

# ACTS OF 2023

# LEGISLATURE

## Acts 185-260

### ACT No. 185

SENATE BILL NO. 22  
BY SENATOR WOMACK  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 3:1251 and to repeal R.S. 3:1252, 1253, 1254, and 1255, relative to soil conservation policy; to repeal provisions requiring Louisiana State University to administer federal soil conservation policy; to remove inactive programs; to provide for technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 3:1251 is hereby amended and reenacted to read as follows:  
§1251. Adoption of federal soil conservation policy  
**A.** It is hereby recognized and declared, as a matter of legislative determination that the public welfare of this state requires the cooperation of this state with other states and with the federal government in the accomplishment of the policy declared by the Congress of the United States in the Soil Conservation and Domestic Allotment Act, and particularly in Section 7(a) thereof, ~~to-wit~~ **including:**

- (1) ~~preservation~~ **Preservation** and improvement of soil fertility;
- (2) ~~promotion~~ **Promotion** of the economic use and conservation of land;
- (3) ~~diminution~~ **Diminution** of exploitation and wasteful and unscientific use of national soil resources;
- (4) ~~the~~ **The** protection of rivers and harbors against the result of soil erosion in aid of maintaining the navigability of waters and water courses and in aid of flood control; ~~and,~~
- (5) ~~re-establishment, at as rapid a rate as the Secretary of Agriculture determines to be practicable and in the general public interest, of the ratio between the purchasing power of the net income per person on farms and that of the income per person not on farms that prevailed during the five-year period August 1909-July 1914, inclusive, as determined from statistics available in the United States Department of Agriculture and the maintenance of such ratio. The powers conferred under Sections 7 to 14, inclusive, of this Act shall be used to assist voluntary action calculated to effectuate the purposes specified in this section. Such powers shall not be used to discourage the production of supplies of foods and fibers sufficient to maintain normal domestic human consumption as determined by the Secretary from the records of domestic human consumption in the years 1920 to 1929, inclusive, taking into consideration increased population, quantities of any commodity that were forced into domestic consumption by decline in exports during such period, current trend in domestic consumption and exports of particular commodities, and the quantities of substitutes available for domestic consumption within any general class of food commodities. In carrying out the purpose of this section due regard shall be given to the maintenance of a continuous and stable supply of agricultural commodities adequate to meet consumer demand at prices fair to both producers and consumers.~~

**B.** The Legislature of the State of Louisiana therefore accepts the provisions and requirements of the said Act, and adopts the policy thereof as the policy of the State of Louisiana and the purposes thereof as the purposes of this Part.

Section 2. R.S. 3:1252, 1253, 1254, and 1255 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 8, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

### ACT No. 186

SENATE BILL NO. 37  
BY SENATOR ALLAIN

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To enact R.S. 40:539(C)(8)(n), relative to employees of the Berwick Housing Authority; to provide that employees of the authority shall not be in the state civil service; 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. 40:539(C)(8)(n) is hereby enacted to read as follows:  
§539. Selection of chairman and vice chairman; executive director; hiring of employees

\* \* \*

C.

\* \* \*

(8)

\* \* \*

**(n) Notwithstanding any provision of Subparagraph (a) of this Paragraph or of any other law to the contrary, the Berwick Housing Authority shall not be considered an instrumentality of the state for purposes of Article X, Section 1(A) of the Constitution of Louisiana, and employees of the authority shall not be included in the state civil service.**

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 8, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

### ACT No. 187

SENATE BILL NO. 39  
BY SENATORS BOUDREAU, BARROW, HARRIS AND HENRY AND  
REPRESENTATIVES AMEDEE, BOYD, CARPENTER, COUSSAN,  
EDMONDS, HUGHES, JEFFERSON, MARCELLE, NEWELL, PIERRE,  
SELDERS AND WILLARD  
AN ACT

To amend and reenact the heading of Subpart O of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950 and to enact R.S. 39:100.62, relative to special funds; to create the Community Options Waiver Fund as a special fund in the state treasury; to provide for dedication of certain revenues and for the deposit and 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. The heading of Subpart O of Part II-A of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950 is hereby amended and reenacted and R.S. 39:100.62 is hereby enacted to read as follows:  
**SUBPART O. NEW OPPORTUNITIES WAIVER FUND FUNDS**

\* \* \*

**§100.62. Community Options Waiver Fund**  
**A. There is hereby created in the state treasury, as a special fund, the Community Options Waiver Fund, hereinafter referred to as the “fund”.**

**B. (1) The source of monies in the fund shall be as follows:**

**(a) In any fiscal year, after deposits required pursuant to R.S. 39:100.61, the state treasurer is directed to deposit twelve percent of the total of recurring state general fund revenue as recognized by the Revenue Estimating Conference in excess of the official forecast at the beginning of the current fiscal year, not to exceed fifty million dollars in any fiscal year, into the fund, and monies in the fund from this Subparagraph shall be used for appropriation in the ensuing fiscal year.**

**(b) Monies designated for the fund and received by the state treasurer from donations, gifts, grants, appropriations, or other revenue.**

**(2) Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.**

**(3) For the purposes of this Section, “waiver services” means Medicaid services provided under the Community Choices Waiver or the Adult Day Health Care Waiver or any other Medicaid home and community-based service for persons with adult-onset disabilities as promulgated by rule by the Louisiana Department of Health. The Louisiana Department of Health shall consult with stakeholders representing persons with adult-onset disabilities to develop a plan for appropriations out of the fund.**

**C. Subject to an appropriation by the legislature, monies in the fund shall be used solely to fund waiver services, to improve the capacity of the state to meet the varying and complex needs of individuals with adult-onset disabilities, and shall be administered by the Louisiana Department of Health. Such funding shall not be used to supplant appropriations from the general fund for waiver services. Nothing contained in this Subpart shall prohibit the legislature from appropriating additional monies for waiver services.**

Section 2. This Act shall become effective July 1, 2023. If vetoed by the governor and subsequently approved by the legislature, this Act shall

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

become effective on July 1, 2023, or on the day following such approval by the legislature, whichever is later.  
Approved by the Governor, June 8, 2023.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 188**  
---

SENATE BILL NO. 43  
BY SENATOR BOUIE  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 32:1252(25) through (27), (45), and (59) through (74) and to enact R.S. 32:1252(46)(c)(vii) and (75), relative to trolling motors; to provide for definitions; to provide relative to licensing requirements and exemptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 32:1252(25) through (27), (45), and (59) through (74) are hereby amended and reenacted and R.S. 32:1252(46)(c)(vii) and (75) are hereby enacted to read as follows:

§1252. Definitions  
The following words, terms, and phrases, when used in this Chapter, shall have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

(25) “Marine dealer” means any person who holds a bona fide contract or franchise with a manufacturer or distributor of marine products, except for **a either of the following:**

(a) ~~A~~ **A** person engaged in the business of renting or selling new or used watercraft or boats adapted to be powered only by an occupant’s energy, and who holds a license as a recreational products dealer pursuant to the provisions of this Chapter.

(b) **A person engaged in the business of renting or selling new or used trolling motors who otherwise would not be required to be licensed as any classification of dealer in accordance with the provisions of this Chapter.**

(26) “Marine motor” or “marine engine” means a motor that is a component of a marine product that is sold separately from a boat when delivered to the marine dealer by the distributor or manufacturer. **The term shall not include a trolling motor.**

(27) “Marine product” means a new or used watercraft, boat, marine motor, and a boat or watercraft trailer. The term also includes an outboard motor or a boat with an inboard/outboard motor attached to it. The term shall not ~~mean~~ **include any of the following:**

(a) ~~a~~ **A** watercraft or marine motor if the watercraft or marine motor is used primarily for commercial or government purposes ~~or~~.

(b) ~~a new~~ **A new** or used watercraft or boat adapted to be powered only by occupant’s energy.

(c) **A trolling motor.**

(45) “Recreational products” means new and unused motorcycles, all-terrain vehicles, marine products, recreational vehicles, and trailers as defined in this Chapter. **The term shall not include trolling motors.**

(46)  
(c) “Recreational products dealer” shall not include any of the following:

**(vii) Any person engaged in the business of renting or selling new or used trolling motors who otherwise would not be required to be licensed as any classification of dealer pursuant to the provisions of this Title.**

(59) **“Trolling motor” means any self-contained unit composed of an electric motor, propeller, and controls that may be affixed to a boat and that acts as a source, but not typically the primary source, of propulsion for the boat.**

(60) “Ultimate purchaser” means, with respect to any new motor vehicle, recreational product, or specialty vehicle, the first person, other than a dealer purchasing in his capacity as a dealer, who in good faith purchases such new motor vehicles, recreational products, or specialty vehicles for purposes other than resale. “Ultimate purchaser” shall not include a person who purchases a motor vehicle or recreational product for purposes of altering or remanufacturing the motor vehicle or recreational product for future resale.

(60)(a) **(61)(a)** “Used marine dealer” means any person, whose business is to sell, or offer for sale, display, or advertise used marine products, or any person who holds a license from the commission and is not excluded by Subparagraph (b) of this Paragraph.

(b) “Used marine dealer” shall not include any of the following:  
(i) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court.

(ii) Public officers while performing their official duties.  
(iii) Employees of persons, corporations, or associations defined as “used marine dealers” when engaged in the specific performance of their duties as such employees.

(iv) Mortgagees or secured parties as to sales of marine products constituting collateral on a mortgage or security agreement and who do not maintain a

used car lot or building with one or more employed marine product salesman.  
(v) Insurance companies who sell motor vehicles to which they have taken title as an incident of payments made under policies of insurance and who do not maintain a used car lot or building with one or more employed marine product salesman.

(vi) Used motor vehicle dealers licensed pursuant to R.S. 32:781 et seq.  
~~(61)~~ **(62)** “Used marine product” means a marine product, the legal title of which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

~~(62)~~ **(63)** “Used marine product facility” means any facility which is owned and operated by a licensee of the commission and offers for sale used marine products.

~~(63)~~ **(64)** “Used motorcycle or all-terrain vehicle” means a motorcycle or all-terrain vehicle, the legal title of which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

~~(64)~~ ~~(a)~~ **(65)(a)** “Used motorcycle or all-terrain vehicle dealer” means any person, whose business is to sell, or offer for sale, display, or advertise used motorcycles or all-terrain vehicles, or any person who holds a license from the commission and is not excluded by Subparagraph (b) of this Paragraph.

(b) “Used motorcycle or all-terrain vehicle dealer” shall not include any of the following:

(i) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court.

(ii) Public officers while performing their official duties.

(iii) Employees of persons, corporations, or associations enumerated in the definition of “used motorcycle or all-terrain vehicle dealer” when engaged in the specific performance of their duties as such employees.

(iv) Mortgagees or secured parties as to sales of motorcycles or all-terrain vehicles constituting collateral on a mortgage or security agreement and who do not maintain a used car lot or building with one or more employed motorcycle or all-terrain vehicle salesman.

(v) Insurance companies who sell motorcycles or all-terrain vehicles to which they have taken title as an incident of payments made under policies of insurance and who do not maintain a used car lot or building with one or more employed motorcycle or all-terrain vehicle salesman.

(vi) Used motorcycle or all-terrain vehicle dealers licensed pursuant to R.S. 32:781 et seq.

~~(65)~~ **(66)** “Used motorcycle or all-terrain vehicle facility” means any facility which is owned and operated by a licensee of the commission and offers for sale used motorcycles or all-terrain vehicles.

~~(66)~~ **(67)** “Used motor vehicle” means a motor vehicle, recreational product, or specialty vehicle, the legal title of which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

~~(67)~~ ~~(a)~~ **(68)(a)** “Used motor vehicle dealer” means any person, whose business is to sell, or offer for sale, display, or advertise used motor vehicles, recreational products, or specialty vehicles, or any person who holds a license from the commission and is not excluded by Subparagraph (b) of this Paragraph.

(b) “Used motor vehicle dealer” shall not include any of the following:  
(i) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court.

(ii) Public officers while performing their official duties.

(iii) Employees of persons, corporations, or associations enumerated in the definition of “used motor vehicle dealer” when engaged in the specific performance of their duties as such employees.

(iv) Mortgagees or secured parties as to sales of motor vehicles constituting collateral on a mortgage or security agreement and who do not maintain a used car lot or building with one or more employed motor vehicle salesman.

(v) Insurance companies who sell motor vehicles to which they have taken title as an incident of payments made under policies of insurance and who do not maintain a used car lot or building with one or more employed motor vehicle salesman.

