(b) If the defendant requests to undergo treatment and is accepted, the defendant will be placed under the supervision of the drug division probation program for a period of ~~determined by the court, except that the probation period for a defendant convicted of a violation of R.S. 14:98, 98.1, 98.2, or 98.3 shall not be less than twelve months.~~

* * *

Section 2. Code of Criminal Procedure Article 893(B)(3) is hereby amended and reenacted to read as follows:

Art. 893. Suspension and deferral of sentence and probation in felony cases

* * *

B.

* * *

(3) When suspension is allowed under this Paragraph, the defendant shall be placed on probation under the supervision of the division of probation and parole. If the defendant has been sentenced to complete a specialty court program as provided in Subsubparagraph (2)(b) of this Paragraph, the defendant may be placed on probation under the supervision of a probation office, agency, or officer designated by the court, other than the division of probation and parole of the Department of Public Safety and Corrections. The period of probation shall be specified and shall not be more than three years, except as provided in Paragraph G of this Article. The suspended sentence shall be regarded as a sentence for the purpose of granting or denying a new trial or appeal.

* * *

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 616

HOUSE BILL NO. 284
BY REPRESENTATIVE STAGNI
AN ACT

To amend and reenact R.S. 37:1339(B)(1), relative to boards and commissions; to provide for membership of the governing board of the Louisiana Emergency Response Network; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 37:1339(B)(1) is hereby amended and reenacted to read as follows:
§1339. Advisory Committee on Perfusion; creation

* * *

B.(1) The committee shall be composed of a total of seven persons, including four persons who hold an active license to engage in the practice of perfusion in this state, and are appointed by the governor from a list of names submitted by the Louisiana Perfusion Society, or from the general perfusion community should the Louisiana Perfusion Society disband, and two physicians who are actively engaged in the practice of cardiothoracic surgery, appointed by the governor from a list of names submitted by the Louisiana Society of Thoracic Surgeons and one representative from a hospital with an active open heart program appointed by the governor from a list of names submitted by the Louisiana Hospital Association ~~and the Metropolitan Hospital Council of New Orleans~~. The initial perfusionist appointees who would otherwise be required to be licensed perfusionists shall instead be individuals who have been practicing perfusion for at least five years and who are eligible ~~under~~ pursuant to this Part for licensure as a perfusionist.

* * *

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 617

HOUSE BILL NO. 315
BY REPRESENTATIVES TURNER AND EDMONSTON
AN ACT

To enact R.S. 17:1960.1, relative to students with disabilities; relative to public school governing authorities; relative to certain publicly funded programs; to create the Blind and Visually Impaired Child's Bill of Rights; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:1960.1 is hereby enacted to read as follows:
§1960.1. The Blind and Visually Impaired Child's Bill of Rights; legislative recognition

A. The legislature recognizes that children who are blind, visually impaired, or deaf-blind who utilize alternative methods of communication have the same inalienable right to become as independent and self-actualizing as children who are not blind, visually impaired, or deaf-blind. To realize this potential, the legislature recognizes the Blind and Visually Impaired Child's Bill of Rights.
B. Public schools and all publicly funded programs, including early education intervention programs, that serve children with blindness, visual impairments, and deaf-blindness shall:
(1) Provide children who are blind, visually impaired, or deaf-blind, including those with multiple disabilities, appropriate screening and assessment of functional vision and learning media to determine appropriate services needed following the initial clinical eye exam.(2) Inform, teach, and assess children who are blind, visually impaired, or deaf-blind relative to the body of knowledge and skills unique to students with blindness, visual impairment, and deaf-blindness including but not limited to the following:
(a) Compensatory skills.
(b) Access to reading and writing in the form of braille, large print, and tactile graphics or symbols.
(c) Orientation and mobility skills.

(d) Social interaction skills.
(e) Independent living skills.
(f) Recreation and leisure skills.
(g) Career education.
(h) Assistive technology.
(i) Sensory efficiency skills.
(j) Self-determination.
(3) Provide instruction by teachers qualified to teach blind students and access to braille materials and textbooks and assistive technology.
(4) Teach orientation and mobility skills at the earliest possible age to blind, visually impaired, or deaf-blind students and continuously throughout their education.
(5) Inform the parents or legal guardians of students who are blind, visually impaired, or deaf-blind of all State Board of Elementary and Secondary Education policies and regulations relative to placement considerations and options available to them and provide opportunities to parents and legal guardians to fully participate in the development and implementation of their child's Individualized Education Program and Section 504 Plan.
(6) Ensure each Individualized Education Program team:
(a) Provides for braille instruction and assistive technologies for students who qualify for such resources.
(b) Includes a communication plan in the Individualized Education Program for each student that incorporates the student and his parents or legal guardians.
(c) Includes a communication plan in each Individual Accommodation Plan.
(7) Employ and train qualified resource personnel who are able to communicate effectively and proficiently with each student in his modes of communication.
(8) Provide full support services by qualified professionals. The state Department of Education shall collaborate with public school governing authorities and education programs to ensure that braille materials and technical assistance are available to support schools and programs in meeting the needs of students who are blind, visually impaired, and deaf-blind.
(9) Provide students who are blind, visually impaired, or deaf-blind full access to all programs in their educational settings.
(10) Place students who are blind, visually impaired, or deaf-blind in a classroom setting that is best suited to each student's individual needs, including but not limited to social, emotional, and cultural needs, with consideration for the student's degree and type of vision and hearing loss, academic level, modes of communication, and learning style.
(11) Provide students who are blind, visually impaired, or deaf-blind with free, appropriate education across a full spectrum of educational programs and activities.
(12) Provide students who are blind, visually impaired, or deaf-blind with comprehensive academics, opportunities, and activities to meet and associate with their peers in the school environment and during school-sponsored activities and events to achieve a well-rounded education.
(13) Treat blind, visually impaired, or deaf-blind students as equal, active, and contributing members of their communities, classrooms, and schools or programs.
C. Nothing in this Section shall be construed to create a right of action that is not currently provided for in present law on behalf of an individual student or a class of students for the failure of a particular public school or publicly funded program to comply with any provision of this Section or to prevent the parent or legal guardian of a student from filing a complaint as provided for by law.

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 618

HOUSE BILL NO. 357
BY REPRESENTATIVE JENKINS
AN ACT

To amend and reenact R.S. 18:534(B)(2)(a) and (c), relative to changing polling places in a period prior to an election; to provide relative to the authority to change the location of polling places; to provide for definitions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 18:534(B)(2)(a) and (c) are hereby amended and reenacted to read as follows:
§534. Change of polling places

* * *

B.

* * *

(2)(a) Notwithstanding the provisions of Subsection A of this Section, if a polling place becomes unavailable during the period defined in and due to the reasons provided in Paragraph (1) of this Subsection ~~and there is no regularly scheduled meeting of the parish governing authority scheduled to take place prior to the election~~, the parish president may change the location of the polling place. The parish president shall submit written notice of the change as soon as practicable to the secretary of state.

considering:

(a) The custody of the children and exclusive use and occupancy of the family residence.

(b) The total community property.

(c) The need of a spouse for funds to maintain a household prior to partition.

(d) The need of a spouse to receive legal representation during the course of the proceedings.

(3) Upon court order, each spouse shall provide the other a complete accounting of all allocated community property to demonstrate compliance with Civil Code Article 2369.3.

Revision Comments - 2022

(a) "Residence," as used in Subsection D and other provisions of this Section, refers to the family residence, a community immovable occupied as a residence, or a community manufactured home as defined in R.S. 9:1149.2 and occupied as a residence, regardless of whether it has been immobilized.

(b) Subsection G of this Section permits judges to exercise discretion as to how much community property is allocated and how many allocations are made pending final partition. The judge is not limited to a particular portion or percentage of the community.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 621

HOUSE BILL NO. 409

BY REPRESENTATIVE MARINO

AN ACT

To enact Code of Criminal Procedure Article 211(E), relative to summons by an officer instead of arrest and booking; to provide an exception to the issuance of a summons by an officer instead of arrest and booking when certain domestic violence crimes have occurred; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 211(E) is hereby enacted to read as follows:

Art. 211. Summons by officer instead of arrest and booking

* * *

E. The provisions of this Article shall not apply when the officer has reasonable grounds to believe a person committed the offense of domestic abuse battery, battery of a dating partner, violation of a protective order, stalking, or any other offense involving the use or threatened use of force or a deadly weapon upon the defendant's family members, as defined in R.S. 46:2132, upon the defendant's household member, as defined in R.S. 14:35.3, or upon the defendant's dating partner, as defined in R.S. 46:2151.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 622

HOUSE BILL NO. 416

BY REPRESENTATIVES MARINO, BRASS, FREEMAN, CHARLES OWEN,
AND SCHLEGEL

AN ACT

To amend and reenact R.S. 17:392.1(F)(1)(introductory paragraph) and (2) and to enact R.S. 17:392.1(F)(3) and 3996(B)(67), relative to screening of public school students for impediments to learning; to provide relative to reports to the state Department of Education and to the legislature regarding students with dyslexia; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:392.1(F)(1)(introductory paragraph) and (2) are hereby amended and reenacted and R.S. 17:392.1(F)(3) and 3996(B)(67) are hereby enacted to read as follows:

§392.1. Screening and intervention; purpose; applicability; city and parish school system; duties

* * *

F.(1) Each public school governing authority shall submit a report to the state Department of Education by ~~October thirty-first~~ December fifteenth annually relative to the occurrence of dyslexia. The report shall include numbers of students of all grade levels identified as dyslexic, either pursuant to the provisions of this Section or R.S. 17:2112, and shall include, per grade, all of the following:

* * *

(2) The state Department of Education shall compile the reports received pursuant to Paragraph (1) of this Subsection and report such data to the House Committee on Education and the Senate Committee on Education no later than December March first annually.

(3) Notwithstanding Paragraph (1) of this Subsection, if the number of students in a grade level identified as dyslexic is not zero and not more than ten, the report shall not indicate an exact number but shall indicate that there are fewer than eleven students in the grade identified as dyslexic.

* * *

§3996. Charter schools; exemptions; requirements

* * *

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *

(67) Screening and intervention, R.S. 17:392.1.

* * *

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 623

HOUSE BILL NO. 420

BY REPRESENTATIVE GREGORY MILLER

AN ACT

To amend and reenact R.S. 27:32(A), R.S. 28:64(A)(1), R.S. 29:769(E), R.S. 36:3(introductory paragraph), 4(B) through (D), 53, 239, 259(A)(introductory paragraph), (B)(introductory paragraph) and (10) through (21), (C) (introductory paragraph), and (D), 359, 409(C), (D), (E), (F)(introductory paragraph), (G), (H), (I), and (J), 459, 478, 610(B) and (C), 769, 801(introductory paragraph), 801.1(A), 802(introductory paragraph), 803(A)(1), 851(A), 901(A), and 921(A), R.S. 40:1081.8(D) and 1664.11(A)(introductory paragraph), and R.S. 46:2403(E), to enact R.S. 36:4(B)(35), 259(B)(9) and (D)(8), (E), (F), and (G), 409(A), and 610(A), and to repeal R.S. 36:4(E) through (BB), 259(B)(23) through (38), 409(K) through (R), 610(D) through (N), 801.3, 802.14, 802.15, 802.18, 803.1, 806, 807, 809, 914, 915, 917, 918, 919, 919.2, 919.3, and 919.4, relative to providing technical corrections for Title 36 of the Louisiana Revised Statutes of 1950; to provide for technical corrections; to provide for re-organization of the structure of Title 36; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:32(A) is hereby amended and reenacted to read as follows:

§32. Executive organization; retention of function

A. For the purposes of executive branch organization, the Louisiana Gaming Control Board is placed within the Department of Public Safety and Corrections, pursuant to ~~R.S. 36:409(N)~~ R.S. 36:409(D).

* * *

Section 2. R.S. 28:64(A)(1) is hereby amended and reenacted to read as follows:

§64. Mental Health Advocacy Service; creation; board of trustees; organization; powers; duties

A.(1) A Mental Health Advocacy Service is hereby created and shall be governed by a board of trustees. The Mental Health Advocacy Service shall be in the executive branch of state government, in the office of the governor pursuant to ~~R.S. 36:4(B)(1)(v)~~ R.S. 36:4(B)(10).

* * *

Section 3. R.S. 29:769(E) is hereby amended and reenacted to read as follows:

§769. Special powers during a state of public health emergency; control of property

* * *

E. Temporary registration of health care professionals. Any board or commission placed within the Louisiana Department of Health or the Department of Agriculture and Forestry by R.S. 36:259(A)(1) through (16), (19) through (21), and (24) and ~~(B)(32) and 629(S)~~ (F)(3) and 629(M) may exercise during such period as the declared state of public health emergency exists, the power reasonably necessary to issue temporary registrations to health care providers licensed, certified, or registered in another jurisdiction of the United States whose licenses, certifications, or registrations are current and unrestricted and in good standing in such jurisdictions. The boards and commissions may promulgate rules creating an expedited emergency process for issuance of emergency temporary registrations. Such temporary registrations may be granted for a period of not more than sixty days at the discretion of the board or commission, with the possible extension of up to two additional sixty-day periods as determined appropriate and necessary by the board or commission. The temporary registrants shall register with the respective board or commission prior to providing professional services in this state. Rules promulgated pursuant to the provisions of this Section may, at the discretion of the board or commission, provide that the temporary registrants shall only be allowed to provide gratuitous services specified by the board or commission, or its designee for such purpose. ~~Within thirty days after June 2, 2006, each such board or commission shall file an emergency plan with the department for processes related to registration of health care providers licensed, certified, or registered in another jurisdiction of the United State responding to the public health emergency.~~

Section 4. R.S. 36:3(introductory paragraph), 4(B) through (D), 53, 239, 259(A) (introductory paragraph), (B)(introductory paragraph) and (10) through (21), (C)(introductory paragraph), and (D), 359, 409(C), (D), (E), (F)(introductory

CODING: Words in ~~struck through~~ type are deletions from existing law; words under scored (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

paragraph), (G), (H), (I), and (J), 459, 478, 610(B) and (C), 769, 801(introductory paragraph), 801.1(A), 802(introductory paragraph), 803(A)(1), 851(A), 901(A), and 921(A) are hereby amended and reenacted and R.S. 36:259(B)(9), (E), (F), and (G), 409(A), and 610(A) are hereby enacted to read as follows:

§3. Definitions
For the purposes of As used in this Title, the following terms shall have the following meanings unless the context clearly indicates otherwise:

§4. Structure of executive branch of state government

B. The office of the governor shall be in the executive branch of state government. The governor may allocate within his office the powers, duties, funds, functions, appropriations, responsibilities, and personnel of the agencies within his office and provide for the administration thereof and for the organization of his office. (4) The following agencies and their powers, duties, functions, and responsibilities are hereby transferred to the office of the governor:

(a) (1) Division of administration (including but not limited to Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950 generally including but not limited to R.S. 39:1 et seq., 11 et seq., 15.1 et seq., 21 et seq., 51 et seq., 71 et seq., 87.1 et seq., 88.1 et seq., 101 et seq., 140 et seq., 171 et seq., 196 et seq., 231 et seq., 251 et seq., 321 et seq., 333 et seq., 360 et seq., and 367; and also R.S. 39:1410, 1527 et seq., 1551 et seq., 1751 et seq., 1761 et seq., 1796 et seq., 2001 et seq., and 2171 et seq.; R.S. 40:1237.2; R.S. 41:1 et seq., R.S. 42:801 et seq. and 1261 et seq.; R.S. 43:1, 31, 33, and 81- 90; R.S. 47:35; and R.S. 49:141, 205, 661 et seq., 954.1, and 981 et seq.). The following agencies are placed within the division of administration:

(b) (a) Office of state procurement, division of administration (R.S. 39:1551 et seq.).

(e) (b) Division of state buildings (R.S. 49:141).

(d) (c) Office of facility planning and control, division of administration (R.S. 39:101 et seq.).

(e) (d) The office Office of technology services (R.S. 39:15.1 et seq.), including the Louisiana Geographic Information Systems Council (R.S. 49:1051 et seq.); within the division of administration.

(e) Office of the State Register (R.S. 49:954.1 and 981 et seq.).

(f) Cash Management Review Board (R.S. 39:88.1 et seq. and 371 et seq.).

(g) Patient's Compensation Fund Oversight Board, as established by R.S. 40:1231.4, which shall exercise and perform its powers, duties, functions, and responsibilities as provided in R.S. 36:801.1, and shall continue to appoint its executive director and other personnel as provided by law.

(h) Office of Group Benefits (R.S. 42:801). The Group Benefits Policy and Planning Board (R.S. 42:881 et seq.) shall be within the Office of Group Benefits.

(i) Louisiana Tax Commission (R.S. 47:1831 et seq.), which shall perform and exercise its powers, duties, functions, and responsibilities as provided in R.S. 36:801.1.

(j) The powers, duties, functions, and responsibilities of the Board of Commissioners of Camp Moore Confederate Cemetery (R.S. 29:432-435), formerly abolished, are hereby transferred to the division of administration, state land office. The state land office may enter into a cooperative endeavor agreement with the Camp Moore Historical Association for the operation and maintenance of the Camp Moore Museum and Cemetery.

(k) Office of the state Americans with Disabilities Act coordinator (R.S. 46:2591 et seq.).

(f) (2) The Occupational Forecasting Conference (R.S. 23:76).

(g) (3) Governor's Office of Homeland Security and Emergency Preparedness (R.S. 29:721 et seq.).

(h) The Council on Peace Officer Standards and Training (R.S. 40:2401-2406), which is placed under the jurisdiction of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(i) Crime Victims Reparations Board (R.S. 46:1801 et seq. and R.S. 15:1223) which is placed under the jurisdiction of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(j) Office of the State Register, division of administration (R.S. 49:954.1 and 981 et seq.).

(k) (4) Louisiana Architects Selection Board (R.S. 38:2311).

(l) (5) Louisiana Engineers Selection Board (R.S. 38:2311).

(m) (6) Louisiana Landscape Architects Selection Board (R.S. 38:2311).

(n) (7) The Military Department, state of Louisiana (Art. IV, Sec. 5(J) of 1974 Const.; R.S. 29:1-242 [R.S.29:1 et seq., excluding provisions for the Governor's Office of Homeland Security and Emergency Preparedness]; R.S. 40:1379.2), including the Ansel M. Stroud, Jr. Military History and Weapons Museum (R.S. 25:851-856).

(o) Office of the state Americans with Disabilities Act coordinator, division of administration (R.S. 46:2591 et seq.).

(r) The Cash Management Review Board (R.S. 39:88.1 et seq. and 371 et seq.) is placed within the office of the governor, division of administration.

(s) (8) The Law Enforcement Executive Management Institute and its board (R.S. 33:2341 et seq.) are placed within the office of the governor and shall perform and exercise their powers, duties, functions, and responsibilities as provided by law.

(t) (9) Louisiana Stadium and Exposition District, Board of Commissioners (Act No. 541 of the 1976 Regular Session).

(v) (10) The Mental Health Advocacy Service and its board of trustees (R.S. 28:64).

(z) (11) The Louisiana Commission on Law Enforcement and Administration of Criminal Justice (R.S. 15:1201 et seq.). The following agencies are placed under the jurisdiction of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice:

(a) Council on Peace Officer Standards and Training (R.S. 40:2401 et seq.).

(b) Crime Victims Reparations Board (R.S. 46:1801 and R.S. 15:1223).

(aa) (c) The Louisiana Sentencing Commission (R.S. 15:321 et seq.) under the jurisdiction of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(dd) The Patient's Compensation Fund Oversight Board, as established by R.S. 40:1231.4, shall be placed in the office of the governor, division of administration, shall perform and exercise its powers, duties, functions, and responsibilities as provided in R.S. 36:801.1, and shall continue to appoint its executive director and other personnel as provided by law.

(ff) (12) The Louisiana Sheriff's Executive Management Institute (R.S. 13:5631 et seq.).

(2) The following agencies are hereby abolished and their powers, duties, functions, and responsibilities are hereby transferred to the governor:

(a) Public Buildings Board (R.S. 49:131-49:134).

(3) The governor may allocate within his office the powers, duties, funds, functions, appropriations, responsibilities, and personnel of the agencies within his office, provide for the administration thereof and for the organization of his office.

(4) (13) The office Office of life-long learning, as more specifically provided in (R.S. 17:3931 and 3932) shall be placed within the office of the governor.

(5) (14) The governor may establish within his office an office of civil rights, as more specifically provided in (R.S. 49:213).

(6)(a) (15) The office Office of elderly affairs and the Louisiana Executive Board on Aging, as more specifically provided in (R.S. 46:931 et seq.), shall be placed within the office of the governor.

(7) (16) The office Office of disability affairs, as more specifically provided in (R.S. 46:2581 and 2582), shall be placed within the office of the governor.

(8) (17) The Children's Cabinet and the Children's Cabinet Advisory Board, as more specifically provided in (R.S. 46:2601 through 2607), the Children's Trust Dedicated Fund Account, as more specifically provided in (R.S. 46:2401 through 2407), and the Council on the Status of Grandparents Raising Grandchildren, as more specifically provided in (R.S. 46:2605.1 through 2605.3), shall be placed within the office of the governor.

(11) (18) The management of all state-owned aircraft that are being managed by the Department of Transportation and Development on the effective date of this Paragraph is hereby vested in the office of the governor within the division of administration. Rural Water Infrastructure Committee (R.S. 49:220.31 et seq.) which shall perform its powers, duties, and functions as provided by law.

(12) (19) The Louisiana Commission on Human Rights, as more specifically provided in (R.S. 51:2231-2265), shall be placed within the office of the governor.

(13) The functions of the Registrar of the State Land Office and the State Land Office (R.S. 41:1-19 and generally all of Title 41 of the Louisiana Revised Statutes of 1950) previously abolished by Act No. 513 of the 1976 Regular Session of the Legislature, and the administration and supervision of state lands is hereby placed within the office of the governor, division of administration.

(15)(a) The Office of Group Benefits, as more specifically provided in R.S. 42:801 et seq., shall be placed within the office of the governor, division of administration, and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

(b) The Group Benefits Policy and Planning Board (R.S. 42:881 et seq.) shall be within the Office of Group Benefits within the office of the governor, division of administration, and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

(16) The powers, duties, functions, and responsibilities of the Board of Commissioners of Camp Moore Confederate Cemetery (R.S. 29:432-435), formerly abolished, are hereby transferred to the division of administration, state land office. The state land office may enter into a cooperative endeavor agreement with the Camp Moore Historical Association for the operation and maintenance of the Camp Moore Museum and Cemetery.

(17) (20) The office Office of the coordinator of faith-based programs, as more specifically provided in (R.S. 49:210.2), shall be placed within the office of the governor.

(18) The Louisiana Tax Commission (R.S. 47:1831 et seq.; R.S. 47:1951 et seq.) is placed within the office of the governor, division of administration and shall exercise and perform its powers, duties, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.

C. The office of the lieutenant governor shall be in the executive branch of state government.

D. (21) The Louisiana Public Defender Board, as more specifically provided for in the Louisiana Public Defender Act (R.S. 15:141 et seq.), shall be placed within the office of the governor as an independent agency and shall exercise its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.

E. (22) The Juvenile Justice Reform Act Implementation Commission, as more specifically provided in (R.S. 46:2751 through 2757), shall be placed within the office of the governor and which shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

~~F. (23) The office Office on women's policy (R.S. 46:2521-2525) shall be placed within the office of the governor. The Louisiana Women's Policy and Research Commission (R.S. 46:2525) is placed within the office on women's policy.~~

~~G. (24) The Governor's Office of Indian Affairs (R.S. 46:2301-2303 et seq.), shall be placed within the office of the governor and which shall perform and exercise its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:802.~~

~~H. (25) The Intrastate Mutual Aid Subcommittee (R.S. 29:739) is placed within the office of the governor and which shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.~~

~~I. (26) The office Office of the state inspector general, as more specifically provided in (R.S. 49:220.21 et seq.), shall be placed within the office of the governor.~~

~~J. (27) The office Office of human trafficking prevention, as provided for in (R.S. 46:2169 et seq.), shall be placed within the office of the governor and which shall exercise its powers, duties, and functions as provided by law. The Louisiana Human Trafficking Prevention Commission and Advisory Board, as provided for in (R.S. 46:2165 et seq.), shall be placed within the office of human trafficking prevention.~~

~~K. (28) The Drug Policy Board as provided for in (R.S. 49:219.1 through 219.4), shall be placed within the office of the governor and which shall exercise its powers, duties, and functions in accordance with the provisions of R.S. 36:801.1.~~

~~L. (29) The office Office of rural development (R.S. 3:311 et seq.) shall be placed within the office of the governor and which shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.~~

~~N. The Volunteer Louisiana Commission, as more specifically provided for in R.S. 49:1111 et seq., shall be placed within the office of the lieutenant governor and shall exercise its powers, duties, and functions in accordance with the provisions of R.S. 36:802.14.~~

~~R. (30) The Louisiana State Interagency Coordinating Council for EarlySteps: Louisiana's Early Intervention Program for Infants and Toddlers with Disabilities and Their Families (R.S. 28:470), is placed within the office of the governor and which shall exercise and perform its powers, duties, functions, and responsibilities in accordance with the manner provided for agencies transferred under the provisions of R.S. 36:802, except that it shall have any other powers, duties, functions, and responsibilities specifically provided in R.S. 28:470.~~

~~U. The Encore Louisiana Commission, as provided for in R.S. 51:1317 et seq., shall be placed within the office of the lieutenant governor and shall exercise its powers, duties, and functions as provided by law.~~

~~X. (31) The Louisiana Council on the Success of Black Men and Boys, as provided for in (R.S. 49:1211 et seq.), shall be placed within the office of the governor and which shall exercise its powers, duties, and functions as provided by law.~~

~~Y. (32) The Pet Overpopulation Advisory Council, as more specifically provided in (R.S. 47:463.60), is placed within the office of the governor and which shall perform its powers, duties, and functions as provided by law.~~

~~Z. (33) The Governor's Advisory Commission on Coastal Protection, Restoration and Conservation (R.S. 49:214.4.1), and the Coastal Protection and Restoration Authority Board (R.S. 49:214.5.1 et seq.), and the Coastal Protection and Restoration Authority (R.S. 49:214.6.1 et seq.), shall be placed within the office of the governor and which shall perform and exercise their powers, duties, functions, and responsibilities as provided by law.~~

~~(2) The responsibilities of the Atchafalaya Basin Program (R.S. 49:214.8.1 et seq.) shall be placed within the Coastal Protection and Restoration Authority and shall perform and exercise their powers, duties, functions, and responsibilities as provided by law.~~

~~AA. (34) The Latino Commission (R.S. 49:1221 et seq.), is hereby placed within the office of the governor and which shall exercise its powers, duties, functions, and responsibilities as provided in R.S. 36:917 R.S. 36:901 et seq., except that the board may solicit, receive, and expend funds as authorized by law.~~

~~BB. The Rural Water Infrastructure Committee (R.S. 49:220.31 et seq.) is hereby placed within the office of the governor and shall perform its powers, duties, and functions as provided by law.~~

~~C. The Public Buildings Board (R.S. 49:131 et seq.) is hereby abolished and its powers, duties, functions, and responsibilities are hereby transferred to the governor.~~

~~D. The office of the lieutenant governor shall be in the executive branch of state government. The following agencies are placed within the office of the lieutenant governor and shall exercise their powers, duties, functions, and responsibilities as provided by law:~~

~~(1) Encore Louisiana Commission (R.S. 51:1317 et seq.).~~

~~(2)(a) The Volunteer Louisiana Commission (R.S. 49:1111 et seq.) shall be transferred to the office of the lieutenant governor as provided in R.S. 36:802, except that the commission shall be authorized to employ, fix the compensation of, remove, and assign duties to the executive director of the commission and shall be authorized to employ, appoint, fix the compensation of, remove, assign, and promote such personnel as are necessary for the commission to perform its powers, duties, functions, and responsibilities in accordance with civil service laws, rules, and regulations.~~

~~(b) The term "secretary of the department" as used in R.S. 36:802 shall mean the lieutenant governor and the term "undersecretary of the department" as used in R.S. 36:802 shall mean the undersecretary of the Department of~~

Culture, Recreation, and Tourism for the purposes of this Paragraph.

* * *

§53. Transfer of boards, commissions, departments, and agencies to Department of State Civil Service

A. The following agencies are hereby placed within the Department of State Civil Service in accordance with the provisions of R.S. 36:801:

(1) The state State examiner of municipal fire and police civil service and the office of the state examiner of municipal fire and police civil service (Parts II and III of Chapter 5 of Title 33 of the Louisiana Revised Statutes of 1950 and other provisions of the constitution and law applicable to the state examiner and his office) are transferred to and hereafter shall be within the Department of State Civil Service, as provided in R.S. 36:801.

E. (2) The Board of Ethics (R.S. 42:1101 et seq.), an agency as defined by R.S. 36:3, is hereby placed in and hereafter shall be within the Department of State Civil Service, as provided in R.S. 36:809. The State Civil Service Commission and the Department of State Civil Service and its director shall in no way interfere with, review, or change the decisions of the Board of Ethics.

(3) Division of administrative law (R.S. 49:991 et seq.).

B. The following agencies are hereby placed within the Department of State Civil Service in accordance with the provisions of R.S. 36:801.1:

(1) State Police Service (Article X, Sections 41 through 51 of the 1974 Constitution of Louisiana).

(2) Board of Tax Appeals. The State Civil Service Commission, the Department of State Civil Service, and its director shall in no way interfere with, review, or change the decisions or operations of the Board of Tax Appeals. There shall be a Local Tax Division of the Board of Tax Appeals.

F. C. For purposes of this Chapter, references in Chapters 22 and 24 of this Title to the "secretary", the "undersecretary", or an "assistant secretary" shall be construed to mean the State Civil Service Commission, through the director.

~~H. The State Police Service (Article X, Sections 41 through 51 of the 1974 Louisiana Constitution) is placed within the Department of State Civil Service and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with R.S. 36:801.1.~~

~~I. The division of administrative law (R.S. 49:991 et seq.) is placed within the Department of State Civil Service and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with R.S. 36:801.~~

~~J. The Board of Tax Appeals is placed within the Department of State Civil Service as an independent agency and shall exercise its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1. The State Civil Service Commission, the Department of State Civil Service, and its director shall in no way interfere with, review, or change the decisions or operations of the agency so placed. There shall be a Local Tax Division of the Board of Tax Appeals.~~

* * *

§239. Transfer of agencies and functions to Department of Environmental Quality

~~B. A. The following agencies, as defined in R.S. 36:3, are hereby abolished and their powers, duties, functions, and responsibilities are transferred to the secretary of the Department of Environmental Quality and shall be exercised and performed as provided in Part IV of Chapter 22 of this Title R.S. 36:921 et seq.:~~

~~(1) Governor's Council on Environmental Quality (R.S. 40:2351 et seq.).~~

~~(2) Citizen's Advisory Board to the Governor's Council on Environmental Quality (R.S. 40:2354).~~

~~(4) (3) Environmental Control Commission (R.S. 30:2013).~~

~~E. B. The Motor Fuels Underground Storage Tank Trust Fund Advisory Board (R.S. 30:2195 et seq.) is placed within the Department of Environmental Quality and shall exercise and perform its powers, duties, functions, and responsibilities as otherwise provided by law.~~

~~E. C. The Board of Certification and Training for Solid Waste Management System Operators (R.S. 37:3151 et seq.) is placed within the Department of Environmental Quality and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:803.~~

~~H. D. The Louisiana Small Business Compliance Advisory Panel (R.S. 30:2062) is placed within the Department of Environmental Quality and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:914 R.S. 36:901 et seq., except that the panel shall also serve in an advisory capacity to other appropriate department officers and agencies, particularly as otherwise provided by law.~~

* * *

§259. Transfer of agencies and functions to Louisiana Department of Health

~~A. The following agencies, as defined in R.S. 36:3, are transferred to and hereafter shall be within the Louisiana Department of Health; as provided in R.S. 36:803:~~

* * *

~~B. The following agencies, as defined in R.S. 36:3, are placed within the Louisiana Department of Health and shall perform and exercise exercise and perform their powers, duties, functions, and responsibilities as otherwise~~

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

(10) (9) Medicaid Pharmaceutical and Therapeutics Committee (R.S. 46:153.3).

(11) (10) ~~The advisory~~ Advisory council for the program of early identification of deaf or hard of hearing infants (R.S. 46:2261 et seq.).

(12) (11) Louisiana Obesity Prevention and Management Commission (R.S. 40:2018.4).

(13) (12) Louisiana Sickle Cell Commission (R.S. 40:2018.3).

(14) (13) Physician Assistants Advisory Committee (R.S. 37:1270.1).

(15) ~~Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et seq.).~~

(16) ~~Commission on Perinatal Care and Prevention of Infant Mortality (R.S. 40:2018).~~

(17) ~~Water Supply and Sewerage Systems Certification Committee (R.S. 40:1281.1 et seq.).~~

(18) ~~Louisiana Commission for the Deaf (R.S. 46:2351 et seq.).~~

(19) ~~Louisiana Medical Disclosure Panel (R.S. 40:1157.2).~~

(20) (14) The Respiratory Care Advisory Committee (R.S. 37:3356 et seq.).

(21) (15) Louisiana Advisory Committee on Populations and Geographic Regions With Excessive Cancer Rates (R.S. 40:1105.12).

(22) (16) Medical Education Commission (R.S. 17:1519.12).

(23) (17) Louisiana Access to Better Care Medicaid Insurance Demonstration Project Oversight Board (R.S. ~~46:160.1~~ 46:160 et seq.).

(24)(a) ~~Louisiana Emergency Response Network Board (R.S. 40:2841 et seq.).~~

(b) ~~The Louisiana Emergency Response Network Board shall be a separate budget unit within the Louisiana Department of Health.~~

(25) (18)(a) Louisiana Developmental Disabilities Council (R.S. 28:750 et seq.). The council shall have full appointing authority for all personnel purposes.

(b) ~~The regional~~ Regional and state advisory councils for the Community and Family Support System (R.S. 28:824(J)).

(26) ~~Anatomical Board (R.S. 17:2271 et seq.).~~

(27) ~~Board of Commissioners of the South Louisiana Health Services District (R.S. 28:241 et seq.).~~

(28) ~~Nursing Home Advisory Committee (R.S. 40:2009.1).~~

(29) ~~Hospital Licensure Council (R.S. 40:2108).~~

(30) ~~Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board (R.S. 46:2631 et seq.).~~

(31) ~~Clinical Laboratory Personnel Committee (R.S. 37:1311 et seq.).~~

(32) ~~Louisiana Emergency Medical Services Certification Commission (R.S. 40:1131 et seq.).~~

(33) ~~Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et seq.).~~

(34) (19) The Louisiana Commission on HIV, AIDS, and Hepatitis C Education, Prevention, and Treatment (R.S. 40:2018.1).

(35) ~~Louisiana State Board of Health and the Louisiana Department of Health and all its subsidiary boards (Such provisions of Title 40 of the Louisiana Revised Statutes of 1950 as are applicable to the abolished board and department).~~

(36) (20) The Palliative Care Interdisciplinary Advisory Council (R.S. 40:2018.6).

(37) (21) The Louisiana Toxic Mold Task Force (R.S. 40:1289.1 et seq.).

(38) ~~The Louisiana Rare Disease Advisory Council (R.S. 40:1122.1). The advisory council shall exercise and carry out all powers, duties, functions, and responsibilities as provided in R.S. 36:802.~~

C. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Louisiana Department of Health; as provided in Part II of Chapter 22 of this Title R.S. 36:851 et seq.:

* * *

D. The following agencies, as defined in R.S. 36:3, are placed within the Louisiana Department of Health and shall exercise and perform their powers, duties, functions, and responsibilities ~~in the manner provided for agencies transferred~~ in accordance with the provisions of R.S. 36:802:

(1) Commission on Perinatal Care and Prevention of Infant Mortality (R.S. 40:2018).

(2) Governor's Council on Physical Fitness and Sports (R.S. 40:2451 et seq.).

(3) The Healthy Moms, Healthy Babies Advisory Council (R.S. 40:2018.5).

(4) Louisiana Commission for the Deaf (R.S. 46:2351 et seq.).

(5) Louisiana Medical Disclosure Panel (R.S. 40:1157.2).

(6) Water Supply and Sewerage Systems Certification Committee (R.S. 40:1281.1 et seq.).

(7) Louisiana Rare Disease Advisory Council (R.S. 40:1122.1).

E. The Louisiana Emergency Response Network Board (R.S. 40:2841 et seq.) is placed within the Louisiana Department of Health and shall exercise and perform its powers, duties, functions, and responsibilities as provided in R.S. 36:801.1. The Louisiana Emergency Response Network Board shall be a separate budget unit within the Louisiana Department of Health.

F. The following agencies are hereby placed within the Louisiana Department of Health and shall exercise and perform their powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:901 et seq.:

(1) Traumatic Head and Spinal Cord Injury Trust Fund Advisory Board (R.S. 46:2631 et seq.).

(2) Clinical Laboratory Personnel Committee (R.S. 37:1311 et seq.), except that the committee may conduct examinations and may appoint and employ such personnel as required or authorized, as provided by R.S. 37:1315.

(R.S. 40:1131 et seq.), except that the commission shall advise the bureau of emergency medical services on requirements and standards for licensure of emergency medical personnel and continuing education requirements for licensure. The commission shall retain the authority to approve requirements and standard of practice for emergency medical personnel; conduct disciplinary hearings for emergency medical personnel; and cause the prosecution of any individual who violates the provisions of Subpart B of Part VII of Chapter 5 of Title 40 of the Louisiana Revised Statutes of 1950.

G. The following agencies, previously abolished by the Executive Reorganization Act, and their powers, duties, functions and responsibilities are transferred to the secretary of the Louisiana Department of Health and shall be exercised and performed as provided in R.S. 36:921 et seq.:

- (1) Anatomical Board (R.S. 17:2271 et seq.).
- (2) Board of Commissioners of the South Louisiana Health Services District (R.S. 28:241 et seq.).
- (3) Hospital Licensing Council (R.S. 40:2108).
- (4) Louisiana Narcotics Rehabilitation Commission (R.S. 40:1051 et seq.).
- (5) Louisiana State Board of Health and the Louisiana Department of Health and all its subsidiary boards. (Such provisions of Title 40 of the Louisiana Revised Statutes of 1950 as are applicable to the abolished board and department).
- (6) Nursing Home Advisory Committee (R.S. 40:2009.1).

* * *

§359. Transfer of agencies and functions to Department of Natural Resources

A. The following agencies are transferred to the Department of Natural Resources and shall exercise and perform their powers, duties, functions, and responsibilities as provided by law:

B. (1) The Oyster Lease Damage Evaluation Board (R.S. 56:700.10 et seq.) is placed within the Department of Natural Resources and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

C. (2) The advisory Advisory committee for the regulation and control of water well drillers (R.S. 38:3098 et seq.) is placed within the Department of Natural Resources and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.

(3) Water Management Advisory Task Force (R.S. 38:3097.7).

D. B. The following agencies are transferred to the Department of Natural Resources and shall exercise and perform their powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:802:

(1) The State Department of Conservation (Article V, Section 18 and Article VI, Section 1(c) of the 1921 Louisiana Constitution of Louisiana made statutory by Article XIV, Section 16(A)(2) and (3) of the 1974 Louisiana Constitution of Louisiana; Part I of Chapter 1 of Subtitle I of Title 30 of the Louisiana Revised Statutes of 1950 and other provisions of Title 30 that directly apply to the department), is transferred to and hereafter shall be within the Department of Natural Resources as provided in R.S. 36:806, except that the secretary, deputy secretary, and undersecretary of the department shall have no authority to exercise, review, administer, or implement the quasi judicial, licensing, permitting, regulatory, rulemaking, or enforcement powers or decisions of the assistant secretary of the office of conservation. The assistant secretary shall be authorized to employ, appoint, remove, assign, and promote such personnel as is necessary for the efficient administration required in making these decisions, in accordance with applicable civil service laws, rules, and regulations, and with policies and rules, subject to budgetary control of the Department of Natural Resources, and applicable laws.

E. (2) The State Mineral and Energy Board (R.S. 30:121 et seq.), is transferred to and hereafter shall be within the Department of Natural Resources as provided in R.S. 36:807, except the secretary of the Department of Natural Resources shall be an ex officio member of the State Mineral and Energy Board. The State Mineral and Energy Board shall retain the authority to lease for development and production of minerals, oil, and gas, any lands belonging to the state, or the title to which is in the public, including road beds, water bottoms, and land adjudicated to the state at tax sale. The State Mineral and Energy Board shall retain supervision of all mineral leases granted by the state, and it shall retain general authority to take action for and on behalf of and to protect the interests of the state in accordance with the provisions of Title 30 of the Revised Statutes of 1950, as amended, and applicable laws.

(3) Water Resources Commission (R.S. 38:3097.1 et seq.), except that the commission's powers, duties, functions, and responsibilities are in the nature of policymaking and adjudication. The commission shall continue to exercise all advising powers, duties, functions, and responsibilities provided by law.

F. C. The Oilfield Site Restoration Commission (R.S. 30:80 et seq.) is placed within the Department of Natural Resources, and shall perform its powers, duties, functions, and responsibilities in the manner provided for agencies and commissions transferred as provided in accordance with the provisions of R.S. 36:901 et seq. Part III of Chapter 22 of this Title:

K. The Water Resources Commission (R.S. 38:3097.1 et seq.) shall be placed within the office of conservation, Department of Natural Resources, and shall exercise its powers, duties, functions, and responsibilities as provided in R.S. 36:802.18.

L. The Water Management Advisory Task Force (R.S. 38:3097.7) shall be placed within the office of conservation, Department of Natural Resources, and shall perform its powers, duties, functions, and responsibilities in the manner provided by law.

CODING: Words in ~~struck through~~ type are deletions from existing law; words under-scored (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

A. The following agencies are placed within the Department of Public Safety and Corrections and shall exercise and perform their powers, duties, functions, and responsibilities as provided by law:

- (1) Reentry Advisory Council (R.S. 15:1199.4).
- (2) Task force to develop and implement an electronic media system for lien recordation and motor vehicle title information (R.S. 32:707.2).
- (3) Louisiana State Uniform Construction Code Council (R.S. 40:1730.21 et seq.).

* * *

~~C. The following agencies, as defined by R.S. 36:3, are transferred to and hereafter shall be within the Department of Public Safety and Corrections, as provided in R.S. 36:802:~~

- ~~(1) Fire Prevention Board of Review (R.S. 40:1578.1 et seq.).~~
- ~~(2) Fireman's Supplemental Pay Board (R.S. 40:1666.5 et seq.).~~
- ~~(3) Board of Review for extra compensation for municipal police officers (R.S. 40:1667.6).~~
- ~~(4) Committee on Parole (R.S. 15:572; R.S. 15:574.2 et seq.; R.S. 46:1651 et seq.).~~
- ~~(5) Board of Pardons (Article IV, Section 5(E) of the 1974 Louisiana Constitution; R.S. 15:572 et seq.).~~
- ~~(6) The Volunteer Firefighters' Tuition Reimbursement Board (R.S. 40:1558.1 et seq.).~~
- ~~(7) The Weights and Standards Police Force (mobile units only) (R.S. 40:1379.8). The Weights and Standards Police Force shall perform the functions of the state related to the enforcement of R.S. 32:380 through 388, 388.1, and 390, and R.S. 47:718, and the provisions of Chapter 4 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 relating to trucks, trailers, and semi-trailers and Part V of Chapter 7 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950 and the department's regulations adopted pursuant thereto.~~

~~(40) (8) The office Office of the Louisiana oil spill coordinator (R.S. 30:2451 et seq.).~~

~~(9) Liquefied Petroleum Gas Commission (Article VI, Section 28 of the 1921 Constitution of Louisiana made statutory by Article XIV, Section 16(A)(3) of the 1974 Constitution of Louisiana; R.S. 40:1841 et seq. and 1911 et seq.), except that any director or assistant director of the agency or similar personnel authorized by law shall continue to be appointed as otherwise provided by law.~~

D. The following agencies are placed within the Department of Public Safety and Corrections and shall exercise and perform their powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:803:

- (1) The Louisiana State Board of Private Security Examiners (R.S. 37:3270 et seq.) is transferred to and shall be within the Department of Public Safety and Corrections, as provided in R.S. 36:803.
- (2) Louisiana State Board of Private Investigator Examiners (R.S. 37:3501 et seq.).

E. The following agencies are placed within the Department of Public Safety and Corrections and shall exercise and perform their powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:901 et seq.):

- (1) The Louisiana Medical Advisory Board (R.S. 40:1351 et seq.) is transferred to and hereafter shall be within the Department of Public Safety and Corrections, as provided in Part III of Chapter 22 of this Title.
- (2) Prison Enterprises Board (R.S. 15:1151 et seq.).
- (3) Advisory board to the Liquefied Petroleum Gas Commission (R.S. 40:1851(F)).
- (4) Louisiana Life Safety and Property Protection Education Board (R.S. 40:1664.1 et seq.), except that the board shall advise the state fire marshal with respect to administration and enforcement of R.S. 40:1664.1 et seq. and shall retain the authority to approve acceptable equivalents for meeting certain licensure requirements and to establish continuing education requirements as further provided for in R.S. 40:1664.11.

~~F. The following agencies, as defined in R.S. 36:3, are hereby abolished and their powers, duties, functions, and responsibilities are transferred to the secretary of the Department of Public Safety and Corrections and hereafter shall be exercised and performed as provided in Part IV of Chapter 22 of this Title R.S. 36:921 et seq.:~~

* * *

~~G. The Prison Enterprises Board (R.S. 15:1151 et seq.) is placed within the Department of Public Safety and Corrections and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:901, et seq.~~

~~H. The Liquefied Petroleum Gas Commission (Article VI, Section 28 of the 1921 Louisiana Constitution made statutory by Article XIV, Section 16(A)(3) of the 1974 Louisiana Constitution; R.S. 40:1841 et seq. and 1911 et seq.) is placed within the Department of Public Safety and Corrections and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:802, except that any director or assistant director of the agency or similar personnel authorized by law shall continue to be appointed as otherwise provided by law.~~

~~I. The advisory board to the Liquefied Petroleum Gas Commission (R.S. 40:1851(F)) is placed within the Department of Public Safety and Corrections and shall perform and exercise its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in~~

~~accordance with R.S. 36:901 et seq.~~

~~J. G. The Louisiana Manufactured Housing Commission (R.S. 51:911.21 et seq. and 911.51 et seq.) is placed within the office of the state fire marshal of the Department of Public Safety and Corrections and shall perform and exercise its powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:803.1 R.S. 36:803, except that the commission shall continue to appoint its own director as otherwise authorized by law.~~

~~K. H. The Emergency Response Commission (R.S. 30:2361 et seq.) is placed within public safety services of the Department of Public Safety and Corrections and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.~~

~~L. The Louisiana State Board of Private Investigator Examiners (R.S. 37:3501 et seq.) is placed within the Department of Public Safety and Corrections and shall perform and exercise its powers, duties, functions, and responsibilities as provided for agencies transferred in accordance with R.S. 36:803.~~

~~M. The Louisiana Life Safety and Property Protection Advisory Board (R.S. 40:1664.1 et seq.) is placed within the Department of Public Safety and Corrections as provided in R.S. 36:919.3.~~

~~N. I.(1) The Louisiana Gaming Control Board (R.S. 27:1 et seq.) is placed within the Department of Public Safety and Corrections and shall exercise and perform its powers, duties, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.~~

~~(2) The Louisiana Gaming Control Board Hearing Office (R.S. 27:25), a division of the Louisiana Gaming Control Board, is placed within the Department of Public Safety and Corrections, as provided in R.S. 27:25.~~

~~O. J. The Louisiana Truck Center (R.S. 32:390.21 et seq.) is placed within the Department of Public Safety and Corrections and is placed in R.S. 36:851.~~

~~P. The Reentry Advisory Council (R.S. 15:1199.4) is placed within the Department of Public Safety and Corrections and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.~~

~~Q. The task force to develop and implement an electronic media system for lien recordation and motor vehicle title information (R.S. 32:707.2) is placed within the Department of Public Safety and Corrections and shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.~~

~~R. The Louisiana State Uniform Construction Code Council (R.S. 40:1730.21 et seq.) is placed within the Department of Public Safety and Corrections and shall perform and exercise its powers, duties, functions, and responsibilities as otherwise provided by law.~~

* * *

§459. Transfer of agencies or their powers to Department of Revenue

~~A. The Louisiana Sales and Use Tax Commission for Remote Sellers is placed within the Department of Revenue and shall exercise and perform its powers, duties, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of R.S. 36:801.1. The secretary and the Department of Revenue shall in no way interfere with, review, or change the decisions or operations of the agency so placed.~~

~~B. Public administrators for all parishes appointed pursuant to R.S. 9:1581 (R.S. 9:1581 et seq. and other provisions of Title 9 of the Louisiana Revised Statutes of 1950 that apply to such administrators) shall be transferred to and hereafter shall be within the Department of Revenue, as provided in R.S. 36:802.~~

~~C. The Department of Revenue (R.S. 47:1501 et seq. and other provisions of Title 47 of the Louisiana Revised Statutes of 1950 applicable to the former department) is hereby abolished and its powers, duties, functions, and responsibilities are transferred to the secretary of the Department of Revenue and hereafter shall be exercised and performed as provided in Part IV of Chapter 22 of this Title (R.S. 36:921 et seq.).~~

~~E. D. The Louisiana Tax Free Shopping Commission (R.S. 51:1301 et seq.) is placed within the Department of Revenue and shall exercise and perform its powers, duties, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of R.S. 36:802, except that the agency shall appoint its own director and assistant director.~~

~~F. E. The office of alcoholic beverage control is hereby abolished and its powers, duties, functions, employees, and responsibilities are transferred to the office of alcohol and tobacco control, Department of Revenue, as provided in Part IV of Chapter 22 of this Title R.S. 36:921 et seq.~~

~~G. F.(1) The division of charitable gaming control, office of state police, Department of Public Safety and Corrections, is hereby abolished.~~

~~(2) Except as otherwise provided in this Subsection, the powers, duties, functions, responsibilities, programs, and operations of the division of charitable gaming control, office of state police, Department of Public Safety and Corrections, are hereby transferred to the office of charitable gaming, Department of Revenue, as provided in Part IV of Chapter 22 of this Title R.S. 36:921 et seq.~~

~~(3) Employees of the division of charitable gaming control, office of state police, Department of Public Safety and Corrections, who are commissioned law enforcement officers, shall not be transferred under the provisions of R.S. 36:927, but shall remain with the office of state police, Department of Public Safety and Corrections. Notwithstanding the provisions of R.S. 36:927, the transfer of all other employees from the division of charitable gaming control, office of state police, Department of Public Safety and Corrections, to the office of charitable gaming, Department of Revenue, shall be at the discretion of the secretary of the Department of Revenue. All employees transferred from the division of charitable gaming control, office of state police, Department of Public Safety and Corrections, to the office of charitable~~

gaming, Department of Revenue, shall insofar as practicable and necessary continue to perform duties heretofore assigned, subject to applicable state civil service laws, rules, and regulations.

~~H. G.~~ The Uniform Electronic Local Return and Remittance Advisory Committee (R.S. 47:337.23) is placed within the Department of Revenue and shall exercise and perform its powers, duties, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of R.S. 36:901.

* * *

§478. Transfer of agencies and functions to Department of Children and Family Services

~~H.~~ The following agencies, ~~as defined in R.S. 36:3~~, previously abolished by the Executive Reorganization Act and their powers, duties, functions, and responsibilities are transferred to the secretary of the Department of Children and Family Services and shall be exercised and performed as provided in ~~Part IV of Chapter 22 of this Title~~ R.S. 36:921 et seq.:

(1) Louisiana Health and Human Resources Administration (R.S. 46:1751-46:1767, and generally Chapters 1 and 11 of Title 40 and all of Title 46 of the Louisiana Revised Statutes of 1950, except R.S. 46:1601-1608) to the extent that the cited provisions provide with respect to agencies or functions placed in or transferred to the Department of Children and Family Services.

(2) State Youth Planning Advisory Commission (Act 430 of the 1975 Regular Session).

(3) State Department of Public Welfare (Such provisions of Title 46 of the Louisiana Revised Statutes of 1950 as apply to the abolished department).

(4) State Board of Public Welfare (Such provisions of Title 46 of the Louisiana Revised Statutes of 1950 as apply to the abolished board).

~~M.~~ ~~The Louisiana Advisory Council on Child Care and Early Education is placed within the Department of Children and Family Services and shall exercise and perform its powers, duties, functions, and responsibilities as provided in R.S. 46:1401 et seq., particularly R.S. 46:1414.~~

* * *

§610. Transfer of agencies and functions to Department of Wildlife and Fisheries

~~B. A.~~ The following agencies, ~~as defined in R.S. 36:3~~, are transferred to and hereinafter shall be within the Department of Wildlife and Fisheries, as provided in R.S. 36:802;:

(1) ~~The~~ Wildlife and Fisheries Commission (Article IX, Section 7 of the Constitution of Louisiana of 1974; R.S. 56:1 et seq. and other provisions of the Louisiana Revised Statutes of 1950 that apply to the commission).

(2) Gulf States Marine Fisheries Commission (R.S. 56:71 et seq.).

(3) Northwest Louisiana Game and Fish Preserve (Act No. 191 of 1926 Regular Session, as amended).

(4) Iatt Lake State Game and Fish Preserve (Act No. 27 of 1940 Regular Session, as amended, and Act 244 of the 1962 Regular Session).

(5) Saline Lake Game and Fish Preserve (Act No. 105 of 1976 Regular Session, as amended).

(6) Nantachie Lake State Game and Fish Preserve (Act No. 440 of the 1966 Regular Session, as amended).

(7) The Oyster Task Force (R.S. 56:421).

(8) ~~The~~ Crab Task Force (R.S. 56:331).

~~(11)~~ (9) The Louisiana Shrimp Task Force (R.S. 56:494).

~~(12)~~ (10) The Louisiana Finfish Task Force (R.S. 56:301.10).

~~E. B.~~ (1) Notwithstanding any provisions of R.S. 56:801 to the contrary, the game and fish commissions created by the following Acts, as amended, are hereby abolished, and their powers, duties, functions, and responsibilities are transferred to the secretary of the Department of Wildlife and Fisheries and hereafter shall be exercised and performed as provided in ~~Part IV of Chapter 22 of this Title~~ R.S. 36:921 et seq., and the game and fish preserves created by the following Acts, as amended, are hereby placed within the Department of Wildlife and Fisheries and shall exercise and perform their powers, duties, functions, and responsibilities as provided for agencies transferred in accordance with the provisions of ~~Part II of Chapter 22 of this Title~~. Any parish or parishes, by formal resolution of the governing authority of each parish affected, pursuant to R.S. 56:721 et seq., may appoint a game and fish commission which may exercise those powers, duties, and functions provided in R.S. 56:721 et seq. in relation to the game and fish preserves for which commissions are hereby abolished.

(2) (a) Bayou Bonne Idee Game and Fish Commission (Act No. 248 of the 1952 Regular Session, as amended).

(3) (b) Bayou Pierre State Game and Fish Commission (Act No. 139 of the 1934 Regular Session, as amended).

(4) (c) Beauregard Old River Game and Fish Preserve Commission (Act No. 266 of 1958 Regular Session, as amended).

(5) (d) Bundicks Game and Fish Commission (Act No. 33 of 1956 Regular Session, as amended).

(6) (e) Cocodrie Lake Game and Fish Commission (Act No. 38 of 1957 Regular Session, as amended).

(7) (f) Lake Fields Game and Fish Management Commission (Act No. 379 of 1966 Regular Session, as amended).

~~(8) St. Martin-Lafayette Game and Fish Preserve (Act No. 337 of 1950 Regular Session, as amended).~~

(9) (g) Spanish Lake State Game and Fish Commission (Act No. 261 of the 1940 Regular Session, as amended).

(2) The game and fish preserves created by the following Acts, as amended, are hereby placed within the Department of Wildlife and Fisheries and shall

exercise and perform their powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:851 et seq.:

(a) St. Martin-Lafayette Game and Fish Preserve (Act No. 337 of 1950 Regular Session, as amended).

~~(11)~~ (b) Cornie Lake Game and Fish Preserve (Act No. 190 of 1934 Regular Session, as amended).

~~(12)~~ (c) Turkey Creek Game and Fish Preserve (Act No. 159 of 1938 Regular Session, as amended).

~~(13)~~ (d) West Atchafalaya Floodway Game and Fish Management Preserve (Act No. 565 of 1960 Regular Session, as amended).

~~(14)~~ (e) Hard Water Lake State Game and Fish Preserve (Act No. 560 of 1968 Regular Session, as amended).

~~D.~~ (3) The following agencies, ~~as defined in R.S. 36:3~~, are hereby placed within the Department of Wildlife and Fisheries and shall exercise and perform their powers, duties, functions, and responsibilities ~~as provided for agencies transferred in accordance with the provisions of Part II of Chapter 22 of this Title~~ R.S. 36:851 et seq.:

(4) (a) Lake Catherine and Lake Pontchartrain Sanctuary (Acts 1954, No. 476, as amended).

(2) (b) Catahoula Lake Game and Fish Preserve (Acts 1952, No. 320, as amended).

(3) (c) Lake Bistineau State Game and Fish Preserve (Acts 1930, No. 43, as amended).

(4) (d) Black Bayou Game and Fish Preserve (Act 39 of the 1940 Regular Session, as amended).

(5) (e) Cheniere Brake Fish Preserve (Act 88 of the 1940 Regular Session, as amended).

~~F.~~ ~~The Lake Fausse Point, Lake Dauterive, and Grande Avoille Cove Advisory Board (R.S. 56:796) is hereby placed within the Department of Wildlife and Fisheries and shall exercise its powers, duties, functions, and responsibilities as provided in R.S. 36:918.~~

~~G. C.~~ The following agencies, ~~as defined in R.S. 36:3~~, are placed within the Department of Wildlife and Fisheries and shall exercise and perform their powers, duties, functions, and responsibilities ~~in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:901 et seq. Part III of Chapter 22 of this Title:~~

(1) Lake Fausse Point, Lake Dauterive, and Grande Avoille Cove Advisory Board (R.S. 56:796), except that the board may solicit, receive, and expend funds as authorized by law.

(2) ~~The~~ Hunting and Fishing Advisory Education Council (R.S. 56:699.21 et seq.).

~~H.~~ (3) ~~The Louisiana Artificial Reef Development Council (R.S. 56:639.1 et seq.) is placed within the Department of Wildlife and Fisheries and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with Part III of Chapter 22 of this Title.~~

~~I.~~ (4) ~~The Louisiana Fur Advisory Council (R.S. 56:266) is placed within the Department of Wildlife and Fisheries and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with Part III of Chapter 22 of this Title.~~

~~L.~~ (5) ~~The Louisiana Alligator Advisory Council (R.S. 56:278 and 279) is placed within the Department of Wildlife and Fisheries and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with Part III of Chapter 22 of this Title.~~

~~N.~~ ~~The Oyster Seed Ground Vessel Permit Appeals Board (R.S. 56:433.1) is placed within the Department of Wildlife and Fisheries and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with Part III of Chapter 22 of this Title.~~

* * *

§769. Transfer of boards, commissions, departments, and agencies to Department of the Treasury

~~B. A.~~ For purposes of this Chapter, references in Chapters 22 and 24 of this Title to the “secretary” shall refer to the state treasurer, references to the “undersecretary” shall refer to the deputy state treasurer for management and finance, and references to an “assistant secretary” shall refer to an assistant state treasurer.

~~E. B.~~ The following agencies, ~~as defined by R.S. 36:3~~, are transferred to and hereafter shall be within the Department of the Treasury, as provided in R.S. 36:802:

(1) State Bond Commission, including the powers, duties, functions, and responsibilities of any agencies which have been previously transferred to the State Bond Commission (Article VII, Section 8 of the Constitution of Louisiana of 1974; Chapter 11 of Subtitle III of Title 39 of the Louisiana Revised Statutes of 1950 and other provisions of the Louisiana Revised Statutes of 1950 that apply to the commission.).

(2) Interim Emergency Board (Article VII, Section 7 of the Constitution of Louisiana; R.S. 39:461 et seq.).

(3) State Medical Disability Board (R.S. 11:219 and other provisions of Title 11 of the Louisiana Revised Statutes of 1950 that apply to the board).

~~D. C.~~ (1) The following agencies, ~~as defined by R.S. 36:3~~, and the boards of each, except the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, are transferred to and shall be within the Department of the Treasury, ~~as provided in R.S. 36:801.3 in accordance with the provisions of R.S. 36:801 and Paragraph (2) of this Subsection:~~

~~(4) (a) Louisiana State Employees’ Retirement System (R.S. 11:401 et seq.).~~
~~(2) (b) Louisiana State Police Pension and Retirement System (R.S. 11:1301 et seq.).~~

~~(4) (c) Louisiana School Employees’ Retirement System (R.S. 11:1001 et seq.).~~
~~(6) (d) Teachers’ Retirement System of Louisiana (R.S. 11:701 et seq.).~~

~~(2)(a) Each agency placed within the Department of the Treasury by the provisions of this Subsection shall employ its own executive director and assistant director, if such positions are authorized by any other applicable law, independently of the treasurer, and may employ, appoint, remove, and assign such other personnel as otherwise authorized by law and as necessary to carry out its functions or duties.~~

~~(b) The assets of each system shall be held in trust by the fiduciaries who are named to the system’s governing board in accordance with the election or appointment procedure outlined in the Louisiana Revised Statutes of 1950 pertinent to that system. Such fiduciaries shall have exclusive authority and discretion to manage and control the assets of the system. The assets of each system shall be held for the exclusive purpose of providing benefits to members of the system and their beneficiaries and defraying reasonable expenses of administering the system.~~

~~F. D. The following agencies, as defined by R.S. 36:3 are State Bond and Tax Board is hereby abolished and their its powers, duties, functions, and responsibilities are transferred and shall be exercised and performed within the Department of the Treasury to the extent and in the manner as otherwise provided by law:~~

~~(2) State Bond and Tax Board (R.S. 39:641 et seq.; R.S. 39:871)~~
~~H. The State Medical Disability Board (R.S. 11:219 and other provisions of Title 11 of the Louisiana Revised Statutes of 1950 that apply to the board) is placed within the Department of Treasury and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:802.~~

~~I. E. The Louisiana Deferred Compensation Commission (R.S. 42:1301 et seq.) is placed within the Department of Treasury and shall exercise and perform its powers, duties, functions, and responsibilities in the manner provided for agencies transferred in accordance with the provisions of R.S. 36:801.1.~~

* * *

~~§801. Transfer; retention of functions~~
~~The agencies transferred by the provisions of R.S. 36:53(A), 409(B), 478(K), and 610(K) in accordance with this Section shall continue to be composed and selected as provided by law; each agency shall continue to exercise all powers, duties, functions, and responsibilities provided or authorized for each by the constitution or laws which are in the nature of policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and also shall continue to exercise all advisory powers, duties, and functions provided by law; each agency shall continue to administer and implement all programs provided or authorized for each by law which relate to rulemaking, licensing, regulation, enforcement, and adjudication; each agency shall continue to be governed by the Administrative Procedure Act, in its entirety, including provisions relative to adjudication proceedings, unless otherwise specifically provided by law; the executive head of each such agency shall employ, appoint, remove, assign, and promote such personnel as is necessary for the efficient administration of such powers, duties, functions, and responsibilities and for the administration and implementation of such programs, in accordance with applicable civil service laws, rules, and regulations, and with policies and rules of the department to which the agency is transferred, and subject to budgetary control and applicable laws; except as specifically provided in Paragraphs (1), (2), and (3) of this Section. The agencies transferred as provided in this Section shall exercise the powers, duties, functions, and responsibilities and shall administer and implement the programs authorized in this Section independently of the secretary, the undersecretary, and any assistant secretary, except that:~~

* * *

~~§801.1. Transfer; retention of all functions~~
~~A. The agencies transferred in accordance with this Section, including those transferred by the provisions of R.S. 36:4(B)(1)(dd) and (18) and (D), 53(H) and (J), 259(B)(24), 409(N), and 725(A), shall continue to be comprised and selected as provided by law.~~

* * *

~~§802. Transfer; retention of policymaking and rulemaking functions~~
~~The agencies transferred in accordance with this Section, including those transferred by the provisions of R.S. 36:259(B)(19), 409(C), 459(B), 610(B), and 769(C), shall continue to be composed and selected as provided by law, and each shall continue to exercise all of the powers, duties, functions, and responsibilities provided or authorized for each by the constitution or laws which are in the nature of policymaking, rulemaking, licensing, regulation, enforcement, or adjudication and also shall continue to exercise all advisory powers, duties, functions, and responsibilities provided by law. Such powers, duties, functions, and responsibilities shall be exercised independently of the secretary and any assistant secretary, except that:~~

* * *

~~§803. Transfer; licensing agencies~~
~~A.(1) Each of the The agencies transferred in accordance with this Section, including those transferred by the provisions of R.S. 36:259(A) and 409(D), all of which are charged by law with the responsibility for the regulation, examination, certification, and licensing of persons in this state, and the enforcement of the laws relating thereto, shall continue to be composed and~~

selected as provided by law, and each shall continue to exercise all of the powers, duties, functions, and responsibilities provided or authorized for each by the constitution or laws which are in the nature of policymaking, rulemaking, certification, licensing, regulation, enforcement, or adjudication and also shall continue to exercise all advisory powers, duties, functions, and responsibilities provided by law.

* * *

~~§851. Transfer; merger and consolidation of functions~~
~~A. The powers, duties, functions, responsibilities, programs, and operations as vested by the constitution and laws of this state, of each of the agencies transferred in accordance with this Part, including those transferred by the provisions of R.S. 36:259(C), 409(O), and 610(D), upon and after the date of each such transfer, shall be exercised by and be under the administration and control of the secretary of the department to which each is transferred, except for those functions of each which are required to be performed and administered by the undersecretary of each department, as heretofore provided for each by this Title.~~

* * *

~~§901. Transfer; merger and consolidation of functions; advisory agency~~
~~A. The functions, powers, duties, responsibilities, programs, and operations of each of the agencies transferred in accordance with this Part, including those transferred by the provisions of R.S. 36:259(F) and 409(E), on the date of each such transfer, shall vest in and thereafter be the responsibility of the secretary of the department to which the transfer is made and shall be administered by the secretary in accordance with the powers vested in him by this Title and the applicable laws pertaining to each agency, except for those functions of each which are required to be performed and administered by the undersecretary of the department as heretofore provided for each by this Title. Each agency thus transferred shall continue in existence, the members thereof shall continue in office and hereafter shall be selected in the manner provided by law for each, and each agency hereafter shall serve solely in an advisory capacity to the secretary with respect to policies concerning matters within the purview of each as originally created.~~

* * *

~~§921. Transfer; merger and consolidation of functions~~
~~A. The powers, duties, functions, responsibilities, programs, and operations as vested by the constitution and laws of the state of each of the agencies abolished, including those abolished by the provisions of R.S. 36:259(F), 409(F), 459(C), 610(C), and 769(E), upon and after the date of each such abolition, shall be exercised and performed by and be under the administration and control of the secretary of the department to which such powers, duties, functions, and responsibilities are transferred. The secretary shall assign those functions of each which are required to be performed and administered by the undersecretary of each department, as heretofore provided for each department by this Title, to the undersecretary.~~

* * *

~~Section 5. R.S. 40:1081.8(D) and 1664.11(A)(introductory paragraph) are hereby amended and reenacted to read as follows:~~
~~§1081.8. Sickle cell patient navigator program~~

* * *

~~D. The Louisiana Department of Health shall administer the program under the direction of the Louisiana Sickle Cell Commission placed within the department by the provisions of R.S. 36:259(B)(13) R.S. 36:259(B)(12).~~

* * *

~~§1664.11. Life Safety and Property Protection Education Board~~
~~A. The Life Safety and Property Protection Education Board is hereby created and placed within the Department of Public Safety and Corrections as further provided by R.S. 36:409(M) and 919.3 R.S. 36:409(E)(4). The board shall be composed of fifteen members, as follows:~~

* * *

~~Section 6. R.S. 46:2403(E) is hereby amended and reenacted to read as follows:~~
~~§2403. Creation of the Children’s Trust Dedicated Fund Account~~

* * *

~~E. The Children’s Cabinet shall determine the eligibility of programs to receive funding based upon a nonbiased system of scoring by volunteer grant reviewers and recommendations by the Children’s Trust Fund Board, and the administration of the account shall be exercised by the office in accordance with the directives of the cabinet and the provisions of R.S. 36:4(B)(8) R.S. 36:4(B)(17) and R.S. 46:2407.~~

~~Section 7. R.S. 36:4(B)(35) is hereby enacted to read as follows:~~
~~§4. Structure of executive branch of state government~~

* * *

~~B. The office of the governor shall be in the executive branch of state government. The governor may allocate within his office the powers, duties, funds, functions, appropriations, responsibilities, and personnel of the agencies within his office, provide for the administration thereof, and for the organization of his office. The following agencies and their powers, duties, functions, and responsibilities are hereby transferred to the office of the governor:~~

* * *

~~(35) Office of broadband and connectivity (R.S. 51:1361 et seq.) which shall perform and exercise its powers, duties, functions, and responsibilities as provided by law.~~

~~Section 8. R.S. 36:259(D)(8) is hereby enacted to read as follows:~~
~~§259. Transfer of agencies and functions to Louisiana Department of Health~~

~~CODING: Words in struck through type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.~~

* * *

D. The following agencies are placed within the Louisiana Department of Health and shall exercise and perform their powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:802:

* * *

(8) Louisiana Domestic Abuse Fatality Review Panel (R.S. 40:2024.1 et seq.).

* * *

Section 9. R.S. 36:4(E) through (BB), 259(B)(23) through (38), 409(K) through (R), 610(D) through (N), 801.3, 802.14, 802.15, 802.18, 803.1, 806, 807, 809, 914, 915, 917, 918, 919, 919.2, 919.3, and 919.4 are hereby repealed in their entirety.

Section 10. R.S. 36:4(B)(15) is hereby repealed in its entirety.

Section 11.(A) The provisions of this Act are intended to be technical in nature, and the Louisiana State Law Institute is hereby authorized to update any citation references in Louisiana Law to conform with the changes made by this Act. If a conflict is identified between a provision in this Act and another provision of law, the renumbering and rearranging of statutory provisions by this Act or by the Louisiana State Law Institute pursuant to this Act shall not be construed as the most recent expression of the legislature regarding the conflicting provisions.

(B) If House Bill No. 226 of the 2022 Regular Session becomes law, the Louisiana State Law Institute is hereby authorized to redesignate R.S. 36:259(B)(9) as enacted by that Act to R.S. 36:259(B)(22).

(C) If House Bill No. 762 of the 2022 Regular Session becomes law, the Louisiana State Law Institute is hereby authorized to redesignate R.S. 36:610(B)(13) as enacted by that Act to R.S. 36:610(A)(11).

(D) If House Bill No. 770 of the 2022 Regular Session becomes law, the Louisiana State Law Institute is hereby authorized to place the Louisiana Governor's Mansion Commission in the governor's office by including it in the list of agencies in R.S. 36:4(B).

(E) If Senate Bill No. 31 of the 2022 Regular Session becomes law, the Louisiana State Law Institute is hereby authorized to incorporate Section 2 of that Act into the Louisiana Revised Statutes of 1950 by:

(1) Removing R.S. 36:259(G)(2), (3), (4), and (6) from the enactments included in this Act and renumbering R.S. 36:259(G)(5) as enacted by this Act to R.S. 36:259(G)(2).

(2) Removing R.S. 36:259(B)(11) and (17) from the reenactments included in this Act and renumbering the Paragraphs within R.S. 36:259(B) as reenacted by this Act in accordance with such removals.

(F) If Senate Bill No. 333 of the 2022 Regular Session becomes law, the Louisiana State Law Institute is hereby authorized to incorporate the repeal of R.S. 36:259(B)(22) into the Louisiana Revised Statutes of 1950 by removing R.S. 36:259(B)(16) from the reenactments included in this Act and renumbering the Paragraphs within R.S. 36:259(B) as reenacted by this Act in accordance with such removals.

(G) If Senate Bill No. 341 of the 2022 Regular Session becomes law, the provisions of that bill shall be controlling. Amendments made to R.S. 36:359 by this Act shall not become effective and the repeals of R.S. 36:802.18, 806, and 807, by this Act shall not become effective.

(H) If Senate Bill No. 414 of the 2022 Regular Session becomes law, Section 1 of that Act shall not become effective.

(I) If House Bill No. 1046 of the 2022 Regular Session becomes law, the Louisiana State Law Institute is hereby authorized to incorporate the repeal of R.S. 36:610(D)(2) into the Louisiana Revised Statutes of 1950 by removing R.S. 36:610(B)(3)(b) from the reenactments included in this Act and renumbering the Subparagraphs within R.S. 36:610(B)(3) as reenacted by this Act in accordance with such removals.

(J) If House Bill No. 933 of the 2022 Regular Session becomes law, the Louisiana State Law Institute is hereby authorized to incorporate the repeal of R.S. 36:259(B)(28) into the Louisiana Revised Statutes of 1950 by removing R.S. 36:259(G)(6) from the reenactments included in this Act.

Section 12.(A) The provisions of Section 7 of this Act supercede the provisions of Section 1 of Act No. 24 of the 2020 Second Extraordinary Session of the Legislature.

(B) The provisions of Section 8 of this Act supercede the provisions of Section 1 of Act No. 320 of the 2021 Regular Session of the Legislature.

(C) The provisions of Section 10 of this Act supercede the provisions of Section 6 of Act No. 384 of the 2013 Regular Session of the Legislature.

Section 13.(A) Section 7 of this Act shall become effective when Section 3 of Act No. 24 of the 2020 Second Extraordinary Session of the Legislature becomes effective.

(B) Section 8 of this Act shall become effective when Section 2 of Act No. 320 of the 2021 Regular Session of the Legislature becomes effective.

(C) Section 10 of this Act shall become effective when Section 3 of Act No. 384 of the 2013 Regular Session of the Legislature becomes effective.

(D) This Section and Sections 1 through 6, 9, 11, and 12 of this Act, except as provided by Section 11.(G) of this Act, shall become effective on July 1, 2022; if vetoed by the governor and subsequently approved by the legislature, this Section and Sections 1 through 6, 9, 11, and 12 of this Act, except as provided by Section 11.(G) of this Act, shall become effective on July 1, 2022, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 624

HOUSE BILL NO. 423
BY REPRESENTATIVE MINCEY
AN ACT

To enact R.S. 17:2119 and 3996(B)(67), relative to voter registration; to require public school governing authorities to provide an opportunity for certain high school seniors to register to vote; to provide relative to methods for such registration; to prohibit the involvement of certain organizations; to provide for policies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2119 and 3996(B)(67) are hereby enacted to read as follows:
§2119. Voter registration; high schools

A. Each public school governing authority shall provide an opportunity for each high school senior who is at least seventeen years old to register to vote by using a school computer to fill out an electronic voter registration application or by using the state mail voter registration application form.

B. No public school governing authority shall allow the involvement of any political or partisan group or organization in the registration process.

C. Each public school governing authority shall adopt policies for the implementation of this Section and shall review the policies, at minimum, every five years for the purpose of considering any needed revisions or updates.

D. Each public school governing authority may follow guidance provided by the secretary of state in implementing the provisions of this Section.

* * *

§3996. Charter schools; exemptions; requirements

* * *

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *

(67) Voter registration, R.S. 17:2119.

* * *

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 625

HOUSE BILL NO. 431
BY REPRESENTATIVE JORDAN
AN ACT

To enact R.S. 15:622.1, relative to the use of DNA in criminal investigations; to provide relative to sexual assault collection kits; to provide relative to the comparison of DNA; to provide relative to criminal investigations; to prohibit the use of DNA in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:622.1 is hereby enacted to read as follows:

§622.1. Sexual assault collection kits; prohibited use in criminal investigation of victim

Notwithstanding any other provision of law to the contrary, DNA obtained by a criminal justice agency from a sexual assault collection kit as defined in R.S. 15:622 shall not be compared with other DNA records as defined in R.S. 15:603 for the purpose of investigating the victim of the sexually-oriented criminal offense who submitted the DNA if that victim is charged with or suspected of committing any criminal offense.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 626

HOUSE BILL NO. 440
BY REPRESENTATIVES PHELPS, LANDRY, MOORE, AND SCHLEGEL
AN ACT

To enact R.S. 17:280.1, relative to school curricula; to require public schools to incorporate eating disorder instruction into existing curricula; to provide for rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:280.1 is hereby enacted to read as follows:

§280.1. Eating disorder awareness and prevention; required instruction

A. Each public school governing authority shall provide age and grade appropriate instruction relative to eating disorder awareness and prevention. Such instruction shall be integrated into the curriculum of an existing required course, such as health education, physical education, or another

required course deemed appropriate by the governing authority.
B. Each public school governing authority shall adopt rules and regulations necessary for implementation of this Section.

Section 2. This Act shall be cited and referred to as the “Brandi Melissa Act”.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 627

HOUSE BILL NO. 460
BY REPRESENTATIVE BRASS AND SENATORS BARROW, BERNARD,
BOUDREAUX, BOUIE, CARTER, FOIL, JACKSON, LUNEAU, ROBERT
MILLS, MIZELL, PRICE, SMITH, STINE, TARVER, AND WOMACK
AN ACT

To amend and reenact R.S. 15:1099.5(C)(1), (D), and (E), relative to early childhood programs; to provide relative to the purpose for which a parish governing authority levies an additional tax; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:1099.5(C)(1), (D), and (E) are hereby amended and reenacted to read as follows:

§1099.5. Power to levy taxes, incur debt, issue bonds

* * *

C.(1)(a) A governing authority may levy a special annual tax not to exceed one mill for a period of not more than twenty years for the purposes of acquiring, constructing, equipping, operating, maintaining, and managing a youth center and providing rehabilitative programs within a structured environment for children who enter the juvenile justice system or who are children in need of care or supervision, for preventative programs, or for making payments pursuant to a lease or lease-purchase contract pursuant to this Subpart by a two-thirds vote of total membership of the governing authority, without voter approval, but only after a public hearing is held. In addition, a governing authority may also levy an additional tax not to exceed two mills for a period of not more than twenty years for such purposes by a two-thirds vote of the total membership of the governing authority, but only after a public hearing is held and when authorized by a majority of the electors who vote thereon in an election held for that purpose.(b) For purposes of this Paragraph, preventative programs include early childhood care and educational programming and infrastructure, and programs that address adverse childhood experiences as well as any related services and support for parents with the goal of ensuring children do not enter the juvenile justice system in the future.

* * *

D. The taxing authority provided for in this Section shall not apply to any governing authority with jurisdiction over a youth center located in the parishes of Acadia, Allen, Assumption, Beauregard, Bienville, Caddo, Caldwell, Cameron, Catahoula, Concordia, East Carroll, Evangeline, Franklin, Iberia, Jefferson, Lafayette, Lafourche, LaSalle, Madison, Orleans, Rapides, Richland, St. Bernard, St. Charles, ~~St. Landry~~, St. Tammany, Tangipahoa, Tensas, Vermilion, Vernon, and West Carroll.

E.(1) The taxing authority provided for in this Section shall apply to any governing authority with jurisdiction over a youth center located in the parishes of East Feliciana, Iberville, Pointe Coupee, West Baton Rouge, and West Feliciana provided that any tax to be levied pursuant to this Section is authorized by a majority of the electors who vote thereon in an election held for that purpose.

(2) No later than September first of each year, every parish subject to the provisions of this Subsection shall submit an annual report to the office of juvenile justice that provides an accounting of the monies distributed pursuant to Subsection C of this Section.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 628

HOUSE BILL NO. 553
BY REPRESENTATIVE MCKNIGHT
AN ACT

To amend and reenact R.S. 40:1047(A)(introductory paragraph) and (2) , (B), and (C), and to repeal R.S. 40:1047(A)(3) through (6), (D), and (E), relative to suitability requirements for persons associated with production of therapeutic marijuana; to provide for definitions; to prohibit government agencies from conducting suitability investigations as a requirement for licensure to produce therapeutic marijuana; to require employees of contractors to submit to criminal background checks; to permit contractors to conduct background checks as a condition of employment; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1047(A)(introductory paragraph) and (2) and (B) and (C)

are hereby amended and reenacted to read as follows:

§1047. ~~Louisiana Department of Agriculture and Forestry Permits relating to production of therapeutic marijuana; contractors of licensed producers; permit application requirements; authorization for Department of Agriculture and Forestry to obtain criminal history record information~~

A. As used in this Section, the following terms shall have the following meaning ascribed in this Subsection:

* * *

(2) ~~“Bureau” means the Louisiana Bureau of Criminal Identification and Information of the office of state police within the Department of Public Safety and Corrections.~~ “Contractor” means any person, partnership, joint venture, limited liability company, corporation, association, joint stock association, sole proprietorship, trust, other business entity, or juridical person whether incorporated or not selected by either the Louisiana State University Agricultural Center or the Southern University Agricultural Center through a competitive bid process to cultivate, extract, process, produce, and transport therapeutic marijuana.