(vi) Used motor vehicle dealers licensed pursuant to R.S. 32:781 et seq.  
~~(68)~~ **(69)** “Used motor vehicle facility” means any facility which is owned and operated by a licensee of the commission and offers for sale used motor vehicles, recreational products, or specialty vehicles.

~~(69)~~ **(70)** “Used recreational vehicle” means a recreational vehicle, the legal title of which has been transferred by a manufacturer, distributor, or dealer to an ultimate purchaser.

~~(70)~~ ~~(a)~~ **(71)(a)** “Used recreational vehicle dealer” means any person, whose business is to sell, or offer for sale, display, or advertise used recreational vehicles, or any person who holds a license from the commission and is not excluded by Subparagraph (b) of this Paragraph.

(b) “Used recreational vehicle dealer” shall not include any of the following:  
(i) Receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under the judgment or order of any court.

(ii) Public officers while performing their official duties.

(iii) Employees of persons, corporations, or associations enumerated in the definition of “used recreational vehicle dealer” when engaged in the specific performance of their duties as such employees.

(iv) Mortgagees or secured parties as to sales of recreational vehicles constituting collateral on a mortgage or security agreement and who do not maintain a used car lot or building with one or more employed recreational vehicle salesman.

(v) Insurance companies who sell recreational vehicles to which they have taken title as an incident of payments made under policies of insurance and

who do not maintain a used car lot or building with one or more employed recreational vehicle salesman.

(vi) Used recreational vehicle dealers licensed pursuant to R.S. 32:781 et seq.

~~(71)~~ **(72)** “Used recreational vehicle facility” means any facility which is owned and operated by a licensee of the commission and offers for sale used recreational vehicles.

~~(72)~~ **(73)** “Vehicle” means any motor vehicle, specialty vehicle, or recreational product subject to regulation by this Chapter.

~~(73)~~ **(74)** “Watercraft” means any contrivance used or designated for navigation on water, including but not limited to a personal watercraft as defined in R.S. 34:855.2.

~~(74)~~ **(75)** “Wrecker” means any motor vehicle equipped with a boom or booms, winches, slings, tilt beds, or similar equipment designed for towing or recovery of vehicles and other objects which cannot operate under their own power or for some reason must be transported by means of towing.

Approved by the Governor, June 8, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 189**

---

SENATE BILL NO. 57  
BY SENATOR FOIL  
AN ACT

To enact R.S. 33:9103(A)(6), relative to communications districts; to provide relative to the board of commissioners of the East Baton Rouge Parish Communications District; to provide for the membership and designation of members; 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. 33:9103(A)(6) is hereby enacted to read as follows:  
§9103. Board of commissioners; membership; qualifications and terms; powers; parish governing authority as district governing authority  
A.(1)(a)

\* \* \*  
\* \* \*

**(6) Notwithstanding any other provision of law to the contrary, any member of the board of commissioners on the East Baton Rouge Parish Communications District board may appoint a designee in the event the member cannot attend a meeting.**

\* \* \*

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 8, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 190**

---

SENATE BILL NO. 58  
BY SENATOR CONNICK  
AN ACT

To amend and reenact the introductory paragraph of R.S. 41:1215(B) and to enact R.S. 41:1215(B)(9) and (G), relative to public lands; to provide relative to the creation of a public benefit corporation by a political subdivision; to provide with respect to the length of any lease or sublease executed by a public corporation in Jefferson Parish; 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 introductory paragraph of R.S. 41:1215(B) is hereby amended and reenacted and R.S. 41:1215(B)(9) and (G) are hereby enacted to read as follows:

§1215. Opening of bids; execution of leases; exceptions; public benefit corporations; negotiated lease to nonprofit organizations

\* \* \*

B. For the purposes of this Part, a “public benefit corporation” is defined to be a nonprofit corporation formed pursuant to the general nonprofit corporation law of the state of Louisiana, except those formed pursuant to specific constitutional or statutory authority, by a political subdivision of the state of Louisiana through its chief executive officer for the purposes of owning, leasing, developing, and operating properties owned **or leased** by such political subdivision or by such public benefit corporation, including but not limited to planning, renovating, constructing, leasing, subleasing, managing, **improving, operating,** and promoting such properties, which activity is declared to constitute a public purpose, and which shall meet each of the following requirements:

\* \* \*

**(9) Notwithstanding the provisions of Paragraph (7) of this Subsection and R.S. 41:1217, any lease or sublease executed by a public benefit corporation under the provisions of this Part, in Jefferson Parish, shall be for a period not exceeding ninety-nine years and shall provide for a rental payable in cash in a lump sum or installments, at the discretion of the lessor.**

\* \* \*

**G. Notwithstanding the provisions of Subsection E of this Section and R.S. 41:1217, any lease or sublease executed by a public benefit corporation under the provisions of this Part, in Jefferson Parish, shall be for a period not exceeding ninety-nine years and shall provide for a rental payable in cash in a lump sum or installments, at the discretion of the lessor.**

Approved by the Governor, June 8, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 191**

---

SENATE BILL NO. 67  
BY SENATOR ROBERT MILLS  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 3:4351.2(B)(1), relative to forestry and agriculture; to provide with respect to the Louisiana Timber and Agriculture Transportation Group Self-Insurance Funds; to provide for the financial solvency; to require that certain financial documents be submitted; to provide with respect to the name of the fund; to direct the Louisiana State Law Institute to make technical changes; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:4351.2(B)(1) is hereby amended and reenacted to read as follows:

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

\* \* \*

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. **In lieu of an audited financial statement, the department may require that the fund submit necessary financial documents in a form and manner approved by the department to verify the combined net worth of those members or principals as required in Subsection A of this Section.**

\* \* \*

Section 2. The Louisiana State Law Institute is hereby authorized and directed to make the following changes:

A. Change the heading of Part IV-A of Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950 from “Louisiana Timber and Agriculture Transportation Group Self-Insurance Funds” to “Louisiana Agriculture Transportation Group Self-Insured Fund” to reflect the name of the fund in R.S. 3:4351.1(3).

B. In Part IV-A of Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950, change any reference from “a fund” to “the fund” in order to indicate that only one fund is authorized by this Part.

C. In R.S. 3:4351.6(A), change “R.S. 22:1571 et seq.” to “R.S. 22:1541 et seq.”

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 8, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 192**

---

SENATE BILL NO. 92  
BY SENATOR FESI AND REPRESENTATIVES AMEDEE, BEAULLIEU, COUSSAN, FREEMAN, KNOX, MAGEE AND WHITE Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.  
AN ACT

To enact R.S. 33:9352(D) and (E), relative to certain veterans’ memorial districts; to provide relative to powers and duties of the board of commissioners and the regional military museum foundation; to provide for an effective date;

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

and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 33:9352(D) and (E) are hereby enacted to read as follows:  
§9352. Board of commissioners; membership; meetings  
\* \* \*

D. Notwithstanding any other law to the contrary, the board of commissioners of a veterans’ memorial district in a parish with a population between one hundred five thousand and one hundred fifteen thousand, based on the latest federal decennial census, shall have the powers and duties of a veterans’ memorial district governing body as provided by law, with its primary purpose to supply a regional military museum and veterans memorial park, except that approval of the parish council shall first be obtained prior to any of the following actions by the board:

- (1) Adoption of an annual budget.
- (2) Purchase, sale, or encumbrance of immovable property.
- (3) Submission for voter approval of a proposed renewal or increase in ad valorem taxes.
- (4) Any other matter or action as determined by ordinance adopted by the parish council.

E. Notwithstanding any other law to the contrary, in a parish with a population between one hundred five thousand and one hundred fifteen thousand, based on the latest federal decennial census, the regional military museum foundation shall have the sole power to administer, operate, and maintain the regional military museum.

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 8, 2023.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

ACT No. 193

---

SENATE BILL NO. 169

BY SENATORS MIZELL, ABRAHAM, BARROW, BERNARD, BOUDREAUX, CLOUD, DUPLESSIS, FESI, FIELDS, HARRIS, HENRY, HENSGENS, KLEINPETER, MILLIGAN, ROBERT MILLS, PRICE, SMITH, STINE, TALBOT AND TARVER AND REPRESENTATIVES AMEDEE, BOYD, BRYANT, CARRIER, WILFORD CARTER, ECHOLS, EMERSON, FISHER, FREEMAN, GAROFALO, GLOVER, HILFERTY, HUGHES, ILLG, LAFLEUR, LARVADAIN, MARCELLE, NEWELL, ORGERON, SCHLEGEL, SELDERS, TARVER, THOMAS, THOMPSON, VILLIO AND WHITE  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 15:623(A), R.S. 40:1216.1(A)(2)(c) and (7) through (9), and R.S. 46:1802(7), 1807(B)(7), and 1822(C), to enact R.S. 15:624.1 and 46:1802(14) and to repeal R.S. 40:1216.1(A)(10), relative to DNA detection of sexual and violent offenders; to provide for mandatory testing of certain rape kits; to create a system to track the status of rape kits and to require all hospitals, law enforcement and district attorneys to participate; to provide for reporting of sexual assault data to certain government agencies; to provide for immunity; to provide payment to hospitals for forensic medical exams; to provide for crime victim reparations; to provide for identification; to provide for billing; to provide for medical services for sexual assault victims; to provide for public records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 15:623(A) is hereby amended and reenacted and R.S. 15:624.1 is hereby enacted to read as follows:

§623. Submission of sexual assault collection kits  
A. Within thirty days of receiving a sexual assault collection kit for a reported case involving an unknown suspect, the criminal justice agency shall submit the sexual assault collection kit to a forensic laboratory for testing.  
\* \* \*

§624.1. Submission of sexual assault collection kits  
A. The office of state police shall create and operate a statewide sexual assault collection kit tracking system. The office of state police may contract with public or private entities, including but not limited to private software and technology providers, for the creation and maintenance of the system.

- B. The statewide sexual assault collection kit tracking system shall:
- (1) Track the location status of the kits throughout the criminal justice process, including the initial collection performed at medical facilities, receipt and storage at law enforcement agencies, receipt and analysis at forensic laboratories, and storage or destruction after completion of analysis.
  - (2) Designate sexual assault collection kits as unreported or reported.
  - (3) Indicate whether a sexual assault collection kit contains biological materials collected for the purpose of forensic toxicological analysis.
  - (4) Allow medical facilities performing sexual assault forensic examinations, law enforcement agencies, prosecutors, the Louisiana State Police Crime Laboratory, all other forensic crime laboratories in the state, and other entities having custody of sexual assault collection kits to update and track the status

\* As it appears in the enrolled bill

and location of sexual assault collection kits.  
(5) Allow victims of sexual assault to anonymously track or receive updates regarding the status of their sexual assault collection kits.  
(6) Use electronic technology allowing continuous access.  
C. The office of state police may phase in initial participation according to region or volume of kits.

D. The office of state police may use a phased implementation process in order to launch the system and facilitate entry and use of the system for required participants. The office of state police may phase initial participation according to the region or volume. All entities, including law enforcement and healthcare providers having custody of sexual assault collection kits shall provide all required information to the tracking system and fully participate in the system no later than July 1, 2024. The office of state police shall submit a report on the current status and plan for launching the system, including the plan for phased implementation, to the Louisiana Sexual Assault Oversight Commission, the Senate Committee on Judiciary B, the House Committee on Administration of Criminal Justice, and the governor no later than January 1, 2024.

E. The office of state police shall submit an annual report on the statewide sexual assault collection kit tracking system to the Louisiana Sexual Assault Oversight Commission, the Senate Committee on Judiciary B, the House Committee on Administration of Criminal Justice, and the governor no later than July thirty-first of each year. The office of state police may make public the current report on its website. The report shall include the following:

- (1) The total number of sexual assault collection kits in the system statewide and by jurisdiction.
- (2) The total and semiannual number of sexual assault collection kits where forensic analysis has been completed statewide and by jurisdiction.
- (3) The number of sexual assault collection kits added to the system in the reporting period statewide and by jurisdiction.
- (4) The total and semiannual number of sexual assault collection kits where forensic analysis has been requested but not completed, statewide and by jurisdiction.
- (5) The average and median length of time for sexual assault collection kits to be submitted for forensic analysis after being added to the system, including separate sets of data for all sexual assault collection kits in the system statewide and by jurisdiction.
- (6) The average and median length of time for sexual assault collection kits added to the system in the reporting period statewide and by jurisdiction.
- (7) The total and semiannual number of sexual assault collection kits destroyed or removed from the system statewide and by jurisdiction.
- (8) The total number of sexual assault collection kits, statewide and by jurisdiction, where forensic analysis has not been completed and six months or more have passed since those sexual assault collection kits were added to the system.
- (9) The total number of sexual assault collection kits, statewide and by jurisdiction, where forensic analysis has not been completed and one year or more has passed since those sexual assault collection kits were added to the system.

F. For the purpose of the reports required by Subsection E of this Section, a sexual assault collection kit shall be assigned to the jurisdiction associated with the law enforcement agency anticipated to receive the sexual assault collection kit or otherwise have custody of the sexual assault collection kit.  
G. Any public agency or entity, including its officials or employees, and any hospital and its employees providing services to victims of sexual assault, shall not be held civilly liable for damages arising from any release of information or the failure to release information related to the statewide sexual assault collection kit tracking system, provided that the release was not grossly negligent.

H. The office of state police shall adopt rules as necessary to implement this Section.

I. For the purposes of this Section:  
(1) “Reported sexual assault collection kit” means a sexual assault collection kit where a law enforcement agency has received a related report or complaint alleging that a sexual assault or other crime occurred.  
(2) “Sexual assault collection kit” includes all evidence collected during a sexual assault medical forensic examination.  
(3) “Unreported sexual assault collection kit” means a sexual assault collection kit where a law enforcement agency has not received a related report or complaint alleging that a sexual assault has occurred.

Section 2. R.S. 40:1216.1(A)(2)(c) and (7) through (9) are hereby amended and reenacted to read as follows:

§1216.1. Procedures for victims of a sexually oriented criminal offense; immunity; regional plans; maximum allowable costs; definitions; documents requested by victim  
A.  
\* \* \*  
(2)  
\* \* \*

(c) Any evidence collected shall be assigned a code number and the hospital or healthcare provider that performed the forensic medical exam shall maintain code records for a period of at least one year from the date the victim is presented for treatment. The hospital or healthcare provider that performed the forensic medical exam shall assign the code number by affixing to the evidence container a code to be used in lieu of the victim’s identifying information to maintain confidentiality. The code number ~~is to~~ shall be used for identification should the victim later choose to report the incident. The

healthcare provider shall provide all information required by the statewide tracking system operated by the office of state police, pursuant to R.S. 15:624.1.

(7) ~~A~~ **The healthcare provider who performed the forensic medical exam and the healthcare facility shall** may submit a claim for payment of healthcare services rendered in for conducting a forensic medical exam for a victim of a sexually oriented offense to any of the following: directly to the Crime Victim Reparations Board to be paid in strict accordance with the provisions of R.S. 46:1822. A victim of a sexually oriented criminal offense shall not be billed directly or indirectly for the performance of any forensic medical exam. The provisions of this Paragraph shall not be interpreted or construed to apply to either of the following:

(a) **A healthcare provider billing for any medical services that are not specifically set forth in this Section or provided for diagnosis or treatment of the victim for injuries related to the sexual assault.** With the consent of the victim, to the victim's health insurance issuer. Notwithstanding any provision to the contrary, a health insurance issuer receiving a claim for covered healthcare services rendered in conducting a forensic medical exam shall waive any applicable deductible, coinsurance, and copay and the healthcare provider shall submit a claim to the Crime Victims Reparations Fund for satisfaction of any noncovered services. In addition, the health insurance issuer shall allow the victim to designate any address to be used for purposes of transmitting an explanation of benefits or allow the victim to designate that no explanation of benefits be generated or transmitted.

(b) **A victim of a sexually oriented criminal offense seeking reparations in accordance with the Crime Victims Reparations Act, R.S. 46:1801 et seq. for the costs for any medical services that are not specifically set forth in this Section or provided for the diagnosis or treatment of the victim for injuries related to the sexual assault.** The Louisiana Medicaid, Medicare, or Tricare programs, if the victim is enrolled as beneficiary of any of these programs.

(c) ~~If the victim does not consent to the healthcare provider submitting a claim to his or her health insurance issuer or the victim is not otherwise insured, the Crime Victims Reparations Board. The Crime Victims Reparations Board shall reimburse the healthcare provider in accordance with the provisions of R.S. 46:1822.~~

(8) ~~Except for those services specifically set forth in the provision of this Section, no other services shall be subject to the reimbursement or billing provisions of this Section and shall continue to be reimbursable under the ordinary billing procedures of the hospital or healthcare provider. In addition, a victim of a sexually oriented offense may seek reimbursement for these services through the Crime Victims Reparations Board.~~

(9) The department shall make available to every hospital and healthcare provider licensed under the laws of this state a pamphlet containing an explanation of the billing process for services rendered pursuant to this Section. Every hospital and healthcare provider shall provide a copy of the pamphlet to any person presented for treatment as a victim of a sexually oriented criminal offense.

~~(10)~~ **(9)(a)** The victim shall be provided with information about emergency contraception which shall be developed and made available electronically to all licensed hospitals in this state through the Louisiana Department of Health's website and by paper form upon request to the department.

(b) The treating healthcare provider shall inform the victim of the option to be provided emergency contraception at the hospital or healthcare facility and, upon the completion of a pregnancy test yielding a negative result, shall provide emergency contraception upon the request of the victim.

Section 3. R.S. 46:1802(7), 1807(B)(7), and 1822(C) are hereby amended and reenacted and R.S. 46:1802(14) is hereby enacted to read as follows:

§1802. Definitions

As used in this Chapter:

(7) "Healthcare provider" means either of the following:

(a) ~~A~~ **a** physician or other healthcare practitioner licensed, certified, registered, or otherwise authorized to perform specified healthcare services consistent with state law.

(b) ~~A facility or institution providing healthcare services, including but not limited to a hospital or other licensed inpatient center, ambulatory surgical or treatment center, skilled nursing facility, inpatient hospice facility, residential treatment center, diagnostic, laboratory, or imaging center, or rehabilitation or other therapeutic health setting.~~

**(14) "Healthcare facility" means a facility or institution providing healthcare services, including but not limited to a hospital or other licensed inpatient center, ambulatory surgical or treatment center, skilled nursing facility, inpatient hospice facility, residential treatment center, diagnostic, laboratory, or imaging center, or rehabilitation or other therapeutic health setting.**

§1807. Powers and duties of board; staff

B. In the performance of its powers and duties the board shall:

(7) Develop, adopt, and promulgate rules in the manner provided in the Administrative Procedure Act and in accordance with the provisions of R.S. 46:1806(B). The rules shall contain specific guidelines which shall establish the reasonable costs to be charged **reimbursed** for all healthcare services or expenses ancillary to a forensic medical examination ~~which shall not exceed~~

one thousand dollars for each case.

§1822. Forensic medical exams; reimbursement

**C. A request for reimbursement by a healthcare provider or healthcare facility for the performance of a forensic medical exam shall not constitute reparations and therefore shall be immediately payable and not require approval from the board as a condition of payment.** The board shall direct payment to be made to a healthcare provider or healthcare facility no later than ~~ninety~~ **thirty** calendar days from the date the attestation is submitted to the board by the healthcare provider or healthcare facility.

Section 4. R.S. 40:1216.1(A)(10) is hereby repealed.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

ACT No. 194

SENATE BILL NO. 210

BY SENATOR BOUDREAUX

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)

of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 37:1042(A), (B)(1), and (D)(1) and 1056(2), relative to the practice of optometry; to provide for membership of the Louisiana State Board of Optometry Examiners; to provide for continuing education; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1042(A), (B)(1), and (D)(1) and 1056(2) are hereby amended and reenacted to read as follows:

§1042. Louisiana State Board of Optometry Examiners; appointment; terms of members; protected action and communication

A. The Louisiana State Board of Optometry Examiners is created within the Louisiana Department of Health and is subject to the provisions of R.S. 36:803. The board shall consist of ~~five~~ **six** members who are actively licensed optometrists in good standing with the board and who have practiced optometry in this state for seven years and one consumer member **who shall be a representative of minority consumers.**

**B.(1)(a) One licensed optometrist member of the board shall be a minority appointee selected from the state at large and appointed by the governor. Any person interested in serving in this position may apply directly to the office of the governor.**

**(b)** One licensed optometrist member of the board shall be appointed by the governor from each of the five board districts in accordance with this Subsection. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

D.(1) Each appointment by the governor shall be subject to Senate confirmation. The term of each member shall be five years, except that no person shall be appointed to serve more than three full terms on the board, whether the service is consecutive or not. A vacancy occurring during the term of ~~a~~ **an optometrist** member shall be filled for the unexpired term by an optometrist possessing the qualifications for board membership, nominated and appointed in accordance with Subsection B of this Section. A vacancy in the consumer position shall be filled with another consumer.

§1056. Annual renewal of license to practice

All licensed optometrists shall annually:

**(2)(a) Accompany Except as provided in Subparagraph (b) of this Paragraph, accompany** the payment of the annual renewal fee with evidence satisfactory to the board of attendance and completion of twelve hours of continuing education pertaining to subjects required for licensing as set forth in R.S. 37:1051 or subjects pertaining to current visual and healthcare practices as are applicable to the practice of optometry.

**(b) If the licensee is authorized to diagnose and treat pathology and to use and prescribe therapeutic pharmaceutical agents, accompany the payment of the annual renewal fee with evidence satisfactory to the board of attendance and completion of sixteen hours of continuing education.**

**(c) Half of the required hours of continuing education shall pertain to ocular and systemic pharmacology and current diagnosis and treatment of ocular disease and shall be obtained through an in-person classroom setting.**

**(d) No licensee shall obtain more than six hours from online education sources.**

**(e) The continuing education required by this Paragraph shall be obtained, whether in-person or online, through any continuing education program that is one of the following:**

**(i) Offered by a nationally recognized optometric association.**

**(ii) Offered by a state affiliate of a nationally recognized optometric association or a regional council composed of state affiliates of a nationally recognized optometric association.**

**(iii) Offered by a school or college of optometry accredited by the American Optometric Association Accreditation Council on Optometric Education.**

**(iv) Accredited by a nationally recognized organization.**

**(f) All licensed optometrists who have attained the age of sixty years as of**

March 1, 1969, shall be exempt from this continuing education requirement.  
Approved by the Governor, June 8, 2023.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 195**

---  
SENATE BILL NO. 222  
BY SENATOR ALLAIN  
AN ACT

To enact R.S. 40:539(C)(8)(n), relative to employees of the Morgan City Housing Authority; to provide that employees of the authority shall not be in the state civil service; 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. 40:539(C)(8)(n) is hereby enacted to read as follows:  
§539. Selection of chairman and vice chairman; executive director; hiring of employees

\* \* \*

C.

\* \* \*

(8)

\* \* \*

(n) Notwithstanding any provision of Subparagraph (a) of this Paragraph or of any other law to the contrary, the Morgan City Housing Authority shall not be considered an instrumentality of the state for purposes of Article X, Section 1(A) of the Constitution of Louisiana, and employees of the authority shall not be included in the state civil service.

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 8, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 196**

---  
SENATE BILL NO. 223  
BY SENATOR MORRIS  
AN ACT

To enact R.S. 32:429(A)(3), relative to fees charged at the office of motor vehicles field offices; to authorize the governing authority of the city of West Monroe to levy a fee for each service or transaction carried out as an operation of the office of motor vehicles field office in the city of West Monroe; 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. 32:429(A)(3) is hereby enacted to read as follows:  
§429. Office of motor vehicles field offices; authorization of fees  
A.(1)

\* \* \*

\* \* \*

(3) The fee provided for in Paragraph (1) of this Subsection may be levied in an amount not to exceed eight dollars by the local governing authority of the city of West Monroe.