B. ~~(1) In addition to any other requirements established by department rules, the department shall require an applicant, as a condition of eligibility for licensure: No applicant for a specialty license or permit for the production of recommended marijuana for therapeutic use issued pursuant to R.S. 40:1046(H) or a contractor shall be required to undergo a suitability investigation conducted by any government agency as a prerequisite to obtaining a license or permit.~~

~~(1) To submit a full set of fingerprints, in a form and manner prescribed by the department.~~

~~(2) To permit the department to request and obtain state and national criminal history record information on the applicant. A contractor shall submit to a criminal history background check conducted by a government agency or private entity subject to any applicable terms and conditions of the contract between the university licensee and contractor. The requirement to undergo a criminal history background check shall be limited to employees of a contractor for the production of recommended marijuana for therapeutic use. The government agency designated to regulate licensees for the production of recommended marijuana for therapeutic use pursuant to R.S. 40:1046 shall issue a provisional permit to the contractor and shall be converted to an unconditional permit upon successful completion of the criminal history background check.~~

~~(3) To pay the reasonable costs to be incurred by the department in requesting and obtaining state and national criminal history record information on the applicant.~~

C. ~~In accordance with the provisions and procedure prescribed by this Section, the department shall request and obtain state and national criminal history record information from the bureau and the FBI relative to any applicant for licensure whose fingerprints the department has obtained pursuant to this Section for the purpose of determining the applicant’s suitability and eligibility for licensure. Unless otherwise provided by law, nothing in this Section shall be construed to limit or prohibit a contractor from considering the results of a background check of a prospective employee in making the final determination of whether to employ the person.~~

Section 2. R.S. 40:1047(A)(3) through (6), (D), and (E) are hereby repealed in their entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 629

HOUSE BILL NO. 607
BY REPRESENTATIVES GEYMANN AND MCKNIGHT
AN ACT

To amend and reenact R.S. 14:102.1(A)(2)(a), relative to cruelty to animals; to provide relative to the penalties for a first offense of the crime of cruelty to animals; to provide relative to payments for expenses incurred for the animal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:102.1(A)(2)(a) is hereby amended and reenacted to read as follows:

§102.1. Cruelty to animals; simple and aggravated

A.

* * *

(2)(a) Whoever commits the crime of simple cruelty to animals shall be fined not more than one thousand dollars, or imprisoned for not more than six months, or both. In addition, the court may order the offender to pay for any expenses incurred for the housing of the animal and for medical treatment of the animal, pursuant to Code of Criminal Procedure Article 883.2.

* * *

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 630

HOUSE BILL NO. 615
BY REPRESENTATIVE FREEMAN AND SENATORS BARROW, BERNARD,
BOUDREAUX, CORTEZ, FESI, HEWITT, JACKSON, FRED MILLS,
MIZELL, PRICE, REESE, SMITH, STINE, TARVER, AND WHITE
AN ACT

To amend and reenact R.S. 44:3(A)(4)(b)(ii) and to enact R.S. 44:3(K), relative to public records; to provide relative to disclosure; to provide relative to law enforcement investigative records; to provide for disclosure to certain individuals; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:3(A)(4)(b)(ii) is hereby amended and reenacted and R.S. 44:3(K) is hereby enacted to read as follows:

§3. Records of prosecutive, investigative, and law enforcement agencies and communications districts

A. Nothing in this Chapter shall be construed to require disclosures of records, or the information contained therein, held by the offices of the attorney general, district attorneys, sheriffs, police departments, Department of Public Safety and Corrections, marshals, investigators, public health investigators, correctional agencies, communications districts, intelligence agencies, Council on Peace Officer Standards and Training, Louisiana Commission on Law Enforcement and Administration of Criminal Justice, or publicly owned water districts of the state, which records are:

- * * *
- (4) * * *
- (b) The initial report shall set forth: * * *

(ii) The name and identification of each and every person who is a witness to, a suspect charged with, or arrested for the alleged offense-, unless prohibited or protected by federal law or state law not contained in this Title.

* * *

K.(1) Unless prohibited by federal law or state law not contained in this Title, if a victim of an offense or his designated family member requests an opportunity to review or copy any portion of records related to the offense against the victim, the agency shall allow the victim or his designated family member to review and copy the records unless the agency certifies in writing that the matter is subject to actual or reasonably anticipated criminal litigation.

(2) Any document that an agency provides to any defendant after prosecution of an offense has been initiated shall, upon request from the victim or a designated family member, also be made available for review and copying by the requestor unless the agency certifies in writing that the records are being withheld because information in them could materially affect the prosecution or a related investigation.

(3) Nothing in this Subsection shall be construed to prohibit an agency from in its discretion allowing a victim of an offense or his family member to review or copy any record related to the offense, provided the agency determines it would not reasonably impair any ongoing investigation or prosecution.

(4) For purposes of this Subsection, “designated family member” and “victim” have the same meanings as that provided by R.S. 46:1842.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 631

HOUSE BILL NO. 689
BY REPRESENTATIVE SCHAMERHORN
AN ACT

To amend and reenact R.S. 56:306.2(B), 306.3, 306.4(Section heading) and (C)(1), and 306.5(A) and to enact R.S. 56:306.1 and 306.2(A)(2), relative to licenses; to create the retail seafood dealer’s license; to provide for license required to buy and sell seafood; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:306.2(B), 306.3, 306.4(Section heading) and (C)(1), and 306.5(A) are hereby amended and reenacted and R.S. 56:306.1 and 306.2(A)(2) are hereby enacted to read as follows:

§306.1. Retail seafood dealer’s license; place of business; employees; retail out-of-state crab shipping license

A. Any person buying, acquiring, or handling by any means whatsoever, from a Louisiana wholesale/retail seafood dealer, any species of fish whether fresh, frozen, processed, or unprocessed, that sells to the consumer for personal or household use and any person who ships fish out of or within the state of Louisiana to the consumer for personal or household use shall purchase a retail seafood dealer’s license.

B.(1) The license shall be in the legal name of the licensee and shall list

the legal mailing address and physical location of the place of business and any other information required by the department. If the place of business is a vehicle, the license shall state “vehicle” and shall list the legal mailing address and physical location of the licensee.

(2)(a) This license, when issued to an individual, allows the licensee to operate as a retail seafood dealer at any point within the state when that person is in possession of the original license. The license is only valid for the individual for whom it has been issued.

(b) This license, when issued to a corporation, partnership, or any other type of association, is valid only for one place of business and valid only to transact business for and in the name of the licensee.

(3) If the licensee owns or operates more than one place of business, then an additional retail seafood dealer’s license must be purchased for each additional place of business or vehicle. The additional licenses shall be in the same name of the business, list a license number which shall be different than the original license, list the legal mailing address and the physical location of that place of business, and any other information required by the department.

(4) Individual employees of retail seafood dealers are not required to obtain a retail seafood dealer’s license when transacting the business of the retail seafood dealer on the premises of the place of business, but any employee or person buying, acquiring, handling, or selling fish as a retail seafood dealer other than on the premises of the place of business must obtain a valid retail seafood dealer’s license. When individual employees of a retail seafood dealer operate under the authority of a transport license for that dealer, the retail seafood dealer licensee remains responsible for all activities taking place under authority of that license.

(5) The provisions of this Section shall not apply to a person transporting fish under the privilege of a Louisiana transport license purchased in connection with a Louisiana retail seafood dealer’s license when that person buys fish for or on behalf of the retail seafood dealer and only transports such fish to that retail dealer.

(6) Restaurants and retail grocers who only purchase fish, whether fresh, frozen, processed, or unprocessed, from a licensed wholesale/retail seafood dealer and only sell such fish fully prepared for immediate consumption by the consumer need not be licensed in compliance with the provisions of this Section. Any restaurant or retail grocer who sells fish as described in R.S. 56:306 or 306.1 shall be licensed in accordance with the applicable law. All restaurants and retail grocers shall maintain records as required in this Subpart.

(7)(a) In addition to the license requirements contained in this Section, any retail seafood dealer who exports or attempts to export outside of the state of Louisiana any crabs, softshell crabs, boiled crabs, containerized crabmeat, or containerized pasteurized crabmeat shall be required to purchase a retail out-of-state crab shipping license in addition to his retail dealer’s license. The retail out-of-state crab shipping license shall be issued in the same manner as a retail seafood dealer’s license and shall be issued only to a person who is a licensed retail seafood dealer.

(b) The fee for a retail out-of-state crab shipping license shall be one hundred dollars per year. The license shall be valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year. The license may be purchased at any time of the year for the current license year and from November fifteenth for the immediately following license year.

(c) Of the revenues collected from the issuance of retail out-of-state crab shipping licenses, ten percent shall be deposited to the Conservation Fund, and ninety percent shall be deposited to the Crab Development, Management, and Derelict Crab Trap Removal Account, R.S. 56:10(B)(1)(e).

§306.2. License fee; place of purchase
A.

* * *

(2) The cost of the retail seafood dealer’s license is two hundred thirty dollars for residents and four hundred sixty dollars for nonresidents.

* * *

B. A wholesale/retail seafood dealer’s license and a retail seafood dealer’s license shall be issued only by the department during normal working hours at the Baton Rouge office or at any other location designated by the department. §306.3. Wholesale/retail seafood dealer’s license and retail seafood dealer’s license; license year; purchase period

A. A wholesale/retail seafood dealer’s license is and a retail seafood dealer’s license are valid for one year, beginning on January first of each calendar year and expiring on December thirty-first of the same calendar year.

B. A wholesale/retail seafood dealer’s license and a retail seafood dealer’s license may be purchased at any time of the year for the current license year and from November fifteenth for the immediately following license year.

C. The department may also authorize the purchase of a wholesale/retail seafood dealer’s license and a retail seafood dealer’s license for a four-year period at four times the cost of the annual license fee.

§306.4. Restrictions on buying and selling and transportation by wholesale/retail seafood dealers; retail seafood dealer’s license; restaurants and retail grocers

* * *

C.(1) ~~Restaurants~~ Retail seafood dealers, restaurants, and retail grocers shall buy directly only from wholesale/retail seafood dealers licensed in Louisiana. When a restaurant or retail grocer purchases fish from an out-of-state seller and brings the fish into the state, he shall buy directly from those

persons from whom he can legally purchase fish in the state of purchase. When a retail seafood dealer, restaurant, or retail grocer buys fish from an out-of-state seller and brings the fish into the state, the restaurant or retail grocer shall be licensed in accordance with the provisions of R.S. 56:306 or 306.1 and shall possess a valid transport license when bringing such fish into the state.

* * *

§306.5. Records

A. Wholesale/retail seafood dealers, retail seafood dealers, restaurants, and retail grocers shall keep, in the English language:

* * *

Section 2. The changes to license fees contained in this Act shall be phased in by the department, where starting on November 15, 2022 and for the duration of the 2023 commercial license year, the resident fee is \$167.50 and the nonresident fee is \$432.50 and the remainder of each fee increase shall be implemented starting on November 15, 2023.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 632

HOUSE BILL NO. 703

BY REPRESENTATIVE GREGORY MILLER

AN ACT

To enact R.S. 9:2784.1, relative to repair contracts following a natural disaster; to provide for venue for disputes arising from the contract; to provide for nullification of certain terms; to provide for rescission of the contract; to provide for notice; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2784.1 is hereby enacted to read as follows:

§2784.1. Repair contracts entered into during a state of emergency; venue; rescission

A. Notwithstanding any provision of the law to the contrary, any provision, clause, covenant, or agreement contained in, collateral to, or affecting a disaster repair contract which purports to require any proceeding involving a dispute over the contract to be brought in a venue other than a venue provided by law is contrary to the public policy of this state and is null, void, and unenforceable.

B.(1) The owner of residential property who enters into a disaster repair contract may cancel the contract within ten days of entering into the contract.

(2) If a homeowner elects to cancel a contract pursuant to this Subsection, he may do so by hand-delivering notice thereof to the contractor or by mailing notice by United States mail to the contractor at his last known address, or to his agent for service of process.

(3) Cancellation made pursuant to this Subsection shall be without penalty and all payments made by the homeowner before cancellation shall be refunded promptly. This contractor shall be entitled to payment for the cost of work performed and materials ordered or delivered prior to cancellation, along with reasonable overhead.

C.(1) This Section shall not apply to material suppliers or materialmen for sales to the owner of the affected residential property or deliveries to the affected residential property of materials ordered by a contractor or subcontractor even if the repair contract is cancelled pursuant to Subsection B of this Section.

(2) This Section shall not affect proper venue for an action on an open account, promissory note, or contract for sales of materials by a material supplier or materialman to the owner of the residential property as provided in Code of Civil Procedure Articles 74.4 and 76.1.

D. Nothing in this Section shall affect the rights of any party provided in R.S. 9:4801 et seq. or R.S. 9:2781.

E. For purposes of this Section, “disaster repair contract” means a contract or subcontract entered into during the six month period following the initial declaration of a gubernatorially declared disaster or emergency following a natural disaster for repairs to a residential property located in the emergency area and affected by the natural disaster.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 633

HOUSE BILL NO. 727

BY REPRESENTATIVE BACALA AND SENATOR FOIL

AN ACT

To amend and reenact Children’s Code Articles 1207, 1213(A) and (C), 1229, and 1235(A) and (B), and to repeal Children’s Code Articles 1213(D) and 1235(C), relative to adoptions; to provide relative to agency and private adoptions; to provide relative to adoption finalization; to provide for prerequisites; to provide for reporting and in-home visitation; to provide for resources to families; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Articles 1207, 1213(A) and (C), 1229, and 1235(A) and (B) are hereby amended and reenacted to read as follows:

Art. 1207. Duties of the agency; duties of the department; home study; confidential report

A. Prior to the final decree of the adoption, the licensed private adoption agency, or the department, if the child is in custody of the department, shall ensure that all of the prerequisites for adoption that are listed in this Paragraph are completed. The licensed private adoption agency or the department shall complete the list of prerequisites by utilizing a social worker in the employ of a licensed private adoption agency, licensed social worker, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist; or, if the child is in the custody of the department, by a department employee or designee. All of the following prerequisites shall be completed:

(1) Conduct an initial in-home, in-person visit with the child and one adoptive parent within seven calendar days of the child’s placement. The next in-home, in-person visit shall occur within thirty days of the initial in-home, in-person visit.

(2) Conduct an in-home visit with one adoptive parent at least once every month after the visits provided in Subparagraph (1) of this Paragraph are completed. The child shall be observed in the home during the monthly visit.

(3) Conduct a private visit without the presence of the adoptive parents with each child age one year and above every other month with at least a segment of the visit occurring in the adoptive home.

(4) Conduct an in-home visit with both adoptive parents and child within thirty days prior to the final decree.

(5) Prepare a report that documents information obtained from the visits conducted pursuant to Subparagraphs (1) through (4) of this Paragraph which shall contain all of the following:

(a) The date and time of the visit.

(b) The individuals present at the time of the visit.

(c) The location of the visit.

(d) The duration of the visit.

(e) An assessment of adjustment of both the child and the adoptive parent.

(f) An assessment of the attachment and bonding between the child and the adoptive parent.

(g) An assessment of the child’s health.

(h) A description of changes since last contact.

(i) A summary of the visit.

(j) The signature of a person conducting the visit or phone contact.(6)

Conduct at least three of the visits prior to adoption finalization including the visit prior to the final decree which shall include both adoptive parents and all other members of the household.

(7) Report observations made during the visits which shall be used in making recommendations for the finalization of the adoption. If problems are identified, the family shall be assisted directly and referred to a resource to address the concerns.

(8) The child and adoptive parent shall be provided assistance, consultation, and emotional support with situations and problems encountered in permanent placement through finalization.

(9) The adoptive family shall be provided with access to twenty-four hour crisis intervention services through finalization.

(10) A confidential report concerning requirements set forth in Subparagraphs (1) through (9) of this Paragraph shall be presented to the department upon completion and to the court prior to the hearing on the final decree of agency adoption.

B. The department shall investigate the proposed agency adoption and submit a confidential report of its findings to the court. The findings shall include:

(1) The conditions with respect to the availability of the child for adoption.

(2) The physical and mental condition of the child.

(3) Other factors regarding the suitability of the child for adoption in petitioner’s home.

(4) The moral and financial fitness of the petitioner.

(5) The conditions of the proposed adoptive home with respect to health, adjustment, and other advantages or disadvantages to the child.

B. C. The department may delegate the performance of this investigation to a licensed private adoption agency, but the department remains responsible for ensuring the accuracy and thoroughness of the resulting report and for the safety and welfare of the child. The department shall adopt, promulgate, and enforce such rules and regulations as are necessary and appropriate to implement this authorization in accordance with the Administrative Procedure Act.

E. D. The department shall make every effort to locate any living parent whose consent is required under Article 1193 to determine the parent’s attitude toward the proposed adoption. If a curator ad hoc has been appointed by the court pursuant to Article 1205, the department shall supply him with all information pertinent to the location of an absentee parent within fifteen days of its receipt of a copy of the order appointing the curator ad hoc.

* * *

Art. 1213. Continuing duties of the department; home study report

A. After an interlocutory decree has been entered, the department shall maintain contact with the proposed adoptive home directly or through another agency in accordance with ~~Paragraph D of this Article~~ 1207.

* * *

C. ~~A If an interlocutory decree has been entered, a second confidential report must shall be presented to the court preceding the hearing on the final decree of agency adoption. The findings of this report shall be based upon the same considerations as prescribed in Article 1207 and shall disclose any changed conditions and all new pertinent information.~~

* * *

Art. 1229. Duties of attorney arranging the adoption; duties of department; home study; confidential report

A. ~~Prior to the final decree of the adoption, the attorney arranging the private adoption shall ensure that all of the prerequisites for adoption that are listed in this Paragraph are completed. The attorney arranging the private adoption shall complete the list of prerequisites by utilizing a social worker in the employ of a licensed private adoption agency, licensed social worker, licensed professional counselor, licensed psychologist, medical psychologist, licensed psychiatrist, or licensed marriage and family therapist; or, if the child is in the custody of the department, by a department employee or designee. All of the following prerequisites shall be completed:~~

(1) ~~Conduct an initial in-home, in-person visit with the child and one adoptive parent within seven calendar days of the child's placement. The next in-home, in-person visit shall occur within thirty days of the initial in-home, in-person visit.~~

(2) ~~Conduct an in-home visit with one adoptive parent at least once every month after the visits provided in Subparagraph (1) of this Paragraph are completed. The child shall be observed in the home during the monthly visit.~~

(3) ~~Conduct a private visit without the presence of the adoptive parents with each child age one year and above every other month with at least a segment of the visit occurring in the adoptive home.~~

(4) ~~Conduct an in-home visit with both adoptive parents and child within thirty days prior to the final decree.~~

(5) ~~Prepare a report that documents information obtained from the visits conducted pursuant to Subparagraphs (1) through (4) of this Paragraph which shall contain all of the following:~~

- (a) ~~The date and time of the visit.~~
- (b) ~~The individuals present at the time of the visit.~~
- (c) ~~The location of the visit.~~
- (d) ~~The duration of the visit.~~
- (e) ~~An assessment of adjustment of both the child and the adoptive parent.~~
- (f) ~~An assessment of the attachment and bonding between the child and the adoptive parent.~~
- (g) ~~An assessment of the child's health.~~
- (h) ~~A description of changes since last contact.~~
- (i) ~~A summary of the visit.~~
- (j) ~~The signature of a person conducting the visit or phone contact.~~

(6) ~~Conduct at least three of the visits prior to adoption finalization including the visit prior to the final decree which shall include both adoptive parents and all other members of the household.~~

(7) ~~Report observations made during the visits which shall be used in making recommendations for the finalization of the adoption. If problems are identified, the family shall be assisted directly and referred to a resource to address the concerns.~~

(8) ~~The child and adoptive parent shall be provided assistance, consultation, and emotional support with situations and problems encountered in permanent placement through finalization.~~

(9) ~~The adoptive family shall be provided with access to twenty-four hour crisis intervention services through finalization.~~

(10) ~~A confidential report concerning requirements set forth in Subparagraphs (1) through (9) of this Paragraph shall be presented to the department upon completion and to the court prior to the hearing on the final decree of agency adoption.~~

B. ~~The department shall investigate the proposed private adoption and submit a confidential report of its findings to the court. The findings shall include:~~

- (1) ~~The conditions with respect to the availability of the child for adoption.~~
- (2) ~~The physical and mental condition of the child.~~
- (3) ~~Other factors regarding the suitability of the child for adoption in petitioner's home.~~
- (4) ~~The moral and financial fitness of the petitioner.~~
- (5) ~~The conditions of the proposed adoptive home with respect to health, adjustment, and other advantages or disadvantages to the child.~~

~~B. C.~~ The department may delegate the performance of this investigation to a licensed private adoption agency, but the department remains responsible for ensuring the accuracy and thoroughness of the resulting report and for the safety and welfare of the child. The department shall adopt, promulgate, and enforce such rules and regulations as are necessary and appropriate to implement this authorization in accordance with the Administrative Procedure Act.

~~E. D.~~ The department shall make every effort to locate any living parent whose consent is required under Article 1193 to determine the parent's attitude toward the proposed adoption. If a curator ad hoc has been appointed by the court pursuant to Article 1227, the department shall supply him with all information pertinent to the location of an absentee parent within fifteen days of its receipt of a copy of the order appointing the curator ad hoc.

* * *

Art. 1235. Continuing duties; home study report

A. After an interlocutory decree has been entered, if ordered by the court, the attorney arranging the private adoption shall ensure that a licensed

professional tasked with ensuring the safety and health of the child in the adoptive placement shall maintain contact with the proposed adoptive home directly or through another agency in accordance with ~~Paragraph C of this Article 1229.~~

B. ~~A If an interlocutory decree has been entered, a second confidential report shall be presented to the court preceding the hearing on the final decree of private adoption. The findings of this report shall be based upon the same considerations as prescribed in Article 1229 and shall disclose any changed conditions and all new pertinent information.~~

* * *

Section 2. Children's Code Articles 1213(D) and 1235(C) are hereby repealed in their entirety.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 634

HOUSE BILL NO. 745
BY REPRESENTATIVE GREEN
AN ACT

To enact R.S. 40:2537, relative to officer disciplinary matters; to provide for whistleblower protection; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2537 is hereby enacted to read as follows:

§2537. Whistleblower protection and cause of action

A. No police employee shall be discharged, demoted, suspended, threatened, harassed, or discriminated against in any manner in the terms and conditions of his employment because of any lawful act engaged in by the employee or on behalf of the employee in furtherance of any action taken to report malfeasance in office by police employees to law enforcement, whether such fellow employee is a co-worker, supervisor or subordinate.

B.(1) A police employee may bring an action for relief against his employer, in a court of competent jurisdiction, for damages associated with any action taken by the employee which is in furtherance of reporting malfeasance in office.

(2) A person aggrieved of a violation of Subsection A of this Section shall be entitled to treble damages plus court costs and reasonable attorney fees.

C. A plaintiff shall not be entitled to recovery pursuant to this Section if the court finds that the plaintiff instituted or proceeded with an action that was frivolous, vexatious, or harassing.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 635

HOUSE BILL NO. 803
BY REPRESENTATIVE GADBERRY
AN ACT

To amend and reenact R.S. 40:1730.28(A)(3)(e) and (f) and (7), the heading of Part IV-C of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, 1730.41 through 1730.45, and 1730.49(D) and (E)(1)(introductory paragraph), (a), and (2), to enact R.S. 40:1730.22(F), 1730.28(A)(8), 1730.28.4, and 1730.28.5, and to repeal R.S. 40:1730.28(A)(3)(g) and 1730.46 through 1730.48, relative to building codes; to provide for a short title; to provide for definitions; to provide for the heading of Part IV-C of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950; to provide for energy conservation standards; to provide for applicable alterations and repairs; to provide for training and technical assistance; to create the energy code commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1730.28(A)(3)(e) and (f) and (7), the heading of Part IV-C of Chapter 8 of Title 40 of the Louisiana Revised Statutes of 1950, 1730.41 through 1730.45, and 1730.49(D) and (E)(1)(introductory paragraph), (a), and (2) are hereby amended and reenacted and R.S. 40:1730.22(F), 1730.28(A)(8), 1730.28.4, and 1730.28.5 are hereby enacted to read as follows:

§1730.22. Louisiana State Uniform Construction Code Council; membership; function of council; meeting requirements; immunity

* * *

E.(1) Training and technical assistance in the implementation of the Louisiana State Uniform Construction Code residential and commercial building energy code provisions shall be the responsibility of the technology assessment division of the Department of Natural Resources in collaboration with the council, as provided for in Subsection C of this Section.

(2) The technology assessment division of the Department of Natural Resources shall continue training and technical assistance as funding allows.

* * *

§1730.28. Mandatory adoption of certain nationally recognized codes and standards as the state uniform construction code; adoption by reference

A. Except as provided in Subsection C of this Section, the council shall evaluate, adopt, and amend only the latest editions of the following as the

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

~~Energy Conservation Code State Building Energy Conservation Code.~~
E. ~~C.~~ The state fire marshal and the facility planning and control section of the division of administration shall have the power to promulgate rules and regulations necessary to enforce the provisions of this Part.
F. ~~If a commercial building energy code is adopted by any political subdivision of this state, it must adopt the Commercial Building Energy Conservation Code or a more stringent code.~~
§1730.49. Louisiana major facility project; energy efficiency and conservation; requirements

* * *

D. A professional engineer certified third-party commissioning agent shall certify that the major facility project's systems for heating, ventilation, air conditioning, energy conservation and water conservation are installed and working properly to ensure that each major facility project performs according to the major facility project's overall environmental design intent and operational objectives.
E.(1) For purposes of this Section, a major facility project shall mean either of the following:
(a) ~~A state-funded new construction building project which is: A facility greater than five thousand gross square feet.~~
(i) ~~From the effective date of this Section through December 31, 2008, the project shall be larger than twenty thousand gross square feet.~~
(ii) ~~From January 1, 2009 through December 31, 2009, the project shall be larger than fifteen thousand gross square feet.~~
(iii) ~~From January 1, 2010 through December 31, 2010, the project shall be larger than ten thousand gross square feet.~~
(iv) ~~From January 1, 2011 and thereafter, the project shall be larger than five thousand gross square feet.~~

* * *

(2) A major facility project shall not mean a building, regardless of size, which does not have conditioned space as defined by ~~Standard 90.1 of the American Society of Heating, Refrigerating, and Air Conditioning Engineers the International Energy Conservation Code, published by the International Code Council, as adopted by the council pursuant to R.S. 40:1730.28.~~
Section 2. R.S. 40:1730.28(A)(3)(g) and 1730.46 through 1730.48 are hereby repealed in their entirety.
Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 636

HOUSE BILL NO. 905
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact Code of Civil Procedure Article 4614, relative to partition of co-owned property; to provide relative to purchase by a co-owner; to provide for credit for property interest in property; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. Code of Civil Procedure Article 4614 is hereby amended and reenacted to read as follows:
Art. 4614. Purchase by co-owner of property or interest sold
A. Any property or interest therein in the property sold to effect a partition, whether by licitation or by private sale, may be purchased by a co-owner.
B. If a property or interest in the property is purchased by a co-owner, the co-owner shall be credited for his share of the property or interest in the property. The co-owner shall have his share deducted from the purchase price of the property or interest in the property prior to payment.
Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 637

HOUSE BILL NO. 918
BY REPRESENTATIVE WHEAT
AN ACT

To amend and reenact R.S. 40:1667.1(B)(1), 1667.3(A) through (D), 1667.4, and 1667.6(A) and to enact R.S. 40:1667.11, relative to supplemental pay for certain law enforcement officers; to provide relative to prior service for purposes of the period of service requirement; to provide relative to disbursement of funds; to provide for the board of review; to provide relative to eligibility for supplemental pay; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:1667.1(B)(1), 1667.3(A) through (D), 1667.4, and 1667.6(A) are hereby amended and reenacted and R.S. 40:1667.11 is hereby enacted to read as follows:
§1667.1. Rate of compensation; prior service; supplemental monthly compensation; police to receive additional compensation

* * *

B.(1) In computing the period of service required by Subsection A of this

THE ADVOCATE * As it appears in the enrolled bill
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Section, service as a police officer and as chief of police with peace officer standards and training (POST) certification in the municipality or tribe shall include prior service for those police officers and chiefs of police who have returned or hereafter return to such service. In addition, in computing the period of service required by Subsection A of this Section, service as a police officer and as chief of police in the municipality or tribe shall include prior service as a commissioned deputy sheriff receiving extra compensation under the provisions of R.S. 40:1667.7, shall include prior service as a P.O.S.T.-certified law enforcement officer employed on a full-time basis by the Department of Wildlife and Fisheries or the Department of Public Safety and Corrections, including the division of probation and parole, and shall include prior service of retired state police officers who received extra compensation under the provisions of R.S. 40:1457, and shall include prior service as a police officer certified pursuant to R.S. 40:2405 employed on a full-time basis by an official law enforcement agency.

* * *

§1667.3. Disbursement of funds
A.(1) The funds appropriated and dedicated as herein provided shall be disbursed upon warrants ~~drawn approved and certified~~ by the mayors, ~~chiefs of police, or marshals~~ of the respective municipalities coming under the provisions of this Part, which warrants shall have attached to them a detailed list of the names of the ~~officers~~ individuals for whose benefit any particular warrant is drawn, together with the completed years of service of such officers and such other information as the secretary of the Department of Public Safety and Corrections may require.
(2) If a person who is required to sign a warrant fails to sign it, the person shall forward by certified mail to the Department of Public Safety and Corrections a letter which includes a justification for the failure to sign the warrant and supporting documentation. The board of review may approve a warrant that does not include all required signatures.
B. The mayors, ~~chiefs of police, or marshals~~ of the respective municipalities shall forward the approved and certified warrants to the secretary of the Department of Public Safety and Corrections and, on the basis of such warrants, the secretary of the Department of Public Safety and Corrections shall ~~prepare and sign individual checks representing the amount to be paid out of state funds to each police officer issue payments~~ in accordance with the provisions of this Part. ~~Each such check shall show the legislative appropriation from which payment is made and shall note that it represents additional compensation paid by the state under the provisions of this Part. The secretary of the Department of Public Safety and Corrections shall deliver the checks to the individual officers in whose favor drawn, by mail or by such other means as he shall determine.~~C. The mayor and chief of police or other municipal officer of the municipalities employing the ~~police officers~~ individuals entitled to additional compensation from the state under the provisions of this Part, who is charged with the responsibility of preparing the payrolls for such ~~police officers~~ individuals, shall include the additional compensation paid by the state to such ~~police officers~~ individuals in the calculation and deduction from the pay of such ~~officers~~ individuals the sums required by state or federal law to be withheld by an employer, such as federal income tax and social security tax or contributions to state or local retirement systems. Any officials so charged with withholding sums from the pay of the ~~police officers~~ individuals shall be further charged with the responsibility of transmitting the sums so withheld in accordance with the law or laws requiring the withholding.
D. The additional compensation paid by the state to ~~municipal police officers~~ individuals as herein provided shall be included in the calculation and computation of the total wages paid to the ~~municipal police officer~~ individual in the determination of employer contributions to any retirement system or pension fund of which the ~~police officer~~ individual may be a member as well as in the determination of retirement eligibility and benefits which may accrue to the ~~police officer~~ individual under any retirement system or pension fund, as well as in the determination of any other employee benefits, sick leave, or disability pay to which the ~~police officer~~ individual might be entitled with the exception of workers' compensation benefits pursuant to R.S. 23:1021 et seq.

* * *

§1667.4. Salary reductions; void; police
Any reduction of the salary of any ~~police officer~~ individual, which salary is in effect on July 1, 1979, whether by the governing authority or by any pay plan under the provisions of any civil service law, or otherwise, shall be void where it is made solely by reason of the additional compensation by the state in this Part. Any appropriation made by the legislature which results in a salary adjustment to the state supplemental pay program under this Part shall not have the effect of reducing or replacing any base salary or benefits paid by the local governing authority from other sources.

* * *

§1667.6. Board of review; powers and duties
A. There is hereby created a board of review which shall be composed of ~~three nine members, one of whom shall be the~~ as follows:
(1) ~~The~~ commissioner of administration or a representative of the division of administration selected by him; ~~one of whom shall be a~~.
(2) ~~A~~ member of the Louisiana Association of Chiefs of Police selected by the ~~president~~ director of said ~~the~~ association; ~~and one of whom shall be the director.~~
(3) ~~The deputy secretary for public safety services of the state department of public safety~~ Department of Public Safety and Corrections or a representative

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

from said the department selected by the ~~director~~ deputy secretary.
(4) A member of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice selected by the chairman of the commission.
(5) A representative of the Council on Peace Officer Standards and Training selected by the chairman of the council. The member who serves pursuant to this Paragraph shall be a nonvoting member.
(6) A member of the Louisiana Municipal Association selected by the director of the association.
(7) The state examiner of municipal fire and police civil service or a representative of the office of state examiner of municipal fire and police civil service selected by the state examiner. The member who serves pursuant to this Paragraph shall be a nonvoting member.
(8) A member of the Louisiana City Marshals and City Constables Association selected by the president of the association.
(9) A member of the Justices of the Peace and Constables Association selected by the president of the association. The member who serves pursuant to this Paragraph shall be a nonvoting member.

§1667.11. Furlough
Furlough of an individual due to a state of emergency declared by a federal, state, parish, or municipal official shall not affect the individual's eligibility to receive additional pay out of state funds as provided in this Part.
Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 638

HOUSE BILL NO. 1012
BY REPRESENTATIVE LYONS
AN ACT

To enact Part VI of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1257.1 through 1257.4, relative to the medical assistance program of this state known commonly as Medicaid; to provide relative to Medicaid-funded non-emergency medical transportation services; to provide for duties of the Louisiana Department of Health with respect to such services; to provide for standards for such services; to require promulgation of administrative rules; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. Part VI of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1257.1 through 1257.4, is hereby enacted to read as follows:
PART VI. NON-EMERGENCY MEDICAL TRANSPORTATION
§1257.1. Definitions
As used in this Part, the following terms have the meaning ascribed in this Section:
(1) “Department” means the Louisiana Department of Health.
(2) “Healthcare provider” means a person, partnership, limited liability partnership, limited liability company, corporation, facility, or institution that provides healthcare or professional services to individuals enrolled in the Medicaid program.
(3) “Medicaid” means the medical assistance program provided for in Title XIX of the Social Security Act.
(4) “Non-emergency medical transportation” and “NEMT” mean transportation provided to a Medicaid beneficiary to or from a medically necessary Medicaid-covered service. The term shall not include any non-emergency or other type of transportation by ambulance.
§1257.2. Non-emergency medical transportation services
A. The Medicaid program of this state shall include non-emergency medical transportation services, referred to hereafter in this Part as “NEMT services”. The purpose of NEMT services shall be to provide non-emergency medical transportation to a Medicaid beneficiary after all other reasonable means of free transportation for that person have been explored and found to be unavailable. The Medicaid beneficiary or his representative shall confirm that the beneficiary has no other means of transportation.
B. Non-emergency medical transportation to or from a pharmacy, a nursing facility, hospice care, or an appointment for Special Supplemental Nutrition Program for Women, Infants, and Children services at an office of public health location is prohibited.
§1257.3. Standards for services; prohibition
No healthcare provider shall contract with or hire a transportation company to provide NEMT services if that company does not meet local, city, and state requirements to provide non-emergency medical transportation as defined in this Part and in administrative rules of the department.
§1257.4. Rulemaking
The department shall promulgate in accordance with the Administrative Procedure Act all such rules as are necessary to implement the provisions of this Part.
Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

* As it appears in the enrolled bill

ACT No. 639

HOUSE BILL NO. 1074
(Substitute for House Bill No. 559 by Representative Edmonds)
BY REPRESENTATIVE EDMONDS
AN ACT
To enact R.S. 18:1317, relative to absentee by mail ballots; to provide for administrative rules for curing and rejection of deficient ballots; to provide for an effective date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 18:1317 is hereby enacted to read as follows:
§1317. Curing absentee by mail ballot deficiencies; rejection of deficient ballots
The secretary of state shall promulgate and adopt rules as necessary to effectuate uniform and standardized processes for the review and curing or rejection of deficient absentee by mail ballots by the parish board of election supervisors.
Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 640

HOUSE BILL NO. 1081
(Substitute for House Bill No. 380 by Representative Muscarello)
BY REPRESENTATIVE MUSCARELLO
AN ACT

To amend and reenact R.S. 17:158(J)(2) and 164.1(A) and R.S. 32:1(14) and (75), 80(B)(1) and (2)(b), 318(B), 328(B), and 378(A) and (B), to enact R.S. 32:80(E), and to repeal R.S. 17:161, relative to school buses; to provide relative to the applicability of certain school bus safety requirements; to provide relative to loading and unloading of students at or near their homes; to provide relative the operation of school busses; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:158(J)(2) and 164.1(A) are hereby amended and reenacted to read as follows:
§158. School buses for transportation of students; employment of bus operators; alternative means of transportation; improvement of school bus turnarounds; loading and unloading students
* * *
J. The governing authority of each public school shall adopt policies and procedures or shall make provision in its bus transportation service agreement to do all of the following:
* * *
(2) ~~Prohibit a bus operator from loading or unloading students at or near their homes while the bus is in a traffic lane of any type of street as defined in R.S. 32:1 and require that students be loaded or unloaded on a shoulder unless the governing authority determines that loading or unloading on a shoulder is less safe for the student. However, if there is no shoulder or if the shoulder is determined to be less safe, a bus operator may load and unload a student while the bus is in a lane of traffic but only if unless the bus is in the lane farthest to the right side of the road so that there is not a lane of traffic between the bus and the right-side curb or other edge of the road.~~
* * *
§164.1. Additional regulations; crossing control device required; compliance
A.(1) In addition to any regulations adopted by the State Board of Elementary and Secondary Education pursuant to the provisions of R.S. 17:164 relative to the construction, design, equipment, and operation of school buses used in the transportation of students, the board also shall adopt rules and regulations in accordance with the Administrative Procedure Act requiring that every bus used in the transportation of students to and from home or school bus stops and acquired after January 1, 1996, shall be equipped with a crossing control device actuated by the operator and operated in conjunction with the stop arm. The crossing control device shall pivot out from the right side of the front bumper to prevent persons from walking directly in front of the bus.
(2) In addition to the rules and regulations required pursuant to Paragraph (1) of this Subsection, the board shall adopt rules and regulations ~~in accordance with the Administrative Procedure Act requiring that every bus used in the transportation of students shall be equipped with a crossing control device as specified in Paragraph (1) of this Subsection by not later than January 1, 2008. The provisions of this Paragraph shall be subject to the appropriation of funds for this purpose.~~
* * *
Section 2. R.S. 32:1(14) and (75), 80(B)(1) and (2)(b), 318(B), 328(B), and 378(A) and (B) are hereby amended and reenacted and R.S. 32:80(E) is hereby enacted to read as follows:

§1. Definitions
When used in this Chapter, the following words and phrases have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning:

(14) “Chauffeur” means every person who is employed by another for the principal purpose of driving a motor vehicle, ~~and every person who drives a school bus transporting school children or any motor vehicle when in use for the transportation of persons or property for compensation except school bus operators.~~

(75) “School bus” means every motor vehicle that ~~complies with the color, equipment, and identification requirements set forth in this Chapter and is used to transport children students to and from school or in connection with school activities, but not including buses operated by common carriers in urban transportation of school children a charter bus or transit bus.~~

(a) ~~“Type I school bus” means any school bus designed to carry more than sixteen pupils at one time.~~

(b) ~~“Type II school bus” means any school bus designed to carry sixteen or less pupils at one time.~~

§80. Overtaking and passing certain school buses

B.(1) Every school bus ~~used for the transportation of school children~~ shall bear upon the front and rear thereof the words “SCHOOL BUS” in black letters not less than eight inches in height placed as high as possible without impairment of visibility, and no other lettering shall be visible from the front or rear except the words “emergency exit” shall be painted in black letters at least two inches in height and approximately located near such exit.

(2) ~~(b) The driver of any school bus equipped only with signal lamps as provided in R.S. 32:318(B)(1) shall activate such the amber lamps at least one hundred feet, but not more than five hundred feet, before every stop for which activation is required and upon stopping shall exhibit the semaphore sign or signs activate the red lamps and the stop signal arms provided for in R.S. 32:318(B)(2) and (3) and the crossing control device as provided in R.S. 17:164.1 and upon resuming motion shall deactivate both the lamps, the stop signal arms, and the semaphore sign or signs crossing control device. The driver of any school bus equipped with signal lamps as provided in R.S. 32:318(B)(4) shall activate the yellow (amber) lights at least one hundred feet, but not more than five hundred feet, before every stop for which activation is required, shall deactivate these lamps upon stopping, shall exhibit the red flashing lamps and semaphore sign or signs while stopped, and upon resuming motion shall deactivate both the lamps and the semaphore sign or signs.~~

E. For the purposes of this Section, “school bus” means a school bus as defined in R.S. 32:1 that is used to transport students to and from home or school bus stops.