Approved by the Governor, June 8, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 197**

---  
SENATE BILL NO. 232  
BY SENATOR BARROW  
AN ACT

To enact R.S. 33:9097.37, relative to East Baton Rouge Parish; to create the Victoria Farms Crime Prevention and Improvement District; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding, including the authority to impose a parcel fee within the district, subject to voter approval; 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. 33:9097.37 is hereby enacted to read as follows:  
**§9097.37. Victoria Farms Crime Prevention and Improvement District**  
**A. Creation. There is hereby created within the parish of East Baton Rouge, as more specifically provided in Subsection B of this Section, a body politic and**

**corporate which shall be known as the Victoria Farms Crime Prevention and Improvement District, referred to in this Section as the “district”. The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.**

**B. Boundaries. The boundaries of the district are coterminous with the boundaries of the Victoria Farms Subdivision as established in the official subdivision plat filed with the clerk of court for East Baton Rouge Parish.**

**C. Purpose. The purpose of the district is to aid in crime prevention and to add to the security of the district residents by providing for an increase in the presence of law enforcement personnel in the district and to add to the overall betterment of the district by providing for beautification and other improvements within the district.**

**D. Governance. (1) The district shall be governed by a seven-member board of commissioners, referred to in this Section as the “board”. The board shall be composed as follows:**

**(a) The president of the Victoria Farms Homeowners Association.**

**(b) The board of directors of the Victoria Farms Homeowners Association shall appoint one member.**

**(c) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member.**

**(d) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member.**

**(e) The member of the governing authority of the city of Baton Rouge, parish of East Baton Rouge whose district encompasses all or the greater portion of the area of the district shall appoint one member.**

**(f) The assessor for the parish of East Baton Rouge shall appoint one member.**

**(g) The mayor-president for the city of Baton Rouge, parish of East Baton Rouge shall appoint one member.**

**(2) All members of the board shall be residents and qualified voters within the district.**

**(3)(a) Members appointed pursuant to Subparagraphs (1)(b) through (g) of this Subsection shall serve three-year terms after initial terms as provided in Subparagraph (b) of this Paragraph. Vacancies resulting from the expiration of a term or any other reason shall be filled in the manner of the original appointment. Members shall be eligible for reappointment.**

**(b) Two members shall serve an initial term of one year; two shall serve two years; and two shall serve three years as determined by lot at the first meeting of the board.**

**(c) The member serving pursuant to Subparagraph (1)(a) of this Subsection shall serve during his term of office.**

**(4) The board shall elect from its members a chairman, a vice chairman, a secretary, a treasurer, and such other officers as it deems necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.**

**(5) The secretary of the board shall maintain the minute books and archives of the district. The monies, funds, and accounts of the district shall be in the official custody of the board.**

**(6) The board shall adopt such bylaws as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the board relative to the notice and conduct of meetings shall conform to applicable law, including, if applicable, the Open Meetings Law. The board shall hold regular meetings as provided for in the bylaws and may hold special meetings at times and places within the district as prescribed in the bylaws.**

**(7) A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available through the secretary of the board.**

**(8) The members of the board shall serve without compensation but shall be reimbursed for their reasonable out-of-pocket expenses directly related to the governance of the district.**

**E. Powers and duties. The district, acting through its board, shall have the following powers and duties:**

**(1) To sue and be sued.**

**(2) To adopt, use, and alter at will a corporate seal.**

**(3) To receive and expend funds collected pursuant to Subsection F of this Section and in accordance with a budget adopted as provided by Subsection H of this Section.**

**(4) To enter into contracts with individuals or entities, private or public, for the provision of security patrols, improvement, or other programs in the district.**

**(5) To provide or enhance security patrols in the district; to provide for improved lighting, signage, or matters relating to the security of the district; to provide for improvements in the district; and to provide generally for the overall betterment of the district.**

**(6) To purchase, lease, rent, or otherwise acquire items, supplies, and services necessary or deemed appropriate for achieving any purpose of the district.**

**(7) To accept private grants and donations.**

**(8) To procure and maintain liability insurance against any personal or legal liability of a board member that may be asserted or incurred based upon service as a member of the board or that may arise as a result of actions taken within the scope and discharge of duties as a member of the board.**

**F. Parcel fee. The district may impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection.**

**(1) The fee shall be imposed by duly adopted resolution of the board. The fee shall be a flat fee not to exceed one hundred dollars per parcel per year.**

**(2) The fee shall be imposed on each improved and unimproved parcel located within the district. The owner of the parcel shall be responsible for payment of the fee.**

(3) For purposes of this Section, “parcel” means a lot, a subdivided portion of ground, an individual tract, or a “condominium parcel” as defined in R.S. 9:1121.103.

(4) The fee shall be imposed only after its imposition has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code.

(5) The term of the imposition of the fee shall be as provided in the proposition authorizing the fee, not to exceed ten years. The fee may be renewed if the renewal is approved by the voters in the manner provided in Paragraph (4) of this Subsection. If renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed ten years.

(6) The fee shall be collected at the same time and in the same manner as ad valorem taxes are collected for East Baton Rouge Parish. The tax collector shall collect and remit to the district all amounts collected not more than sixty days after collection; however, the district may enter into an agreement with the tax collector to authorize the retention of an annual collection fee, not to exceed one percent of the amount collected.

(7) Any parcel fee which is unpaid shall be added to the tax rolls of East Baton Rouge Parish and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

G. Additional contributions. The district may solicit, accept, and expend additional voluntary contributions and grants to carry out its purposes.

H. Budget. (1) The board shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act pursuant to R.S. 39:1301 et seq.

(2) The district shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

I. Miscellaneous provisions. (1) It is the purpose and intent of this Section that any additional law enforcement personnel and services provided for through the fees authorized in this Section shall be supplemental to, and not in lieu of, personnel and services to be provided in the district by publicly funded law enforcement agencies.

(2) If the district ceases to exist, any funds of the district shall be transmitted to the governing authority of the city of Baton Rouge, parish of East Baton Rouge, and shall be used for law enforcement purposes in the area which comprised the district.

J. Indemnification and exculpation. (1) The district shall indemnify its officers and board members to the fullest extent permitted by R.S. 12:227, as fully as if the district were a nonprofit corporation governed thereby, and as may be provided in the district's bylaws.

(2) No board member or officer shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages, for breach of his duties as a board member or officer, provided that this provision shall not eliminate or limit the liability of a board member or officer for any of the following:

(a) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.

(b) Any transaction from which he derived an improper personal benefit.

(3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S. 9:2792.1 through 2792.9, a person serving the district as a board member or officer shall not be individually liable for any act or omission arising out of the performance of his duties.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 198**

---  
**HOUSE BILL NO. 244**  
**BY REPRESENTATIVE BISHOP**  
**A JOINT RESOLUTION**

Proposing to amend Article VII, Section 10.15(E)(1) and (F) and to add Article VII, Section 10.15(G) of the Constitution of Louisiana, relative to the use of monies in the Revenue Stabilization Trust Fund; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article VII, Section 10.15(E) (1) and (F) and to add Article VII, Section 10.15(G) of the Constitution of Louisiana, to read as follows:

§10.15. Revenue Stabilization Trust Fund  
Section 10.15. Revenue Stabilization Trust Fund.

\* \* \*

(E)(1) Except as provided for in Paragraph ~~(F)~~ (G) of this Section, monies deposited into the Revenue Stabilization Trust Fund shall be permanently credited to the trust fund and shall be invested by the treasurer in a manner provided for by law.

\* \* \*

~~(F)(4)~~ Except as provided in Subparagraphs ~~(2) and (3)~~ Paragraph (G) of this Paragraph Section, no appropriations shall be made from the Revenue Stabilization Trust Fund.

~~(2)(a)~~ (G)(1) In any fiscal year in which the balance of the fund at the beginning of the year is in excess of five billion dollars, hereinafter referred to as the minimum fund balance, the legislature may appropriate an amount not to

exceed ten percent, in the aggregate, of the fund balance, hereinafter referred to as the allowable percentage, for the following: for capital outlay projects in the comprehensive state capital budget, transportation infrastructure, or both.

~~(i) Capital outlay projects in the comprehensive state capital budget.~~

~~(ii) Transportation infrastructure.~~

~~(b) The minimum fund balance or the allowable percentage may be changed by a law enacted by two-thirds of the elected members of each house of the legislature.~~

~~(3) In order to ensure the money in the fund is available for appropriation in an emergency the legislature may authorize an appropriation from the fund at any time for any purpose only after the consent of two-thirds of the elected members of each house of the legislature. If the legislature is not in session, the two-thirds requirement may be satisfied upon obtaining the written consent of two-thirds of the elected members of each house of the legislature in a manner provided by law.~~

(2) In addition to Subparagraph (1) of this Paragraph, monies in the Revenue Stabilization Trust Fund may be used as follows:

(a) If after the incorporation of the maximum allowable use of monies from the Budget Stabilization Fund into the official forecast for the next fiscal year, the official forecast for the next fiscal year is less than the official forecast money for the current fiscal year, the difference, not to exceed two hundred fifty million dollars, may be incorporated into the next fiscal year's official forecast.

(b) If after the appropriation of the maximum allowable use of monies from the Budget Stabilization Fund for the current fiscal year, a deficit for the current fiscal year is projected due to a decrease in the official forecast, an amount not to exceed two hundred fifty million dollars may be appropriated.

(c) The consent of two-thirds of the elected members of each house of the legislature shall be required prior to the utilization of any monies in the fund pursuant to the provisions of this Subparagraph. If the legislature is not in session, the two-thirds requirement may be satisfied upon obtaining the written consent of two-thirds of the elected members of each house of the legislature in a manner provided by law.~~(3) Notwithstanding any other provision of this Paragraph, any of the following may be changed by law enacted by two-thirds of the elected members of each house of the legislature:~~

~~(a) The minimum fund balance, the allowable percentage that may be withdrawn, or both, as provided in Subparagraph (1) of this Paragraph.~~

~~(b) The maximum amount that may be withdrawn as provided Subparagraph (2) of this Paragraph.~~

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 18, 2023.

Section 3. Be it further resolved that on the official ballot to be used at the election, there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment authorizing the legislature, after securing a two-thirds vote of each house, to use up to two hundred fifty million dollars from the Revenue Stabilization Trust Fund to alleviate a budget deficit subject to conditions set forth by law and allowing the legislature to modify such conditions for accessing the monies in the fund, subject to two-thirds vote? (Amends Article VII, Section 10.15(E)(1) and (F); Adds Article VII, Section 10.15(G))

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 199**

---  
**HOUSE BILL NO. 254**  
**BY REPRESENTATIVE THOMAS**  
**A JOINT RESOLUTION**

Proposing to repeal Article VII, Sections 4(D)(4)(b), 10.4, 10.10, and 10.12(B) and (C) and Article IX, Sections 9 and 10 of the Constitution of Louisiana, relative to special funds in the state treasury; to provide for the repeal of certain special funds; to provide for the transfer of remaining balances of such special funds; to provide for submission of the proposed amendments to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to repeal Article VII, Sections 4(D)(4)(b), 10.4, 10.10, and 10.12(B) and (C) of the Constitution of Louisiana.

Section 2. Be it further resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to repeal Article IX, Sections 9 and 10 of the Constitution of Louisiana.

Section 3. Be it further resolved that the state treasurer is hereby authorized and directed to transfer any remaining balances in the funds repealed by this Joint Resolution to the state general fund upon the adoption of the amendment contained in this Joint Resolution.

Section 4. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to

be held on November 18, 2023.

Section 5. Be it further resolved that on the official ballot to be used at the election, there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to remove provisions of the Constitution of Louisiana which created the following inactive special funds within the state treasury: Atchafalaya Basin Conservation Fund, Higher Education Louisiana Partnership Fund, Millennium Leverage Fund, Agricultural and Seafood Products Support Fund, First Use Tax Trust Fund, Louisiana Investment Fund for Enhancement and to provide for the transfer of any remaining monies in such funds to the state general fund? (Repeals Article VII, Sections 4(D)(4)(b), 10.4, 10.10, and 10.12(B) and (C) and Article IX, Sections 9 and 10)

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 200**

---  
**HOUSE BILL NO. 311**

BY REPRESENTATIVES MIGUEZ, AMEDEE, BAGLEY, BEAULLIEU, BUTLER, COUSSAN, CREWS, DESHOTEL, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FRIEMAN, GAROFALO, GOUDEAU, HODGES, HORTON, ILLG, MIKE JOHNSON, MACK, MCCORMICK, MCFARLAND, MUSCARELLO, ORGERON, CHARLES OWEN, RISER, SCHAMERHORN, SEABAUGH, TARVER, AND THOMPSON

**A JOINT RESOLUTION**

Proposing to add Article XI, Section 6 of the Constitution of Louisiana, to generally prohibit the use of funds and resources from a foreign government or a nongovernmental source for the conduct of elections and for the functions and duties established in the election code except under specified circumstances; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to add Article XI, Section 6 of the Constitution of Louisiana, to read as follows:

§6. Use of Monies, Goods, or Services for Conduct of Elections; Prohibitions  
Section 6. No funds, goods, or services donated by a foreign government or a nongovernmental source shall be used to conduct elections unless provided for in the election code and subject to restrictions provided by general law.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on October 14, 2023.

Section 3. Be it further resolved that on the official ballot to be used at the election, there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:Do you support an amendment to prohibit the use of funds, goods, or services from a foreign government or a nongovernmental source to conduct elections and election functions and duties unless the use is authorized by the secretary of state through policies established in accordance with law? (Adds Article XI, Section 6)

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 201**

---  
**SENATE BILL NO. 14**  
**BY SENATOR BERNARD**  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
**AN ACT**

To amend and reenact R.S. 40:964(Schedule D(E)(1)(i) and (iii) and (8) and (F) (1) through (8), (12), (17) through (22), and (24) through (29) and (Schedule V)(D)(6), to enact R.S. 40:964(Schedule D(A)(100) and (E)(14) through (16), (Schedule IV)(B)(58), and (Schedule V)(D)(7) and 989.1(C)(2)(nn), and to repeal R.S. 40:964(Schedule IV)(C), relative to the Uniform Controlled Dangerous Substances Law; to add certain substances to Schedules I, IV, and V; to remove substances from Schedule IV; to provide for updated structural language; to provide for unlawful hallucinogenic plants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:964(Schedule D(E)(1)(i) and (iii) and (8) and (F)(1) through (8), (12), (17) through (22), and (24) through (29) and (Schedule V)(D)(6) are hereby amended and reenacted and R.S. 40:964(Schedule D(A)(100) and (E) (14) through (16), (Schedule IV)(B)(58), and (Schedule V)(D)(7) and 989.1(C)(2) (nn) are hereby enacted to read as follows:

§964. Composition of schedules

Schedules I, II, III, IV, and V shall, unless and until added to pursuant to R.S. 40:962, consist of the following drugs or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

**SCHEDULE I**

A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, or salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation:

**(100) Zipeprol (1-methoxy-3-[4-(2-methoxy-2-phenylethyl) piperazin-1-yl]-1-phenylpropan-2-ol)**

E. Stimulants. Unless specifically excepted, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system including its salts, isomers, esters, or ethers and salts of isomers, esters, or ethers whenever the existence of such salts, isomers, esters, or ethers and salts of isomers, esters, or ethers is possible within the specific chemical designation:

(1) 2-amino-1-phenyl-1-propanone (cathinone) or variation in any of the following ways:

(i) By substitution ~~in~~ **on** the phenyl ring to any extent with ~~an~~ **an** alkyl, hydroxyl alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted ~~in~~ **on** the phenyl ring by one or more other univalent substituents.

(iii) By substitution at the 2-amino nitrogen atom with alkyl, **cycloalkyl**, dialkyl, benzyl, or methoxybenzyl groups, or by inclusion of the 2-amino nitrogen atom in a cyclic structure.

(8) Naphthylpyrovalerone whether or not further substituted ~~in~~ **on** the naphthyl ring to any extent with alkyl, alkoxy, alkylenedioxy, haloalkyl or halide substituents, whether or not further substituted ~~in~~ **on** the naphthyl ring by one or more other univalent substituents or whether or not further substituted ~~in~~ **on** the carbon chain at the 3, 4, or 5 position with an alkyl substituent.

**(14) Amineptine (7-[10,11-dihydro-5H-dibenzo [a,d]cyclohepten-5-yl)amino] heptanoic acid)**

**(15) Mesocarb (N-phenyl-N'-(3-(1-phenylpropan-2-yl)- 1,2,3-oxadiazol-3-ium-5-yl)carbamimidate)**

**(16) Methiopropamine (N-methyl-1-(thiophen-2-yl)propane-2-amine)**

F. Synthetic cannabinoids. Unless specifically excepted, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of a synthetic cannabinoid found to be in any of the following individual compounds or chemical groups, or any of those individual compounds or groups which contain any synthetic cannabinoid salts, isomers, salts of isomers, or nitrogen-heterocyclic analogs, whenever the existence of such salts, isomers, salts of isomers, or nitrogen-heterocyclic analogs is possible within the specific compounds or chemical groups:

(1) Adamantoylindoles: any compound containing a 3-(1-adamantoyl)indole structure, whether or not further substituted ~~in~~ **on** the indole ring to any extent or whether or not substituted ~~in~~ **on** the adamantyl ring to any extent.

(2) Adamantylamidoindoles: Any compound containing a N-(adamantyl)-1H-indole-3-carboxamide structure, whether or not further substituted ~~in~~ **on** the indole ring to any extent or whether or not substituted ~~in~~ **on** the adamantyl ring to any extent.

(3) Benzoylindoles: any compound containing a 3-(benzoyl)indole structure, whether or not substituted ~~in~~ **on** the indole ring to any extent or **whether or not substituted on** the phenyl ring to any extent.

(4) Benzylindolecarboxamides: Any compound containing a N-benzyl-1H-indole-3-carboxamide structure, whether or not further substituted ~~in~~ **on** the indole ring or **whether not substituted on** the phenyl ring to any extent.

(5) Butaldehydeamidoindoles: Any compound containing a N-(1-oxobutan-2-yl)-1H-indole-3-carboxamide structure, with or without substitution ~~in~~ **on** the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkoxy, aryl, aryl halide, ~~alkylarylhalide, cycloalkylmethyl, arylalkylhalide, cycloalkylmethyl,~~ cycloalkylethyl, alkenyl, haloalkenyl, aliphatic alcohol, hydroxyl, **halide**, morpholinoethyl, alkylmorpholinomethyl, alkylpiperidinylmethyl or a tetrahydropyranylmethyl group, whether or not further substituted on the butaldehyde group to any extent.

(6) Cumylindolecarboxamides: Any compound containing a N-(2-phenylpropane-2-yl)-1H-indole-3-carboxamide structure, with or without substitution ~~in~~ **on** the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkoxy, aryl, aryl halide, ~~alkylarylhalide, cycloalkylmethyl, arylalkylhalide, cycloalkylmethyl,~~ cycloalkylethyl, alkenyl, haloalkenyl, aliphatic alcohol, hydroxyl, **halide**, morpholinoethyl, alkylmorpholinomethyl, alkylpiperidinylmethyl or a tetrahydropyranylmethyl group, whether or not further substituted on the phenyl group to any extent.

(7) Cyclohexylphenols: any compound containing a 2-(3-hydroxycyclohexyl) phenol structure, whether or not substituted ~~in~~ **on** the cyclohexyl ring to any extent or **whether or not substituted on** the phenyl ring to any extent.

(8) Cyclopropanoylindoles: any compound containing a 3-(cyclopropanoyl) indole structure, whether or not substituted ~~in~~ **on** the indole ring to any extent or **whether or not substituted on** the cyclopropyl ring to any extent.

(12) Hexahydrodibenzopyrans whether or not substituted ~~in on~~ the tricyclic ring system to any extent except where contained in cannabis or cannabis resin.

\* \* \*

(17) Naphthoylindoles: any compound containing a 3-(1-naphthoyl)indole structure, whether or not substituted ~~in on~~ the indole ring to any extent or **whether or not substituted on** the naphthyl ring to any extent.

(18) Naphthoylpyrroles: any compound containing a 3-(1-naphthoyl)pyrrole structure, whether or not substituted ~~in on~~ the pyrrole ring to any extent or **whether or not substituted on** the naphthyl ring to any extent.

(19) Naphthylamidindoles: any compound containing a N-(naphthyl)-1H-indole-3-carboxamide structure, whether or not further substituted ~~in on~~ the indole ring to any extent or whether or not substituted ~~in on~~ the naphthyl ring to any extent.

(20) Naphthylindolecarboxylates: Any compound containing a naphthyl-1H-indole-3-carboxylate structure, whether or not further substituted ~~in on~~ the indole ring or **whether or not substituted on** the naphthyl ring to any extent.

(21) Naphthylmethylindenes: any compound containing a 1-(1-naphthylmethyl)indene structure, whether or not substituted ~~in on~~ the indene ring to any extent or **whether or not substituted on** the naphthyl ring to any extent.

(22) Naphthylmethylinindoles: any compound containing a 1-H-indol-3-yl-(1-naphthyl)methane structure, whether or not substituted ~~in on~~ the indole ring to any extent or **whether or not substituted on** the naphthyl ring to any extent.

\* \* \*

(24) Phenylacetylindoles: any compound containing a 3-phenylacetylindole structure, whether or not substituted ~~in on~~ the indole ring to any extent or **whether or not substituted on** the phenyl ring to any extent.

(25) Phenylindolecarboxamides: Any compound containing a N-phenyl-1H-indole-3-carboxamide structure, whether or not further substituted ~~in on~~ the indole ring or **whether or not substituted on** the phenyl ring to any extent.

(26) Phenylpropionaldehydeamidindoles: Any compound containing a N-(1-oxo-3-phenylpropan-2yl)-1H-indole-3-carboxamide structure, with or without substitution ~~in on~~ the indole ring by an alkyl, haloalkyl, cyanoalkyl, alkoxy, aryl, aryl halide, ~~alkylarylhalide, cycloalkylmethyl, arylalkylhalide, cycloalkylmethyl,~~ cycloalkylethyl, alkenyl, haloalkenyl, aliphatic alcohol, hydroxyl, **halide**, morpholinoethyl, alkylmorpholinomethyl, alkylpiperidinylmethyl or a tetrahydropyranylmethyl group, whether or not further substituted on the phenylpropionaldehyde group to any extent.

(27) Quinolinyndolecarboxamides: Any compound containing a N-quinolinyndyl-1H-indole-3-carboxamide or N-isoquinolinyndyl-1H-indole-3-carboxamide structure, whether or not further substituted ~~in on~~ the indole, quinoline or the isoquinoline ring to any extent.

(28) Quinolinyndolecarboxylates: any compound containing a quinolin-8-yl-1H-indole-3-carboxylate or isoquinolin-8-yl-1H-indole-3-carboxylate structure, whether or not further substituted ~~in on~~ the indole, quinoline, or isoquinoline ring to any extent.

(29) Tetrahydrodibenzopyrans whether or not substituted ~~in on~~ the tricyclic ring system to any extent except where contained in cannabis or cannabis resin.

\* \* \*

SCHEDULE IV

\* \* \*

B. Depressants.

Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following substances, including its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

\* \* \*

**(58) Daridorexant**

\* \* \*

SCHEDULE V

\* \* \*

D. Depressants. Unless specifically exempted or excluded or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts:

\* \* \*

**(6) Pregbalin Pregabalin**

**(7) Ganaxolone (3- -hydroxy-3- -methyl-5- -pregnan-20-one)**

\* \* \*

§989.1. Unlawful production, manufacture, distribution, or possession of hallucinogenic plants; exceptions

\* \* \*

C. For the purposes of this Section:

\* \* \*

(2) “Hallucinogenic plant” means any part or portion of any of the following:

\* \* \*

**(nn) Amanita pantherina.**

\* \* \*

Section 2. R.S. 40:964(Schedule IV)(C) is hereby repealed.

Section 3. The Louisiana State Law Institute is hereby authorized and directed to renumber the substances in R.S. 40:964(Schedule I)(A), (C), and (E), (Schedule IV)(B), and (Schedule V)(D) to ensure that the substances are in alphabetical order.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

ACT No. 202

---

SENATE BILL NO. 28

BY SENATOR CATHEY

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 3:3414.3(A), (B), (D), and (L) and to enact R.S. 3:3414.3(M) and (N), relative to grain sampling and grading; to provide for state certification of grain samplers and graders by the Louisiana Agricultural Commodities Commission; to require grain grading by a state or federally certified grader; to provide for suspension or revocation of a state certification; to require the commission to promulgate rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3414.3(A), (B), (D), and (L) are hereby amended and reenacted and R.S. 3:3414.3(M) and (N) are hereby enacted to read as follows: §3414.3. Grain sampling and grading

A. The commission by rule shall adopt standards for sampling and grading grain. The standards shall include tolerances for the interpretive element of grading. The standards shall be consistent with the standards adopted by the United States Department of Agriculture, **Federal Grain Inspection Service**, for sampling and grading grain. The commission shall provide copies of any changes in the standards to each grain dealer prior to the date the changes become effective.

B. **(1) Grain shall be graded by a state or federally certified grader.**

~~(2) The commission may certify~~ **shall certify** grain samplers and graders. The commission may conduct courses of instruction in the methods of sampling and grading grain in one or more locations throughout the state. Each person who displays an adequate knowledge of sampling and grading grain which is satisfactory to the commission shall be issued a certificate.

**(3) Grain samplers and graders may have their state certification suspended or revoked for failure to comply with the provisions of this Chapter or the rules and regulations adopted pursuant thereto by a ruling of the commission based upon an adjudicatory hearing held in accordance with the Administrative Procedure Act.**

\* \* \*

D. Each grain dealer who issues grades for grain shall retain each sample of grain received from a producer which is subject to excessive deductions. The commission by rule shall determine the level of deductions which are excessive for each type of grain. This determination shall include deductions for all causes and shall be based upon the numerical grades determined for each type of grain by the United States Department of Agriculture, **Federal Grain Inspection Service**. Samples of grain which are subject to excessive deductions shall be retained in separate containers and shall be retained for five days from the date the sample was graded.