§318. Audible and visual signals on certain vehicles

B.(1) ~~Every type I school bus purchased new after the effective date of this Subsection used for the transportation of school children that is used to transport students to and from home or school bus stops shall, in addition to any other equipment and distinctive markings required by this Chapter, be equipped with the following signal lights and devices: four amber and four red school bus signal lamps.~~

(1) ~~Every type I school bus purchased new after the effective date of this Subsection shall be equipped with signal lamps mounted as high and as widely spaced laterally as practicable, which shall be capable of displaying to the front two alternately flashing red lights located at the same level and to the rear two alternately flashing red lights located at the same level, and these lights shall have sufficient intensity to be visible at five hundred feet in normal sunlight.~~

(2)(a) ~~Every type I school bus purchased new after the effective date of this Subsection that is used to transport students to and from home or school bus stops and that has a rated capacity of sixteen or more passengers including the operator shall also be equipped with two semaphore signs stop signal arms mounted on the left side of the bus, one as near the front of the cab of the bus as practicable and one as near the rear of the body of the bus as practicable, said semaphore signs to be not less than eighteen inches in diameter, painted red, with the word “Stop” on each side thereof in white letters not less than six inches in height. Each semaphore sign shall be a standard octagonal sign containing two flashing red lamps which are visible from both sides of the extended sign. These signs shall be constructed so as to fold back against the side of the bus when at rest and capable of being extended perpendicular to the side of the bus with controls operated by the driver.~~

(3) (b) ~~Every type II school bus purchased new after the effective date of this Subsection that is used to transport students to and from home or school bus stops and that has a rated capacity of ten to fifteen passengers including the operator shall also be equipped with at least one semaphore sign which shall comply with the requirements in R.S. 32:318(B)(2) stop signal arm mounted on the left side of the bus.~~

(4) ~~Every school bus purchased new after the effective date of this Subsection~~

~~shall, in addition to the lights required by Subsection B(1), be equipped with yellow signal lamps mounted near each of the four red lamps and at the same level but closer to the vertical center line of the bus, which shall display two alternately flashing yellow lights to the front and two alternately flashing yellow lights to the rear, and these lights shall be visible at five hundred feet in normal sunlight. These lights shall be displayed by the school bus driver at least one hundred feet, but not more than five hundred feet, before (but not during) every stop at which the alternately flashing red lights required by Subsection B(1) shall be activated.~~

§328. Special lighting equipment on school buses

B. It shall be unlawful to operate any flashing warning signal light on any school bus except when ~~said the~~ school bus is stopped or is in the act of coming to a complete stop on a highway for the purpose of permitting school children to board or alight from ~~said the~~ school bus, ~~and also, except when any such school bus is stopped or coming to a complete stop on a highway at a crossing of a railroad.~~

§378. School bus body, hood, bumpers; color of paint; back-up audible alarms

A. Every school bus that is used to transport students to and from home or school bus stops shall be painted national school bus glossy yellow except that the hood shall be painted the same color or lusterless black and its roof may be painted white. Bumpers shall be painted glossy black, except that for increased night visibility they may be covered with a ~~retroreflective~~ retroreflective material.

B. ~~Any school bus acquired that is not used for any purpose other than transporting to and from school that is not used to transport students to and from home or school bus stops~~ shall be painted a color other than national school bus yellow and all lights, signals, and other devices and any lettering identifying the vehicle as a school bus shall be removed.

Section 3. R.S. 17:161 is hereby repealed in its entirety.
Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 641

HOUSE BILL NO. 477

BY REPRESENTATIVES COUSSAN, BACALA, BISHOP, BROWN, BUTLER, CARRIER, WILFORD CARTER, DAVIS, DEVILLIER, EDMONDS, EMERSON, FIRMENT, FREIBERG, GADBERRY, GEYMAN, HUVAL, ILLG, JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, LACOMBE, LAFLEUR, LARVADAIN, MACK, MARCELLE, MCFARLAND, MCKNIGHT, MIGUEZ, MUSCARELLO, NELSON, CHARLES OWEN, PIERRE, SCHEXNAYDER, SCHLEGEL, SELDERS, ST. BLANC, STAGNI, STEFANSKI, VILLIO, WHEAT, WHITE, AND ZERINGUE

AN ACT

To amend and reenact R.S. 16:51(A)(introductory paragraph), (1), (5), (7), (12), (14), (15), (16), (18), (19), (21), (24), (26), (27), (29), (32), (34), (36), and (37), relative to assistant district attorneys; to provide for additional assistant district attorneys for certain judicial districts; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 16:51(A)(introductory paragraph), (1), (5), (7), (14), (15), (16), (18), (19), (21), (24), (29), (32), (36), and (37) are hereby amended and reenacted to read as follows:

§51. Assistant district attorneys

A. The district attorney of each judicial district and of the parish of Orleans shall appoint a first assistant district attorney and such other assistant district attorneys for his respective judicial district or for the parish of Orleans as may be necessary, the total number of assistant district attorneys in each judicial district and in the parish of Orleans to be not less than ~~as hereinafter set forth the following:~~

(1) In the First Judicial District, ~~twenty-seven~~ thirty-five assistant district attorneys;

(5) In the Fifth Judicial District, ~~six~~ seven assistant district attorneys;

(7) In the Seventh Judicial District, ~~five~~ six assistant district attorneys;

(14) In the Fourteenth Judicial District, ~~twenty-three~~ twenty-four assistant district attorneys;

(15) In the Fifteenth Judicial District, ~~nineteen~~ twenty-eight assistant district attorneys;

(16) In the Sixteenth Judicial District, ~~twenty-one~~ twenty-three assistant district attorneys;

(18) In the Eighteenth Judicial District, ~~ten~~ twelve assistant district attorneys;

(19) In the Nineteenth Judicial District, ~~forty-eight~~ fifty-four assistant district attorneys;

* * *

(21) In the Twenty-First Judicial District, ~~eighteen~~ nineteen assistant district attorneys;

* * *

(24) In the Twenty-Fourth Judicial District, ~~fifty-two~~ fifty-four assistant district attorneys;

* * *

(29) In the Twenty-Ninth Judicial District, ~~nine~~ ten assistant district attorneys;

* * *

(32) In the Thirty-Second Judicial District, ~~nineteen~~ twenty assistant district attorneys;

* * *

(36) In the Thirty-Sixth Judicial District, ~~four~~ five assistant district attorneys;

(37) In the Thirty-Seventh Judicial District, ~~two~~ three assistant district attorneys;

* * *

Section 2. R.S. 16:51(A)(introductory paragraph), (12), (14), (18), (19), (26), (27), (32), and (34) are hereby amended and reenacted to read as follows:

§51. Assistant district attorneys

A. The district attorney of each judicial district and of the parish of Orleans shall appoint a first assistant district attorney and such other assistant district attorneys for his respective judicial district or for the parish of Orleans as may be necessary, the total number of assistant district attorneys in each judicial district and in the parish of Orleans to be not less than ~~as hereinafter set forth~~ the following:

* * *

(12) In the Twelfth Judicial District, ~~seven~~ eight assistant district attorneys;

* * *

(14) In the Fourteenth Judicial District, ~~twenty-three~~ twenty-five assistant district attorneys;

* * *

(18) In the Eighteenth Judicial District, ~~ten~~ thirteen assistant district attorneys;

(19) In the Nineteenth Judicial District, ~~forty-eight~~ fifty-five assistant district attorneys;

* * *

(26) In the Twenty-Sixth Judicial District, ~~twelve~~ thirteen assistant district attorneys;

(27) In the Twenty-Seventh Judicial District, ~~eleven~~ twelve assistant district attorneys;

* * *

(32) In the Thirty-Second Judicial District, ~~nineteen~~ twenty-one assistant district attorneys;

* * *

(34) In the Thirty-Fourth Judicial District, ~~eight~~ nine assistant district attorneys;

* * *

Section 3.(A) The provisions of Section 1 of this Act shall become effective when an Act of the Louisiana Legislature containing a specific appropriation of monies for the implementation of the provisions of this Act becomes effective.

(B) In accordance with R.S. 16:54, the additional number of assistant district attorneys provided by Section 2 of this Act shall become effective if and when the Governor's Advisory and Review Commission on Assistant District Attorneys approves the additional number of district attorneys. If any additional district attorney position provided for in Section 2 of this Act is not approved by the Governor's Advisory and Review Commission on Assistant District Attorneys, such lack of approval shall not affect other additional positions provided for in Section 2 of this Act, and to this end the provisions of Section 2 of this Act are hereby declared severable.

Section 4. The provisions of this Section and Section 3 of this Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, the provisions of this Section and Section 3 of this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 642

HOUSE BILL NO. 489
BY REPRESENTATIVE DAVIS
AN ACT

To amend and reenact R.S. 13:996.3(A), relative to the judicial expense fund for the Family Court for the parish of East Baton Rouge; to provide for the maximum fee to be charged by the clerk; to provide for implementation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:996.3(A) is hereby amended and reenacted to read as follows:

§996.3. Judicial expense fund for the Family Court for the parish of East Baton Rouge; established; disbursements

A. In addition to all other fees or costs now or hereafter provided by law, the clerk of court of the Nineteenth Judicial District shall collect from every person filing any action, suit, or motion and rule to show cause on the docket of the Family Court of East Baton Rouge Parish and who is not otherwise exempted by law from the payment of court costs, a sum to be determined by the judges of ~~said~~ the court, sitting en banc, which sum shall not exceed ~~twenty-five~~ thirty-five dollars, subject, however, to the provisions of Louisiana Code of Civil Procedure, Article 5181 et seq.; and in all criminal nonsupport cases over which the Family Court of East Baton Rouge Parish has jurisdiction, including contempt proceedings provided for by Children's Code Article 1353, there shall be taxed as costs against every defendant who is convicted after trial or after plea of guilty or who forfeits his bond, a sum likewise determined, but which shall not exceed ten dollars, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed, and which shall be transmitted to the clerk for further disposition in accordance herewith.

* * *

Section 2. In accordance with the provisions of R.S. 13:62, the increase in court costs or fees as provided by this Act shall become effective if and when the Judicial Council provides a recommendation that such court costs or fees meet the applicable guidelines in its report to the Louisiana Legislature. No fees shall be imposed or collected without Judicial Council approval.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 643

HOUSE BILL NO. 495
BY REPRESENTATIVES SCHLEGEL, ADAMS, AMEDEE, BACALA, BEAULLIEU, BOYD, BRASS, BUTLER, CARPENTER, CARRIER, CORMIER, CREWS, DAVIS, DEVILLIER, DUBUISSON, ECHOLS, EDMONDS, EDMONSTON, FIRMENT, FISHER, FREEMAN, FREIBERG, GAINES, GAROFALO, GREEN, HARRIS, HODGES, HORTON, ILLG, JEFFERSON, MIKE JOHNSON, KERNER, LAFLEUR, LANDRY, LARVADAIN, MARCELLE, MCFARLAND, MCKNIGHT, MCMAHEN, NEWELL, CHARLES OWEN, PIERRE, SCHAMERHORN, SCHEXNAYDER, SELDERS, STAGNI, ST. BLANC, TARVER, THOMPSON, WHEAT, WHITE, WILLARD, WRIGHT, VILLIO, AND ZERINGUE AND SENATOR BARROW
AN ACT

To amend and reenact R.S. 17:282.4(C)(1)(introductory paragraph) and (c) and 286(A) and to enact R.S. 17:282.4(G) and (H), relative to suicide prevention and violence in schools; to require training on related topics for certain students; to provide for requirements of the state Department of Education; to require formation of student organizations; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. This Act shall be known and may be cited as the "Suicide, Safety, and Violence Education (SAVE) Students Act".

Section 2. R.S. 17:282.4(C)(1)(introductory paragraph) and (c) and 286(A) are hereby amended and reenacted and R.S. 17:282.4(G) and (H) are hereby enacted to read as follows:

§282.4. Youth suicide prevention programs; student safety and violence and social isolation prevention training; policies; intent; rules; services; funding

* * *

C. Any city, parish, or other local public school system offering a youth suicide prevention program established pursuant to this Section shall do so in accordance with such rules and regulations adopted by the state board and shall report its participation to the state Department of Education. The department shall designate such a school as a Suicide Prevention Certified School and maintain an updated list of such schools on its website. A youth suicide prevention program may include but shall not be limited to the following:

(1) Classroom instruction, via in-person, video, or a combination of in-person and video training, integrated into the curricula designed to achieve any of the following objectives:

* * *

(c) Teach students ~~to recognize signs of suicidal tendencies and other facts about youth suicide~~ how to identify the signs and signals of depression, suicide, and self-injury in themselves and in their peers, the importance of seeking help for themselves and their peers, and the process for seeking help.

* * *

G.(1) ~~As part of an existing, relevant course of instruction, each public school shall offer age- and grade-appropriate evidence-based training on suicide prevention and student safety and violence and social isolation prevention to students in grades six through twelve. For purposes of this Subsection, "evidence-based" shall mean the training meets one of the following criteria:~~

(a) Demonstrates a rationale based on high-quality research findings or positive evaluation that such a program or practice is likely to improve relevant outcomes and includes ongoing efforts to examine the effects of the program or practice.

(b) Has a statistically significant effect on relevant outcomes based on one

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

of the following:

(i) Strong evidence from at least one experimental study.

(ii) Moderate evidence from at least one quasi-experimental study.

(iii) Promising evidence from at least one correlation study with statistical controls for selection bias.(2) Each student shall receive not less than one hour or one standard class period, whichever is shorter, of training in suicide prevention per year. Such training may be administered through student assemblies or in-person, video, or a combination of in-person and video training, and shall include but need not be limited to:

(a) How to identify observable warning signs and signals of an individual who may be at risk of harming themselves.

(b) The steps students can take to report harmful or potentially harmful activity.

(3) Each student shall receive not less than one hour or one standard class period, whichever is shorter, of training in student safety and violence and social isolation prevention per year. Such training may be administered through student assemblies, digital learning, and homework, and shall include but need not be limited to:

(a) How to identify observable warning signs and signals of an individual who may be at risk of harming others.

(b) The importance of taking threats seriously and seeking help.

(c) The steps students can take to report dangerous, violent, or threatening activity.

(d) What social isolation is and how to identify social isolation in others.

(e) The importance of taking social isolation seriously and seeking help for peers.

(f) How to utilize strategies to be more socially inclusive in the classroom and community and how to establish connections with others.

(4) Upon written request of a student's parent or legal guardian, a student shall be excused from any of the training.

(5) The state Department of Education shall develop and maintain a list of evidence-based suicide prevention and student safety and violence and social isolation prevention training, including but not limited to no-cost programming, on the department website. The department shall review the list at least every three years.

H. Each public school governing authority shall allow the creation of a student-led club focused on suicide prevention, student safety, and violence and social isolation prevention for each school under its jurisdiction that has students in grades six through twelve. Each club shall:

(1) Be open to any member of the student population.

(2) Have at least one school employee serve as an advisor.

(3) Develop and maintain awareness activities related to suicide prevention or student safety and violence and social isolation prevention training.

(4) Foster opportunities for student leadership development.

* * *

§286. Violence prevention, self-esteem, and peer mediation

A. Any public elementary or secondary school in Louisiana may offer instruction in violence prevention, self-esteem, and peer mediation. Any public secondary school may offer instruction in self-esteem and peer mediation. The curriculum for such instruction shall be developed and approved by the State Board of Elementary and Secondary Education.

* * *

Section 2. The provisions of this Act shall become effective on July 1, 2023, and shall be initially implemented for the 2023-2024 school year.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 644

HOUSE BILL NO. 505
BY REPRESENTATIVE JEFFERSON
AN ACT

To amend and reenact R.S. 40:1131(introductory paragraph), 1133.2(A)(1) and (B)(introductory paragraph), 1133.4(A)(4), 1133.5(2), 1133.8(D) and (E), 1133.10(introductory paragraph), 1133.13(A)(1), and 1203.1(introductory paragraph) and (5) and to enact R.S. 40:1131(24) through (26), 1133.2(B)(5), 1133.5(11) and (12), 1133.10(9), 1133.17, 1133.18, and 1135.1(A)(2)(e) and (8), relative to emergency medical services; to define certain terms for purposes of laws pertaining to emergency medical personnel; to require that certified ambulance operators receive certification from the bureau of emergency medical services of the Louisiana Department of Health; to provide conditions, procedures, and standards relative to certification of ambulance operators; to provide for fees for such certification; to provide for duties of certified ambulance operators and to establish grounds for disciplinary action against such personnel; to include certified ambulance operators within laws requiring criminal history checks on certain nonlicensed persons who provide health-related services and prohibiting hiring of such persons who have been convicted of certain offenses; to provide for civil immunity with respect to certified ambulance operators; to provide for staffing requirements of advanced life support ambulances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1131(introductory paragraph), 1133.2(A)(1) and (B)

(introductory paragraph), 1133.4(A)(4), 1133.5(2), 1133.8(D) and (E), 1133.10(introductory paragraph), 1133.13(A)(1), and 1203.1(introductory paragraph) and (5) are hereby amended and reenacted and R.S. 40:1131(24) through (26), 1133.2(B)(5), 1133.5(11) and (12), 1133.10(9), 1133.17, 1133.18, and 1135.1(A)(2)(e) and (8) are hereby enacted to read as follows:

§1131. Definitions

For purposes of this Chapter, the following terms have the meaning ascribed to them in this Section:

* * *

(24) “Certified ambulance operator” means an individual who is certified by the bureau as a certified ambulance operator. The term shall not include any individual employed by a fire department of any municipality, parish, or fire protection district or any volunteer firefighter of the state of Louisiana.

(25) “Advanced life support” or “ALS” means the provision of medically necessary supplies and services by EMS practitioners who are licensed at least to the level of advanced emergency technician or equivalent.

(26) “Basic life support” or “BLS” means the provision of medically necessary supplies and services by EMS practitioners who are licensed at least to the level of emergency medical technician.

* * *

§1133.2. Fee schedule; fees for license prohibited

A.(1) The bureau shall not require or collect any fee or charges for licensure, or license renewal, or certification of emergency medical services practitioners any of the following personnel who serve as such in their capacity on a voluntary basis and who receive no compensation of any kind for such services:-

(a) Emergency medical services practitioners.

(b) Ambulance operators.

* * *

B. Except as provided in Subsection A of this Section, the bureau shall assess fees for testing ~~and~~, licenses, and certifications based on the following schedule:

* * *

| | |
|---|----------------|
| (5) <u>Ambulance operator certification</u> | \$10.00 |
| * * * | |

§1133.4. Powers and duties of the commission; exceptions

A. The commission shall:

* * *

(4) Conduct disciplinary hearings for emergency medical personnel and certified ambulance operators.

* * *

§1133.5. Powers and duties of the bureau

The bureau shall:

* * *

(2) Prescribe application forms for emergency medical practitioner licensure and license renewal and ambulance operator certification.

* * *

(11) Issue a certification to any duly qualified applicant for certification as an ambulance operator.

(12) Deny, withhold, revoke, restrict, probate, or suspend an ambulance operator certification as directed by the commission in accordance with the provisions of R.S. 40:1133.18.

* * *

§1133.8. Hearings of the commission; appeal of decision

* * *

D. Notice of the commission’s decision to revoke, restrict, suspend, or deny a license or certification shall be sent to the individual under investigation by registered mail, return receipt requested, at his last known address as it appears on the records of the bureau.

E. An individual whose license or certification has been revoked, restricted, suspended, placed in probation, or denied may have the proceedings of the commission reviewed by a court of competent jurisdiction, provided that an appeal is made no later than thirty days after the date indicated on the registered mail receipt of the notice required by Subsection D of this Section. The decision of the commission shall remain in force until an appeal is granted unless the court orders a stay. If an appeal is granted, the decision of the commission shall be suspended until a final disposition of the matter is ultimately rendered by the court affirming the decision of the commission.

* * *

§1133.10. Violations

No person or individual shall engage in any of the following activities:

* * *

(9) Operate as an ambulance operator unless certified to do so in accordance with the applicable provisions of this Part.

* * *

§1133.13. Civil immunity

A.(1) Any certified ambulance operator, certified pursuant to the provisions of this Part, or any emergency medical services practitioner, licensed pursuant to the provisions of this Part who renders emergency medical care to an individual while in the performance of his medical duties and following the instructions of a physician shall not be individually liable to such an the individual for civil damages as a result of acts or omissions in rendering the emergency medical care, except for acts or omissions intentionally designed to harm, or for grossly negligent acts or omissions which result in harm to such an the individual. Nothing herein in this Subsection shall relieve the driver of the emergency vehicle from liability arising from the operation or

use of ~~such~~ the vehicle.

* * *

§1133.17. Ambulance operators; requirements for certification; duties authorized

A. Each applicant for certification as an ambulance operator shall submit all of the following to the bureau:

(1) A copy of the applicant's valid, unrestricted driver's license at the appropriate level required by law.

(2) A copy of a current and valid defensive driving certificate issued by the National Safety Council or its equivalent as determined by the department.

(3) A copy of a current and valid American Heart Association Health Care Provider credential, American Red Cross Professional Rescuer credential, or an equivalent cardio-pulmonary resuscitation certification approved by the department.

(4) A copy of the applicant's current official driving record from the Department of Public Safety and Corrections.

B. Each applicant for certification in accordance with this Section shall be at least eighteen years of age.

C. An ambulance operator certification shall expire one year after it is issued and shall not be renewable.

D. A certified ambulance operator may perform any of the following functions:

(1) Operate an ambulance in compliance with federal, state, and local law.

(2) Assist with the handling and movement of a sick, injured, or disabled individual if a licensed emergency medical services practitioner, registered nurse, physician assistant, or physician directly supervises the operator. No ambulance operator may administer care procedures that a licensed emergency medical services practitioner is authorized to administer unless he is trained and certified or licensed to do so.

E. No licensed emergency medical services practitioner shall be required to hold a certification as an ambulance operator in order to operate an ambulance.

§1133.18. Certified ambulance operators; grounds for discipline

The commission may discipline any certified ambulance operator for any of the following causes by directing the bureau to deny, withhold, revoke, restrict, probate, or suspend a certification to operate as an ambulance operator; imposing fines and assessing costs; or otherwise sanctioning the ambulance operator:

(1) Fraud or any misstatement of fact in the procurement of any certification or in any other statement or representation to the bureau or its representatives.

(2) Conviction of a crime or offense which reflects the inability of the individual to carry out his duties with due regard for the health and safety of clients or patients.

(3) Entering a plea of guilty or nolo contendere to a criminal charge regardless of final disposition of the criminal proceeding, including but not limited to expungement or nonadjudication.

(4) Is unfit or incompetent by reason of negligence, habit, or other cause.

(5) Is mentally incompetent.

(6) Is habitually intemperate in the use of or abuses alcohol or habit-forming drugs.

(7) Is guilty of aiding or abetting another person in violating any provision of this Part.

(8) Continuing or recurring practices which fail to meet the standards of ambulance operators in this state.

(9) Endeavors to deceive or defraud the public.

(10) Is guilty of moral turpitude.

(11) Has violated any rules and regulations of the commission or the bureau or any provision of this Part.

(12) Intentional falsification of any document related to the procurement of any certification or license.

(13) Operating any vehicle in violation of state or local traffic laws.

(14) Revocation, suspension, or any restriction of the ambulance operator's driver's license.

(15) Failure to maintain all current ambulance operator training standards as required by the bureau.

(16) Has had a certification or license to practice as an ambulance operator denied, revoked, suspended, or otherwise restricted in Louisiana or any other state or territory of the United States.

§1135.1. Qualifications to operate ambulances; equipment; penalty

A.

* * *

(2)

* * *

(e) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, a certified ambulance operator who is not a licensed emergency medical services practitioner may operate an ambulance in compliance with federal, state, and local law and assist with the handling and movement of a sick, injured, or disabled individual if a licensed emergency medical technician, a licensed advance emergency medical technician, a licensed paramedic, a registered nurse, or a physician directly supervises the certified ambulance operator. No ambulance operator may administer care procedures that a licensed emergency medical services practitioner is authorized to administer unless he is trained and certified or licensed to do so.

* * *

(8) Advanced life support ambulances shall be staffed by not less than two people, at least one of which shall be licensed at a minimum to the level of

advanced emergency medical technician.

* * *

§1203.1. Definitions

For the purposes of this Part, the following terms have the meaning ascribed in this Section:

* * *

(5) "Licensed ambulance personnel" means personnel who provide services, either for compensation or volunteer services, as an emergency medical service practitioner, including licensed emergency medical technicians, licensed advanced emergency medical technicians, licensed paramedics, and licensed first emergency medical responders. The term "licensed ambulance personnel" shall also include certified ambulance operators.

* * *

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 645

HOUSE BILL NO. 507

BY REPRESENTATIVE MARINO AND SENATORS ALLAIN, BERNARD,
BOUDREAUX, CARTER, STINE, AND WOMACK

AN ACT

To enact R.S. 40:34.2(2)(e), relative to birth certificates; to provide for the designation of a surname under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:34.2(2)(e) is hereby enacted to read as follows:

§34.2. Original birth certificate; required contents; name of child

The name of the child shall be entered on the original birth certificate in accordance with the following provisions:

* * *

(2) Surname.

* * *

(e) In any case provided for in this Subsection, if the mother or the man whose surname may be given to the child possesses both a paternal and maternal surname according to national custom or practice, the surname of the child may be consistent with the national custom or practice of the mother or man.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 646

HOUSE BILL NO. 517

BY REPRESENTATIVE SELDERS

AN ACT

To amend and reenact R.S. 15:831(A) and to enact R.S. 15:827.4, relative to medical services in the Department of Public Safety and Corrections; to create a Medical Advisory Council within the Department of Public Safety and Corrections; to provide relative to membership and powers of the Medical Advisory Council; to provide relative to powers of the secretary of the Department of Public Safety and Corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:831(A) is hereby amended and reenacted and R.S. 15:827.4 is hereby enacted to read as follows:

§827.4. Establishment of Medical Advisory Council

A. The Medical Advisory Council to the secretary is hereby created within the Department of Public Safety and Corrections and shall consist of the medical directors from each state prison facility and the department medical director.

B. The council shall provide recommendations to the department regarding the following:

(1) Hiring and retention.

(2) Department policies.

(3) Post-mortem review.

(4) A correctional health electronic records system that is compatible with major hospitals and health providers outside the correctional institutions.

(5) Other reasonably related responsibilities of institutional oversight.C. The council shall nominate and elect a chair, vice chair, and secretary, and hold meetings no less than quarterly.

D. The initial members of the medical advisory council shall serve until August 14, 2025, and all subsequent members shall serve three-year terms beginning on August fifteenth of each successive term.

E. The secretary shall have the authority to contract with consultants to assist the medical advisory council and medical director in the promulgation and review of institutional policies and practices.

F. The council shall submit a quarterly report to the state health officer within the Louisiana Department of Health.

* * *

§831. Medical care of inmates; testing
A. The secretary of the Department of Public Safety and Corrections, using the recommendations of the Department of Public Safety and Corrections Medical Advisory Council, shall establish and shall prescribe standards for health, medical, and dental services for each institution, including preventive, diagnostic, and therapeutic measures on both an outpatient and a hospital basis, for all types of patients. An inmate may be taken to a medical facility outside the institution when deemed necessary by the director. However, in situations which are not life-threatening, the medical facility selected to treat the inmate shall be a part of the state's charity hospital system. In emergency situations where treatment by a state charity hospital is not available or feasible, the inmate may receive emergency treatment at the nearest private medical facility. As soon as practicable, the inmate should be transferred to a facility operated by the state's charity hospital system. Notwithstanding any law to the contrary, all payments to private hospitals or health care providers shall be governed by R.S. 15:824(B)(1)(c). No monies appropriated to the department from the state general fund or from dedicated funds shall be used for medical costs associated with organ transplants for inmates or for the purposes of providing cosmetic medical treatment of inmates, unless the condition necessitating such treatment or organ transplant arises or results from an accident or situation which was the fault of the department. However, nothing in this Section shall prohibit an inmate from donating his vital organs for transplant purposes.

* * *
Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 647

HOUSE BILL NO. 968
BY REPRESENTATIVES PHELPS, ADAMS, BOYD, ROBBY CARTER,
CORMIER, DUPLESSIS, FISHER, GLOVER, GREEN, HUGHES,
JEFFERSON, JENKINS, JORDAN, LAFLEUR, LANDRY, LYONS,
NEWELL, PIERRE, SELDERS, WHITE, AND WILLARD AND SENATOR
BARROW
AN ACT
To amend and reenact R.S. 36:259(B)(13) and R.S. 44:4.1(B)(26) and to enact Part XIII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1125.1, 1125.11 through 1125.16, 1125.21, and 1125.31 through 1125.33, relative to sickle cell disease; to provide for the establishment of a state sickle cell disease registry; to provide for the purpose of the registry; to provide for duties of the Louisiana Department of Health with respect to operation of the registry; to authorize access to data in the registry; to provide for a public records exception; to require promulgation of administrative rules with respect to the registry; to provide for the redesignation and reorganization of certain laws pertaining to sickle cell disease; to provide for a short title; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:259(B)(13) is hereby amended and reenacted to read as follows:

§259. Transfer of agencies and functions to Louisiana Department of Health
* * *
B. The following agencies, as defined in R.S. 36:3, are placed within the Louisiana Department of Health and shall perform and exercise their powers, duties, functions, and responsibilities as otherwise provided by law:
* * *

(13) Louisiana Sickle Cell Commission (R.S. ~~40:2018.3~~ R.S. 40:1125.1).
* * *

Section 2. Part XIII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1125.1, 1125.11 through 1125.16, 1125.21, and 1125.31 through 1125.33, is hereby enacted to read as follows:

PART XIII. SICKLE CELL DISEASE
SUBPART A. LOUISIANA SICKLE CELL COMMISSION

§1125.1. Louisiana Sickle Cell Commission
[Section redesignated from R.S. 40:2018.3]

SUBPART B. SICKLE CELL DISEASE REGISTRY
§1125.11. Definitions

As used in this Subpart, the following terms have the meanings ascribed to them in this Section:

(1) “Department” means the Louisiana Department of Health.
(2) “Registry” means the sickle cell disease registry established by the provisions of this Subpart.

§1125.12. Sickle cell disease registry; purpose

A. The department shall establish and maintain, in accordance with the provisions of this Subpart, a registry of individuals diagnosed with sickle cell disease which shall be known as the “Skylar-Cooper Database”. The purpose of the registry shall be to function as a single repository of accurate, complete records to aid in the cure and treatment of sickle cell disease in this state.

B. The registry shall encompass, without limitation, all of the following:

(1) A record of individuals in this state who have been diagnosed with sickle cell disease.

(2) All data and other information associated with individuals who have

been diagnosed with sickle cell disease that the secretary of the department deems necessary and appropriate for inclusion in the registry.

§1125.13. Healthcare facilities; reporting of data
Upon making a diagnosis of sickle cell disease, a healthcare provider shall provide to the department data regarding the individual who has been diagnosed with the disease. The form and manner of the data shall be prescribed by the department by rule duly promulgated in accordance with the Administrative Procedure Act.

§1125.14. Use of registry data
A. The secretary of the department shall facilitate access to data in the registry as provided for in rule.

B. Notwithstanding any other provision of law to the contrary, the department or its agent may access medical and vital records in the custody of physicians, hospitals, clinics, other healthcare providers, and the office of public health in order that it may conduct sickle cell disease studies. The data contained in the registry as well as all such medical and vital records obtained by the department or its agent in accordance with the provisions of this Subsection, as well as the results of any sickle cell disease study, shall be confidential and shall not be available for subpoena, nor shall such information be disclosed, discoverable, or compelled to be produced in any civil, criminal, administrative, or other proceeding nor shall such records be deemed admissible as evidence in any civil, criminal, administrative, or other tribunal or court for any reason. Nothing in this Subsection shall prohibit the publishing by the department of statistical compilations relating to sickle cell disease which do not identify individual cases or individual physicians, hospitals, clinics, or other healthcare providers.

§1125.15. Healthcare needs of persons with sickle cell disease; legislative findings; use of registry data in care coordination

The legislature hereby finds that sickle cell patients who need care for sickle cell disease and other health conditions often face lengthy wait times for that care, and that these wait times contribute to poor health outcomes and excess morbidity and mortality among populations that are impacted by sickle cell disease. The legislature further finds that sickle cell patients may face greater barriers in accessing the necessary care for their disease after reaching the age of majority or aging out of health coverage furnished through the Louisiana Children’s Health Insurance Program. Therefore, the secretary of the department shall take such actions as are necessary to support the facilitation of care coordination for sickle cell patients, assist in reducing the wait times to access healthcare services, and assist in promoting continuity of care for young people who age out of Louisiana Children’s Health Insurance Program coverage.

§1125.16. Administrative rules

A. The department shall promulgate in accordance with the Administrative Procedure Act all such rules as are necessary to implement the provisions of this Subpart.

B. The rules required by this Section shall include but not be limited to the following:

(1) Data elements to be included in the registry.
(2) Guidelines and procedures for obtaining from healthcare providers information regarding individuals diagnosed with sickle cell disease.

(3) Standards for ensuring that the registry is developed and operated in a manner that comports with all applicable requirements of the Health Insurance Portability and Accountability Act of 1996 (Pub. L. 104-191); regulations adopted pursuant to that Act including but not limited to the HIPAA Privacy Rule, 45 CFR Part 164; and other applicable laws and regulations governing disclosure of health information.

SUBPART C. PATIENT NAVIGATOR PROGRAM

§1125.21. Sickle cell patient navigator program

[Section redesignated from R.S. 40:1081.8]

SUBPART D. CLINICS AND LOCAL PROGRAMS

§1125.31. Sickle cell anemia; clinic established

[Section redesignated from R.S. 40:1081.5]

§1125.32. Sickle cell anemia; clinics established statewide

[Section redesignated from R.S. 40:1081.6]

§1125.33. Sickle cell anemia; local programs

[Section redesignated from R.S. 40:1081.7]

Section 3. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *
B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *
(26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 95, 96, 526, 528, 973.1, 978.2.1, 1007, 1061.21, 1079.18, 1081.10, 1105.6, 1105.8, 1125.14, 1133.8, 1168.3, 1171.4, 1203.4, 1231.4, 1379.1.1(D), 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2018.5, 2019, 2020, 2106, 2109.1, 2138, 2175.7(B)(1), 2532, 2845.1

* * *
Section 4.(A) The Louisiana State Law Institute is hereby authorized and directed to redesignate R.S. 40:2018.3 as R.S. 40:1125.1 within Part XIII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, as enacted by Section 2 of this Act. The redesignated section shall comprise Subpart A, entitled “Louisiana Sickle Cell Commission”, of Part XIII of Chapter 5-B of

Title 40 of the Louisiana Revised Statutes of 1950.

(B) The Louisiana State Law Institute is hereby authorized and directed to redesignate R.S. 40:1081.8 as R.S. 40:1125.21 within Part XIII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, as enacted by Section 2 of this Act. The redesignated section shall comprise Subpart C, entitled “Patient Navigator Program”, of Part XIII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950.

(C) The Louisiana State Law Institute is hereby authorized and directed to redesignate R.S. 40:1081.5, 1081.6, and 1081.7, respectively, as R.S. 40:1125.31, 1125.32, and 1125.33 within Part XIII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, as enacted by Section 2 of this Act. The redesignated sections shall comprise Subpart D, entitled “Clinics and Local Programs”, of Part XIII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950.

(D) The Louisiana State Law Institute is hereby authorized and directed to revise the citations appearing within R.S. 40:1081.7(C) and 2018.3(D)(5) to reflect the redesignation of the laws cited therein, and to make any other changes and technical corrections throughout the statutes and codes as may be necessary to reflect the redesignation of laws effected by this Section.

Section 5. This Act shall be known and may be cited as the “Remington Skylar Watts and Betty Cooper Phelps Act”.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 648

HOUSE BILL NO. 977
BY REPRESENTATIVE HARRIS
AN ACT

To amend and reenact R.S. 17:47(A)(1), 500(B)(1), 1201(A)(1)(introductory paragraph) and (2), and 1206(A)(1), relative to sick leave for teachers, school employees, and school bus operators; to allow the use of sick leave for special circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:47(A)(1), 500(B)(1), 1201(A)(1)(introductory paragraph) and (2), and 1206(A)(1) are hereby amended and reenacted to read as follows:

§47. Sick and personal leave

A.(1) All teachers employed by the special schools of this state shall be entitled to and shall be allowed a minimum of ten days absence per school year because of personal illness or because of other emergencies or special circumstances, without loss of pay. Such sick leave when not used in any year shall be accumulated to the credit of the teacher without limitation. ~~Provided that when~~ When a teacher is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a physician certifying such illness; ~~provided, further, that the~~ The superintendent of the Special School District is authorized to adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies or special circumstances. The superintendent may grant additional sick leave, without loss of pay, or with such reduction of pay as he may establish and fix.

* * *

§500. Sick leave for school bus operators; minimum pay for substitute

* * *

B.(1) All school bus operators employed by the parish and the city school boards of this state shall be entitled to and shall be allowed a minimum of ten days absence per school year because of personal illness or because of other emergencies or special circumstances, without loss of pay. Such sick leave when not used in any year shall be accumulated to the credit of the school bus operator without limitation. ~~Provided that when~~ When a school bus operator is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a physician, physician assistant providing health care services in accordance with R.S. 37:1360.28, or nurse practitioner providing health care services in accordance with R.S. 37:913 certifying such illness; ~~provided, further, that the~~ The parish and city school boards are authorized to adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies or special circumstances. The parish and city school boards may grant additional sick leave, without loss of pay, or with such reduction of pay as they may establish and fix.

* * *

§1201. Amount of sick leave; reimbursement; injury on the job

A.(1) Every member of the teaching staff employed by any parish or city school board of this state shall be entitled to and shall be allowed a minimum of ten days absence per school year because of personal illness or because of other emergencies or special circumstances, without loss of pay. Any portion of such sick leave not used in any year shall be accumulated to the credit of the member of the teaching staff without limitation. However, upon initial employment a member of the teaching staff employed by a school board shall not be allowed any sick leave in a school year unless and until he reports for duty and actually performs work for the board during that school year at which time the ten days otherwise provided for in this Paragraph shall accrue. The minimum of ten days of sick leave provided in this Subsection shall be allowed based on a member of the teaching staff beginning work at the beginning of a school year. In the case of a member of the teaching staff

who begins work in the first month of a school year, ten days shall be allowed; in the case of a member of the teaching staff who begins work in the second month of a school year, nine days shall be allowed; in the case of a member of the teaching staff who begins work in the third month of a school year, eight days shall be allowed; in the case of a member of the teaching staff who begins work in the fourth month of a school year, seven days shall be allowed; in the case of a member of the teaching staff who begins work in the fifth month of a school year, six days shall be allowed; in the case of a member of the teaching staff who begins work in the sixth month of a school year, five days shall be allowed; in the case of a member of the teaching staff who begins work in the seventh month of a school year, four days shall be allowed; and, in the case of a member of the teaching staff who begins work in the eighth month or thereafter of a school year, three days shall be allowed.

* * *

(2) When a member of the teaching staff is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a physician, physician assistant providing health care services in accordance with R.S. 37:1360.28, or nurse practitioner providing health care services in accordance with R.S. 37:913 certifying such illness. Each parish and city school board may adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies or special circumstances. The parish and city school boards may grant additional sick leave, without loss of pay, or with such reduction of pay as they may establish and fix.

* * *

§1206. Ten days sick leave for employees; cumulation of unused sick leave

A.(1) All such employees, as defined in R.S. 17:1205, shall be entitled to and shall be allowed a minimum of ten days leave of absence as sick leave or in case of other emergencies or special circumstances, per school year, without loss of pay. Any portion of such sick leave not used in any year shall be accumulated to the credit of the employee without limitation. When such employee is absent for six or more consecutive days because of personal illness, he shall be required to present a certificate from a physician, physician assistant providing health care services in accordance with R.S. 37:1360.28, or nurse practitioner providing health care services in accordance with R.S. 37:913 certifying such illness. Each parish and city school board may adopt such rules and regulations as are necessary relative to the use of such sick leave, either current or accumulated, for emergencies or special circumstances. The parish and city school boards may grant additional sick leave, without loss of pay, or with such reduction of pay as they may establish and fix.

* * *

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 649

HOUSE BILL NO. 980
BY REPRESENTATIVE FREEMAN
AN ACT

To amend and reenact R.S. 42:441(3), 442, 443(D), 444(introductory paragraph), 445(A) and (B), and 446 and to repeal R.S. 42:441(4), relative to the state employee leave transfer program; to provide for qualification for the state employee leave transfer program; to provide relative to parental leave; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:441(3), 442, 443(D), 444(introductory paragraph), 445(A) and (B), and 446 are hereby amended and reenacted to read as follows:

§441. Definitions

For the purposes of this Part, the following words and terms, when used in this Part, shall have the following meanings:

* * *

(3) “Leave recipient” means a full-time employee of an employing agency who has a ~~personal emergency and is selected need to receive annual, sick, or compensatory leave from the pool leave account of his employing agency and who meets one of the following qualifying circumstances;~~

(4) ~~“Personal emergency” means (a) The employee experiences a catastrophic illness or serious injury; that prevents the employee from performing his duties for a period of more than ten consecutive days that the employee is scheduled to work, and the employee does not have sufficient annual, sick, or compensatory leave credited to the employee personally to cover the entire period of illness or injury, to a full-time state employee participating in the employing agency’s leave transfer program, or to the employee’s spouse or~~ (b) The employee has a significant other, minor child, child who is still financially supported by the employee, or dependent parent for whom the employee is the primary caregiver who experiences a catastrophic illness or serious injury of the employee, which that prevents the employee from performing his duties for a period of more than ten consecutive days which that the employee is scheduled to work, and the employee does not have sufficient annual, sick, or compensatory leave credited to the employee personally to cover the entire period of illness or injury.