\* \* \*

L. The department shall inspect, classify, and grade ~~all grain subject to this Subsection~~ **grain in accordance with standards adopted by the United States Department of Agriculture, Federal Grain Inspection Service, for sampling and grading grain**. The department may charge a fee for inspecting, classifying, and grading grain. The fee shall be fixed by the commission by rule and shall be based on the actual cost of providing the service. The provisions of this Subsection shall not apply to grain sold for export nor to inbound grain intended for export shipment.

**M.(1) The commission shall promulgate rules and regulations for the administration of this Section. All rules and regulations shall be promulgated in accordance with the Administrative Procedure Act.**

**(2) The commission shall commence the promulgation of rules and regulations no later than August 1, 2023.**

**N. The provisions of this Section shall not apply to rice.**

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 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

ACT No. 203

---

SENATE BILL NO. 70

BY SENATOR FIELDS AND REPRESENTATIVES ADAMS, BRYANT,  
CARPENTER, GLOVER, TRAVIS JOHNSON, JORDAN, LAFLEUR,  
LYONS, MARCELLE, PIERRE, SELDERS, THOMPSON AND WHITE

AN ACT

To enact R.S. 33:9038.75, relative to cooperative economic development in and around Southern University and Louisiana State University in East Baton Rouge Parish; to provide for the creation of special taxing districts for such purposes; to provide for the governance and powers and duties of such a district, including the authority to levy taxes and special assessments; to authorize such a district to incur debt and to pledge tax increments to repayment thereof; 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. 33:9038.75 is hereby enacted to read as follows:

**§9038.75. College economic development districts**

**A.(1) There is hereby created in East Baton Rouge Parish, in which Southern University and Louisiana State University are located, both hereafter in this Section referred to as a “college”, the Southern University Economic Development District and the Louisiana State University Economic Development District that includes property owned by either of these institutions to provide for cooperative economic and community development among the district, the college, the local governmental subdivision, the state, and the owners of property in the district. Hereafter in this Section, the terms “college economic development district” or “district” refer to a district created pursuant to this Section. Any college economic development district is a political subdivision of the state having all of the rights, powers, privileges, and immunities accorded by law and the Constitution of Louisiana to political subdivisions of the state, subject to the limitations provided in this Section.**

**B.(1)(a) Boundaries for the LSU Economic Development District. The LSU Economic Development District, referred to in this Section as “LSU EDD”, generally encompasses an area within the City of Baton Rouge, Louisiana, an area generally bounded to the north by Old South Baton Rouge, City Park, University Gardens Subdivision, to the south by Brightside Lane, to the west by the East Baton Rouge Parish line, and to the east by Stanford Avenue, West Parker Boulevard and Nicholson Drive, subject to, and less and except, the exclusions as defined below (“District Exclusions”), and being more fully described as follows:**

**Commence at a point which is the intersection of the westward projection of the LSU campus northern property line with the East Baton Rouge Parish line located in the Mississippi River, being the point of beginning; Thence proceed in an easterly direction along the northern boundary of the LSU campus property to its intersection with the east right of way line of the ICRR railroad; Thence proceed in a southeasterly direction along the east right of way line of the ICRR right of way line to a point within the Nicholson Gateway area, which point has Louisiana State Plane South Zone coordinates of X:3326534, Y:695397; Thence proceed through the Nicholson Gateway area N 84° 51’ E a distance of 291’ more or less to a point; Thence proceed through the Nicholson Gateway area N 07° 15’ W a distance of 432’ more or less to a point; Thence proceed through the Nicholson Gateway area N 71° 29’ E a distance of 168’ more or less to a point located on the west right of way line of Nicholson Drive; Thence proceed in a northerly direction along the west right of way line of Nicholson Drive to its intersection with the south right of way line of West Chimes Street; Thence proceed in an easterly direction along the south right of way line of West Chimes Street to its intersection with the east right of way line of Alaska Street, said point also being 20 feet east of the centerline of the street on the LSU campus commonly known as Cypress Drive; Thence proceed southerly and easterly direction on a line parallel to and north of the centerline of said Cypress Drive to its intersection with a point that is 20 feet north of the centerline of Cypress Drive at its intersection with Dalrymple Drive; Thence proceed in a northerly direction at a right angle to the centerline of Cypress Drive a distance of 20 feet to a point that is 40 feet north of the centerline of Dalrymple Drive; Thence proceed in an easterly direction along a line that is 40 feet north of and parallel to the centerline of Dalrymple Drive to a point located east of the southeast corner of the Pentagon Dormitory area, which point has Louisiana State Plane South Zone coordinates of X:3328695, Y:696758; Thence proceed in a northerly direction through the LSU campus property N 22° 46’ E a distance of 282 feet more or less to a point; Thence proceed in a northwesterly direction through the LSU campus property N 53° 57’ W a distance of 240 feet more or less to a point; Thence proceed in a northwesterly direction through the LSU campus property N 70° 58’ W a distance of 140 feet more or less to a point; Thence proceed in a northerly direction through the LSU campus property N 02° 17’ W a distance of 291 feet more or less to a point; Thence proceed in an easterly direction through the LSU campus property N 87° 34’ E a distance of 192 feet more or less to a point; Thence proceed in a southeasterly direction through the LSU campus property S 37° 03’ E a distance of 188 feet more or less to a point; Thence proceed in an easterly direction through the LSU campus property S 87° 19’ E a distance of 380 feet more or less to the southwest corner of Lot A-2-A of the former Antonio Lasavio Property; Thence proceed in an easterly direction along the south line of Lot A-2-A of the former Antonio Lasavio Property to the southeast corner of said Lot A-2-A of the former Antonio Lasavio Property; Thence proceed in a northerly direction along the east line of Lots A-2-A, A-2-B, A-2-C and A-2-D of the former Antonio Lasavio Property to the northeast corner of said Lot A-2-D of the former Antonio Lasavio Property; Thence proceed in a westerly direction along the north line of Lot A-2-D of the former Antonio Lasavio Property to the northwest corner of said Lot A-2-D of the former Antonio Lasavio Property; Thence proceed in a northerly direction along a line which is an extension of the westerly line of Lots A-2-A, A-2-B, A-2-C and A-2-D of the former Antonio Lasavio Property a distance of 115.12’ to a point; Thence proceed in an easterly direction along a line which is parallel to the northerly line of Lot A-2-D of the former Antonio Lasavio Property a distance of 330.59’ to a point which is the**

**east line of a former access servitude; Thence proceed in a southerly direction along a line which is parallel to the easterly line of Lot A-2-D of the former Antonio Lasavio Property, which line is the east line of a former access servitude to its intersection with the north right of way line of West State Street; Thence proceed in an easterly direction along the north right of way line of West State Street to the southeast corner of Tract A-2-A of the former Losavio Realty Property; Thence proceed in a northerly direction along the east line of said Tract A-2-A of the Losavio Realty Property to the northeast corner of said Tract A-2-A; Thence proceed in a westerly direction along the north line of said Tract A-2-A of the Losavio Realty Property to the northwest corner of said Tract A-2-A being the east right of way line of Spruce Lane; Thence proceed in a northerly direction along the east right of way line of Spruce Lane to the intersection of the south right of way line of Aster Street with the east right of way line of Spruce Lane; Thence proceed in a westerly direction along the south right of way line of Aster Street to its intersection with the east right of way line of Alaska Street; Thence proceed in a northerly direction along the east right of way line of Alaska Street to the southwest corner of Lot 7, Sq. G, University Terrace Subdivision; Thence proceed in an easterly direction along the south line of Lot 7, Sq. G, University Terrace to the southeast corner of Lot 7; Thence proceed in a northerly direction along the east line of Lots 1 thru 7, Sq. G, University Terrace Subdivision to the intersection with the south right of way line of West Roosevelt Street; Thence proceed in an easterly direction along the south right of way line of West Roosevelt Street to the northeast corner of University Terrace School; Thence proceed in a southerly direction along the east line of University Terrace School a distance of 464 feet more or less to the southwest corner of the Edward J. Gay Apartment Complex; Thence proceed in an easterly direction along the south line of the Edward J. Gay Apartment Complex a distance of 484 feet more or less to a point located 20 feet east of the centerline of Spruce Lane; Thence proceed in a northerly direction along a line that is 20 feet east of and parallel to the centerline of Spruce Lane a distance of 462 feet more or less to its intersection with the south right of way line of West Roosevelt Street; Thence proceed in an easterly direction along the south right of way line of West Roosevelt Street, extending across Highland Road to the east right of way line of Highland Rd; Thence proceed in a southeasterly direction along the east right of way line of Highland Road to the south line of Tract Z-0, South Baton Rouge; Thence proceed southeasterly along the south line of Tract Z-0, South Baton Rouge to a point which is on a line which is the northerly extension of the westerly line of Lot 12 Sq. A, Arbour Place; Thence proceed in a southeasterly direction along a line which is the northerly extension of the westerly line of Lot 12 Sq. A, Arbour Place to the northwest corner of Lot 12 Sq. A, Arbour Place; Thence proceed in a southwesterly direction along the north line of Arbour Place to the northwest corner of Lot 10 Sq. A, Arbour Place; Thence proceed in a southeasterly direction along the west line of Lot 10 Sq. A, Arbour Place to the north right of way line of East State Street; Thence proceed in a northeasterly direction along the north right of way line of East State Street to its intersection with the west right of way line of Dalrymple Drive; Thence proceed in a northeasterly direction along the west right of way line of Dalrymple Drive to the northeast corner of Lot A of Lot 27, Richland Plantation; Thence proceed in a westerly direction along the north line of Lot A and Lot B-2 of Lot 27, Richland Plantation to the southeast corner of Lot Y of the G.A. Peterkin property; Thence proceed in a northeasterly direction along the east line of Lot Y and Z of the G.A. Peterkin property to the south line of lot 8-A-1-A-1 Sq. 6, Lake Crest Subdivision; Thence proceed in a southeasterly direction along the south line of Lots 1 through 8-A-1-A-1-A Sq. 6, Lake Crest Subdivision to the west right of way line of Dalrymple Drive; Thence proceed in a northerly direction along the west right of way line of Dalrymple Drive to its intersection of the north edge of the westbound roadway of Interstate 10, as it existed in April of 2023; Thence proceed in a northwesterly direction along the northern edge of the westbound roadway of Interstate 10, as it existed in April of 2023, until its intersection with the northern edge of the Interstate 10 on-ramp from Dalrymple Drive, as it existed in April of 2023; Thence proceed in a northeasterly direction along the north right of way line of the Interstate 10 on-ramp from Dalrymple Drive as it existed in April of 2023 and its extension to its intersection with the west right of way line of Dalrymple Drive; Thence proceed in an easterly direction across Dalrymple Drive to a point which is 30 feet east of the centerline of Dalrymple Drive as it existed in April of 2023; Thence proceed in a southerly direction along a line which is 30 feet east of and parallel to the centerline of Dalrymple Drive as it existed in April of 2023 to a point having Louisiana State Plane South Zone coordinates of X=3332749, Y=701516; Thence proceed in an easterly direction N 88° 01’ E a distance of 32 feet more or less to a point on the existing water’s edge of City Park Lake as it existed in April of 2023; Thence proceed in a general southeasterly direction following along the various meanders of the water’s edge of City Park Lake as it existed in April of 2023, through and including the small adjoining lake commonly known as Lake Erie, continuing on through where City Park Lake connects with University Lake as they existed in April of 2023, continuing through University Lake (Excluding the peninsula that extends westward, into the University Lake, formerly known as the Hal Phillips property, commonly known as the Bird Sanctuary as it existed in April of 2023) on a line coincident with the existing adjacent East Lakeshore Drive roadway, continuing through to its intersection with the water’s edge adjacent to Stanford Ave, continuing along the water’s edge adjacent to the west right of way line of Stanford Ave, around the condominium formerly known as Stanford on the Point, to the water’s edge adjacent to South Lakeshore Drive, thence continuing westerly and then southerly around the peninsula which comprises Magnolia Ridge Subdivision, to its intersection with the west right of way line of Stanford Avenue; Thence**