(c) The employee experiences the birth or adoption of a child and does not have sufficient annual, sick, or compensatory time to cover a minimum of six

weeks of parental leave immediately following the birth or adoption.
§442. Leave transfer pools; establishment
The State Civil Service Commission and the State Police Commission may establish a plan for the participation in the leave-transfer program, allowing full-time employees to pool their annual, sick, and compensatory leave and allowing any leave thus pooled to be used by any ~~participating employee for a personal-emergency~~ leave recipient, when that employee has used all annual, sick, and compensatory leave that has been personally accrued by him.
§443. Pool leave account; participation; use

D. A leave recipient ~~approved for participation under the pool account~~ may use annual, sick, or compensatory leave from the pool account in the same manner ~~for a personal-emergency~~ as if the recipient had accrued the leave in the manner provided by law, rule, regulation, or policy.

§444. Pool account leave request
Employees of a state agency requesting leave from the pool leave account ~~for a personal-emergency~~ under the provisions of this Part, ~~must~~ shall submit a written leave request to the employing agency with the following information included:

§445. Agency procedures
A. The employing agency shall monitor the status of the ~~personal-emergency~~ qualifying circumstance affecting the leave recipient and establish procedures to ensure that transferred annual, sick, or compensatory leave from the pool is not used after ~~a personal-emergency~~ such circumstance ceases to exist.
B. A ~~personal-emergency~~ qualifying circumstance affecting a leave recipient terminates when the employing agency determines that the ~~personal-emergency~~ qualifying circumstance no longer exists or the leave recipient's employment terminates.

§446. Agency considerations
Unless ~~a personal-emergency~~ the qualifying circumstance is the birth or adoption of a child or directly involves a medical condition affecting the leave recipient, the employing agency may consider the likely impact on morale and efficiency within the agency in considering a leave recipient's request to use leave transferred from the pool account.
Section 2. R.S. 42:441(4) is hereby repealed in its entirety.
Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 650

HOUSE BILL NO. 981
BY REPRESENTATIVES DUPLESSIS, BEAULLIEU, AND SCHLEGEL
AND SENATORS BARROW, BOUDREAUX, BOUIE, CARTER, CATHEY,
CONNICK, JACKSON, LUNEAU, PRICE, REESE, SMITH, TALBOT,
TARVER, AND WOMACK
AN ACT

To enact R.S. 17:271.1 and 3996(B)(67), relative to curricula; to require the provision of mental health instruction to public school students; to provide relative to content of the instruction; to provide for incorporation of the instruction into an existing required course; to provide relative to the mental health component of the state content standards for health education; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:271.1 and 3996(B)(67) are hereby enacted to read as follows:
§271.1. Mental health; required instruction
A. The governing authority of each public school shall provide to students in grades kindergarten through twelve age- and grade-appropriate classroom instruction relative to mental health.
B. The instruction shall include, at minimum, information on the following:
(1) Preventive mental health measures, including but not limited to proper diet, exercise, risk avoidance, and stress reduction.
(2) The relationship between mental health and physical health.
(3) Brain health, emotional health, identifying trauma and stress, and the impact of trauma and stress on mental health and physical health.
(4) Resources and services available to assist people with mental health issues.
C. The instruction shall be integrated into an existing required course, such as health education or another course deemed appropriate by the governing authority.
D. The State Board of Elementary and Secondary Education, upon its review and revision of the state content standards for health education, shall increase the emphasis on the mental health component of health education in order to enhance student understanding, attitudes, and behaviors that promote overall health and well-being.

§3996. Charter schools; exemptions; requirements

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter,

a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

* * *
(67) Mental health instruction, R.S. 17:271.1.
* * *

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 651

HOUSE BILL NO. 988
BY REPRESENTATIVE LANDRY
AN ACT

To enact R.S. 49:1016, relative to state employment; to provide relative to state employees and potential state employees who use medical marijuana; to prohibit certain employment actions against such employees and potential employees; to provide for exceptions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 49:1016 is hereby enacted to read as follows:
§1016. Employment discrimination; physician recommended marijuana
A. No state employer shall subject an employee or prospective employee to negative employment consequences based solely on a positive drug test for marijuana, marijuana components, including tetrahydrocannabinols, or marijuana metabolites if the employee or prospective employee has been clinically diagnosed as suffering from a debilitating medical condition and a licensed physician has recommended marijuana for therapeutic use by the employee in accordance with R.S. 40:1046.
B. Subsection A of this Section shall not be construed to prohibit the imposition of negative employment consequences on an employee who uses or is impaired by marijuana on the premises of the employer or during work hours or an employee whose principal responsibility is to operate a state vehicle, maintain a state vehicle, or supervise any employee who drives or maintains a state vehicle.
C. The provisions of this Section shall not apply to emergency medical services, law enforcement, public safety officials, any state employee of the horse racing commission, and firefighter services.
Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 652

HOUSE BILL NO. 1065
(Substitute for House Bill No. 680 by Representative Newell)
BY REPRESENTATIVE NEWELL
AN ACT

To amend and reenact R.S. 18:535(B) and to enact R.S. 18:536(C), relative to polling places locations; to provide for notice of location and changes to polling locations; to provide for an effective date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 18:535(B) is hereby by amended and reenacted and R.S. 18:536(C) is hereby enacted to read as follows:
§535. Notice of location of precincts and polling places
* * *
B. Before primary elections. The parish board of election supervisors shall publish the location of the polling places in the parish at least once before each primary election. The publication shall be in the official journal of the parish during the third week before the primary election. The locations shall be published on the website of the secretary of state and may be published on websites maintained by parish election officials, including the registrar of voters and clerk of court. Each website shall also include instructions on how a voter may subscribe to receive electronic notifications of polling place location changes.
§536. Notice of change of location of polling place
* * *

C. The governing authority shall inform the secretary of state of all polling place location changes. The secretary of state shall list polling place location changes on his website and the parish election officials, including the registrar of voters and clerk of court, may publish polling place location changes on their website. Each website shall also include instructions on how a voter may subscribe to receive electronic notifications of polling place location changes.
Section 2. This Act shall become effective on October 15, 2022.
Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 653

HOUSE BILL NO. 1066
(Substitute for House Bill No. 711 by Representative Turner)
BY REPRESENTATIVE TURNER
AN ACT

To amend and reenact R.S. 37:1316, to enact R.S. 37:1326(A)(10), and to repeal R.S. 37:1315(A)(7) and (B)(2), relative to recommendations on discipline by the Clinical Laboratory Personnel Committee; to provide for receipt and disbursement provisions; to provide for additional violations in accordance with the Louisiana Clinical Laboratory Personnel Law; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1316 is hereby amended and reenacted and R.S. 37:1326(A)(10) is hereby enacted to read as follows:

§1316. Receipts and disbursements
All monies collected by the board pursuant to this Part shall be deposited in the treasury of the board ~~in the committee's account for the sole purpose of implementation of the provisions of this Part.~~ All committee expenses shall be paid out of such funds only and shall not be charged to or be payable by the state. The financial records of the ~~committee board~~ shall be audited ~~annually~~ in accordance with state law by the legislative auditor or an independent auditor approved by the legislative auditor.

* * *

§1326. Causes for denial, suspension, probation, restriction, or revocation of a license or certificate or license or certificate renewal

A. The board, upon the recommendation of the committee, may deny, suspend, probate, restrict, or revoke the issuance or renewal of a license or certificate, after notice and an opportunity for a hearing pursuant to the Administrative Procedure Act, upon a preponderance of evidence showing any of the following when such activity is not authorized by the provisions of this Part:

* * *

(10) Unprofessional conduct, which may be further defined and promulgated by the board in accordance with the Administrative Procedure Act, includes but is not limited to the following:

(a) Sexual or disruptive misconduct which manifests as aberrant behavior, harassment, or both, through personal interaction with physicians, employees, coworkers, hospital personnel, healthcare professionals, patients, family members, or others, or which interferes with or could reasonably be expected to interfere with the work of clinical laboratory personnel.

(b) Failing to abide by any ethics code provisions established by the board for clinical laboratory personnel in accordance with the committee's recommendation and promulgated in accordance with the Administrative Procedure Act.

(c) Conviction of a crime, entry of a guilty plea, or entry of a plea of nolo contendere to a state or federal criminal charge constituting either a felony or a crime of sexual violence in accordance with any state or federal law.

(d) Failing to cooperate with the board, the committee, or both, providing false testimony before the board or the committee, or providing false sworn information to the board or the committee.

(e) Habitual or recurring abuse of drugs, alcohol, or mood-altering substances or those which affect the central nervous system or which are capable of inducing physiological or psychological dependence.

(f) An inability to practice within the licensee's respective scope of practice in accordance with this Part, with reasonable skill or safety due to mental illness or deficiency, including but not limited to deterioration through the aging process, the loss of motor skills, or excessive use or abuse of drugs, alcohol, or mood-altering substances or those which affect the central nervous system or which are capable of inducing physiological or psychological dependence.

* * *

Section 2. R.S. 37:1315(A)(7) and (B)(2) are hereby repealed in their entirety.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 654

HOUSE BILL NO. 1068 (Substitute for House Bill No. 255 by Representative Hilferty)
BY REPRESENTATIVE HILFERTY
AN ACT

To amend and reenact Section 6 of Act 110 of the 2020 Regular Session of the Legislature of Louisiana, relative to the assessment, collection, and distribution of certain court costs and fees in the parish of Orleans; to provide for the termination date of existing law; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 6 of Act 110 of the 2020 Regular Session of the Legislature of Louisiana is hereby amended and reenacted to read as follows:

Section 6. The provisions of this Act shall cease to be effective on July 1,

THE ADVOCATE
PAGE 37

* As it appears in the enrolled bill

~~2022~~ 2024.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 655

HOUSE BILL NO. 1079
(Substitute for House Bill No. 950 by Representative Boyd)
BY REPRESENTATIVE BOYD
AN ACT

To enact R.S. 6:1085.1, relative to residential mortgage lenders; to provide for authority of the commissioner of the office of financial institutions; to provide for failure of an originator or broker to adhere to reasonable standards; to provide for continuing education in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:1085.1 is hereby enacted to read as follows:

§1085.1. Authority of the commissioner to impose continuing education
In addition to any other authority conferred upon the commissioner by this Chapter, the commissioner may impose a requirement of additional continuing education classes, not to exceed eight hours, on any residential mortgage originator or broker based on a finding by the commissioner that such originator or broker failed to adhere to reasonable standards of professional conduct while engaging in a residential mortgage lending activity that negatively impacted a consumer.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 656

SENATE BILL NO. 5
BY SENATOR PRICE AND REPRESENTATIVES ADAMS, BACALA, BOYD, DEVILLIER, ILLG, JEFFERSON, LAFLEUR, LARVADAIN, NELSON AND TARVER
AN ACT

To enact R.S. 11:542.3, relative to the Louisiana State Employees' Retirement System; to provide with respect to a nonrecurring lump-sum supplemental payment to certain retirees and beneficiaries; to provide relative to eligibility for and calculation of such payment; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:542.3 is hereby enacted to read as follows:

§542.3. Nonrecurring lump-sum supplemental payment for 2022; payment from experience account

A. A nonrecurring lump-sum supplemental payment shall be payable to the following retirees and beneficiaries:

(1) Any retiree, other than a disability retiree, who has attained at least age sixty and who has received a benefit for at least one year on June 30, 2022.

(2) Any nonretiree beneficiary, if benefits have been paid to the retiree who was not a disability retiree or the beneficiary or both combined for at least one year and if the decedent would have attained at least age sixty on June 30, 2022.

(3) Any disability retiree or beneficiary who receives benefits based on the death of a disability retiree, if benefits have been paid to the retiree or the beneficiary or both combined for at least one year on June 30, 2022.

B. The nonrecurring lump-sum supplemental payment paid pursuant to the provisions of this Section shall be paid from funds in the system experience account and is payable not later than September 15, 2022.

C. Each retiree or beneficiary to whom this Section applies shall receive a nonrecurring lump-sum supplemental payment in an amount that is equal to the lesser of:

(1) The retiree or beneficiary's current monthly benefit.

(2) Two thousand dollars.

Section 2. The cost of this Act shall be funded with monies from the system's experience account. Any additional cost of this Act shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Louisiana Constitution.

Section 3. The Louisiana State Law Institute is hereby directed to change all references to retirement benefit increases or other payments funded by the experience account of the Louisiana State Employees' Retirement System, R.S. 11:542, from "permanent benefit increases" to "cost-of-living adjustments" throughout Title 11 of the Louisiana Revised Statutes of 1950.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 657

SENATE BILL NO. 6

BY SENATORS PRICE, FIELDS, HENSGENS, ROBERT MILLS, MIZELL,
PEACOCK AND TALBOT AND REPRESENTATIVES ADAMS, BOYD,
DEVILLIER, ILLG, JEFFERSON, LAFLEUR, LARVADAIN, NELSON
AND TARVER
AN ACT

To provide a permanent benefit increase to retirees and beneficiaries of the Teachers' Retirement System of Louisiana; to authorize payments funded by the retirement system's experience account; to provide for qualifications for receipt of such payments; to provide relative to the amount of such payments; to provide for an effective date; and to provide for related matters. Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. The legislature finds that the experience account of the Teachers' Retirement System of Louisiana was created for the purpose of accumulating money sufficient to provide actuarial funding of permanent post-retirement benefit increases for certain retirees and beneficiaries of the system. The legislature further finds that the experience account is credited with a portion of the system's investment gain in excess of certain thresholds and with interest on funds in the account; provided, however, that the amount in the experience account shall in no event exceed the reserve necessary to grant one permanent benefit increase until the system is at least eighty percent funded.

Section 2. The legislature finds that permanent benefit increases funded by the experience account monies are payable to regular retirees who have been retired for at least one year and who have attained the age of sixty years; to disability retirees who have been retired at least one year regardless of age; to beneficiaries of retirees who would have met the applicable criteria to receive the increase if they had survived; and to nonretiree beneficiaries who have been receiving benefits for at least a year and whose benefits are derived from service of deceased members who would have attained age sixty. The legislature further finds that any increase payable in 2022 shall be calculated on an amount not to exceed sixty-eight thousand three hundred ninety-six dollars of a retirement benefit.

Section 3. The legislature finds that, in accordance with the provisions of R.S. 11:883.1, the board of trustees of the Teachers' Retirement System of Louisiana at its November 4, 2021, meeting adopted a resolution recommending to the president of the Senate and the speaker of the House of Representatives that the legislature grant a permanent benefit increase to the eligible retirees and beneficiaries of the system in accordance with the provisions of R.S. 11:883.1 and Article X, Section 29(F) of the Constitution of Louisiana.

Section 4. The legislature finds that the resolution presented to the presiding officers of this body is expected to contain a recitation of the statutorily required conditions and specification of the satisfaction of each as follows:

(A) For the plan year that ended June 30, 2021, the Teachers' Retirement System of Louisiana earned an actuarial rate of return of twelve and sixty-five one-hundredths percent, which exceeded the board-approved actuarial valuation rate of seven and forty-five hundredths percent.

(B) The provisions of R.S. 11:883.1(D) provide for a permanent benefit increase that does not exceed the lesser of two percent or the increase in the Consumer Price Index for All Urban Consumers, U.S. city average under certain conditions, including:

(1) The system earned an actuarial rate of return that exceeds the board approved actuarial valuation rate.

(2) The system is at least sixty-five percent funded but less than seventy-five percent funded.

(3) The legislature has not granted a benefit increase in the preceding fiscal year.

(C) The system actuary has determined that the actuarial liability created by providing a permanent benefit increase of two percent is approximately three hundred sixty-nine million dollars. The system actuary computed the balance in the experience account to be three hundred sixty-nine million dollars, an amount sufficient to fund a benefit increase up to two percent on an actuarial basis.

Section 5. The legislative auditor has confirmed that the legislative auditor's actuary is in the process of determining whether he agrees with the determinations of the system actuary.

Section 6. The Consumer Price Index for All Urban Consumers, U.S. city average for all items as prepared by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending June 30, 2021, is five and four-tenths percent, which exceeds two percent.

Section 7. Contingent upon satisfaction of all necessary conditions contained in R.S. 11:883.1, the first sixty-eight thousand three hundred ninety-six dollars of the current benefit of each retiree and beneficiary of the Teachers' Retirement System of Louisiana who meets the eligibility criteria contained in the statute

* As it appears in the enrolled bill

and provided in this Act shall be increased by two percent effective July 1, 2022.

Section 8. The cost of this Act shall be funded with monies from the system's experience account. Any additional cost of this Act shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Louisiana Constitution.

Section 9. This Act shall become effective on June 30, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2022, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 658

SENATE BILL NO. 16

BY SENATOR FRED MILLS AND REPRESENTATIVES BRYANT, HUVAL,
MIGUEZ, PIERRE AND SCHLEGEL
AN ACT

To amend and reenact R.S. 27:437(C)(3), relative to the Video Draw Poker Device Fund; to provide for the use of monies in the fund; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:437(C)(3) is hereby amended and reenacted to read as follows:

§437. Video Draw Poker Device Fund; distribution and expenditure

* * *

C. Except as provided in Paragraph (3) of this Subsection, the monies in the Video Draw Poker Device Fund shall only be withdrawn pursuant to appropriation by the legislature and shall be distributed as follows:

(1)

* * *
* * *

~~(3) Any monies in the fund not required to meet the purposes provided for in Paragraphs (1) and (2) shall be credited to and deposited in the state general fund as they become available. Any unexpended or unencumbered portion of the twenty-five percent remaining in the Video Draw Poker Device Fund after the allocations made pursuant to the provisions of Paragraph (1) of this Subsection at the end of the fiscal year shall not revert to the state general fund but shall be distributed in accordance with the provisions of Paragraph (1) of this Subsection. Any remaining portion of the seventy-five percent of the unexpended or unencumbered monies remaining in the Video Draw Poker Device Fund at the end of the fiscal year shall revert to the state general fund.~~

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 659

SENATE BILL NO. 22
BY SENATOR BOUDREAUX
AN ACT

To amend and reenact R.S. 36:259(B)(36), to enact R.S. 40:2018.7, and to repeal R.S. 40:2018.6, relative to the Palliative Care Interdisciplinary Advisory Council; to provide for placement of the council within the Louisiana Department of Health; to provide for legislative intent; to provide for subject matter to be studied by the council; to provide for definitions; to provide for council membership; to provide for minimum organization and task requirements; to provide for staff support; to provide for recommendations to the legislature; to provide for termination of laws providing for the council; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:259(B)(36) is hereby amended and reenacted to read as follows:

§259. Transfer of agencies and functions to Louisiana Department of Health

* * *

B. The following agencies, as defined in R.S. 36:3, are placed within the Louisiana Department of Health and shall perform and exercise their powers, duties, functions, and responsibilities as otherwise provided by law:

* * *

~~(36) The Palliative Care Interdisciplinary Advisory Council (R.S. 40:2018.6) (R.S. 40:2018.7).~~

* * *

Section 2. R.S. 40:2018.7 is hereby enacted to read as follows:

§2018.7. Palliative Care Interdisciplinary Advisory Council; creation; purpose;

termination

A. The legislature finds and declares that research indicates palliative care is appropriate for a patient of any age and at any stage of a life-threatening illness and can reduce medical costs and patient recovery time when provided by an interdisciplinary team of physicians, nurses, social workers, and other healthcare specialists in order to provide an additional source of support to a patient with a life-threatening illness.

B. For purposes of this Section, the following definitions shall apply:

(1) “Council” means the Palliative Care Interdisciplinary Advisory Council.

(2) “Department” means the Louisiana Department of Health.

(3) “Palliative care” means an approach that improves the quality of life of patients and their families facing the problems associated with life-threatening illnesses, through the prevention and relief of suffering by means of early identification and impeccable assessment and treatment of pain and other problems, physical, psychosocial, and spiritual. “Palliative care” services:

(a) Provide relief from pain and other distressing symptoms.

(b) Affirm life and regard dying as a normal process.

(c) Intend neither to hasten or postpone death.

(d) Integrate the psychosocial and spiritual aspects of patient care.

(e) Offer a support system to help patients live as actively as possible until death.

(f) Offer a support system to help the family cope during the patient’s illness and in their own bereavement.

(g) Use a team approach to address the needs of patients and their families, including bereavement counseling, if indicated.

(h) Will enhance quality of life, and may also positively influence the course of illness.

(i) Are applicable early in the course of illness, in conjunction with other therapies that are intended to prolong life, such as chemotherapy or radiation therapy, and include those investigations needed to better understand and manage distressing clinical complications.

(j) Include “palliative care for children”, which means the care appropriate for children and their families that begins at diagnosis and continues regardless of whether or not the treatment is directed at the disease. Palliative care for children requires healthcare providers to evaluate and alleviate a child’s physical, psychological, and social distress through a multi-disciplinary approach that includes the family and makes use of available community resources which can be successfully implemented even if resources are limited. The phrase “palliative care for children” includes active total care of the child’s body, mind, and spirit, and the support given to the family. Palliative care for children can be provided in tertiary care facilities, in community health centers, and in children’s homes.

(4) “Secretary” means the secretary of the Louisiana Department of Health.

C.(1) The legislature hereby creates within the Louisiana Department of Health, the Palliative Care Interdisciplinary Advisory Council to assess the availability of patient-centered and family-focused palliative care in this state and make recommendations to the secretary and the legislature. Each member of the council shall have at least two years of experience providing individual or interdisciplinary palliative care to pediatric, youth, or adult populations in inpatient, outpatient, or community settings.

(2) The council shall be composed of the following seventeen members:

(a) Four physician members, including two who are board-certified in hospice and palliative care, one who shall be board-certified in pain management, and one who shall be board-certified in pediatric care appointed by the Louisiana State Board of Medical Examiners.

(b) Three nurse members, including two who are advanced practice registered nurses who are board-certified in hospice and palliative care appointed by the Louisiana State Board of Nursing.

(c) One pharmacist member with experience providing palliative care appointed by the Louisiana Board of Pharmacy.

(d) One social worker with experience providing palliative care appointed by the Louisiana State Board of Social Work Examiners.

(e) One palliative care program administrator or director with current operational experience managing a palliative care program appointed by the governor.

(f) One spiritual care professional with experience providing palliative care appointed by the governor.

(g) One insurance plan administrator with experience in reimbursement coverage and claims processing for palliative care services appointed by the governor.

(h) Three patient and family advocate members who are independent of a hospital or other healthcare facility appointed by the governor.

(i) The secretary or his designee, who shall be a nonvoting member.

(j) The Medicaid director of the department or his designee.

(3) The council may engage and solicit, as necessary, input, recommendations, and guidance pertaining to palliative care from interested parties and stakeholders including but not limited to the following:

(a) The Louisiana-Mississippi Hospice and Palliative Care Organization.

(b) The American Cancer Society Cancer Action Network.

(c) The HomeCare Association of Louisiana.

(d) Hospice of Acadiana.

(e) Hospice of Baton Rouge.

(f) The Louisiana Nursing Home Association.

(g) The office for citizens with developmental disabilities of the department.

(h) The office of behavioral health of the department.

(i) AARP Louisiana.

(j) The Alzheimer’s Association.

(k) Louisiana State Medical Society.

(l) ALS Association Louisiana-Mississippi Chapter.

(4)(a) Members of the council shall serve at the pleasure of their appointing authorities. If any appointed member misses three consecutive meetings, the secretary shall notify the appointing authority and a new appointment shall be made. If a vacancy occurs on the council, the appointing authority shall make a new appointment.

(b) Members of the council shall serve without compensation.

D.(1) The secretary shall call the first meeting of the council at which the members shall elect and establish the duties of a chair and vice chair.

(2) The chair shall set a time and place for regular public meetings of the council, which shall occur at least quarterly each calendar year.

(3) The department shall provide staff support to the council and shall provide a dedicated link on its website for information regarding the council, including meeting dates and times, minutes from meetings, and any reports or data considered by the council.

E. The council shall consult with and advise the secretary on matters related to the establishment, maintenance, operation, and outcome evaluation of the palliative care consumer and professional information and education established by this Section. In doing so, the council shall perform the following tasks:

(1) Conduct an analysis and submit a report of its findings to the Senate and House committees on health and welfare on February first of each year, to include the following:

(a) Availability of palliative care, including palliative care for children, in this state for patients in the early stages of a life-threatening illness.

(b) Barriers to greater access to palliative care.

(c) Policies, practices, and protocols in this state concerning patients’ rights related to palliative care, including the following:

(i) Whether a palliative care team member may introduce palliative care options to a patient without the consent of the patient’s attending physician.

(ii) The practices and protocols for discussions between a palliative care team member and a patient on life-sustaining treatment or advance directives decisions.

(iii) The practices and protocols on informed consent and disclosure requirements for palliative care services.

(2) Establish a statewide palliative care consumer and professional information and education program, in consultation with the department, to ensure that comprehensive and accurate information and education about palliative care are available to the public, healthcare providers, and healthcare facilities.

F. To advance the educational initiative of the council set forth in Paragraph (E)(2) of this Section, the department shall make available on its website the following information and resources regarding palliative care:

(1) Links to external resources regarding palliative care.

(2) Continuing education opportunities on palliative care for healthcare providers.

(3) Information about palliative care delivery in the home, primary, secondary, and tertiary environments.

(4) Consumer educational materials regarding palliative care, including hospice care.

G. The provisions of this Section shall terminate on August 1, 2025.

Section 3. R.S. 40:2018.6 is hereby repealed.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 660

SENATE BILL NO. 48

BY SENATOR REESE AND REPRESENTATIVE ZERINGUE

AN ACT

To amend and reenact R.S. 39:100.56(C), (D), (E), the introductory paragraph of (H), and (I) through (L) and to repeal R.S. 39:100.56(H)(5), (O), and (P), relative to the Water Sector Program; to remove provisions relative to storm water; to provide for funding for small water and sewer systems; to provide relative to application period dates; to require the division of administration to post certain documents; to require the division of administration to conduct outreach efforts; to repeal provisions relative to capital outlay; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:100.56(C), (D), (E), the introductory paragraph of (H), and (I) through (L) are hereby amended and reenacted to read as follows:

§100.56. Water Sector Program

* * *

C. The Water Sector Program is hereby established to provide grant funding for repairs, improvements, and consolidation of community water and sewer systems, and repairs and improvements necessitated by storm water. The division of administration, office of facility planning and control, and the office of community development shall administer the program in consultation with the Louisiana Department of Health and the Department of Environmental Quality. The division shall establish a working panel comprised of employees of the office of facility planning and control and the office of community development, within the division of administration, the

CODING: Words in ~~struck through~~ type are deletions from existing law; words underlined (House Bills) and underscoring and **boldfaced** (Senate Bills) are additions.

office of public health within the Louisiana Department of Health, and the Department of Environmental Quality. The working panel shall review and rate applications submitted by community water systems, community sewer systems, and local governing authorities and submit recommendations for funding to the commission.

~~D.(1) The commission shall hold its first meeting no later than June 30, 2021. At its first meeting, the commission shall issue directives to the division to utilize in the development of the guidance required in Paragraph (2) of this Subsection.~~

~~(2) The division shall promulgate guidance for the administration of the program. The guidance shall include application requirements, **application period dates and** deadlines for ~~application~~ submissions and approval, criteria for ratings, and a process for **ensuring funding for small water and sewer systems and** prioritizing critical infrastructure needs. The Administrative Procedure Act, R.S. 49:950 et seq., shall not apply to guidance promulgated pursuant to this Section. ~~No later than July 15, 2021, the~~ **The** division shall submit the proposed guidance to the commission for review and approval. Any changes to the guidance shall require approval by the commission.~~

~~**(2) Prior to the application period, the division shall conduct outreach and educational efforts for all water and sewer systems to raise awareness regarding the program.**~~

~~**(3) The division shall post on its website a copy of the guidance promulgated pursuant to this Section as well as any additional information regarding the program, including the application process, procurement, or scoring criteria upon request of the commission.**~~

~~E. In addition to the guidance provided for in Subsection D of this Section, the division shall submit a proposal outlining administrative costs for the program to the commission for review and approval prior to implementing the program no later than July 15, 2021. The commission shall review the proposed administrative costs and make a recommendation to the Joint Legislative Committee on the Budget for funding for administrative costs. The committee shall review the recommendations submitted by the commission and approve administrative costs for the program.~~

* * *

~~H. The division shall begin accepting applications no later than August 1, 2021. The applications **Applications** shall include the following, at a minimum:~~

* * *

~~I. Within ~~forty-five days of the end of the application period,~~ **The** division shall submit the working panel's ratings of proposed projects and recommendations for funding for the projects to the commission. The working panel's recommendations to the commission shall include recommendations for utilization of existing funding sources including the Drinking Water Revolving Loan Fund, Clean Water State Revolving Fund, and Community Water Enrichment and Other Improvements Fund.~~

~~J. The commission shall review the ratings and recommendations submitted by the working panel. The commission shall submit its recommendations for projects to receive monies from the fund and funding amounts **grant awards** to the Joint Legislative Committee on the Budget. The recommendations shall include;~~

~~**(1) Proposed** ~~proposed~~ matching funds, unless the commission recommends a waiver of matching funds or decreased match for any project based on the determination that the local governing authority or water system is unable to provide the match.~~

~~**(2) Funding for small water and sewer systems as provided for in the guidance.**~~

~~K.(1) The committee shall review the recommendations submitted by the commission and have final approval of funding for projects **that receive grant awards through the program.** No monies shall be expended from the fund without approval of the Joint Legislative Committee on the Budget.~~

~~**(2)(a) The commission may approve adjustments to any grant award for a project for any of the following reasons:**~~

~~**(i) Duplication of benefits.**~~

~~**(ii) Increase in project costs, not to exceed five percent of the total grant award for a project.**~~

~~**(iii) The inability of a grant recipient to complete one or more projects within the scope of the grant award.**~~

~~**(iv) Technical corrections.**~~

~~**(b) Notwithstanding the provisions of Paragraph (1) of this Subsection, any adjustments made pursuant to the provisions of this Paragraph shall be reported to the Joint Legislative Committee on the Budget but shall not require approval of the committee.**~~

~~**(3) The commission may rescind any grant award for a project if the grant recipient fails to comply with the guidance approved by the commission.**~~

~~L. Beginning January 1, 2022, the division shall submit a quarterly **status update, including a** construction progress report **report**, for projects that received funding approval to **the Water Sector Commission and** the Joint Legislative Committee on the Budget.~~

* * *

Section 2. R.S. 39:100.56(H)(5), (O), and (P) are hereby repealed in their entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 661

SENATE BILL NO. 57

BY SENATOR MCMATH AND REPRESENTATIVES BACALA, CARRIER,
DUBUISSON, HARRIS, JEFFERSON, JENKINS, LARVADAIN, NEWELL
AND WHITE
AN ACT

To amend and reenact R.S. 17:497, relative to the compensation of school bus operators who transport public school students; to provide changes to the method by which compensation is calculated; to require compensation for certain purchases made by school bus operators; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:497 is hereby amended and reenacted to read as follows: §497. School bus operators; operational schedules **compensation**

A.(1) Beginning with the fall term of 1986, and continuing thereafter, there ~~There~~ shall be paid to the operators thereof, as defined herein **in this Section**, for the operation of each school bus operated in the public school system of the state of Louisiana, a rate of compensation for such operation in accordance with the following schedule:

Beginning Fall Term, 1986 and thereafter
(All figures are on a cents per mile basis.)

| | First 6 Miles | Next 6 Miles | Over 12 Miles |
|--|------------------|-----------------|------------------|
| Length of bus | 0-6.0 | 6.1-12.0 | 12.0 Plus |
| 39 feet or more | 117.80 | 107.08 | 80.29 |
| 38 feet or more, but less than 39 feet | 112.44 | 101.72 | 80.29 |
| 34 feet or more, but less than 38 feet | 107.08 | 96.36 | 80.29 |
| 28 feet or more, but less than 34 feet | 101.72 | 91.01 | 74.94 |
| 26 feet or more, but less than 28 feet | 96.36 | 85.66 | 74.94 |
| 23 feet or more, but less than 26 feet | 91.01 | 80.30 | 74.94 |
| 21 feet or more, but less than 23 feet | 85.66 | 74.94 | 69.59 |
| 19 feet or more, but less than 21 feet | 80.30 | 69.59 | 64.25 |
| 17 feet or more, but less than 19 feet | 80.30 | 64.25 | 58.89 |
| 14 feet or more, but less than 17 feet | 53.54 | 48.17 | 37.47 |
| Less than 14 feet buses, station wagons, and carryalls | 53.54 | 48.17 | 37.47 |

(a) For buses with a manufacturer's rated capacity of forty-eight passengers or fewer, the minimum operational pay rate is \$1.4683 per mile of paid mileage.

(b) For buses with a manufacturer's rated capacity of greater than forty-eight passengers, the minimum operational pay rate is \$1.756 per mile of paid mileage.

(2) For buses equipped with lift and mobility device securement systems, the manufacturer's rated capacity shall be determined by the rated capacity of a bus of equal length that is designed to transport only ambulatory passengers.

~~(2) (3)(a)~~ The compensation, as computed in accordance with the schedule contained in this Section, shall be paid for a minimum of **the number of days of actual operation, but not less than** one hundred eighty days, during the nine-month official school year **adopted by the public school governing authority**, and for the number of days of actual operation for ~~any the~~ summer semester, if applicable.

(b) Each public school governing authority shall establish supplemental payments for individual operators who are required by the governing authority to purchase any of the following equipment:

(i) Lift mechanisms, wheelchair or other mobility device securement systems, occupant restraints, cleaning supplies, or other equipment required exclusively for transporting students with disabilities.

(ii) Air-conditioning equipment.

~~(3) The State Board of Elementary and Secondary Education by rule shall establish the method to be used for computing bus length for purposes of this Section. The method established by the board shall be uniformly applicable to each city and parish school system and such method shall be used by a city or parish school board to the exclusion of all others.~~

B. The term "operator" as used in this Section shall mean any individual, parish, or city school board **or public school governing authority who that** owns and is responsible for the operation, maintenance, and replacement of a school bus operated in the public schools of the state, including state universities, colleges, and junior colleges.

C. The term "mileage one way" **"paid mileage"** as used in this Section shall mean the distance the bus travels after picking up its first child and **student** until it reaches the final **student discharge** destination or school of said route or routes **each morning and afternoon route** officially designated by each

~~school board the public school governing authority.~~

D.(1) Each school board public school governing authority shall designate the size of the bus to be used on each official regular school bus route. When an operator deems it necessary to purchase a bus, either new or used for not more than five years from the date of manufacture, of the designated size to be used on an official regular school bus route, he shall obtain the approval for the purchase by ~~from the school board~~ public school governing authority or its duly designated officer or agent. After purchasing ~~a new or used bus not more than five years old, so~~ an approved bus, no operator shall be penalized as a result of the change by the school board public school governing authority in the designated size of the bus or the length of the route within a five-year seven-year period, following such purchase of a bus. However, the period shall be seven years for those operators who purchase a new bus after July 1, 1985.

(2) No city or parish school board public school governing authority shall approve the purchase by an operator of a used bus when the sole purpose of such purchase is to extend the protected period against penalty provided for in this Subsection.

(3) The distribution of state funds for school transportation to the ~~city and parish school boards~~ public school governing authority shall include any costs incurred by school boards the public school governing authority in complying with these provisions.

E. Beginning with the first pay period commencing on or after January 1, 1965, any parish or city school system A public school governing authority exempt from the provisions of R.S. 17:496 shall participate in is subject to this Section in the same manner as other parish and city school systems public school governing authorities.

F.(1) When funds become available, and continuing thereafter, there shall be paid to the operators thereof, as defined herein, for the operation of each school bus operated in the public school system of the state of Louisiana, a rate of compensation for such operation in accordance with the following schedule:

| <u>Beginning Fall Term, 1986 and Thereafter</u> | |
|--|-----------------------|
| <u>Length of bus</u> | <u>Cents per mile</u> |
| 39 feet or more | 117.80 |
| 38 feet or more, but less than 39 feet | 112.44 |
| 34 feet or more, but less than 38 feet | 107.08 |
| 28 feet or more, but less than 34 feet | 101.72 |
| 26 feet or more, but less than 28 feet | 96.36 |
| 23 feet or more, but less than 26 feet | 91.01 |
| 21 feet or more, but less than 23 feet | 85.66 |
| 19 feet or more, but less than 21 feet | 80.30 |
| 17 feet or more, but less than 19 feet | 80.30 |
| 14 feet or more, but less than 17 feet | 53.54 |
| Less than 14 feet buses, station wagons, and carryalls | 53.54 |

(2) The compensation, as computed in accordance with the schedules contained in this Section, shall be paid for a minimum of one hundred eighty days during the nine-month school year, and for the number of days of actual operation for any summer semester. However, until funds become available, payment shall be made as provided in Subsection A of this Section.

Section 2. Implementation of this Act shall begin with the 2022-2023 school year.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 662

SENATE BILL NO. 63

BY SENATORS MIZELL, ABRAHAM, BARROW, BERNARD, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MORRIS, PEACOCK, POPE, SMITH, WARD AND WHITE AND REPRESENTATIVES ADAMS, AMEDEE, BACALA, BAGLEY, BUTLER, CREWS, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FREEMAN, FREIBERG, GAROFALO, HORTON, HUGHES, ILLG, JEFFERSON, MARCELLE, MCMAHEN, DUSTIN MILLER, MOORE, CHARLES OWEN, PRESSLY, SCHLEGEL, STAGNI, THOMPSON AND WHITE

AN ACT

To amend and reenact Children's Code Art. 610(A)(1) and to enact Children's Code Art. 610(E)(4) and R.S. 46:51(16), relative to mandatory reporting of child abuse; to provide for reporting of child sex trafficking; to provide for the duties of the department including the provision of care coordination and advocacy services; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 610(A)(1) is hereby amended and reenacted and Children's Code Art. 610(E)(4) is hereby enacted to read as follows:

Art. 610. Reporting procedure; reports to the legislature and the United States Department of Defense Family Advocacy Program

A.(1) Reports of child abuse or neglect or that such was a contributing factor in a child's death, where the abuser is believed to be a parent or caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, shall be made immediately to the department. A permitted reporter shall make a report through the designated state child protection reporting hotline telephone number or in person at any child welfare office. A mandatory reporter shall make a report through the designated state child protection reporting hotline telephone number, via the Louisiana Department of Children and Family Services Mandated Reporter Portal online, or in person at any child welfare office. Reports in which the abuse or neglect is believed to be perpetrated by someone other than a caretaker, a person who maintains an interpersonal dating or engagement relationship with the parent or caretaker, or a person living in the same residence with the parent or caretaker as a spouse whether married or not, and the caretaker is not believed to have any responsibility for the abuse or neglect shall be made immediately to a local or state law enforcement agency. Dual reporting to both the department and the local or state law enforcement agency is permitted. If a report involves alleged sex trafficking, all mandatory reporters shall report to the department regardless of whether there is alleged parental or caretaker culpability.

* * *

E.

* * *

(4) The department shall communicate as soon as possible all reports involving alleged child victims of sex trafficking to the Louisiana State Police for referral to the appropriate local law enforcement agency for investigation or other action as appropriate.

* * *

Section 2. R.S. 46:51(16) is hereby enacted to read as follows:

§51. Duties of the department

The Department of Children and Family Services, through its secretary, shall administer the public assistance and welfare laws of the state, as follows:

* * *

(16) Make care coordination and advocacy services available for child victims of child sex trafficking as follows:

(a) Care coordination services may include emergency and ongoing multidisciplinary coordination and service planning with key agencies to address medical, psychological, safety, housing, and other emergency and long-term needs of the child and the investigative needs of law enforcement.

(b) Based on the needs of the child and the child's family, advocacy services may include:

(i) Face-to-face visits to include emotional support.

(ii) Development, implementation, and updates to safety plans.

(iii) Communication and advocacy on the child's behalf with care coordinators.

(iv) Assistance with referrals and implementation of services.

(v) Twenty-four hour on-call crisis assistance to respond to the needs of the child.

(vi) Assistance with transportation and other physical needs.

(vii) Support work with the family to develop safety procedures based on the particular situation and the child's needs.

(viii) Education on how to monitor and address the child's internet access, messaging, and telephone contacts.