\* As it appears in the enrolled bill

proceed in a southwesterly direction along the west right of way line of Stanford Avenue to its intersection with the south right of way line of West Lakeshore Drive; Thence proceed in a westerly direction along the south right of way line of West Lakeshore Drive to a point which intersects the northerly extension of the west right of way line of Princeton Avenue as it was originally platted in 1923; Thence proceed in a southwesterly direction along the west right of way line of Princeton Avenue as it was originally platted in 1923, to the original northeast corner of Lot 6 Sq. 14, College Town Subdivision; Thence proceed in a southwesterly direction thru College Lake to the most northerly corner of Lot 8 Sq. 14, College Town Subdivision; Thence proceed in a westerly direction along the northerly line of remaining portion of Lot 1 Sq. 14 College Town Subdivision to its intersection with the north right of way line of Harvard Avenue as it was originally platted; Thence proceed in a southwesterly direction with the north right of way line of Harvard Avenue as it was originally platted to the northeast corner of Le Havre Townhome Community; Thence proceed in a northwesterly direction along the north line of Le Harve Townhome Community to its intersection with the east right of way line of East Parker Boulevard; Thence proceed in a southwesterly direction along the east right of way line of East Parker Boulevard to its intersection with the north right of way line of Highland Road; Thence proceed in a southeasterly direction along the north right of way line of Highland Road to its intersection with the west right of way line of LSU Avenue; Thence proceed in a southwesterly direction across Highland Road to the southeast corner of the former Gulf Oil Corporation property located on the south side of Highland Road; Thence proceed in a southwesterly, then westerly, then northeasterly direction around the perimeter of the former Gulf Oil Corporation property and Tract A-1-A of a Portion of the Materiste property until it intersects with the south right of way line of Highland Road; Thence proceed in a northwesterly direction along the south right of way line of Highland Road until it intersects with the east right of way line of West Parker Boulevard; Thence proceed in a southwesterly direction along the east right of way line of West Parker Boulevard to its intersection with the north right of way line of Burbank Drive; Thence proceed in a southeasterly direction along the north right of way line of Burbank Drive across East Boyd Drive to its intersection with the east right of way line of East Boyd Drive; Thence proceed in a northeasterly direction along the east right of way line of East Boyd Drive to the most northerly corner of Lot 7 Block 12 University View Homesites; Thence proceed in a southeasterly direction along the north line of said Lot 7 Block 12 University View Homesites to the most easterly corner of said Lot 7 Block 12 University View Homesites; Thence proceed in a southwesterly direction along the east line of said Block 12 University View Homesites across Burbank Drive to the most southerly corner of Lot S Block 12 University View Homesites; Thence proceed in a northwesterly direction along the south line of said Lot S Block 12 University View Homesites to the southwest corner of said Lot S Block 12 University View Homesites located on the east right of way line of East Boyd Drive; Thence proceed in a westerly direction across East Boyd Drive to the southeast corner of Tract 2A-3 of the James T. Amiss Property, which is located on the west right of way line of East Boyd Drive; Thence proceed in a northwesterly direction along the southwesterly line of Tracts 2A-3 and 2A-2 of the said James T. Amiss Property to the most westerly corner of said Tract 2A-2 of the said James T. Amiss Property; Thence proceed in a northeasterly direction along the northwesterly line of Tracts 2A-2 of the said James T. Amiss Property to the most northerly corner of said Tract 2A-2 of the James T. Amiss Property, which is located on the south right of way line of Burbank Drive; Thence proceed in a northwesterly direction along the south right of way line of Burbank Drive to the most northerly corner of Tract 2A-1-A-1-A of the James T. Amiss Property; Thence proceed in a southerly, then westerly, then northwesterly direction of the south line of Tracts 2A-1-A-1-A and 2A-1-A-1-C-1 of the James T. Amiss Property to the most northerly corner of Tract 2A-1-A-1-C-2-B of the James T. Amiss Property; Thence proceed in a southeasterly direction along the east line of Tract 2A-1-A-1-C-2-B of the said James T. Amiss Property, continuing along the said line along its extension until it intersects the northerly line of Tract 2A-1-A-1-C-3-A-1-A-1 of the James T. Amiss Property; Thence proceed in a southwesterly direction along the north line of Tract 2A-1-A-1-C-3-A-1-A-1 of the James T. Amiss Property to the north right of way line of Nicholson Dr.; Thence proceed in a southeasterly direction along the north right of way line of Nicholson Dr. to the most southerly corner of Tract 2A-1-A-1-C-3-A-1-A-1 of the James T. Amiss Property; Thence proceed in a northeasterly direction along the east line of Tracts 2A-1-A-1-C-3-A-1-A-1 of the James T. Amiss Property to the most easterly corner of Tract 2A-1-A-1-C-3-A-1-A-1 of the said James T. Amiss Property; Thence continue in a southeasterly direction along the extension of the east line of Tract 2A-1-A-1-C-3-A-1-A-1 of the James T. Amiss Property to its intersection with the southeast line of Tract 2A-1-A-2-A-1-B-1 of the James T. Amiss Property; Thence proceed in a southwesterly direction along the southeast line of Tract 2A-1-A-2-A-1-B-1 of the James T. Amiss Property to the most northerly corner of Tract 2B-1-B of the James T. Amiss Property; Thence proceed in a southeasterly direction along the northeast line of Tracts 2B-1-B, 2B-1-C and Tract 1 of the James T. Amiss Property and its extension to the east right of way line of East Boyd Drive; Thence proceed in a southwesterly direction along the east right of way line of East Boyd Drive to the most northerly corner of Tracts 2-A-1 of the James T. Amiss Property; Thence proceed in a southeasterly direction along the northeast line of Tract 2-A-1 of the James T. Amiss Property to the most easterly corner of Tract 2-A-1 of the said James T. Amiss Property; Thence proceed in a southwesterly direction along the southeast line of Tract 2-A-1 of the James T. Amiss Property to the most northerly corner of Lot 1 University South Subdivision; Thence proceed in a southeasterly direction along the northeast line of Lot 1 University South Subdivision to a

point on the west right of way line of Jennifer Jean Drive; Thence proceed in a southwesterly direction along the west right of way line of Jennifer Jean Drive to its intersection with the east right of way line of Nicholson Drive; Thence proceed in a southeasterly direction along the east right of way line of Nicholson Drive to a point which is on a line of the extension of the north line of an existing drainage right of way located on the west side of Nicholson Drive, which line is also an extension of the most southerly line of Tigerland Acres Subdivision; Thence proceed in a westerly direction across Nicholson Drive along a line being the extension of the said north line of an existing drainage right of way located on the west side of Nicholson Drive, to the southeast corner of Tigerland Acres Subdivision; Thence proceed in a northerly direction along the easterly line of Lots 1 through 12 of Tigerland Acres Subdivision to the northeast corner of Lot 1, said Tigerland Acres Subdivision; Thence proceed in an easterly direction along the southerly line of Lot B-2 of Tigerland Acres Subdivision to the eastern corner of Tract X of Tigerland Acres Subdivision, said point being on the west right of way line of the Illinois Central Railroad right of way; Thence proceed in a northwesterly direction along the west right of way line of the Illinois Central Railroad right of way to the most northerly corner of Lot B-2 of Tigerland Acres Subdivision; Thence proceed in a southwesterly direction along the northerly line of Lot B-2 of Tigerland Acres Subdivision to a point on the east right of way line of Alvin Dark Avenue; Thence proceed in a northerly direction along the east right of way line of Alvin Dark Avenue to its intersection with the south right of way line of Bob Pettit Boulevard; Thence proceed in a northerly direction across Bob Pettit Boulevard to the southeast corner of Lot 60 Tigerland Acres Subdivision, said point being located on the north right of way line of Bob Pettit Boulevard; Thence proceed in a northerly direction along the east line of Lot 60 Tigerland Acres Subdivision to the northeast corner of said Lot 60 Tigerland Acres Subdivision; Thence proceed in a southwesterly direction along the north line Tigerland Acres Subdivision to the northwest corner of said Tigerland Acres Subdivision, said point being the northeast corner of the called 100 Ac tract, said tract comprising the Louisiana School for the Deaf; Thence proceed in a southwesterly then southerly direction along the north and west perimeter of the called 100 Ac tract, said tract comprising the Louisiana School for the Deaf to a point on the north line of the existing City of Baton Rouge Fire station No. 15; Thence proceed in a northwesterly then southwesterly direction along the perimeter of the property line of the existing City of Baton Rouge Fire station No. 15 to a point on the north right of way line of Brightside Drive; Thence proceed in a northwesterly direction along the north right of way line of Brightside Drive and its westward extension thereof to the East Baton Rouge Parish Line located in the Mississippi River; Thence proceed in a northerly direction along the East Baton Rouge Parish Line to the point of beginning.

(b) The following areas shall be excluded from the district:  
Commence at a point which is the northwest corner of Lot 8-A, Square E, Harbour Place Subdivision, which point is located on the south right of way line of East State Street; Thence proceed in a northeasterly direction along the south right of way line of East State Street to the northeast corner of Lot 3, Sq. 4, Louisiana Terrace Subdivision, said point is also on the property line of the LSU campus property; Thence proceed in a southerly direction along the east line of Louisiana Terrace Subdivision to the southeast corner of Lot 10 Sq. 4, Louisiana Terrace Subdivision; Thence proceed in a westerly direction along the south line of Lot 10 Sq. 4, Louisiana Terrace Subdivision to its intersection with the east right of way line of Carlotta Street; Thence proceed in a southerly direction along the east right of way line of Carlotta Street to the north line of the LSU Campus Property; Thence proceed in a westerly direction along the north line of the LSU campus property to a point having Louisiana State Plane South Zone coordinates of X:3331241, Y:697168; Thence proceed in a southerly direction through the LSU campus property S 02° 22' E a distance of 165 feet more or less to a point; Thence proceed in a westerly direction through the LSU campus property S 87° 41' W a distance of 152 feet more or less to a point; Thence proceed in a southerly direction through the LSU campus property S 02° 02' E a distance of 154 feet more or less to a point; Thence proceed in an easterly direction through the LSU campus property N 77° 36' E a distance of 139 feet more or less to a point; Thence proceed in a northerly direction through the LSU campus property N 01° 51' W a distance of 110 feet more or less to a point; Thence proceed in an easterly direction through the LSU campus property N 88° 48' E a distance of 165 feet more or less to a point; Thence proceed in a southerly direction through the LSU campus property S 01° 40' E a distance of 311 feet more or less to a point located 30 feet north of the centerline of Dalrymple Drive; Thence proceed in a westerly direction on a line parallel to and 30 feet north of the centerline of Dalrymple Drive to a point on the westerly line of the area commonly known as Fraternity Row, said point having Louisiana State Plane South Zone coordinates of X:3330524, Y:696768; Thence proceed in a northerly direction through the LSU campus property N 00° 02' E a distance of 106 feet more or less to a point; Thence proceed in a northeasterly direction through the LSU campus property N 25° 24' E a distance of 96 feet more or less to a point; Thence proceed in an easterly direction through the LSU campus property N 87° 52' E a distance of 122 feet more or less to a point; Thence proceed in a northerly direction through the LSU campus property N 02° 33' W a distance of 108 feet more or less to a point; Thence proceed in a westerly direction through the LSU campus property S 87° 51' W a distance of 144 feet more or less to a point; Thence proceed in a northerly direction through the LSU campus property N 01° 56' W a distance of 148 feet more or less to a point located on the south right of way line of East Chimes Street; Thence proceed in an easterly direction along the south right of way line of East Chimes Street to a point which is in line with the southerly extension of the west line of original Lot 6 of Campus Hill subdivision,