Section 3. This Act shall become effective on January 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or January 1, 2023, whichever is later.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 663

SENATE BILL NO. 67

BY SENATOR FRED MILLS

AN ACT

To amend and reenact R.S. 49:951(9), 953, the introductory paragraph of 953.1(A)(1), 953.1(A)(5), and (C), 954(A) and (B)(2), 954.1(A), 955(B), (C), (E), and (F), 959(A), 960(B), 964.1(C), 966(A), 967, the introductory paragraph of 968(B), 968(B)(24)(b), (C)(2) and (4), (D)(1)(a), and the introductory paragraph of (D)(1)(b), (D)(1)(b)(i), and (c) and (3), (E)(1)(a), the introductory paragraph of 968(F)(1), (G), (H), (J), and (K)(2), 969(A), 970(A), 971(A)(1) and (3) and (B), 974(B), (C), and (E), 978.1, 978.4(A)(2), 978.5(B) and (C), the introductory paragraph of 978.7, and 978.8(A) and (B), to enact R.S. 49:953.1(G), 963, and 964, and to recodify Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950 in its entirety, relative to the Administrative Procedure Act; to make technical updates to the Administrative Procedure Act; to provide for public hearings; to provide for publication of executive orders; to direct the Louisiana State Law Institute to redesignate the current provisions of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950 into a new format and number scheme, to be comprised of R.S. 49:950 through 978.3, without changing the text of the provisions except as provided herein; to make technical and

conforming changes to reflect the format and number scheme provided herein; to direct the Louisiana State Law Institute to change references to segments of law in existing statutes and codes as necessary to reflect the redesignation of such segments as provided herein; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:951(9), 953, the introductory paragraph of 953.1(A)(1), 953.1(A)(5), and (C), 954(A) and (B)(2), 954.1(A), 955(B), (C), (E), and (F), 959(A), 960(B), 964.1(C), 966(A), 967, the introductory paragraph of 968(B), 968(B)(24)(b), (C)(2) and (4), (D)(1)(a), the introductory paragraph of (D)(1)(b), (D)(1)(b)(i), and (c) and (3), (E)(1)(a), the introductory paragraph of 968(F)(1), (G), (H), (J), and (K) (2), 969(A), 970(A), 971(A)(1) and (3) and (B), 974(B), (C), and (E), 978.1, 978.4(A)(2), 978.5(B) and (C), the introductory paragraph of 978.7, and 978.8(A) and (B) are hereby amended and reenacted and R.S. 49:953.1(G), 963, and 964 are hereby enacted to read as follows:

§951. Definitions

As used in this Chapter:

* * *

(9) “Rulemaking” means the process employed by an agency for the formulation of a rule. Except where the context clearly provides otherwise, the procedures for adoption of rules and of emergency rules as provided in ~~R.S. 49:953~~ **R.S. 49:961** shall also apply to adoption, increase, or decrease of fees. The fact that a statement of policy or an interpretation of a statute is made in the decision of a case or in an agency decision upon or disposition of a particular matter as applied to a specific set of facts involved does not render the same a rule within this definition or constitute specific adoption thereof by the agency so as to be required to be issued and filed as provided in this Subsection.

~~§966-§952.~~ Construction and effect; judicial cognizance

A. Nothing in this Chapter shall be held to diminish the constitutional rights of any person or to limit or repeal additional requirements imposed by statute or otherwise recognized by law. Notwithstanding the foregoing, and except as provided in ~~R.S. 49:967~~ **R.S. 49:954**, any and all statutory requirements regarding the adoption or promulgation of rules other than those contained in Sections 953, ~~954, 954.1, and 968~~ **961, 965, and 966** of this Title are hereby superseded by the provisions of this Chapter and are repealed. Except as otherwise required by law, all requirements or privileges relating to evidence or procedure shall apply equally to agencies and persons. Every agency is granted all authority necessary to comply with the requirements of this Chapter through the issuance of rules or otherwise.

* * *

~~§954-1-§953.~~ Louisiana Administrative Code and Louisiana Register; publication; distribution; copies; index; interagency rules

A. The Office of the State Register shall compile, index, and publish a publication to be known as the Louisiana Administrative Code, containing all effective rules adopted by each agency subject to the provisions of this Chapter, and all boards, commissions, agencies and departments of the executive branch, notwithstanding any other provision of law to the contrary. The Louisiana Administrative Code **Office of the State Register** shall also ~~contain~~ **publish** all executive orders issued by the governor ~~on or after May 9, 1972, which are in effect at the time the Louisiana Administrative Code is published.~~ The Louisiana Administrative Code shall be supplemented or revised as often as necessary and at least once every two years.

* * *

~~§967-§954.~~ Exemptions from provisions of Chapter

A. Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950 shall not be applicable to the Board of Tax Appeals, the Department of Revenue, with the exception of the Louisiana Tax Commission that shall continue to be governed by this Chapter in its entirety, unless otherwise specifically provided by law, and the administrator of the Louisiana Employment Security Law; however, the provisions of R.S. 49:951(2), (4), (5), (6), and (7), ~~952; 953, 954, 954.1, 968, 956, 961, 965, 966, 969, and 970 shall be applicable to such the~~ board, department, and administrator.

B.(1) The provisions of ~~R.S. 49:968(F)~~ **R.S. 49:966(F)** and 970 shall not be applicable to any rule promulgated by the State Civil Service Commission or the Public Service Commission.

(2) The provisions of this Chapter shall not be applicable to entities created as provided in Part V of Chapter 6 of Title 34 of the Louisiana Revised Statutes of 1950.

C. The provisions of ~~R.S. 49:963, 964, and 965~~ **R.S. 49:968, 978.2, and 979** shall not be applicable to any rule, regulation, or order of any agency subject to a right of review under the provisions of R.S. 30:12.

~~E-D.~~ The provisions of ~~R.S. 49:963, 964, and 965~~ **R.S. 49:968, 978.2, and 979** shall not apply to any rule, regulation, or policy and procedure statements issued by or for the Department of Public Safety and Corrections, corrections services, concerning:

(1) The internal management and daily operations of a correctional institute, probation and parole district office, or headquarters function.

(2) General law statements that are substantially repetitions of state or federal law.

(3) The implementation and processes for carrying out a court-ordered sentence of death and any and all matters related to the regulations for the sentence of death.

~~F-E.~~ The provisions of ~~R.S. 49:963, 964, and 965~~ **R.S. 49:968, 978.2, and 979** shall apply only to the regulations and policies of the Department of Public Safety and Corrections, corrections services, that affect the substantial rights of, or

administrative remedies available to, the public or any offender incarcerated in a state correctional facility or local jail facility.

~~§967-1-§955.~~ Application of Chapter to rules and fees

[Section redesignated from R.S. 49:967.1]

~~§952-§956.~~ Public information; adoption of rules; availability of rules and orders

[Section redesignated from R.S. 49:952]

~~§974-§957.~~ Internet publication of certain information concerning proposed rules and fees; information required to be published; manner of publication; deadlines

* * *

- B. All of the following information shall be included on the website:
- (1) A brief description of each rule or fee that the agency is in the process of adopting, amending, or repealing. For each ~~such~~ rule or fee, links to the following shall be included:
- (a) The full text of the current rule or fee.
- (b) A ~~copy of~~ **link to the Louisiana Register website showing** the proposed rule or statement of the proposed fee ~~in the form required by R.S. 49:968(C)(1).~~
- (c) The name and contact information of the ~~person within the agency who has the responsibility~~ **agency representative responsible** for responding to inquiries about the intended action as required by ~~R.S. 49:953(A)(1)(a)(iv)~~ **R.S. 49:961(A)(1)(a)(iv).**
- (d) The time when, the place where, and the manner in which interested persons may present their views **public comment** concerning the intended action as required by ~~R.S. 49:953(A)(1)(a)(v)~~ **R.S. 49:961(A)(1)(a)(v).**
- (e) The anticipated effective date for the proposed rule or fee.
- (f) A copy of the notice of intent submitted to the Louisiana Register pursuant to ~~R.S. 49:953(A)(1)(b)~~ **R.S. 49:961(A)(1)(b)** and the date the notice of intent will be published in the Louisiana Register.
- (g) A copy of the report submitted to the legislative oversight subcommittees pursuant to ~~R.S. 49:968(D)(1)(b)~~ **R.S. 49:966(D)(1)(b)** and a copy of the public notice required by ~~R.S. 49:968(D)(1)(c)~~ **R.S. 49:966(D)(1)(c).**
- (h) A copy of any announcement of a hearing and report made pursuant to ~~R.S. 49:968(H)(2)~~ **R.S. 49:966(H)(2).**
- (i) A copy of any report received by the agency from a legislative oversight subcommittee pursuant to ~~R.S. 49:968(F)~~ **R.S. 49:966(F)** or from the governor pursuant to ~~R.S. 49:968(I)~~ **R.S. 49:966(I).**
- (2) A copy of the annual report submitted to the legislative oversight subcommittees by the agency pursuant to ~~R.S. 49:968(K)~~ **R.S. 49:966(K).**
- C.(1)(a) The information required to be published pursuant to Subparagraphs (B)(1)(a) through (g) of this Section shall be published in the manner required by this Section no later than five days after the date on which the agency submits the report for the proposed rule or fee to the legislative oversight subcommittees pursuant to ~~R.S. 49:968(B)~~ **R.S. 49:966(B).**
- (b) The copy of the announcement required to be published pursuant to Subparagraph (B)(1)(h) of this Section shall be published in the manner required by this Section no later than five days after the announcement is submitted to the Louisiana Register in accordance with ~~R.S. 49:968(H)(2)~~ **R.S. 49:966(H)(2).**
- (c) The copy of the report required to be published pursuant to Subparagraph (B)(1)(i) of this Section shall be published in the manner required by this Section no later than five days after the report is received by the agency.
- (d) The copy of the annual report required to be published pursuant to Paragraph (B)(2) of this Section shall be published in the manner required by this Section no later than five days after the report is submitted to the legislative oversight subcommittees by the agency pursuant to ~~R.S. 49:968(K)~~ **R.S. 49:966(K).**
- (2) If an agency does not have an ~~Internet~~ **internet** website, the agency shall submit the information required by this Section to be published to the department or to the division of administration, as the case may be, in a manner which allows enough time for the information to be published as required by this Section prior to the applicable deadline provided in Paragraph (1) of this Subsection.

* * *

E. The provisions of this Section shall not be construed to require the publication of information concerning the adoption, amendment, or repeal of any rule or fee unless and until the agency gives notice of its intended action pursuant to ~~R.S. 49:953(A)~~ **R.S. 49:961(A).**

PART II. RULE PROMULGATION

- ~~§953-§961.~~ Procedure for adoption of rules; agency rule review
- A. ~~Prior to the adoption, amendment, or repeal of any rule, the agency shall:~~
- (1)(a) ~~Give notice of its intended action and a copy of the proposed rules at least ninety days prior to taking action on the rule. The notice shall include:~~
- (i) ~~A statement of either the terms or substance of the intended action or a description of the subjects and issues involved;~~
- (ii) ~~A statement, approved by the legislative fiscal office, of the fiscal impact of the intended action, if any; or a statement, approved by the legislative fiscal office, that no fiscal impact will result from such proposed action;~~
- (iii) ~~A statement, approved by the legislative fiscal office, of the economic impact of the intended action, if any; or a statement, approved by the legislative fiscal office, that no economic impact will result from such proposed action;~~
- (iv) ~~The name of the person within the agency who has the responsibility for responding to inquiries about the intended action;~~
- (v) ~~The time when, the place where, and the manner in which interested persons may present their views thereon; and~~
- (vi) ~~A statement that the intended action complies with the statutory law~~

administered by the agency, including a citation of the enabling legislation.

(vii) The preamble, which explains the basis and rationale for the intended action; and summarizes the information and data supporting the intended action.

(viii) A statement concerning the impact on family formation, stability, and autonomy as set forth in R.S. 49:972.

(ix) A statement concerning the impact on child, individual, or family poverty in relation to individual or community asset development as set forth in R.S. 49:973.

(x) A statement concerning the economic impact on small businesses, as set forth in R.S. 49:978.4, and the small business regulatory flexibility analysis, as set forth in R.S. 49:978.5.

(b)(i) The notice shall be published at least once in the Louisiana Register and shall be submitted with a full text of the proposed rule to the Louisiana Register at least one hundred days prior to the date the agency will take action on the rule.

(ii) Upon publication of the notice, copies of the full text of the proposed rule shall be available from the agency proposing the rule upon written request within two working days.

(c) Notice of the intent of an agency to adopt, amend, or repeal any rule and the approved fiscal and economic impact statements, as provided for in this Subsection, shall be mailed to all persons who have made timely request of the agency for such notice, which notice and statements shall be mailed at the earliest possible date, and in no case later than ten days after the date when the proposed rule change is submitted to the Louisiana Register.

(d) For the purpose of timely notice as required by this Paragraph, the date of notice shall be deemed to be the date of publication of the issue of the Louisiana Register in which the notice appears, such publication date to be the publication date as stated on the outside cover or the first page of said issue.

(2)(a) Afford all interested persons reasonable opportunity to submit data, views, comments, or arguments, orally or in writing. In case of substantive rules, opportunity for oral presentation or argument must be granted if requested within twenty days after publication of the rule as provided in this Subsection, by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the legislature to which the proposed rule change has been referred under the provisions of R.S. 49:968.

(b)(i) Make available to all interested persons copies of any rule intended for adoption, amendment, or repeal from the time the notice of its intended action is published in the Louisiana Register. Any hearing pursuant to the provisions of this Paragraph shall be held no earlier than thirty-five days and no later than forty days after the publication of the Louisiana Register in which the notice of the intended action appears. The agency shall consider fully all written and oral comments and submissions respecting the proposed rule.

(ii) The agency shall issue a response to comments and submissions describing the principal reasons for and against adoption of any amendments or changes suggested in the written or oral comments and submissions. In addition to the response to comments, the agency may prepare a preamble explaining the basis and rationale for the rule, identifying the data and evidence upon which the rule is based, and responding to comments and submissions. Such preamble and response to comments and submissions shall be furnished to the respective legislative oversight subcommittees at least five days prior to the day the legislative oversight subcommittee hearing is to be held on the proposed rule, and shall be made available to interested persons no later than one day following their submission to the appropriate legislative oversight subcommittee. If no legislative oversight hearing is to be held, the agency shall issue a response to comments and submissions and preamble, if any, to any person who presented comments or submissions on the rule and to any requesting person not later than fifteen days prior to the time of publication of the final rule.

(iii) The agency shall, upon request, make available to interested persons the report submitted pursuant to R.S. 49:968(D) no later than one working day following the submittal of such report to the legislative oversight subcommittees.

(3)(a) For the purposes of this Subsection, the statement of fiscal impact shall be prepared by the proposing agency and submitted to the Legislative Fiscal Office for its approval. Such fiscal impact statement shall include a statement of the receipt, expenditure, or allocation of state funds or funds of any political subdivision of the state.

(b) For the purposes of this Subsection, the statement of economic impact shall be prepared by the proposing agency and submitted to the Legislative Fiscal Office for its approval. Such economic impact statements shall include an estimate of the cost to the agency to implement the proposed action, including the estimated amount of paperwork; an estimate of the cost or economic benefit to all persons directly affected by the proposed action; an estimate of the impact of the proposed action on competition and the open market for employment, if applicable; and a detailed statement of the data, assumptions, and methods used in making each of the above estimates.

A.(1) An agency shall give notice of its intention to adopt, amend, or repeal any rule and a copy of the proposed rules at least ninety days prior to taking action on the rule.

(2) The notice shall include all of the following:

(a) A statement by the agency clearly describing the proposed action being taken.

(b) A statement by the legislative fiscal office on whether the proposed action will result in a fiscal impact.

(c) A statement by the legislative fiscal office on whether the proposed action will result in an economic impact.

(d) The name of the agency representative responsible for responding to inquiries about the intended action.

(e) The time, place, and manner in which interested persons may present public comment regarding the intended action.

(f) A statement that the intended action complies with the statutory law administered by the agency, including a citation of the enabling legislation.

(g) A preamble explaining the basis and rationale for the intended action and summarizes the information and data supporting the intended action.

(h) All of the following statements concerning the proposed action:

(i) The impact on family formation, stability, and autonomy required by R.S. 49:972.

(ii) The impact on child, individual, or family poverty in relation to individual or community asset development required by R.S. 49:973.

(iii) The economic impact on small businesses required by R.S. 49:974.4.

(iv) The small business regulatory flexibility analysis required by R.S. 49:974.5.

(3) The notice shall be published at least once in the Louisiana Register and shall be submitted with a full text of the proposed rule to the Louisiana Register at least one hundred days prior to the date the agency will take action on the rule.

(4) After the notice is published in the Louisiana Register, the agency shall make available copies of the full text of the proposed rule no later than two working days after receiving a written request.

(5) Notice of the intent of an agency to adopt, amend, or repeal any rule and the approved fiscal and economic impact statements shall be transmitted to all persons who have made timely request of the agency for notice. The notice and statements shall be transmitted at the earliest possible date, but not later than ten days after the date when the proposed rule change is submitted to the Louisiana Register.

(6) For the purpose of this Subsection, the date of notice is the date of publication of the issue of the Louisiana Register in which the notice appears as stated on the outside cover or the first page of the issue.

B.(1) The agency shall afford all interested persons a reasonable opportunity to submit data, views, comments, or arguments, orally or in writing. In the case of substantive rules, the agency shall grant an opportunity for oral presentation or argument if requested within twenty days after publication of the rule pursuant to Subsection A of this Section by twenty-five persons, by a governmental subdivision or agency, by an association having not less than twenty-five members, or by a committee of either house of the legislature to which the proposed rule change has been referred pursuant to R.S. 49:966.

(2) Any hearing held pursuant to the provisions of Paragraph (1) of this Subsection shall be held no earlier than thirty-five days and no later than forty-five days after the publication of the Louisiana Register in which the notice of the intended action appears.

(3) The agency shall consider fully all written and oral comments and submissions respecting the proposed rule. The agency shall respond to the comments and submissions describing the principal reasons for and against adoption of any amendments or changes suggested in the written or oral comments and submissions.

(4) The response required by Paragraph (3) of this Subsection shall be furnished to the respective legislative oversight subcommittees at least five days prior to the day the legislative oversight subcommittee hearing is to be held on the proposed rule, and shall be made available to interested persons no later than one day following their submission to the appropriate legislative oversight subcommittee. If no legislative oversight hearing is to be held, the agency shall send its response to comments or submissions on the rule to any person who presented comments or submissions on the rule and to any requesting person not later than fifteen days prior to the time of publication of the final rule.

(5) The agency shall, upon request, make available to interested persons the report submitted pursuant to R.S. 49:966(D) no later than one working day following the submittal of such report to the legislative oversight subcommittees.

C.(1) An interested person may petition an agency requesting the adoption, amendment, or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, considerations, and disposition. Within ninety days after submission of a petition, the agency shall either deny the petition in writing, stating reasons for the denial, or shall initiate rulemaking proceedings in accordance with this Chapter. Each agency with an appropriated operating budget of five million dollars or more shall include on its website a description of the procedure for submitting petitions in accordance with this Paragraph.

(2)(a) At least once prior to January 1, 2020, and at least once during every six-year period thereafter, each agency subject to Paragraph (1) of this Subsection which engages in rulemaking shall conduct a public hearing for the purpose of allowing any interested person the opportunity to comment on any rule of the agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. The agency shall publish notice of the meeting in the Louisiana Register, give notice of the meeting electronically to the appropriate legislative oversight committees, and shall provide notice of the meeting to all persons who have made timely request of the agency for notice of rule changes, all no later than thirty days prior to the meeting.

(b) The notice of the meeting shall contain:

(i) The name of the agency.

(ii) The purpose of the meeting;
(iii) The time and place of the meeting;
(iv) The process for requesting reasonable accommodations for persons with disabilities;

(v) The name and contact information of the person within the agency to whom interested persons should direct their views regarding the agency's rules, if in writing, and the deadline for submission of written comments.

(c) The agency shall consider fully all written and oral comments and submissions concerning its rules. The agency shall advise persons who provide oral comments that in order to be submitted to the legislative oversight committees, comments must be submitted to the agency in writing. The agency shall issue a response to each submission describing the principal advantages and disadvantages of the rule changes suggested in the submission. In addition, the agency may prepare a statement explaining the basis and rationale for the rule in question identifying the data and evidence upon which the rule is based. All such statements and responses to submissions shall be furnished to the respective legislative oversight committees in the manner provided by R.S. 49:968(K) and shall be made available to interested persons as soon as possible but no later than one day following their submission to the appropriate legislative oversight committees.

C.(1) The statement of fiscal impact shall be prepared by the proposing agency and submitted to the legislative fiscal office for its approval. The fiscal impact statement shall include a statement of the receipt, expenditure, or allocation of state funds or funds of any political subdivision of the state.

(2) The statement of economic impact shall be prepared by the proposing agency and submitted to the legislative fiscal office for its approval. The economic impact statement shall include an estimate of the cost to the agency to implement the proposed action, including the estimated amount of paperwork; an estimate of the cost or economic benefit to all persons directly affected by the proposed action; an estimate of the impact of the proposed action on competition and the open market for employment, if applicable; and a detailed statement of the data, assumptions, and methods used in making each of the above estimates.

D. When a rule is adopted, amended, or repealed in compliance with federal regulations, the adopting agency's notice of intent and the actual text of the rule as published in the Louisiana Register, must be accompanied by a citation of the Federal Register issue in which the determining federal regulation is published, such citation to be by volume, number, date, and page number.

D. When a rule is adopted, amended, or repealed in compliance with federal regulations, the adopting agency's notice of intent and the actual text of the rule as published in the Louisiana Register shall be accompanied by a citation of the volume, number, date, and page number of the Federal Register issue in which the determining federal regulation is published.

E.(1) No agency shall adopt, amend, or repeal any rule if the accompanying fiscal and economic impact statement approved by the legislative fiscal office indicates that the rule change would result in any increase in the expenditure of state funds, unless the rule is adopted as an emergency rule pursuant to the requirements of R.S. 49:953.1 or unless the legislature has specifically appropriated the funds necessary for the expenditures associated with the rule change.

(2) The fiscal and economic impact statement shall be summarized by the agency as to the estimated costs or economic benefits or both, to directly affected persons, small businesses, or nongovernmental groups and the summary shall be published in the Louisiana Register.

(3) No later than the tenth day of the month, the office of the state register shall electronically transmit to the commercial division of the Department of State, the summary of the fiscal and economic impact statement.

E.(1) No agency shall adopt, amend, or repeal any rule if the accompanying fiscal and economic impact statement approved by the legislative fiscal office indicates that the rule change would result in any increase in the expenditure of state funds, unless the rule is adopted as an emergency rule pursuant to the requirements of R.S. 49:962 or unless the legislature has specifically appropriated the funds necessary for the expenditures associated with the rule change.

(2) The fiscal and economic impact statement shall be summarized by the agency as to the estimated costs or economic benefits, or both, to directly affected persons, small businesses, or nongovernmental groups and the summary shall be published in the Louisiana Register.

(3) No later than the tenth day of the month, the office of the state register shall electronically transmit to the commercial division of the Department of State, the summary of the fiscal and economic impact statement.

F.(1) Notwithstanding any other provision of this Chapter to the contrary, if the Department of Environmental Quality proposes a rule that is not identical to a federal law or regulation or is not required for compliance with a federal law or regulation, the Department of Environmental Quality shall adopt and promulgate such proposed rule separately from any proposed rule or set of proposed rules that is identical to a federal law or regulation or required for compliance with a federal law or regulation. However, if the only difference between the proposed rule or set of proposed rules and the corresponding federal law or regulation is a proposed fee, the Department of Environmental Quality shall not be required to adopt and promulgate such proposed rule or set of proposed rules separately. For purposes of this Subsection, the term "identical" shall mean that the proposed rule has the same content and meaning as the corresponding federal law or regulation.

(2) When the Department of Environmental Quality proposes a rule that is not identical to a corresponding federal law or regulation, or is not

required for compliance with a federal law or regulation, the Department of Environmental Quality shall provide a brief summary which explains the basis and rationale for the proposed rule, identifies the data and evidence, if any, upon which the rule is based, and identifies any portions of the proposed rule that differ from federal law or regulation if there is a federal law or regulation which is not identical but which corresponds substantially to the proposed rule. Such summary shall be provided along with the notice of intent and shall be published in the Louisiana Register or made available along with the proposed rule as provided in Item (A)(1)(b)(ii) of this Section. The Department of Environmental Quality may also provide such a summary when proposing a rule identical to a corresponding federal law or regulation or proposing a rule which is required for compliance with federal law or regulation to explain the basis and rationale for the proposed rule.

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

(a) The department shall publish a notice of the proposed rule at least sixty days prior to taking action on the rule as provided below. The notice, which may include an explanation of the basis and rationale for the proposed rule, shall include all of the following:

(i) A statement of either the terms or substance of the intended action or a description of the subjects and issues involved.

(ii) A statement that no fiscal or economic impact will result from the proposed rule.

(iii) The name of the person within the department who has responsibility for responding to inquiries about the intended action.

(iv) The time, place, and manner in which interested persons may present their views thereon including the notice for a public hearing required by R.S. 30:2011(D)(1).

(v) A statement that the intended action complies with the law administered by the department, including a citation of the specific provision, or provisions, of law which authorize the proposed rule.

(b) Notice of the proposed rule shall be published at least once in the Louisiana Register and shall be submitted with a full text of the proposed rule to the Louisiana Register at least seventy days prior to the date the department proposes to formally adopt the rule. The Office of the State Register may omit from the Louisiana Register any such proposed rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the Louisiana Register contains a notice stating the general subject matter of the omitted proposed rule, the process being employed by the department for adoption of the proposed rule, and stating how a copy of the proposed rule may be obtained.

(c) Notice of the intent of the department to adopt the rule shall be mailed to all persons who have made timely request for such notice, which notice shall be mailed at the earliest possible date, and in no case later than ten days after the date when the proposed rule is submitted to the Louisiana Register.

(d) For the purpose of timely notice as required by this Paragraph, the date of notice shall be deemed to be the date of publication of the issue of the Louisiana Register in which the notice appears, such publication date to be the publication date as stated on the outside cover or the first page of said issue.

(e) The department shall afford all interested persons an opportunity to submit data, views, comments, or arguments related to the proposed rule, in writing, during a period of no less than thirty days. The department shall consider fully all written comments and submissions respecting the proposed rule.

(f) The department shall make available to all interested persons copies of the proposed rule from the time the notice of its adoption is published in the Louisiana Register.

(g) The department shall issue a response to comments and submissions describing the principal reasons for and against adoption of any amendments or changes suggested in the written comments and submissions and specifically addressing any assertion that the proposed rule is not identical to the federal law or regulation upon which it is based. The department shall issue such response to comments and submissions to any person who presented comments or submissions on the rule and to any requesting person no later than fifteen days prior to the time of publication of the final rule.

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

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

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

(i) Unless specifically requested, in writing, by the chairman of the House Committee on Natural Resources and Environment or the chairman of

the Senate Committee on Environmental Quality within ten days of the certification provided under Subparagraph (h) of this Paragraph, there shall be no legislative oversight of the proposed rule. If, however, legislative oversight is properly requested, R.S. 49:968 and Items (A)(2)(b)(ii) and (iii) of this Section shall thereafter apply with respect to the proposed rule.

(j) In the absence of legislative oversight, the proposed rule may be adopted by the Department of Environmental Quality no earlier than sixty days, nor later than twelve months, after the official notice of the proposed rule was published in the Louisiana Register; provided, however, that the proposed rule shall be effective upon its publication in the Louisiana Register, said publication to be subsequent to the act of adoption.

(4) The procedures set forth in Paragraph (3) of this Subsection for the adoption by the Department of Environmental Quality of rules identical to federal laws or regulations applicable in Louisiana shall not be available for the adoption of any rules creating or increasing fees.

F.(1) No later than the tenth day of the month, the office of the state register shall electronically transmit to the commercial division of the Department of State, all of the following information:

(a) The small business economic impact statement prepared by the agency pursuant to R.S. 49:974.4 and the small business regulatory flexibility analysis prepared pursuant to R.S. 49:974.5.

(b) The summary of the estimated costs to small businesses, citizens, and nongovernmental groups as provided in Subsection E of this Section.

(c) Any potpourri notices which are submitted to the office of the state register pursuant to R.S. 49:974.4.

(2) Prior to electronically sending the information required in this Subsection and Subsection E of this Section to the commercial division of the Department of State, the office of the state register shall divide the information by agency.

G.(1) Prior to or concurrent with publishing notice of any proposed policy, standard, or regulation pursuant to Subsection A of this Section and prior to promulgating any policy, standard, or final regulation whether pursuant to R.S. 49:954 or otherwise under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., the Department of Environmental Quality, after August 15, 1995, shall publish a report, or a summary of the report, in the Louisiana Register which includes:

(a) A statement identifying the specific risks being addressed by the policy, standard, or regulation and any published, peer-reviewed scientific literature used by the department to characterize the risks.

(b) A comparative analysis of the risks addressed by the policy, standard, or regulation relative to other risks of a similar or analogous nature to which the public is routinely exposed.

(c) An analysis based upon published, readily available peer-reviewed scientific literature, describing how the proposed and final policy, standard, or regulation will advance the purpose of protecting human health or the environment against the specified identified risks.

(d) An analysis and statement that, based on the best readily available data, the proposed or final policy, standard, or regulation presents the most cost-effective method practically achievable to produce the benefits intended regarding the risks identified in Subparagraph (a) of this Paragraph.

(2) No regulation shall become effective until the secretary complies with the requirements of Paragraph (1) of this Subsection.

(3) This provision shall not apply in those cases where the policy, standard, or regulation:

(a) Is required for compliance with a federal law or regulation.

(b) Is identical to a federal law or regulation applicable in Louisiana.

(c) Will cost the state and affected persons less than one million dollars, in the aggregate, to implement.

(d) Is an emergency rule under R.S. 49:953.1.

(4) For purposes of this Subsection, the term “identical” shall mean that the proposed rule has the same content and meaning as the corresponding federal law or regulation.

(5) In complying with this Section, the department shall consider any scientific and economic studies or data timely provided by interested parties which are relevant to the issues addressed herein and the proposed policy, standard, or regulation being considered.

H. The Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission may employ the timetables and provisions of Subsection B of this Section in promulgating rules and regulations relative to hunting seasons, trapping seasons, alligator seasons, shrimp seasons, oysters seasons, and finfish seasons and size limits, and all rules and regulations pursuant thereto. Rules adopted annually pursuant to this Subsection which open and close the offshore and fall shrimp seasons, the oyster seasons, the marine finfish seasons, the webless migratory game bird hunting season, and the trapping season shall be effective for the duration of the respective season. Notwithstanding the provisions of Paragraph (B)(4) of this Section, any legislative oversight hearing held on a rule proposed under the provisions of this Subsection shall be held no earlier than five days and no later than thirty days following the date of adoption of the rule.

I.(1) No later than the tenth day of the month, the office of the state register shall electronically transmit to the commercial division of the Department of State, all of the following information:

(a) The small business economic impact statement prepared by the agency pursuant to R.S. 49:978.4 and the small business regulatory flexibility analysis prepared pursuant to R.S. 49:978.5.

(b) The summary of the estimated costs to small businesses, citizens, and nongovernmental groups as is provided in Subsection E of this Section.

(c) Any potpourri notices which are submitted to the office of the state register pursuant to R.S. 49:978.4.

(2) Prior to electronically sending the information required in this Subsection and Subsection E of this Section to the commercial division of the Department of State, the office of the state register shall divide the information by agency.

~~§953.1.~~**§962. Emergency rulemaking**

A.(1) In extraordinary circumstances an agency may adopt an emergency rule as an alternative to the rulemaking provisions provided for in ~~R.S. 49:953~~ **R.S. 49:961**. An emergency rule may be adopted by an agency without prior notice or a public hearing for any of the following reasons:

* * *

(5) No emergency rule shall be adopted by an agency more than two consecutive times unless the agency is operating under a state or federal declaration of disaster, a state or federal public health emergency, or an ongoing emergency as authorized by the legislature, governor, or other provision of law. However, the agency may concurrently proceed with the adoption of an identical rule pursuant to the procedure provided for in ~~R.S. 49:953(A)~~ **R.S. 49:961(A)**.

* * *

C. The validity of an emergency rule may be determined in an action for declaratory judgment in the district court of the parish in which the agency is located. The agency shall be made a party to the action. An action for a declaratory judgment under this Section may be brought only by a person to whom such emergency rule is applicable or who would be adversely affected by such emergency rule and only on the grounds that the emergency rule does not meet the criteria for adoption of an emergency rule as provided in Paragraph (A)(1) of this Section. The court shall declare the emergency rule invalid if it finds that there is not sufficient evidence that such emergency rule must be adopted on an emergency basis for one or more of the reasons for adoption of an emergency rule as provided in Subsection A of this Section. Notwithstanding any provision of law to the contrary, the emergency rule shall remain in effect until such declaratory judgment is rendered. The provisions of R.S. 49:963 **R.S. 49:968** shall not apply to any action brought pursuant to this Section. The provisions of this Section are in addition to ~~R.S. 49:963~~ **R.S. 49:968** and shall not limit any action pursuant to ~~R.S. 49:963~~ **R.S. 49:968**.

* * *

G. The Department of Wildlife and Fisheries and the Louisiana Wildlife and Fisheries Commission may employ the timetables and provisions of this Section in promulgating rules and regulations relative to hunting seasons, trapping seasons, alligator seasons, shrimp seasons, oyster seasons, and finfish seasons and size limits, and all rules and regulations pursuant thereto. Rules adopted annually pursuant to this Subsection which open and close the offshore and fall shrimp seasons, the oyster seasons, the marine finfish seasons, the webless migratory game bird hunting season, and the trapping season shall be effective for the duration of the respective season. Notwithstanding the provisions of Subsection D of this Section, any legislative oversight hearing held on a rule proposed under the provisions of this Subsection shall be held no earlier than five days and no later than thirty days following the date of adoption of the rule.

§963. Department of Environmental Quality; procedure for adoption of rules

A.(1) Notwithstanding any other provision of this Chapter to the contrary, if the Department of Environmental Quality proposes a rule that is not identical to a federal law or regulation or is not required for compliance with a federal law or regulation, the department shall do all of the following:

(a) Adopt and promulgate the proposed rule separately from any proposed rule or set of proposed rules that is identical to a federal law or regulation or required for compliance with a federal law or regulation, unless the only difference between the proposed rule or set of proposed rules and the corresponding federal law or regulation is a proposed fee. For purposes of this Subsection, the term “identical” shall mean that the proposed rule has the same content and meaning as the corresponding federal law or regulation.

(b)(i) Provide a brief summary which explains the basis and rationale for the proposed rule, identifies the data and evidence, if any, upon which the rule is based, and identifies any portions of the proposed rule that differ from federal law or regulation if there is a federal law or regulation which is not identical but which corresponds substantially to the proposed rule.

(ii) The summary shall be provided along with the notice of intent and shall be published in the Louisiana Register or made available along with the proposed rule as provided in R.S. 49:961(A)(4). The department may also provide the summary when proposing a rule identical to a corresponding federal law or regulation or proposing a rule which is required for compliance with federal law or regulation to explain the basis and rationale for the proposed rule.

(2) Notwithstanding any other provision of this Chapter to the contrary, when the department proposes a rule that is identical to a federal law or regulation applicable in Louisiana, except as provided in Paragraph (3) of this Subsection, it may use the following procedure for the adoption of the rule:

(a) The department shall publish a notice of the proposed rule at least sixty days prior to taking action on the rule as provided below. The notice, which may include an explanation of the basis and rationale for the proposed rule, shall include all of the following:

(i) A statement of either the terms or substance of the intended action or a description of the subjects and issues involved.

(ii) A statement that no fiscal or economic impact will result from the proposed rule.

(iii) The name of the person within the department who has responsibility for responding to inquiries about the intended action.

(iv) The time, place, and manner in which interested persons may present their views including the notice for a public hearing required by R.S. 30:2011(D)(1).

(v) A statement that the intended action complies with the law administered by the department, including a citation of the specific provisions of law which authorize the proposed rule.

(b) Notice of the proposed rule shall be published at least once in the Louisiana Register and shall be submitted with a full text of the proposed rule to the Louisiana Register at least seventy days prior to the date the department proposes to formally adopt the rule. The office of the state register may omit from the Louisiana Register any proposed rule the publication of which would be unduly cumbersome, expensive, or otherwise inexpedient, if the Louisiana Register contains a notice stating the general subject matter of the omitted proposed rule, the process being employed by the department for adoption of the proposed rule, and stating how a copy of the proposed rule may be obtained.

(c) Notice of the intent of the department to adopt the rule shall be transmitted to all persons who have made timely request for notice at the earliest possible date, and in no case later than ten days after the date when the proposed rule is submitted to the Louisiana Register.

(d) For the purposes of this Paragraph, the date of notice is the date of publication of the issue of the Louisiana Register in which the notice appears as stated on the outside cover or the first page of the issue.

(e) The department shall afford all interested persons an opportunity to submit data, views, comments, or arguments related to the proposed rule, in writing, during a period of no less than thirty days. The department shall consider fully all written comments and submissions respecting the proposed rule.

(f) The department shall make available to all interested persons copies of the proposed rule from the time the notice of its adoption is published in the Louisiana Register.

(g) The department shall issue a response to comments and submissions describing the principal reasons for and against adoption of any amendments or changes suggested in the written comments and submissions and specifically addressing any assertion that the proposed rule is not identical to the federal law or regulation upon which it is based. The department shall issue the response to comments and submissions to any person who presented comments or submissions on the rule and to any requesting person no later than fifteen days prior to the time of publication of the final rule.

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

(i) Certify under oath, to the governor of the state of Louisiana, the attorney general of Louisiana, the speaker of the House of Representatives, the president of the Senate, the chairman of the House Committee on Natural Resources and Environment, the chairman of the Senate Committee on Environmental Quality, and the office of the state register that the proposed rule is identical to a specified federal law or regulation applicable in Louisiana.

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

(i) Unless specifically requested, in writing, by the chairman of the House Committee on Natural Resources and Environment or the chairman of the Senate Committee on Environmental Quality within ten days of the certification provided under Subparagraph (h) of this Paragraph, there shall be no legislative oversight of the proposed rule. If, however, legislative oversight is properly requested, R.S. 49:961(B)(2) and (3) and 966 shall thereafter apply with respect to the proposed rule.

(j) In the absence of legislative oversight, the proposed rule may be adopted by the department no earlier than sixty days, nor later than twelve months, after the official notice of the proposed rule was published in the Louisiana Register. The proposed rule shall be effective upon its publication in the Louisiana Register subsequent to the act of adoption.

(3) The procedures set forth in Paragraph (2) of this Subsection for the adoption by the department of rules identical to federal laws or regulations applicable in Louisiana shall not be available for the adoption of any rules creating or increasing fees.

B.(1) Prior to or concurrent with publishing notice of any proposed policy, standard, or regulation pursuant to Subsection A of this Section and prior to promulgating any policy, standard, or final regulation whether pursuant to R.S. 49:965 or otherwise under the authority of the Louisiana Environmental Quality Act, R.S. 30:2001 et seq., the department shall publish a report, or a summary of the report, in the Louisiana Register which includes:

(a) A statement identifying the specific risks being addressed by the policy, standard, or regulation and any published, peer-reviewed scientific literature used by the department to characterize the risks.

(b) A comparative analysis of the risks addressed by the policy, standard, or regulation relative to other risks of a similar or analogous nature to which the public is routinely exposed.

(c) An analysis based upon published, readily available peer-reviewed scientific literature, describing how the proposed and final policy, standard, or regulation will advance the purpose of protecting human health or the environment against the specified identified risks.

(d) An analysis and statement that, based on the best readily available data, the proposed or final policy, standard, or regulation presents the most cost-effective method practically achievable to produce the benefits intended regarding the risks identified in Subparagraph (a) of this Paragraph.

(2) No regulation shall become effective until the secretary complies with the requirements of Paragraph (1) of this Subsection.

(3) This provision shall not apply in those cases where the policy, standard, or regulation meets one or more of the following criteria:

(a) Is required for compliance with a federal law or regulation.

(b) Is identical to a federal law or regulation applicable in Louisiana.

(c) Will cost the state and affected persons less than one million dollars, in the aggregate, to implement.

(d) Is an emergency rule under R.S. 49:962.

(4) For purposes of this Subsection, the term “identical” shall mean that the proposed rule has the same content and meaning as the corresponding federal law or regulation.

(5) In complying with this Section, the department shall consider any scientific and economic studies or data timely provided by interested parties which are relevant to the issues addressed and the proposed policy, standard, or regulation being considered.

~~§954.3-§963.1~~ Environmental Regulatory Code

[Section redesignated from R.S. 49:954.3]

§964. Public request for the adoption, amendment, or repeal of a rule; agency rule review

A. An interested person may petition an agency requesting the adoption, amendment, or repeal of a rule. Each agency shall prescribe by rule the form for petitions and the procedure for their submission, considerations, and disposition. Within ninety days after submission of a petition, the agency shall either deny the petition in writing, stating reasons for the denial, or shall initiate rulemaking proceedings in accordance with this Chapter. Each agency with an appropriated operating budget of five million dollars or more shall include on its website a description of the procedure for submitting petitions in accordance with this Subsection.

B.(1) At least once prior to January 1, 2020, and at least once during every six-year period thereafter, each agency subject to Subsection A of this Section which engages in rulemaking shall conduct a public hearing for the purpose of allowing any interested person the opportunity to comment on any rule of the agency which the person believes is contrary to law, outdated, unnecessary, overly complex, or burdensome. The agency shall publish notice of the meeting in the Louisiana Register, give notice of the meeting electronically to the appropriate legislative oversight committees, and shall provide notice of the meeting to all persons who have made timely request of the agency for notice of rule changes, all no later than thirty days prior to the meeting.

(2) The notice of the meeting shall contain:

(a) The name of the agency.

(b) The purpose of the meeting.

(c) The time and place of the meeting.

(d) The process for requesting reasonable accommodations for persons with disabilities.

(e) The name and contact information of the person within the agency to whom interested persons should direct their views regarding the agency's rules, if in writing, and the deadline for submission of written comments.

(3) The agency shall consider fully all written and oral comments and submissions concerning its rules. The agency shall advise persons who provide oral comments that in order to be submitted to the legislative oversight committees, comments must be submitted to the agency in writing. The agency shall issue a response to each submission describing the principal advantages and disadvantages of the rule changes suggested in the submission. In addition, the agency may prepare a statement explaining the basis and rationale for the rule in question identifying the data and evidence upon which the rule is based. All such statements and responses to submissions shall be furnished to the respective legislative oversight committees in the manner provided by R.S. 49:966(K) and shall be made available to interested persons as soon as possible but no later than one day following their submission to the appropriate legislative oversight committees.

~~§954-§965.~~ Filing; taking effect of rules

~~A. No rule adopted on or after January 1, 1975, is valid unless adopted in substantial compliance with this Chapter. Each rulemaking agency shall file a certified copy of its rules with the Office of the State Register. No rule, whether adopted before, on, or after January 1, 1975, shall be effective, nor may it be enforced, unless it has been properly filed with the Office of the State Register. No rule adopted on or after November 1, 1978, shall be effective, nor may it be enforced, unless prior to its adoption a report relative to the proposed rule change is submitted to the appropriate standing committee of the legislature or to the presiding officers of the respective houses as provided in R.S. 49:968 R.S. 49:966. No rule adopted on or after September 12, 1980, shall be effective, nor may it be enforced, unless the approved economic and fiscal impact statements, as provided in R.S. 49:953(A) R.S. 49:961, have been filed with the Office of the State Register and published in the Louisiana Register. The inadvertent failure to mail notice and statements to persons making request for such mail notice, as provided in R.S. 49:953 R.S. 49:961, shall not invalidate any rule adopted hereunder. A proceeding under R.S. 49:963 R.S. 49:968 to contest any rule on the grounds of noncompliance with the procedures for adoption, as given in this Chapter, must be commenced within two years from the date upon which the rule became effective.~~

~~B.~~

(2) An emergency rule shall be considered effective pursuant to the provisions of R.S. 49:953.1 R.S. 49:962.

~~§968-§966.~~ Review of agency rules; fees

* * *

B. Prior to the adoption, amendment, or repeal of any rule or the adoption, increase, or decrease of any fee, the agency shall submit a report relative to ~~such the~~ proposed rule change or fee adoption, increase, or decrease to the appropriate standing committees of the legislature and the presiding officers of the respective houses as provided in this Section. The report shall be ~~so~~ submitted on the same day the notice of the intended action is submitted to the Louisiana Register for publication in accordance with ~~R.S. 49:953(A)(4)~~ **R.S. 49:961**. The report shall be submitted to each standing committee electronically if electronic means are available. If no electronic means are available, the report shall be submitted to the committee's office in the state capitol by certified mail with return receipt requested or by messenger who shall provide a receipt for signature. The electronic receipt by the committee, return receipt or the messenger's receipt shall be proof of receipt of the report by the committee.

* * *
* * *

(24)
(b) Whenever the fiscal impact or economic impact of the proposed rule change or fee adoption, increase, or decrease is five hundred thousand dollars or more as indicated by the statement of fiscal impact or the statement of economic impact required by Subsection C of this Section, the agency shall transmit the report provided for in Subsection C of this Section to each member of the legislature via electronic mail on the same day the notice of the intended action is submitted to the Louisiana Register for publication in accordance with ~~R.S. 49:953~~ **R.S. 49:961**.

C. The report, as provided for in Subsection B of this Section, shall contain:

* * *

(2) A statement of ~~the proposed action, that is,~~ whether the rule is proposed for adoption, amendment, or repeal; a brief summary of the content of the rule if proposed for adoption or repeal; and a brief summary of the change in the rule if proposed for amendment.

* * *

(4) A statement of the circumstances which require adoption, amending, or repeal of the rule or ~~the~~ adoption, increasing, or decreasing of the fee.

* * *

D.(1)(a) The chairman of each standing committee to which reports are submitted shall appoint an oversight subcommittee, which may conduct hearings on all rules that are proposed for adoption, amendment, or repeal and on all proposed fee adoptions, increases, or decreases. Any ~~such~~ hearing shall be conducted after any hearing is conducted by the agency pursuant to ~~R.S. 49:953(A)(2)~~ **R.S. 49:961**.

(b) The agency shall submit a report to the subcommittee, in the same manner as the submittal of the report provided for in Subsection B of this Section, which shall include **all of the following**:

(i) A summary of all testimony at any hearing conducted pursuant to ~~R.S. 49:953(A)(2)~~ **R.S. 49:961**.

* * *

(c) The agency shall publish on its website public notice that the report required by Subparagraph (b) of this Paragraph has been delivered to the appropriate standing committee as provided for in Subsection B of this Section within ~~one five business day days~~ from submission of the report to the appropriate standing committee. If the agency does not maintain a website, the agency may submit the public notice to the Office of the State Register for publication on a website maintained by the Office of the State Register.

* * *

(3) At ~~such the~~ hearings, the oversight subcommittees shall **make all of the following determinations**:

(a) ~~Determine whether~~ **Whether** the rule change or action on fees is in conformity with the intent and scope of the enabling legislation purporting to authorize the adoption thereof.

(b) ~~Determine whether~~ **Whether** the rule change or action on fees is in conformity and not contrary to all applicable provisions of law and of the constitution.

(c) ~~Determine the~~ **The** advisability or relative merit of the rule change or action on fees.

(d) ~~Determine whether~~ **Whether** the rule change or action on fees is acceptable or unacceptable to the oversight subcommittee.

E.(1)(a) Each ~~such~~ determination shall be made by the respective subcommittees of each house acting separately. Action by a subcommittee shall require the favorable vote of a majority of the members of the subcommittee who are present and voting, provided a quorum is present.

* * *

F.(1) If either the House or Senate oversight subcommittee determines that a proposed rule change or proposed fee action is unacceptable, the respective subcommittee shall provide a written report which contains **all of** the following:

* * *

G. After receipt of the report of the subcommittee, the governor shall have ten calendar days in which to disapprove the action taken by the subcommittee. If the action of the subcommittee is not disapproved by the governor within ten calendar days from the day the subcommittee report is delivered to him, the rule change shall not be adopted by the agency until it has been changed or modified and subsequently found acceptable by the subcommittee, or has been approved by the standing committee, or by the legislature by concurrent resolution. If a proposed rule change is determined to be unacceptable by an oversight committee and ~~such the~~ determination is not disapproved by the governor as provided in this Section, the agency shall not propose a rule

change or emergency rule that is the same or substantially similar to such disapproved proposed rule change nor shall the agency adopt an emergency rule that is the same or substantially similar to such disapproved proposed rule change within four months after issuance of a written report by the subcommittee as provided in Subsection F of this Section nor more than once during the interim between regular sessions of the legislature.

H.(1) If both the House and Senate oversight subcommittees fail to find a proposed rule change unacceptable ~~as provided herein~~, or if the governor disapproves the action of an oversight subcommittee within the time provided in ~~R.S. 49:968(G)~~ **Subsection G of this Section**, the proposed rule change may be adopted by the agency in the identical form proposed by the agency or with technical changes or with changes suggested by the subcommittee, ~~provided if~~ at least ninety days and no more than twelve months have elapsed since notice of intent was published in the Louisiana Register.

(2) Substantive changes to a rule proposed for adoption, amendment, or repeal occur if the nature of the proposed rule is altered or if ~~such the~~ changes affect additional or different substantive matters or issues not included in the notice required by ~~R.S. 49:953(A)(1)~~ **R.S. 49:961**. Whenever an agency seeks to substantively change a proposed rule after notice of intent has been published in the Louisiana Register pursuant to ~~R.S. 49:953(A)(1)~~ **R.S. 49:961**, the agency shall hold a public hearing on the substantive changes preceded by an announcement of the hearing in the Louisiana Register. A notice of the hearing shall be mailed within ten days after the date the announcement is submitted to the Louisiana Register to all persons who have made request of the agency for ~~such~~ notice. Any hearing by the agency pursuant to this Paragraph shall be held no earlier than thirty days after the publication of the announcement in the Louisiana Register. The agency hearing shall conform to ~~R.S. 49:953(A)(2)(b)~~ **R.S. 49:961**, and a report on the hearing shall be made to the oversight committees in accordance with Subparagraph D(1) (b) of this Section. The agency shall make available to interested persons a copy of ~~such the~~ report no later than one working day following the submittal of such report to the oversight committees. Any determination as to the rule by the oversight committees, prior to gubernatorial review as provided in Subsection G of this Section, shall be made no earlier than five days and no later than thirty days following the day the report required by this Paragraph is received from the agency.

(3) If a rule or part of a rule that is severable from a larger rule or body of rules proposed as a unit is found unacceptable, the rules or parts ~~thereof~~ found acceptable may be adopted by the agency in accordance with Paragraph (1) of this Subsection.

* * *

J. The Louisiana Register shall publish a copy of the written report of an oversight subcommittee and the written report of the governor in disapproving any such action, or if unduly cumbersome, expensive, or otherwise inexpedient, a notice stating the general subject matter of the omitted report and stating how a copy ~~thereof~~ may be obtained.

K.

* * *

(2) The report required by Paragraph (1) of this Subsection shall also contain a recitation of each petition and submission, if any, received by the agency pursuant to ~~R.S. 49:953(C)~~ **R.S. 49:961** during the previous calendar year and the agency's response to each petition and submission, if any were received.

* * *

~~§968-1~~**§967**. Review of rules relative to state content standards; elementary and secondary education

[Section redesignated from R.S. 49:968.1]

~~§963-§968~~. Judicial review of validity or applicability of rules

[Section redesignated from R.S. 49:963]

§969. Legislative veto, amendment, or suspension of rules, regulations, and fees

A. In addition to the procedures provided in ~~R.S. 49:968~~ **R.S. 49:966** for review of the exercise of the rulemaking authority delegated by the legislature to state agencies, as defined by this Chapter, the legislature, by Concurrent Resolution, may suspend, amend, or repeal any rule or regulation or body of rules or regulations, or any fee or any increase, decrease, or repeal of any fee, adopted by a state department, agency, board, or commission. The Louisiana Register shall publish a brief summary of any Concurrent Resolution adopted by the legislature pursuant to this Section. ~~Such The~~ summary shall be published not later than forty-five days after signing of such Resolution by the presiding officers of the legislature.

* * *

§970. Gubernatorial suspension or veto of rules and regulations

A. The governor, by executive order, may suspend or veto any rule or regulation or body of rules or regulations adopted by a state department, agency, board or commission, except as provided in ~~R.S. 49:967~~ **R.S. 49:954**, within thirty days of ~~their~~ adoption. Upon the execution of ~~such an~~ order, the governor shall transmit copies ~~thereof of the order~~ to the speaker of the House of Representatives and president of the Senate.

* * *

§971. Rejection of agency fee adoption, increases, or decreases; prohibition against fee increases and new fees; exceptions

A.(1) If either the House or Senate oversight subcommittees appointed pursuant to ~~R.S. 49:968~~ **R.S. 49:966** determines that a proposed fee adoption, increase, or decrease is unacceptable, the respective subcommittee shall provide a written report containing the reasons ~~therefor~~ **for the finding** to the governor, the agency proposing the fee adoption, increase, or decrease, and the other house of the legislature. If the oversight subcommittee of the other

house of the legislature likewise determines that the proposed fee adoption, increase, or decrease is unacceptable the fee action shall not be adopted by the agency.

* * *

(3) However, no state agency which has the authority to impose or assess fees shall increase any existing fee or impose any new fee unless the fee increase or fee adoption is expressly authorized pursuant to a fee schedule established by statute or specifically authorized by a federal law, rules, or regulations for the purpose of satisfying an express mandate of such federal law, rule, or regulation. No state agency shall adjust, modify or change the formula for any authorized fee in a manner that would increase the fee paid by any person by more than five percent of the relevant fee paid by such person in the previous fiscal year. Proposed fee increases of less than five percent shall be subject to oversight as required by ~~R.S. 49:968~~ **R.S. 49:966**.

* * *

B. Action by a subcommittee shall require **a quorum and** the favorable vote of a majority of the members of the subcommittee who are present and voting; ~~provided a quorum is present.~~

* * *

~~§978.1-§974.1.~~ **§974.1.** Short title
~~R.S. 49:978.1~~ **R.S. 49:974.1** through ~~978.8~~ **974.8** may be cited as the Small Business Protection Act and are referred to therein as “this Act”.
~~§978.2-§974.2.~~ Intent; legislative findings
[Section redesignated from R.S. 49:978.2]
~~§978.3-§974.3.~~ Definitions
[Section redesignated from R.S. 49:978.3]
~~§978.4-§974.4.~~ Small business economic impact statements; potpourri notices
A.
(2) The small business economic impact statement shall be submitted to the office of the state register pursuant to ~~R.S. 49:953~~ **R.S. 49:961**.

* * *

~~§978.5-§974.5.~~ Regulatory flexibility analysis
B. Prior to the adoption of any proposed rule by an agency which according to the economic impact statement required by ~~R.S. 49:978.4~~ **R.S. 49:974.4** and the results of the regulatory flexibility analysis required by this Section would have an adverse impact on small businesses, the agency shall notify the Department of Economic Development of its intent to adopt the proposed rule.

C. The agency shall submit the small business flexibility analysis with the office of the state register, pursuant to ~~R.S. 49:953~~ **R.S. 49:961**.
~~§978.6-§974.6.~~ Conflicts of law
[Section redesignated from R.S. 49:978.6]
~~§978.7-§974.7.~~ Notification
Upon receiving the electronic transfer of information from the office of the state register, as provided in ~~R.S. 49:953~~ **R.S. 49:961**, the commercial division of the Department of State shall perform all of the following items:

* * *

~~§978.8-§974.8.~~ Small business advocate; posting of rules
A. The secretary of state shall designate a small business advocate from the existing staff of the commercial division of the Department of State to implement and maintain the notification duties and functions required of the Department of State pursuant to ~~R.S. 49:978.7~~ **R.S. 49:974.7**.
B. The small business advocate shall coordinate the implementation and maintenance of the website of the commercial division of the Department of State relative to the receipt of information from the office of the state register, pursuant to ~~R.S. 49:953~~ **R.S. 49:961**. The department shall enter into an agreement with the office of the state register to arrange for the electronic receipt of the information on an ongoing basis.

* * *

PART III. ADJUDICATION

~~§955-§975.~~ Adjudication; notice; hearing; records
* * *

B. ~~(1)~~ **(a)** The notice shall include **all of the following**:
~~(1)(a)~~ A statement of the time, place, and nature of the hearing;,
~~(2)(b)~~ A statement of the legal authority and jurisdiction under which the hearing is to be held;,
~~(3)(c)~~ A reference to the particular sections of the statutes and rules involved;,
~~(4)(d)~~ A short and plain statement of the matters asserted.
~~(2)~~ If the agency or other party is unable to state the matters in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved. Thereafter, upon application, a more definite and detailed statement shall be furnished.
C. Opportunity shall be afforded all parties to respond and present evidence on all issues of fact involved and argument on all issues of law and policy involved and to conduct ~~such~~ cross-examination as ~~may be~~ required for a full and true disclosure of the facts.

* * *

E. The record in a case of adjudication shall include **all of the following**:
(1) All pleadings, motions, intermediate rulings;,
(2) Evidence received or considered or a resume thereof if not transcribed;,
(3) A statement of matters officially noticed except matters so obvious that statement of them would serve no useful purpose;,
(4) Offers of proof, objections, and rulings thereon;,
(5) Proposed findings and exceptions;.

(6) Any decision, opinion, or report by the officer presiding at the hearing.
F. The agency shall make a full transcript of all proceedings before it when the statute governing it requires it, and, in the absence of ~~such a~~ requirement, shall, at the request of any party or person, have prepared and furnish him with a copy of the transcript or any part thereof ~~of the transcript~~ upon payment of the cost thereof unless the governing statute or constitution provides that it shall be furnished without cost.

* * *

~~§956-§975.1.~~ Rules of evidence; official notice; oaths and affirmations; subpoenas; depositions and discovery; and confidential privileged information
[Section redesignated from R.S. 49:956]
~~§956.1-§975.2.~~ Administrative proceedings; member of the legislature or personnel as witness
[Section redesignated from R.S. 49:956.1]
~~§957-§976.~~ Examination of evidence by agency
[Section redesignated from R.S. 49:957]
~~§958-§977.~~ Decisions and orders
[Section redesignated from R.S. 49:958]
~~§959-§977.1.~~ Rehearings

A. A decision or order in a case of adjudication shall be subject to rehearing, reopening, or reconsideration by the agency, within ten days from the date of its entry. The grounds for ~~such~~ action shall be ~~either that~~ **one of the following**:
(1) The decision or order is clearly contrary to the law and the evidence;,
(2) The party has discovered since the hearing evidence important to the issues which he could not have with due diligence obtained before or during the hearing;,
(3) There is a showing that issues not previously considered ought to be examined in order properly to dispose of the matter; ~~or,~~
(4) There is other good ground for further consideration of the issues and the evidence in the public interest.

* * *

~~§960-§977.2.~~ Ex parte consultations and recusations
* * *

B. A subordinate deciding officer or agency member shall withdraw from any adjudicative proceeding in which he cannot accord a fair and impartial hearing or consideration. Any party may request the disqualification of a subordinate deciding officer or agency member, on the ground of his inability to give a fair and impartial hearing, by filing an affidavit, promptly upon discovery of the alleged disqualification, stating with particularity the grounds upon which it is claimed that a fair and impartial hearing cannot be accorded. The issue shall be determined promptly by the agency, or, if it affects a member or members of the agency, by the remaining members thereof, if a quorum. Upon the entry of an order of disqualification affecting a subordinate deciding officer, the agency shall assign another in his stead or shall conduct the hearing itself. Upon the disqualification of a member of an agency, the governor immediately shall appoint a member pro tem to sit in place of the disqualified member in that proceeding. In further action, after the disqualification of a member of an agency, the provisions of ~~R.S. 49:957~~ **R.S. 49:976** shall apply.

~~§961-§977.3.~~ Licenses
[Section redesignated from R.S. 49:961]
~~§962-§977.4.~~ Declaratory orders and rulings
[Section redesignated from R.S. 49:962]
~~§962.1-§978.~~ Judicial review, rule to show cause for permit applicants
[Section redesignated from R.S. 49:962.1]
~~§964-§978.1.~~ Judicial review of adjudication
[Section Redesignated from R.S. 49:964]
~~§964.1-§978.2.~~ Judicial review; attorney fees; court costs; report
* * *

C. All payments for litigation expenses required by this Section shall be paid from the agency's regular operating budget. Each agency which has paid ~~such~~ litigation expenses shall submit a detailed report of all ~~such~~ payments from the prior fiscal year to its legislative oversight committees and to the Joint Legislative Committee on the Budget no later than November fifteenth of each year. For the purposes of this Subsection and of R.S. 49:992(H), the term “litigation expenses” shall mean court costs and attorney fees of the agency and of any other party if the agency was required to pay ~~such~~ costs and fees.

~~§965-§979.~~ Appeals
[Section redesignated from R.S. 49:965]
~~§965.1-§980.~~ Expenses of administrative proceedings; right to recover
[Section redesignated from R.S. 49:965.1]

Section 2(A). The Louisiana State Law Institute is hereby directed to redesignate R.S. 49:950 through 957, as provided in Section 1 of this Act, as Part I of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950, to be entitled “General Provisions”.

(B) The Louisiana State Law Institute is hereby directed to redesignate R.S. 49:961 through 974.8, as provided in Section 1 of this Act, as Part II of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950, to be entitled “Rule Promulgation”.

(C) The Louisiana State Law Institute is hereby directed to redesignate R.S. 49:975 through 980, as provided in Section 1 of this Act, as Part III of Chapter 13 of Title 49 of the Louisiana Revised Statutes of 1950, to be entitled “Adjudication”.

Section 3. The Louisiana State Law Institute is hereby authorized to update any citation references in Louisiana Law to conform with the changes made

by this Act.
Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 664

SENATE BILL NO. 76
BY SENATOR FIELDS
AN ACT

To amend and reenact R.S. 17:3351(A)(5)(a), relative to fees charged to students at public postsecondary education institutions; to provide for the inclusion of fees in certain graduate students' compensation packages; to require each public postsecondary education management board to adopt a policy providing for such compensation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3351(A)(5)(a) is hereby amended and reenacted to read as follows:

§3351. General powers, duties, and functions of postsecondary education management boards

A. Subject only to the powers of the Board of Regents specifically enumerated in Article VIII, Section 5 of the Constitution of Louisiana, and as otherwise provided by law, each postsecondary system management board as a body corporate shall have authority to exercise power necessary to supervise and manage the day-to-day operations of institutions of postsecondary education under its control, including but not limited to the following:

* * *

(5)(a)(i) In accordance with any other applicable provision of this Paragraph, determine the fees which shall be paid by students.

(ii) Payments to cover or a waiver of any mandatory fee imposed in accordance with this Title except for tuition shall be included in the compensation package of each graduate student serving as a teaching assistant, research assistant, or curatorial assistant. Each public postsecondary education management board shall adopt a policy relative to implementing the provisions of this Item.

* * *

Section 2. This Act shall become effective on August 1, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or August 1, 2024, whichever is later.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 665

SENATE BILL NO. 81
BY SENATOR WHITE
AN ACT

To amend and reenact R.S. 17:5067(B)(7), relative to the Taylor Opportunity Program for Students information reporting system; to remove the requirement for the reporting system to include household income information of award recipients; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:5067(B)(7) is hereby amended and reenacted to read as follows:

§5067. Program information reporting system; implementation; requirements; applicability; participation by eligible institutions and others

* * *

B. The Taylor Opportunity Program for Students information reporting system shall include but not be limited to the following:

* * *

(7) Demographic information of program award recipients, including but not limited to race; and gender; ~~and parents' household income.~~

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 666

SENATE BILL NO. 97
BY SENATOR BOUDREAUX
AN ACT

To amend and reenact R.S. 37:1203(B), relative to pharmacist licensure by

reciprocity; to provide for licensure by reciprocity; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1203(B) is hereby amended and reenacted to read as follows:

§1203. Qualifications for reciprocity

* * *

B. No applicant shall be eligible for licensure by reciprocity unless the state or jurisdiction in which the applicant was initially licensed as a pharmacist also grants reciprocity to a pharmacist duly licensed by examination in this state; ~~under comparable circumstances and conditions.~~

* * *

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 667

SENATE BILL NO. 108
BY SENATOR WARD
AN ACT

To amend and reenact R.S. 32:299.3(A)(1), relative to utility terrain vehicles; to provide for definitions; to provide for a distinction between utility terrain vehicle and recreational off-highway vehicle; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:299.3(A)(1) is hereby amended and reenacted to read as follows:

§32:299.3. Off-road vehicles; utility terrain vehicles

A.(1) For purposes of this Section, "utility terrain vehicle" shall mean any recreational motor vehicle designed for and capable of travel over designated roads, ~~traveling on four or more tires with a maximum tire width of twenty-seven inches, a maximum wheel cleat or lug of three-fourths of an inch, with~~ a minimum width of fifty inches but not exceeding seventy-four inches; and a minimum weight of at least seven hundred pounds but not exceeding ~~two thousand~~ three thousand five hundred pounds; ~~and a minimum wheelbase of sixty-one inches but not exceeding one hundred ten inches.~~ "Utility terrain vehicle" shall include those vehicles not equipped with a certification label as required by 49 CFR Part 567.4.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 668

SENATE BILL NO. 182
BY SENATOR FIELDS
AN ACT

To amend and reenact R.S. 14:134(A)(3) and R.S. 40:2405(J)(2)(a) and to enact R.S. 14:134(A)(4), relative to mandatory P.O.S.T. certification revocation; to provide relative to malfeasance in office by public officers and employees; to provide for a revocation hearing to determine whether a peace officer's P.O.S.T. certification will be revoked; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:134(A)(3) is hereby amended and reenacted and R.S. 14:134(A)(4) is hereby enacted to read as follows:

§134. Malfeasance in office

A. Malfeasance in office is committed when any public officer or public employee shall:

* * *

(3) Knowingly permit any other public officer or public employee, under his authority, to intentionally refuse or fail to perform any duty lawfully required of him, or to perform any such duty in an unlawful manner; or

(4) Willfully and knowingly subject any person to the deprivation of any right, privilege, or immunity secured or protected by the United States Constitution and laws, if serious bodily injury or death results.

* * *

Section 2. R.S. 40:2405(J)(2)(a) is hereby amended and reenacted to read as follows:

§2405. Peace officer training requirements; reimbursement by peace officer

* * *

J.(1)

* * *

(2) The Council on Peace Officer Standards and Training may conduct a revocation hearing to determine whether the P.O.S.T. certification of any

qualified peace officer, whether employed full-time, part-time, or reserve, shall be revoked if any of the following conditions occur:

~~(a) The officer has been involuntarily terminated by his employing law enforcement agency for disciplinary reasons involving an adjudication of civil rights violations and the officer has exhausted all administrative remedies. The officer has been terminated by his employing law enforcement agency and has exhausted all administrative remedies, or allowed to retire or resign, as a result of disciplinary action taken against the officer for any conduct during the course and scope of employment that would constitute an unreasonable use of force.~~

* * *

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 669

SENATE BILL NO. 244
BY SENATOR ALLAIN
AN ACT

To enact R.S. 47:337.14.1, relative to reporting requirements for certain local tax collectors; to require the legislative auditor and the Louisiana Uniform Local Sales Tax Board to develop uniform reporting schedules for collectors compensated on the basis of cost of collection; to provide for minimum reporting requirements; to provide for the due date of required reports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:337.14.1 is hereby enacted to read as follows:

§337.14.1. Uniform reporting for collectors

A. The legislative auditor and the Louisiana Uniform Local Sales Tax Board shall, by generally accepted auditing standards, develop a uniform reporting schedule for audit reports for all entities that serve as the single sales and use tax collector for all taxing authorities within a parish that are compensated based on the cost of collection, that requires the reporting of information to provide a more complete and accurate understanding of how local sales and use taxes are collected and disbursed to local taxing authorities and the actual cost of collecting local sales and use taxes by collectors.

B. The legislative auditor and the Louisiana Uniform Local Sales Tax Board shall require that the uniform reporting schedule for the collectors described in Subsection A of this Section include, at a minimum:

(1) The amounts of all tax, interest, penalties, and fees collected during the preceding year on behalf of all local taxing authorities by the collector.

(2) The total amount retained by the collector.

(3) The salary and benefits of all employees of the collector.

(4) Total payments made to all parties with whom the collector contracts to assist with collection.

(5) The amounts disbursed to each local taxing authority.

C. The legislative auditor, jointly with the Louisiana Uniform Local Sales Tax Board, shall develop, supervise, and require the use of uniform, standardized, and consistent terminology for use in the reporting schedule in order to provide for clarity.

D. Notwithstanding any provision of law to the contrary, collectors described in Subsection A of this Section shall commence to use the uniform reporting schedule developed by the legislative auditor by the end of Calendar Year 2023 for collectors operating on a calendar year schedule, or the end of Fiscal Year 2023-2024 for collectors operating on a fiscal year schedule. The reporting schedules shall be submitted to the legislative auditor as part of the legislative auditor's annual audit of the collector.

E. The legislative auditor shall review the reporting schedules on an annual basis and shall revise the reporting schedules, jointly with the Louisiana Uniform Local Sales Tax Board, as determined to be necessary.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 670

SENATE BILL NO. 298
BY SENATOR BARROW
AN ACT

To enact R.S. 40:2018.3.1, relative to Medicaid coverage for sickle cell disease; to require an annual review of available treatments for sickle cell disease; to require an assessment of Medicaid coverage for sickle cell treatments; to provide for public input; to provide for annual reporting by the Louisiana Department of Health; to provide for a short title; and to provide for related matters.

* As it appears in the enrolled bill

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2018.3.1 is hereby enacted to read as follows:

§2018.3.1. Annual review of Medicaid coverage for sickle cell disease

A. The Louisiana Department of Health shall conduct an annual review of all medications and forms of treatment for sickle cell disease and services for enrollees with a diagnosis of sickle cell disease that are eligible for coverage under the Louisiana Medicaid program. The department shall determine if the available covered medications, treatments, and services are adequate to meet the needs of enrollees with a diagnosis of sickle cell disease and whether the department should seek to add additional medications, treatments, or services.

B. When conducting the annual review required by Subsection A of this Section, the Louisiana Department of Health shall solicit and consider input from the general public with specific emphasis on attempting to receive input from persons or groups with knowledge and experience in the area of sickle cell disease treatment.

C. On or before January 15, 2023, and on or before January fifteenth each year thereafter, the Louisiana Department of Health shall submit a report to the Senate Committee on Finance, the House Committee on Appropriations, and the Senate and House committees on health and welfare that details the department's findings from the annual review required by this Section, as well as any recommendations to the legislature based upon those findings. The department shall publish the annual report required by this Subsection on its website in a manner accessible by the general public.

Section 2. This Act shall be known and may be cited as "Lorri Burgess' Law".

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 671

SENATE BILL NO. 315
BY SENATORS WOMACK, ABRAHAM, BERNARD, BOUIE, CATHEY, CONNICK, CORTEZ, FESI, FOIL, JACKSON, LAMBERT, MCMATH, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, SMITH, STINE, TALBOT, TARVER AND WHITE AND REPRESENTATIVES ADAMS, BACALA, BRYANT, BUTLER, CARRIER, CORMIER, COUSSAN, DESHOTEL, DEVILLIER, ECHOLS, EDMONDS, EDMONSTON, FIRMENT, GADBERRY, GAROFALO, HARRIS, ILLG, LARVADAIN, ORGERON, PRESSLY, ROMERO, SCHLEGEL, SELDERS, STEFANSKI, THOMPSON, VILLIO AND WHEAT
AN ACT

To amend and reenact R.S. 40:966(B)(3) and 967(B)(4) and to enact R.S. 14:2(B)(8) and (29), relative to the Uniform Controlled Dangerous Substances Law; to provide relative to penalties for the distribution of heroin and fentanyl or carfentanil; to provide for penalties when the distribution causes serious bodily injury; to add the offenses of distribution of heroin and distribution of fentanyl or carfentanil which is the direct cause of serious bodily injury to the list of crimes of violence; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:966(B)(3) and 967(B)(4) are hereby amended and reenacted to read as follows:

§966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, synthetic cannabinoids, and heroin

* * *

B. Violations of Subsection A. Any person who violates Subsection A of this Section with respect to:

* * *

(3)(a) A substance classified in Schedule I that is the narcotic drug heroin or a mixture or substance containing a detectable amount of heroin or its analogues, upon conviction for any amount, shall be imprisoned at hard labor for not less than five years nor more than forty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(b)(i) If the offender unlawfully distributes or dispenses heroin or a mixture or substance containing a detectable amount of heroin or its analogues, which is the direct cause of serious bodily injury to the person who ingested or consumed the substance, the offense shall be classified as a crime of violence, and the offender shall be imprisoned at hard labor for not less than five years nor more than forty years. At least five years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence. In addition, the offender may be required to pay a fine of not more than fifty thousand dollars.

(ii) For purposes of this Subparagraph, "serious bodily injury" shall have the same meaning as provided by R.S. 14:2(C).

* * *

§967. Prohibited acts - Schedule II, penalties

* * *

B. Violations of Subsection A. Any person who violates Subsection A of this Section with respect to:

* * *

(4)(a) Fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, upon conviction for any

amount, shall be imprisoned at hard labor for not less than five years nor more than forty years and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(b)(i) If the offender unlawfully distributes or dispenses fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, which is the direct cause of serious bodily injury to the person who ingested or consumed the substance, the offense shall be classified as a crime of violence, and the offender shall be imprisoned at hard labor for not less than five years nor more than forty years. At least five years of the sentence of imprisonment shall be imposed without benefit of probation, parole, or suspension of sentence. In addition, the offender may be required to pay a fine of not more than fifty thousand dollars.

(ii) For purposes of this Subparagraph, “serious bodily injury” shall have the same meaning as provided by R.S. 14:2(C).

(iii) This Subsection shall be known and may be cited as “Millie’s Law”.

* * *

Section 2. R.S. 14:2(B)(8) and (29) are hereby enacted to read as follows:
§2. Definitions

* * *

B. In this Code, “crime of violence” means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as “crimes of violence”:

* * *

(8) Distribution of fentanyl or carfentanil punishable under R.S. 40:967(B)(4) (c).

* * *

(29) Distribution of heroin punishable under R.S. 40:966(B)(3)(b).

* * *

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 672

SENATE BILL NO. 319
BY SENATOR FOIL
AN ACT

To amend, reenact, and redesignate R.S. 29:183, 198, 205, 215, 220, 220a, 223 and 232, and to enact R.S. 29:204a, 206a, 214, 217a, 221a, 221b, 222a, 223a, 224, 230, 231a, 231b, 231c, 231d, 231e, and 231f, relative to the Louisiana Code of Military Justice; to provide for punitive articles; to redesignate certain punitive articles to conform with the Uniform Code of Military Justice; to provide for the offense of malingering; to provide for the offense of misconduct as a prisoner; to provide for the offense of fraudulent enlistment, appointment or separation; to provide for the offense of forgery; to provide for the offense of wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button; to provide for endangerment offenses; to provide for the offense of communicating threats; to provide for the offense of wrongful broadcast or distribution of intimate visual images; to provide for the offense of sexual assault; to provide for the offense of depositing obscene matter in the mail; to provide for the offense of fraudulent use of credit cards, debit cards, or other access devices; to provide for the offense of false pretenses to obtain services; to provide for the offense of receiving stolen property; to provide for offenses concerning government computers; to provide for the offense of making, drawing, or uttering check, draft, or order without sufficient funds; to provide for frauds against the government; to provide for the offense of stalking; to provide for the offense of subornation of perjury; to provide for the offense of obstructing justice; to provide for the offense of misprision of serious offense; to provide for the offense of wrongful refusal to testify; to provide for the offense of prevention of unauthorized seizure of property; to provide for the offense of noncompliance with procedural rules; to provide for the offense of retaliation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:183, 198, 205, 215, 220, 220a, 223 and 232 are hereby amended, reenacted, and redesignated and R.S. 29:204a, 206a, 214, 217a, 221a, 221b, 222a, 223a, 224, 230, 231a, 231b, 231c, 231d, 231e, and 231f are hereby enacted to read as follows:

~~§215. Article 115. §183. Article 83.~~ Malingering

Any person subject to this code ~~Code~~ who for the purpose of avoiding work, duty or service in the state military forces:

- (1) feigns illness, physical disablement, mental lapse or derangement; or
- (2) intentionally inflicts self-injury; shall be punished as a court-martial may direct.

* * *

~~§205. Article 105. §198. Article 98.~~ Misconduct as a prisoner

Any person subject to this code ~~Code~~ who, while in the hands of the enemy in time of war:

- (1) for the purpose of securing favorable treatment by his captors acts without proper authority in a manner contrary to law, custom, or regulation,

to the detriment of others of whatever nationality held by the enemy as civilian or military prisoners; or

- (2) while in a position of authority over such persons maltreats them without justifiable cause; shall be punished as a court-martial may direct.

* * *

~~§183. Article 83. §204a. Article 104a.~~ Fraudulent enlistment, appointment or separation

Any person who:

- (1) procures his own enlistment or appointment in the state military forces by knowingly false representation or deliberate concealment as to his qualifications for that enlistment or appointment and receives pay or allowances thereunder; or

- (2) procures his own separation from the state military forces by knowingly false representation or deliberate concealment as to his eligibility for that separation; shall be punished as a court-martial may direct.

~~§223. Article 123. §205. Article 105.~~ Forgery

Any person subject to this code ~~Code~~ who, with intent to defraud:

- (1) falsely makes or alters any signature to, or any part of, any writing which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice; or

- (2) utters, offers, issues, or transfers such a writing, known by him to be so made or altered; is guilty of forgery and shall be punished as a court-martial may direct.

* * *

~~§206a. Article 106a.~~ Wearing unauthorized insignia, decoration, badge, ribbon, device, or lapel button

Any person subject to this Code who is not authorized to wear an insignia, decoration, badge, ribbon, device, or lapel button and who wrongfully wears such insignia, decoration, badge, ribbon, device, or lapel button upon the person's uniform or civilian clothing shall be punished as a court-martial may direct.

* * *

~~§214. Article 114.~~ Endangerment offenses

A. Reckless endangerment. Any person subject to this Code who engages in conduct that is wrongful and reckless or is wanton, and is likely to produce death or grievous bodily harm to another person, shall be punished as a court-martial may direct.

B. Dueling. Any person subject to this Code who fights or promotes, or is concerned in or connives at fighting a duel, or who, having knowledge of a challenge sent or about to be sent, fails to report the facts promptly to the proper authority, shall be punished as a court-martial may direct.

C. Firearm discharge, endangering human life. Any person subject to this Code who, willfully and wrongly, discharges a firearm, under circumstances such as to endanger human life shall be punished as a court-martial may direct.

D. Carrying concealed weapon. Any person subject to this Code who unlawfully carries a dangerous weapon concealed on or about his person shall be punished as a court-martial may direct.

~~§215. Article 115.~~ Malingering **Communicating threats**

Any person subject to this code who for the purpose of avoiding work, duty or service in the state military forces:

- ~~(1) feigns illness, physical disablement, mental lapse or derangement; or~~
- ~~(2) intentionally inflicts self-injury; shall be punished as a court-martial may direct.~~

A. Communicating threats generally. Any person subject to this Code who wrongfully communicates a threat to injure the person, property, or reputation of another shall be punished as a court-martial may direct.

B. Communicating threat to use explosive, etc. Any person subject to this Code who wrongfully communicates a threat to injure the person or property of another by use of an explosive, a weapon of mass destruction, a biological or chemical agent, substance, or weapon, or a hazardous material, shall be punished as a court-martial may direct.

C.(1) Communicating false threat concerning use of explosive, etc. Any person subject to this Code who maliciously communicates a false threat concerning injury to the person or property of another by use of an explosive, a weapon of mass destruction, a biological or chemical agent, substance, or weapon, or a hazardous material, shall be punished as a court-martial may direct.

(2) As used in this Section, the term “false threat” means a threat that, at the time the threat is communicated, is known to be false by the person communicating the threat.

* * *

~~§217a. Article 117a.~~ Wrongful broadcast or distribution of intimate visual images

A. Prohibition. Any person subject to this Code:

(1) who knowingly and wrongfully broadcasts or distributes an intimate visual image of another person or a visual image of sexually explicit conduct involving a person who:

(a) is at least eighteen years of age at the time the intimate visual image or visual image of sexually explicit conduct was created;

(b) is identifiable from the intimate visual image or visual image of sexually explicit conduct itself, or from information displayed in connection with the intimate visual image or visual image of sexually explicit conduct; and

(c) does not explicitly consent to the broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct;

(2) who knows or reasonably should have known that the intimate visual image or visual image of sexually explicit conduct was made under circumstances in which the person depicted in the intimate visual image or visual image of

sexually explicit conduct retained a reasonable expectation of privacy regarding any broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct;

(3) who knows or reasonably should have known that the broadcast or distribution of the intimate visual image or visual image of sexually explicit conduct is likely;

(a) to cause harm, harassment, intimidation, emotional distress, or financial loss for the person depicted in the intimate visual image or visual image of sexually explicit conduct; or

(b) to harm substantially the depicted person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships; and

(4) whose conduct, under the circumstances, had a reasonably direct and palpable connection to a military mission or military environment, is guilty of wrongful distribution of intimate visual images or visual images of sexually explicit conduct and shall be punished as a court-martial may direct.