\* As it appears in the enrolled bill

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

(Now a portion of Tract VP-1); Thence proceed in a northerly direction along a line with the southerly extension of the west line of original Lot 6 of Campus Hill subdivision to the north line of Tract VP-1; Thence proceed in a westerly direction along the north line of Tract VP-1 to a point which is the most easterly corner of Lot X-1-A Sq. E Arbour Place; Thence proceed in a northerly then westerly direction along the north line of Lot X-1-A Sq. E Arbour Place, to a point being the southwest corner of Lot 11 Sq. E, said Arbour Place; Thence proceed in a northwesterly direction along the west line of Lots 10 and 11 Sq. E, Arbour Place to the southeast corner of Lot 3 Sq. E, Arbour Place; Thence proceed in a southwesterly direction along the south line of Lot 3 Sq. E Arbour Place to the east right of way line of Highland Rd; Thence proceed in a northerly direction along the east right of way line of Highland Rd. to the northwest corner of Lot 3 Sq. E Arbour Place; Thence proceed in a northeasterly direction along the north line of Lot 3 sq. E Arbour Place to the northeast corner of Lot 3 Sq. E Arbour Place; Thence proceed in a northwesterly direction along the west line of Lot 8-A Sq. E, Arbour Place to the south right of way line of East State Street, the actual Point of Beginning. Commence at a point that is 25 feet west of the centerline of Dalrymple Drive, having Louisiana State Plane South Zone coordinates of X=3331747, Y=697168, being adjacent to the intersection of east Fraternity Circle and Dalrymple Dr., the actual Point of Beginning; Thence proceed in a southerly direction along a line 25 feet west of and parallel to the centerline of Dalrymple Drive to a point 5 feet north of the north curb of East Fraternity Circle; Thence proceed in a westerly then northerly direction along a curved line that is 5 feet north of and parallel to the north curb of East Fraternity Circle to a point having Louisiana State Plane South Zone coordinates of X=3331550, Y=697086; Thence proceed in a northerly direction through the LSU campus property N 04° 57' E a distance of 30 feet more or less to a point; Thence proceed in a westerly direction through the LSU campus property N 84° 08' W a distance of 16 feet more or less to a point; Thence proceed in a northerly direction through the LSU campus property N 04° 17' E a distance of 63 feet more or less to a point; Thence proceed in an easterly direction through the LSU campus S 86° 26' E a distance of 206 feet more or less to a point 25 feet west of the centerline of Dalrymple Drive, the actual Point of Beginning. Commence at a point that is 30 feet north of the centerline of Dalrymple Drive, having Louisiana State Plane South Zone coordinates of X=3331621, Y=696759, the actual Point of Beginning; Thence proceed in a southwesterly direction curving along a line 30 feet north of and parallel to the centerline of Dalrymple Drive to a point having Louisiana State Plane South Zone coordinates X=3331466, Y=696682; Thence proceed in a northerly direction through the LSU campus property N 01° 39' W a distance of 121 feet more or less to a point; Thence proceed in a northeasterly direction through the LSU campus property N 58° 12' E a distance of 108 feet more or less to a point; Thence proceed in a southeasterly direction through the LSU campus property S 33° 10' E a distance of 122 feet more or less to a point on the north side of Dalrymple Drive, the actual Point of Beginning. Commence at a point that is 25 feet east of the centerline of Dalrymple Drive, having Louisiana State Plane South Zone coordinates of X=3331809, Y=697282, the actual Point of Beginning; Thence proceed in an easterly direction through the LSU campus property S 83° 54' E a distance of 462 feet more or less to a point located on the water's edge of University Lake as it existed in April of 2023; Thence proceed in a southeasterly direction along the meanders of the water's edge of University Lake as it existed in April of 2023 to a point having Louisiana State Plane South Zone coordinates of X=3332627, Y=696981; Thence proceed in a southwesterly direction through the LSU campus property along a line S 05° 13' W a distance of 207 feet more or less to a point located 25 feet north of the centerline of West Lakeshore Drive; Thence proceed in a northwesterly direction curving along a line 25 feet north of and parallel to the centerline of West Lakeshore Drive, The Roundabout and Dalrymple Drive to a point being 25 feet east of the centerline of Dalrymple Drive, the actual Point of Beginning; Commence at a point on the centerline of West Lakeshore Drive on the bridge which crosses the Corporation Canal having Louisiana State Plane South Zone coordinates of X=3332192, Y=694238, on the centerline of the canal as it existed in April of 2023, the actual Point of Beginning; Thence proceed in a westerly direction through the LSU campus property along a line S 84° 54' W a distance of 157 feet more or less to a point; Thence proceed in a northwesterly direction through the LSU campus property along a line N 26° 10' W a distance of 133 feet more or less to a point; Thence proceed in a northwesterly direction through the LSU campus property along a line N 79° 14' W a distance of 457 feet more or less to a point; Thence proceed in a northwesterly direction through the LSU campus property along a line N 69° 54' W a distance of 300 feet more or less to a point; Thence proceed in a southwesterly direction through the LSU campus property along a line S 81° 48' W a distance of 302 feet more or less to a point; Thence proceed in a westerly direction through the LSU campus property along a line N 85° 44' W a distance of 513 feet more or less to a point on the east side of Highland Road located 30 feet from the centerline of Highland Road; Thence proceed in a northerly direction on a line 30 feet east of and parallel to the centerline of Highland Road to a point having Louisiana State Plane South Zone coordinates of X=3330390, Y=695584, and being 30 feet east of the centerline of Highland Road; Thence proceed in an easterly direction through the LSU campus property along a line N 89° 01' E a distance of 723 feet more or less to a point 30 feet east of the centerline of East Campus Drive; Thence proceed in a northerly direction along a line 30 feet east of and parallel to the centerline of East Campus Drive N 02° 43' W a distance of 276 feet more or less to a point on the approximate centerline of an access drive; Thence proceed in an easterly direction along the approximate centerline of an access drive N 87° 47' E 600 feet more or less to a point; Thence proceed in a southerly direction along the approximate easterly edge of an

access drive S 02° 23' E a distance of 651 feet more or less to a point in the centerline of South Campus Drive; Thence proceed in an easterly direction along the approximate centerline of South Campus Drive N 87° 45' E a distance of 272 feet more or less to a point located on the centerline of the bridge which crosses the Corporation Canal, having Louisiana State Plane South Zone coordinates of X=3332000, Y=695255, to the centerline of the canal as it existed in April of 2023; Thence proceed in a southerly direction along the centerline of Corporation Canal as it existed in April of 2023 to its intersection with the centerline of the bridge over West Lakeshore Drive, the actual Point of Beginning. Commence at a point on the east side of Dalrymple Drive located 30 feet from the centerline of Dalrymple Drive said point being on the water's edge of University Lake as it existed in April of 2023, having Louisiana State Plane South Zone coordinates of X=3332074, Y=698359, the actual Point of Beginning; Thence proceed along the meanders of the water's edge of University Lake as it existed in April of 2023 in a southeasterly, then southerly, then southwesterly direction to a point which is on the south line of original lot 27 of Richland Plantation, said point also being on the north line of the LSU campus property, having Louisiana State Plane South Zone coordinates of X=3332210, Y=697929; Thence proceed in westerly direction along the north line of the LSU Campus property N 84° 50' W a distance of 328 feet more or less to a point located 30 feet east of the centerline of Dalrymple Drive; Thence proceed in a northeasterly direction curving along a line 30 feet east of and parallel to the centerline of Dalrymple Drive to a point located 30 feet east of the centerline of Dalrymple Drive, the actual Point of Beginning. Commence at a point which is the intersection of the west right of way line of West Parker Boulevard with the north right of way line of Burbank Drive, the actual Point of Beginning; Thence proceed in a northwesterly direction along the north right of way line of Burbank Drive to the centerline of the Bayou Fountain drainage canal as it existed in April of 2023; Thence proceed in a northwesterly direction along the centerline of the Bayou Fountain drainage canal as it existed in April of 2023 to the south right of way line of Gourrier Avenue; Thence proceed in a southeasterly direction along the south right of way line of Gourrier Avenue to a point having Louisiana State Plane South Zone coordinates of X=3330266, Y=692237; Thence proceed in a northerly direction across Gourrier Avenue and then through the LSU campus property N 08° 25' E a distance of 173 feet more or less to a point; Thence proceed in a southeasterly direction through the LSU campus property S 80° 23' E a distance of 318 feet more or less to a point; Thence proceed in a southwesterly direction through the LSU campus property and then across Gourrier Avenue S 10° 21' W a distance of 173 feet more or less to a point on the south right of way line of Gourrier Avenue; Thence proceed in a southeasterly direction along the south right of way line of Gourrier Avenue to its intersection with the west right of way line of West Parker Boulevard; Thence proceed in a southwesterly direction along the west right of way line of West Parker Boulevard to its intersection with the north right of way line of Burbank Drive, the actual Point of Beginning; Commence at a point on the west side of West Lakeshore Drive located 25 feet from the centerline of West Lakeshore Drive, having Louisiana State Plane South Zone coordinates of X=3332969, Y=695815, the actual Point of Beginning; Thence proceed in a southwesterly direction through the LSU campus property S 66° 51' W a distance of 163 feet more or less to a point; Thence proceed in a southeasterly direction through the LSU campus property S 27° 10' E a distance of 289 feet more or less to a point; Thence proceed in a southeasterly direction through the LSU campus property S 14° 43' E a distance of 192 feet more or less to a point; Thence proceed in a southeasterly direction through the LSU campus property S 10° 04' E a distance of 78 feet more or less to a point; Thence proceed in a northeasterly direction through the LSU campus property N 74° 03' E a distance of 89 feet more or less to a point; Thence proceed in a northwesterly direction through the LSU campus property N 15° 57' W a distance of 42 feet more or less to a point; Thence proceed in a northeasterly direction through the LSU campus property N 74° 03' E a distance of 105 feet more or less to a point on the west side of West Lakeshore Drive located 25 feet west of the centerline of West Lakeshore Drive; Thence proceed in a northwesterly direction on a curved line that is 25 feet west of and parallel to the centerline of West Lakeshore Drive, to a point, the actual Point of beginning. Commence at a point on the west side of West Lakeshore Drive located 25 feet west of the centerline of West Lakeshore Drive, having Louisiana State Plane South Zone coordinates of X=3333224, Y=695197, the actual Point of Beginning; Thence proceed in a southwesterly direction through the LSU campus property S 72° 57' W a distance of 203 feet more or less to a point; Thence proceed in a southeasterly direction through the LSU campus property S 10° 04' E a distance of 130 feet more or less to a point; Thence proceed in a southeasterly direction through the LSU campus property S 21° 34' E a distance of 262 feet more or less to a point; Thence proceed in a northeasterly direction through the LSU campus property N 72° 09' E a distance of 185 feet more or less to a point; Thence proceed in a northwesterly direction on a curved line that is 25 feet west of and parallel to the centerline of West Lakeshore Drive to a point that is located 25 feet west of the centerline of West Lakeshore Drive, the actual Point of beginning. Commence at a point on the west side of West Lakeshore Drive located 25 feet west of the centerline of West Lakeshore Drive, having Louisiana State Plane South Zone coordinates of X=3333339, Y=694776, the actual Point of Beginning; Thence proceed in a southwesterly direction through the LSU campus property S 72° 11' W a distance of 171 feet more or less to a point; Thence proceed in a southeasterly direction through the LSU campus property S 17° 30' E a distance of 128 feet more or less to a point; Thence proceed in a southwesterly direction through the LSU campus property S 75° 59' W a distance of 114 feet more or less to a point; Thence proceed in a northwesterly direction through the LSU campus property N 15° 01' W a distance of 113 feet more or less to a point;

\* As it appears in the enrolled bill

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

Thence proceed in a southwesterly direction through the LSU campus property S 72° 12' W a distance of 678 feet more or less to a point the east side of South Campus Drive located 15 feet east of the centerline of South Campus Drive; Thence proceed in a southwesterly direction on a curved line that is 15 feet east of and parallel to the centerline of South Campus Drive to a point that is located 25 feet north of the centerline of West Lakeshore Drive; Thence proceed in an easterly then northwesterly direction on a curved line that is 25 feet north and west of and parallel to the centerline of West Lakeshore Drive to a point that is located 25 feet west of the centerline of West Lakeshore Drive, the actual Point of beginning. Commence at a point which is the on the north right of way line of West Chimes St at the southwest corner of Lot 2, Campanile View, the point of beginning; Thence proceed in a northerly direction to the northwest corner of Lot 2, Campanile View; Thence proceed in an easterly direction along the north line of Lots 2 through 13-A Campanile View to the northeast corner of Lot 13-A, Campanile View; Thence proceed in a southerly direction along the east line of Lot 13-A Campanile View to the north right of way line of West Chimes St; Thence proceed along the north right of way line of West Chimes St to the southwest corner of Lot 2 Campanile View, the point of beginning.

(c) Notwithstanding anything to the contrary in the property descriptions provided in Subparagraphs (a) and (b) of this Paragraph, whether specifically identified or not, no portion of the LSU EDD shall include any tract of land that is used for residential purposes, except for hotels, motels, inns or bed and breakfasts for temporary occupancy, in any form or fashion, including, without limitation, private or public homes, residences, housing, dwellings, apartments, studios, flats, townhomes, condominiums, cooperatives, residential rooms, residential beds, dormitories, student residences and housing, student apartments, fraternity houses, sorority houses, student residential quarters or other form or housing, as of the effective date of this Act, individually and collectively “Residential Properties”. All Residential Properties are deemed District Exclusions. In the event that the description of the LSU EDD set forth above includes any of the District Exclusions, such District Exclusion shall not be considered as a component of the LSU EDD.

(2)(a) The Southern University Economic Development District, referred to in this Section as “SU EDD”, encompasses an area within the Parish of East Baton Rouge, Louisiana generally bounded to the north by the northern line of Township 6 South, Range 1 West, Greensburg Land District, Louisiana and Baton Rouge