B. Definitions. In this Section:

(1) Broadcast. The term “broadcast” means to electronically transmit a visual image with the intent that it be viewed by a person or persons.

(2) Distribute. The term “distribute” means to deliver to the actual or constructive possession of another person, including transmission by mail or electronic means.

(3) Intimate visual image. The term “intimate visual image” means a visual image that depicts a private area of a person.

(4) Private area. The term “private area” means the naked or underwear-clad genitalia, anus, buttocks, or female areola or nipple.

(5) Reasonable expectation of privacy. The term “reasonable expectation of privacy” means circumstances in which a reasonable person would believe that a private area of the person, or sexually explicit conduct involving the person, would not be visible to the public.

(6) Sexually explicit conduct. The term “sexually explicit conduct” means actual or simulated genital-genital contact, oral-genital contact, anal-genital contact, or oral-anal contact, whether between persons of the same or opposite sex, bestiality, masturbation, or sadistic or masochistic abuse.

(7) Visual image. The term “visual image” means all of the following:

(a) Any developed or undeveloped photograph, picture, film, or video.

(b) Any digital or computer image, picture, film, or video made by any means, including those transmitted by any means, including streaming media, even if not stored in a permanent format.

(c) Any digital or electronic data capable of conversion into a visual image.

§220. Article 120. Sexual assault

A. Any person subject to this code **Code** who commits any of the following acts is guilty of sexual assault and shall be punished as a court-martial may direct:

(1) A sexual act upon another person by any of the following:

(a) Threatening or placing another person in fear.

(b) ~~Causing bodily harm to another person.~~

(c) Making a fraudulent representation that the sexual act serves a professional purpose.

~~(d)~~(c) Inducing a belief by any artifice, pretense, or concealment that the person is another person.

(2) A sexual act upon another person **without the consent of the other person,** or when the person knows or reasonably should know that the other person is asleep, unconscious, or otherwise unaware that the sexual act is occurring.

(3) A sexual act upon another person when the other person is incapable of consenting to the sexual act due to any of the following:

(a) Impairment by any drug, intoxicant, or other similar substance, and that condition is known or reasonably should be known by the person.

(b) A mental disease or defect or physical disability, and that condition is known or reasonably should be known by the person.

B. Any person subject to this code **Code** who commits or causes sexual contact upon or by another person, if to do so would violate Subsection A of this Section, had the sexual contact been a sexual act, is guilty of abusive sexual contact and shall be punished as a court-martial may direct.

C. In a prosecution under this Section, in proving that a person made a threat, it need not be proven that the person actually intended to carry out the threat or had the ability to carry out the threat.

D. An accused may raise any applicable defenses available under this Chapter or the Rules for Court-Martial. Marriage is not a defense for any conduct in issue in any prosecution under this Section.

E. In this code **Code**, for purposes of this Section unless the context otherwise requires, the following terms shall have the following meanings ascribed herein:

(1) “Bodily harm” means any offensive touching of another, however slight, including any nonconsensual sexual act or nonconsensual sexual contact.

(2) “Consent” means:

(a) A freely given agreement to the conduct at issue by a competent person. An expression of lack of consent through words or conduct means there is no consent. Lack of verbal or physical resistance ~~or submission resulting from the use of force, threat of force, or placing another person in fear~~ shall not constitute consent. **Submission resulting from the use of force, threat of force, or placing another person in fear also does not constitute consent.** A current or previous dating, social, or sexual relationship by itself or the manner of dress of the person involved with the accused in the conduct at issue shall not constitute consent.

(b) A sleeping, unconscious, or incompetent person cannot consent. A

person cannot consent to force causing or likely to cause death or grievous bodily harm or to being rendered unconscious. A person cannot consent while under threat or fear or under the circumstances described in Subparagraph (A)(1)(e) or (d) **(b) or (c).**

~~(c) Lack of consent may be inferred based on the circumstances of the offense. All the surrounding circumstances shall be considered in determining whether a person gave consent, or whether a person did not resist or ceased to resist only because of another person's actions.~~

(3) “Force” means:

(a) The use of a weapon.

(b) The use of such physical strength or violence as is sufficient to overcome, restrain, or injure a person.

(c) Inflicting physical harm sufficient to coerce or compel submission by the victim.

(4) “Grievous bodily harm” means serious bodily injury and includes fractured or dislocated bones, deep cuts, torn members of the body, serious damage to internal organs, and other severe bodily injuries. Grievous bodily harm does not include minor injuries such as a black eye or a bloody nose.

(5) “Incapable of consenting” means the person is either:

(a) Incapable of appraising the nature of the conduct at issue.

(b) Physically incapable of declining participation in, or communicating unwillingness to engage in, the sexual act at issue.

~~(6)~~(6) “Sexual act” means either any of the following:

~~(a) Contact between the penis and the vulva or anus or mouth, and for purposes of this Subparagraph, contact involving the penis occurs upon penetration, however slight. **The penetration, however slight, of the penis into the vulva, anus, or mouth.**~~

~~(b) Contact between the mouth and the penis, vulva, scrotum, or anus.~~

(c) The penetration, however slight, of the vulva or anus or mouth of another by any part of the body or by any object, with an intent to abuse, humiliate, harass, or degrade any person or to arouse or gratify the sexual desire of any person.

~~(6)~~(7) “Sexual contact” means either of the following:

~~(a) Touching **touching**, or causing another person to touch, either directly or through the clothing, the genitalia **vulva, penis, scrotum,** anus, groin, breast, inner thigh, or buttocks of any person, with an intent to abuse, humiliate, harass, or degrade any person or **to arouse or gratify the sexual desire of any person.**~~

~~(b) Any touching, or causing another person to touch, either directly or through the clothing, any body part of any person, if done with an intent to arouse or gratify the sexual desire of any person. Touching may be accomplished by any part of the body **or an object.**~~

~~(7)~~(8) “Threatening or placing another person in fear” means a communication or action that is of sufficient consequence to cause a reasonable fear that noncompliance will result in the victim or another person being subjected to the wrongful action contemplated by the communication or action.

~~(8)~~(9) “Unlawful force” means an act of force committed without legal justification or excuse.

§220a. Article 120a. Stalking Mails; deposit of obscene matter

A. Any person subject to this code who commits all of the following acts is guilty of stalking and shall be punished as a court-martial may direct:

~~(1) Who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to the person or a member of the person's immediate family.~~

~~(2) Who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to the person or a member of the person's immediate family.~~

~~(3) Whose acts induce reasonable fear in the specific person of death or bodily harm, including sexual assault, to the person or to a member of the person's immediate family.~~

~~B. In this code, for purposes of this Section unless the context otherwise requires, the following terms shall have the following meanings ascribed herein:~~

~~(1) “Course of conduct” means either of the following:~~

~~(a) A repeated maintenance of visual or physical proximity to a specific person.~~

~~(b) A repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or towards a specific person.~~

~~(2) “Immediate family”, in the case of a specific person, means a spouse, parent, child, or sibling of the person, or any other family member, relative, or intimate partner of the person who regularly resides in the household of the person or who within the six months preceding the commencement of the course of conduct regularly resided in the household of the person.~~

~~(3) “Repeated”, with respect to conduct, means two or more occasions of such conduct.~~

Any person subject to this Code who, wrongfully and knowingly, deposits obscene matter for mailing and delivery shall be punished as a court-martial may direct.

* * *

§221a. Article 121a. Fraudulent use of credit cards, debit cards, and other access devices

A. Any person subject to this Code who, knowingly and with intent to defraud, uses any of the following:

(1) A stolen credit card, debit card, or other access device.

CODING: Words in struck through type are deletions from existing law; words underlined (House Bills) and underscored and **boldfaced** (Senate Bills) are additions.

(2) A revoked, cancelled, or otherwise invalid credit card, debit card, or other access device.

(3) A credit card, debit card, or other access device without the authorization of a person whose authorization is required for such use; to obtain money, property, services, or anything else of value shall be punished as a court-martial may direct.

B. For purposes of this Article, the term “access device” has the meaning given that term in 18 U.S.C. §1029.

§221b. Article 121b. False pretenses to obtain services

Any person subject to this Code who, with intent to defraud, knowingly uses false pretenses to obtain services shall be punished as a court-martial may direct.

§222a. Article 122a. Receiving stolen property

Any person subject to this Code who wrongfully receives, buys, or conceals stolen property, knowing the property to be stolen property, shall be punished as a court-martial may direct.

§223. Article 123. Forgery Offenses concerning government computers

Any person subject to this code who, with intent to defraud:

(1) falsely makes or alters any signature to, or any part of, any writing which would, if genuine, apparently impose a legal liability on another or change his legal right or liability to his prejudice; or

(2) utters, offers, issues, or transfers such a writing, known by him to be so made or altered; is guilty of forgery and shall be punished as a court-martial may direct.

A. Any person subject to this Code who does any of the following shall be punished as a court-martial may direct:

(1) Knowingly accesses a government computer, with an unauthorized purpose, and by doing so obtains classified information, with reason to believe such information could be used to the injury of the United States or injury to the state of Louisiana, or to the advantage of any foreign nation, and intentionally communicates, delivers, transmits, or causes to be communicated, delivered, or transmitted such information to any person not entitled to receive it.

(2) Intentionally accesses a government computer, with an unauthorized purpose, and thereby obtains classified or other protected information from any such government computer.

(3) Knowingly causes the transmission of a program, information, code, or command, and as a result of such conduct, intentionally causes damage without authorization to a government computer.

B. Definitions. In this Section:

(1) The term “computer” has the meaning given that term in 18 U.S.C. §1030.

(2) The term “government computer” means a computer owned or operated by or on behalf of the United States government or the state of Louisiana.

(3) The term “damage” has the meaning given that term in 18 U.S.C. §1030.

§223a. Article 123a. Making, drawing, or uttering check, draft, or order without sufficient funds

A. Any person subject to this Code who, for the procurement of any article or thing of value, with the intent to defraud, or for the payment of any past due obligation, or for any other purpose, with the intent to deceive, makes, draws, utters, or delivers any check, draft, or order for the payment of money upon any bank or other depository, knowing at the time that the maker or drawer has not or will not have sufficient funds in, or credit with, the bank or other depository for the payment of that check, draft, or order in full upon its presentment, shall be punished as a court-martial may direct.

B. The making, drawing, uttering, or delivering by a maker or drawer of a check, draft, or order, payment of which is refused by the drawee because of insufficient funds of the maker or drawer in the drawee’s possession or control, is prima facie evidence of his intent to defraud or deceive and of his knowledge of insufficient funds in, or credit with, that bank or other depository, unless the maker or drawer pays the holder the amount due within five days after receiving notice, orally or in writing, that the check, draft, or order was not paid on presentment. In this Section, the word “credit” means an arrangement or understanding, express or implied, with the bank or other depository for the payment of that check, draft, or order.

§232. Article 132. §224. Article 124. Frauds against the government

Any person subject to this code Code:

(1) who, knowing it to be false or fraudulent

(a) makes any claim against the United States, the state, or any officer thereof; or

(b) presents to any person in the civil or military service thereof, for approval or payment any claim against the United States, the state, or any officer thereof;

(2) who, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States, the state, or any officer thereof:

(a) makes or uses any writing or other paper knowing it to contain any false or fraudulent statements;

(b) makes any oath to any fact or to any writing or other paper knowing the oath to be false; or

(c) forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged and counterfeited;

(3) who, having charge, possession, custody, or control of any money, or other property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, knowingly delivers to any person having authority to receive it, any amount thereof less than that for which he receives a certificate or receipt; or

(4) who, being authorized to make or deliver any paper certifying the receipt of any property of the United States or the state, furnished or intended for

the armed forces of the United States or the state military forces, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States or the state; shall upon conviction, be punished as a court-martial may direct.

§220a. Article 120a. §230. Article 130. Stalking

A. Any person subject to this code Code who commits all of the following acts is guilty of stalking and shall be punished as a court-martial may direct:

(1) Who wrongfully engages in a course of conduct directed at a specific person that would cause a reasonable person to fear death or bodily harm, including sexual assault, to the person or a member of the person’s immediate family.

(2) Who has knowledge, or should have knowledge, that the specific person will be placed in reasonable fear of death or bodily harm, including sexual assault, to the person or a member of the person’s immediate family.

(3) Whose acts induce reasonable fear in the specific person of death or bodily harm, including sexual assault, to the person or to a member of the person’s immediate family.

B. In this code Code, for purposes of this Section unless the context otherwise requires, the following terms shall have the following meanings ascribed herein:

(1) “Course of conduct” means either of the following:

(a) A repeated maintenance of visual or physical proximity to a specific person.

(b) A repeated conveyance of verbal threat, written threats, or threats implied by conduct, or a combination of such threats, directed at or towards a specific person.

(2) “Immediate family”, in the case of a specific person, means a spouse, parent, child, or sibling of the person, or any other family member, relative, or intimate partner of the person who regularly resides in the household of the person or who within the six months preceding the commencement of the course of conduct regularly resided in the household of the person.

(3) “Repeated”, with respect to conduct, means two or more occasions of such conduct.

* * *

§231a. Article 131a. Subornation of perjury

A. In General. Any person subject to this Code who induces and procures another person to take an oath and to falsely testify, depose, or state upon such oath, shall, if the conditions specified in Subsection B of this Section are satisfied, be punished as a court-martial may direct.

B. Conditions. For the purposes of this Section, the conditions shall include all of the following:

(1) The oath is administered with respect to a matter for which such oath is required or authorized by law.

(2) The oath is administered by a person having authority to do so.

(3) Upon the oath, the other person willfully makes or subscribes a statement.

(4) The statement is material.

(5) The statement is false.

(6) When the statement is made or subscribed, the person subject to this Code and the other person do not believe that the statement is true.

§231b. Article 131b. Obstructing justice

Any person subject to this Code who engages in conduct in the case of a certain person against whom the accused had reason to believe there were or would be criminal or disciplinary proceedings pending, with intent to influence, impede, or otherwise obstruct the due administration of justice shall be punished as a court-martial may direct.

§231c. Article 131c. Misprision of serious offense

Any person subject to this Code who knows that another person has committed a serious offense and wrongfully conceals the commission of the offense and fails to make the commission of the offense known to civilian or military authorities as soon as possible shall be punished as a court-martial may direct.

§231d. Article 131d. Wrongful refusal to testify

Any person subject to this Code who, in the presence of a court-martial, a board of officers, a military commission, a court of inquiry, preliminary hearing, or an officer taking a deposition, of or for the United States or for the state of Louisiana, wrongfully refuses to qualify as a witness or to answer a question after having been directed to do so by the person presiding shall be punished as a court-martial may direct.

§231e. Article 131e. Prevention of authorized seizure of property

Any person subject to this Code who, knowing that one or more persons authorized to make searches and seizures are seizing, are about to seize, or are endeavoring to seize property, destroys, removes, or otherwise disposes of the property with intent to prevent the seizure thereof shall be punished as a court-martial may direct.

§198. Article 98. §231f. Article 131f. Noncompliance with procedural rules

Any person subject to this code Code who:

(1) is responsible for unnecessary delay in the disposition of any case of a person accused of an offense under this code Code; or

(2) knowingly and intentionally fails to enforce or comply with any provision of this code Code regulating the proceedings before, during, or after trial of an accused; shall be punished as a court-martial may direct.

§232. Article 132. Frauds against the government Retaliation

Any person subject to this code:

(1) who, knowing it to be false or fraudulent

(a) makes any claim against the United States, the state, or any officer thereof; or

~~(b) presents to any person in the civil or military service thereof, for approval or payment any claim against the United States, the state, or any officer thereof;~~

~~(2) who, for the purpose of obtaining the approval, allowance, or payment of any claim against the United States, the state, or any officer thereof:~~

~~(a) makes or uses any writing or other paper knowing it to contain any false or fraudulent statements;~~

~~(b) makes any oath to any fact or to any writing or other paper knowing the oath to be false; or~~

~~(c) forges or counterfeits any signature upon any writing or other paper, or uses any such signature knowing it to be forged and counterfeited;~~

~~(3) who, having charge, possession, custody, or control of any money, or other property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, knowingly delivers to any person having authority to receive it, any amount thereof less than that for which he receives a certificate or receipt; or~~

~~(4) who, being authorized to make or deliver any paper certifying the receipt of any property of the United States or the state, furnished or intended for the armed forces of the United States or the state military forces, makes or delivers to any person such writing without having full knowledge of the truth of the statements therein contained and with intent to defraud the United States or the state; shall upon conviction, be punished as a court-martial may direct.~~

A. In General. Any person subject to this Code who, with the intent to retaliate against any person for reporting or planning to report a criminal offense, or making or planning to make a protected communication, or with the intent to discourage any person from reporting a criminal offense or making or planning to make a protected communication, wrongfully takes or threatens to take an adverse personnel action against any person or wrongfully withholds or threatens to withhold a favorable personnel action with respect to any person shall be punished as a court-martial may direct.

B. Definitions. In this Section:

(1) The term “protected communication” means the following:

(a) A lawful communication to a member of the United States Congress or an inspector general.

(b) A communication to a covered individual or organization in which a member of the armed forces complains of, or discloses information that the member reasonably believes constitutes evidence of, any of the following:

(i) A violation of law or regulation, including a law or regulation prohibiting sexual harassment or unlawful discrimination.

(ii) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

(2) The term “inspector general” has the meaning given that term in 10 U.S.C. §1034(j).

(3) The term “covered individual or organization” means any recipient of a communication specified in clauses (i) through (v) of 10 U.S.C. §1034(b)(1)(B).

(4) The term “unlawful discrimination” means discrimination on the basis of race, color, religion, sex, or national origin.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 673

SENATE BILL NO. 337

BY SENATOR SMITH AND REPRESENTATIVES BRYANT, CARRIER,
WILFORD CARTER, FIRMENT, FONTENOT, ILLG, IVEY, MAGEE,
GREGORY MILLER, ROBERT OWEN, SCHLEGEL AND ZERINGUE
AN ACT

To amend and reenact R.S. 14:98.8(C), relative to driving offenses; to provide relative to operating a vehicle while under suspension for certain prior offenses; to provide for enhanced penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:98.8(C) is hereby amended and reenacted to read as follows:

§98.8. Operating a vehicle while under suspension for certain prior offenses

* * *

C. When In addition to other penalties imposed pursuant to this Title, when the operator’s driving privileges were suspended for manslaughter, vehicular homicide, or negligent homicide, first degree vehicular negligent injuring, or a third or subsequent violation of operating a vehicle while intoxicated, the offender shall be imprisoned for not less than sixty ninety days nor more than six months one year without benefit of suspension of imposition or execution of sentence.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 674

SENATE BILL NO. 370

**BY SENATOR HARRIS AND REPRESENTATIVE GAROFALO
AN ACT**

To amend and reenact Children’s Code Articles 897(B)(2) and 899(B)(2)(c) and to enact Children’s Code Article 899(B)(2)(h), relative to conditions for probation; to authorize the court to require the child and parent or legal guardian to participate in a court-approved decisionmaking course; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Articles 897(B)(2) and 899(B)(2)(c) are hereby amended and reenacted and Children’s Code Article 899(B)(2)(h) is hereby enacted to read as follows:

Art. 897. Disposition after adjudication of a felony-grade delinquent act

* * *

B. As conditions of probation, if ordered pursuant to Subparagraph (A)(3) of this Article:

* * *

(2) The court may impose any other term and condition deemed in the best interests of the child and the public, including:

(a) A requirement that the child attend school, if the school admits the child.

(b) A requirement that the child perform court-approved community service activities.

(c) A requirement that the child and his parent or legal guardian cooperate in connection with any part of the disposition order, including but not limited to a court-approved decisionmaking course necessary for his rehabilitation.

~~(d)~~ (d) A requirement that the child make reasonable restitution to any victim for any personal or property damage caused by the child in the commission of the delinquent act.

~~(e)~~ (e) A requirement that the child participate in any program of medical or psychological or other treatment found necessary for his rehabilitation.

~~(e)~~ (f) A requirement suspending or restricting the child’s driving privileges, if any, for all or part of the period of probation. In such cases, a copy of the order shall be forwarded to the Department of Public Safety and Corrections, which shall suspend the child’s driver’s license or issue a restricted license in accordance with the order of the court.

~~(f)~~ (g) A requirement prohibiting the child from possessing a firearm or carrying a concealed weapon.

~~(g)~~ (h) A requirement that the child pay a supervision fee of not less than ten nor more than one hundred dollars per month, payable to the Department of Public Safety and Corrections or other supervising agency, to defray the costs of supervision. The amount of the fee shall be based upon the financial ability of the payor to pay such a fee. The court may order a parent, tutor, guardian, or other person who is financially responsible for the care of the child to be responsible for payment of all or part of any supervision fee imposed.

* * *

Art. 899. Disposition after adjudication of a misdemeanor-grade delinquent act

* * *

B. As conditions of probation, if ordered pursuant to Subparagraph A(3) of this Article:

* * *

(2) The court may impose any other term and condition deemed in the best interests of the child and the public, including:

* * *

(c) A requirement that the **adjudicated** child make reasonable restitution to any victim for any personal or property damage caused by the child in the commission of the delinquent act.

* * *

(h) A requirement that the child and his parent or legal guardian cooperate in connection with any part of the disposition order, including but not limited to a court-approved decisionmaking course necessary for his rehabilitation.

* * *

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 675

SENATE BILL NO. 428

BY SENATOR ROBERT MILLS

AN ACT

To amend and reenact R.S. 22:1272, relative to liability limits; to prohibit the reduction of policy limits based on expenses of defense; to provide for waivers; to provide for which expenses qualify as expenses of defense; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1272 is hereby amended and reenacted to read as follows: §1272. Defense costs; prohibition; waiver

A. The liability limits contained in a policy or contract of insurance issued by an authorized insurer shall not be reduced by the expenses of defense in a suit under the policy unless **waived by** the commissioner ~~executes a written waiver, as provided in Paragraph (B)(2) or (3) of this Section, to authorize the policy liability limits to be reduced by the defense expenses.~~

B.(1) The **commissioner shall not waive the** prohibition contained in Subsection A of this Section ~~shall apply to~~ **for any of** the following types of

- insurance coverage:
- (a) All personal lines.
 - (b) Medical malpractice.
 - (c) ~~Commercial vehicle.~~
 - (d) ~~Commercial general liability.~~
- (2) The prohibition contained in Subsection A of this Section shall be waived by the commissioner for the following types of insurance coverage:
- (a) Professional liability other than medical malpractice.
 - (b) Directors' and officers' liability.
 - (c) Errors and omissions liability.
 - (d) Pollution liability.
 - (e) Employment practices liability.
 - (f) Cyber risk liability.
 - (g) Information security and privacy liability.
 - (h) Patent defense or other intellectual property infringement liability.
 - (i) Commercial liability coverages sold in combination.

(3) ~~The commissioner may waive the prohibition contained in Subsection A of this Section may be waived by the commissioner for other types of insurance coverage, except those not listed in Paragraph (1) of this Subsection; upon consideration by the commissioner of the customs of the industry and the interests of the particular insured level of market competition, the nature and design of the product, the availability of insurance coverage, and other relevant factors.~~

~~C. Every policy or contract for which a waiver is executed by the commissioner pursuant to this Section shall be subject to the following requirements:~~

~~(1) Defense expenses used to reduce the liability limits on the policy or contract shall not include overhead costs, adjusting expenses, or other expenses incurred by the insurer in the ordinary course of business.~~

~~(2) Defense expenses used to reduce the liability limits shall Expenses of defense may include only reasonable attorney fees and expenses directly connected to the insurer's defense of a specific liability claim on behalf of an insured and any other litigation expenses directly arising from the defense of a specific liability claim. Expenses of defense shall not include overhead, unallocated loss adjustment expenses, or other unallocated expenses incurred by the insurer in the ordinary course of business.~~

~~(3) The inclusion of defense expenses shall not exhaust the entire amount of liability coverage.~~

~~D. The commissioner is authorized to do any of the following:~~

~~(1) Limit the amount of defense expenses used to reduce the liability limits or establish a minimum amount of liability coverage from which defense expenses shall not be deducted.~~

~~(2) Limit or define the amount of expenses that reduce the liability limits for all or specific type of insurance coverage.~~

~~E. Any policy or contract of insurance containing terms that require a waiver pursuant to this Section shall include a separate notice or inclusion on the declaration page stating that the insurance policy or contract includes defense expenses which may be deducted from the liability limits of the policy. This notice shall be prominently printed or stamped in bold on the policy or contract and shall not be less than a ten-point type.~~

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 676

SENATE BILL NO. 116

BY SENATORS BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, FIELDS, HARRIS, HENRY, JACKSON, MCMATH, MIZELL, POPE, REESE, SMITH, STINE, TALBOT AND TARVER AND REPRESENTATIVES ADAMS, BOYD, BRASS, BRYANT, BUTLER, ROBBY CARTER, WILFORD CARTER, CORMIER, DAVIS, DUBUISSON, ECHOLS, FREEMAN, FREIBERG, GLOVER, GREEN, HARRIS, HILFERTY, HORTON, HUGHES, TRAVIS JOHNSON, JORDAN, LAFLEUR, LANDRY, LARVADAIN, LYONS, MARCELLE, MOORE, NELSON, NEWELL, PIERRE, PRESSLY, ROMERO, SCHLEGEL, SELDERS, STAGNI, THOMPSON, WHITE AND WILLARD

AN ACT

To amend and reenact R.S. 36:251(C)(1) and to enact R.S. 36:258(E) and R.S. 46:2527, relative to the office on women's health and community health; to establish and provide for the office on women's health and community health within the Louisiana Department of Health; to provide for an assistant secretary and staff of the office on women's health and community health; to provide for the purposes, duties, and functions of the office on women's health and community health; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:251(C)(1) is hereby amended and reenacted and R.S. 36:258(E) is hereby enacted to read as follows:

§251. Louisiana Department of Health; creation; domicile; composition; purpose and functions

* * *

C.(1) The Louisiana Department of Health shall be composed of the executive office of the secretary, the office of management and finance, the office of public health, the office of behavioral health, the office for citizens with developmental disabilities, the office of aging and adult services, **the office on women's health and community health**, and such other offices as shall be created by law.

* * *

§258. Offices; purposes and functions

* * *

E. The office on women's health and community health shall be responsible for leading and coordinating efforts within the Louisiana Department of Health that are intended to improve women's health outcomes through policy, education, evidence-based practices, programs, and services. The office on women's health and community health shall serve as a clearinghouse, coordinating agency, and resource center for women's health data and strategies, services, programs, and initiatives that address women's health-related concerns. The department may consolidate efforts on women's health and community health within the department as deemed appropriate by the secretary of the department.

* * *

Section 2. R.S. 46:2527 is hereby enacted to read as follows:

§2527. Office on women's health and community health; assistant secretary; duties and functions

A. The office on women's health and community health is hereby created in the Louisiana Department of Health. The office shall only provide services to a woman born as a biological female and perform the duties and functions assigned to it in Subsection C of this Section or as otherwise provided by law with a focus on all of the following:

- (1) Health needs throughout a woman's life.**
- (2) Chronic or acute conditions that significantly affect women, such as heart disease, cancer, obesity, and osteoporosis.**
- (3) Access to health care for women.**
- (4) The impact of poverty on women's health.**
- (5) The leading causes of morbidity and mortality for women.**
- (6) Health disparities of women and communities.**

B. The office on women's health and community health shall be under the immediate supervision of an assistant secretary appointed by the governor in accordance with the provisions of R.S. 36:257. The assistant secretary shall employ necessary staff to carry out the duties and functions of the office as provided in this Section or as otherwise provided by law.

C. In carrying out its purposes as provided for in R.S. 36:258, the office on women's health and community health shall do all of the following:

- (1) Collect, classify, and analyze relevant information and data resulting from research conducted or compiled by the Louisiana Department of Health or other collaborative entities.**
- (2) Prepare educational or informative materials regarding women's health for publication and dissemination to the public.**
- (3) Seek funding through federal sources, grant programs, and other funding opportunities to carry out the duties and functions provided for in this Section which are within the scope and purposes of the office.**

D. The office on women's health and community health shall coordinate its activities and programs with those of other entities that focus on women's health or women's issues.

E. The office on women's health and community health shall provide an annual report to the governor, legislature, and secretary of the Louisiana Department of Health recommending priorities and areas of improvement for women's health in Louisiana. The office shall issue the report no later than April first of each year.

F. No person employed by the office on women's health and community health or officially representing the office, by contract or otherwise, shall require or recommend that any woman have an abortion or promote abortion. This Subsection shall not apply to a doctor of medicine, currently licensed by the Louisiana State Board of Medical Examiners pursuant to R.S. 37:1261 et seq., who is acting to save or preserve the life of a pregnant woman. No activities of the office on women's health and community health shall promote abortion.

G. No public funds made available to the office on women's health and community health, whether such funds are made available by the government of the United States, the state of Louisiana, or a local governmental subdivision, or from any other public source, shall be used in any way for, to assist in, to promote, or to provide facilities for an abortion, except for any of the following:

- (1) Whenever the abortion is necessary to save the life of the mother.**
- (2) Whenever the abortion is being sought to terminate a pregnancy resulting from an alleged act of rape and all of the requirements of R.S. 40:1061.18(A) are met.**

(3) Whenever the abortion is being sought to terminate a pregnancy resulting from an alleged act of crime against nature as defined by R.S. 14:89(A)(2) and all of the requirements of R.S. 40:1061.18(B) are met.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 677

SENATE BILL NO. 124
BY SENATOR ABRAHAM
AN ACT

To amend and reenact R.S. 17:221(E), relative to school attendance; to provide relative to reporting and recording attendance of certain students by the Louisiana Department of Education; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:221(E) is hereby amended and reenacted to read as follows:
§221. School attendance; compulsory ages; duty of parents; excessive absences; condition for driving privileges

* * *

E.(1)(a) Nothing in this Section shall be construed to prohibit a child from enrolling in an approved home study program or a nonpublic school not seeking state approval. The parent or legal guardian responsible for the school attendance of such a child, who is between the ages of five and eighteen, shall report the attendance of the child to the state Department of Education within thirty days of the start of the school term as provided in R.S. 17:232(C).

(b) For each child enrolled in an approved home study program, the department shall:

(i) Within thirty days of initial approval or denial of an application for an approved home study program and the failure to receive an annual renewal application for a previously approved home study program, provide notification to the city, parish, or other local school system in which the child was most recently enrolled, and if different, the school system in which the child resides. The notification shall include the child's legal name, date of birth, and physical residential address.

(ii) Not record the child as a dropout attributable to the public school in which the child was most recently enrolled or the public school which the child would otherwise attend.

(2) A parent or legal guardian responsible for the school attendance of a child who is between the ages of five and eighteen and who is enrolled in an approved home study program pursuant to R.S. 17:236.1 shall be considered in compliance with the school attendance provisions of Paragraph (A)(1) of this Section.

(3) No city, parish, or other local public school system shall be responsible for collecting and maintaining school attendance data for any child who is enrolled in an approved home study program, unless and until the parent subsequently enrolls the child in a public school under the authority of the public school system.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 678

SENATE BILL NO. 126
BY SENATOR CATHEY AND REPRESENTATIVES ECHOLS AND THOMPSON
AN ACT

To amend and reenact R.S. 17:350.21(A) and (C), relative to funding of laboratory schools; to authorize the University of Louisiana at Monroe to receive state funding for a laboratory school; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:350.21(A) and (C) are hereby amended and reenacted to read as follows:

§350.21. University laboratory schools operated by ~~Louisiana State University and Agricultural and Mechanical College, Southern University and Agricultural and Mechanical College, and University of Louisiana at Lafayette~~ **certain public universities**; funding formula

A.(1) Any elementary or secondary school operated by Louisiana State University and Agricultural and Mechanical College, Southern University and Agricultural and Mechanical College, ~~or the University of Louisiana at Lafayette, or the University of Louisiana at Monroe~~ shall be considered a public elementary or secondary school and, as such, shall be annually appropriated funds as determined by applying the formula as specified in Subsection B of this Section.

(2) Any school provided for in this Section shall be authorized by the board of supervisors with jurisdiction over the public postsecondary institution

operating the school.

* * *

C.(1) The funds appropriated for the schools provided for in this Section shall be allocated to the institution of postsecondary education operating the school, and each institution shall expend such funds to operate the school.

(2) No funds allocated pursuant to this Subsection shall be expended to operate the school unless the public postsecondary education institution operating the school has secured the necessary educational facilities, including classroom capacity, either through the use of current resources or private donations, or if expressly provided for by an Act of the Legislature.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 679

SENATE BILL NO. 140
BY SENATOR ABRAHAM
AN ACT

To enact R.S. 13:5554(G)(4)(d), (e), (f), and (g), relative to insurance benefits for certain sheriffs and deputies; to provide for eligibility requirements for the payment of insurance premium costs for retired sheriffs and deputies of the Acadia Parish Sheriff's Office; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554(G)(4)(d), (e), (f), and (g) are hereby enacted to read as follows:

§5554. Group insurance; kinds; amounts; subrogation

* * *

G.

* * *

(4) Notwithstanding the provisions of Paragraph (1) of this Subsection, the sheriff of Acadia Parish shall pay out of the sheriff's general fund the premium costs of group insurance for any sheriff or deputy sheriff who is eligible to receive benefits from the Sheriffs' Pension and Relief Fund, as follows:

* * *

(d) Notwithstanding the provisions of Paragraph (1) of this Subsection and Subparagraphs (a) through (c) of this Paragraph, one hundred percent of the premium costs of group insurance, hospital, surgical, and medical expense insurance and the first ten thousand dollars of life insurance contracted pursuant to the provisions of this Section shall be paid in full from the sheriff's general fund for any sheriff, full-time deputy sheriff, or any other employee who has retired from the Acadia Parish Sheriff's Office, who is eligible to receive benefits from the Sheriff's Pension and Relief Fund, and who meets all of the following qualifications:

(i) Has at least thirty years of creditable service with a statewide retirement system with the final twelve years of continuous full-time creditable service with the Acadia Parish Sheriff's Office.

(ii) Is at least fifty-five years of age.

(e) Insurance benefits provided for in Subparagraph (d) of this Paragraph shall be based on the total amount of creditable service with a statewide retirement system including time earned in the Sheriff's Pension and Relief Fund and the recipient's coverage during the last active year of service with the Acadia Parish Sheriff's Office. Coverage of these insurance benefits shall be extended to the recipient's eligible dependents if the recipient requests such coverage.

(f) Recipients of insurance pursuant to Subparagraph (d) of this Paragraph are subject to all cost increases or changes to the active insurance plan.

(g) The provisions of Subparagraph (d) of this Paragraph shall apply to sheriffs and deputy sheriffs who retire on or after July 1, 2022.

Section 2. This Act shall become effective on July 1, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or July 1, 2022, whichever is later.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 680

SENATE BILL NO. 143
BY SENATORS MORRIS, CATHEY AND BERNARD AND REPRESENTATIVES THOMPSON AND GAROFALO
AN ACT

To amend and reenact R.S. 40:1379.3(B)(2) and (D)(1) and (2), and to enact R.S. 14:95(M) and R.S. 40:1379.3.3, relative to the illegal carrying of weapons;

to exempt certain persons from the crime of illegal carrying of weapons under certain circumstances; to provide for concealed weapon permits; to provide for exceptions; to provide relative to an online education course; to provide relative to a database of licensed firearm and handgun instructors; relative to an to provide relative to blood alcohol readings; to provide for promulgation of rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:95(M) is hereby enacted to read as follows:
§95. Illegal carrying of weapons

* * *

M. The provisions of Paragraph (A)(1) of this Section shall not apply to a resident of Louisiana if all of the following conditions are met:

(1) The person is twenty-one years of age or older.
(2) The person is not prohibited from possessing a firearm under R.S. 14:95.1, R.S. 40:1379.3(C)(5) through (17), 18 U.S.C. 922(g), or any other state or federal law.

(3)(a) The person is a reserve or active-duty member of any branch of the United States Armed Forces; a member of the Louisiana National Guard or the Louisiana Air National Guard; or a former member of any branch of the United States Armed Forces, the Louisiana National Guard, or the Louisiana Air National Guard who has been honorably discharged from service.

(b) At all times that a person is in possession of a concealed handgun pursuant to R.S. 40:1379.3(B)(2), that person shall have on his person proof that he meets the qualifications of Subparagraph (a) of this Paragraph demonstrated by one of the following:

(i) A valid military identification card.
(ii) A valid driver's license issued by the state of Louisiana displaying the word "Veteran" pursuant to R.S. 32:412(K).
(iii) A valid special identification card issued by the state of Louisiana displaying the word "Veteran" pursuant to R.S. 40:1321(K).
(iv) For a member released from service who does not qualify to have the word "Veteran" displayed on a state issued driver's license or special identification card, a Department of Defense Form 214 (DD-214) indicating the character of service as "Honorable" or "Under Honorable Conditions (General)" and a valid driver's license or special identification card issued by the state of Louisiana.

Section 2. R.S. 40:1379.3(B)(2) and (I)(1) and (2) are hereby amended and reenacted and R.S. 40:1379.3.3 is hereby enacted to read as follows:

§1379.3. Statewide permits for concealed handguns; application procedures; definitions

* * *

B.

* * *

(2)(a) A Louisiana resident shall be required to possess a valid concealed handgun permit issued by the state of Louisiana pursuant to the provisions of this Section in order to carry a concealed handgun in the state of Louisiana who meets the qualifications of R.S. 14:95(M) shall not be required to possess a valid concealed handgun permit issued by the state of Louisiana pursuant to the provisions of this Section in order to carry a concealed handgun in the state of Louisiana. The provisions of this Paragraph shall not affect the requirements of reciprocity as provided in Subsection T of this Section.

(b) Any person carrying a concealed firearm pursuant to this Paragraph shall be deemed to have certified that he meets all of the conditions required in R.S. 14:95(M).

* * *

I.(1) No individual to whom a concealed handgun permit is issued **or a person carrying a weapon pursuant to R.S. 14:95(M)** may carry and conceal such handgun while under the influence of alcohol or a controlled dangerous substance. While a permittee is under the influence of alcohol or a controlled dangerous substance, an otherwise lawful permit is considered automatically suspended and is not valid. A permittee shall be considered under the influence as evidenced by a blood alcohol reading of .05 percent or greater by weight of alcohol in the blood, or when a blood test or urine test shows any confirmed presence of a controlled dangerous substance as defined in R.S. 40:961 and 964.

(2) A permittee armed with a handgun in accordance with this Section **or a person carrying a weapon pursuant to R.S. 14:95(M)** shall notify any police officer who approaches the permittee in an official manner or with an identified official purpose that he has a weapon on his person, submit to a pat down, and allow the officer to temporarily disarm him. Whenever a law enforcement officer is made aware that an individual is carrying a concealed handgun and the law enforcement officer has reasonable grounds to believe that the individual is under the influence of either alcohol or a controlled dangerous substance, the law enforcement officer may take temporary possession of the handgun and request submission of the individual to a department certified chemical test for determination of the chemical status of the individual. Whenever a law enforcement officer is made aware that an individual is behaving in a criminally negligent manner as defined under the provisions of this Section, or is negligent in the carrying of a concealed handgun as provided for in R.S. 40:1382, the law enforcement officer may seize the handgun, until adjudication by a judge, if the individual is issued a summons or arrested under the provisions of R.S. 40:1382. Failure by the permittee to comply with the provisions of this Paragraph shall result in a six-month automatic suspension of the permit.

* * *

§1379.3.3. Louisiana permitless carry
A. The Department of Public Safety and Corrections, office of state police,

shall provide a two-hour online concealed handgun education course at no cost to Louisiana residents.

B. The purpose of this online education course is to educate the public on firearm safety and use. The course is optional and shall not be a requirement for obtaining a concealed handgun permit under R.S. 40:1379.3. Completion of this course shall not grant any person the right to carry a concealed handgun unless otherwise provided by law.

C. The concealed handgun education course shall include instruction on the following topics:

(1) Concealed handgun basics and nomenclature.
(2) Firearm-free zones.
(3) Use of deadly force.
(4) Interactions with law enforcement officers.
(5) Conflict resolution.
(6) Accident prevention.
(7) Unauthorized access prevention.
(8) Safe handling of a handgun.

D. State police shall maintain an online database of all licensed handgun and firearm instructors to allow the public to search for classes.

E. State police shall post prominently on its website all conditions required to be met to authorize the carrying of a concealed handgun without a valid concealed handgun permit pursuant to R.S. 14:95(M) and R.S. 40:1379.3(B)(2).

F.(1) The content, structure, accessibility, and all other related matters of the online handgun education shall be developed and promulgated by the Department of Public Safety and Corrections, office of state police, in accordance with the rules and regulations of the Administrative Procedure Act.

(2) In accordance with Paragraph (1) of this Subsection, the Department of Public Safety and Corrections, office of state police, shall divide the topics provided in Subsection C of this Section into eight video segments that shall broadcast for no less than fifteen minutes per segment.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State
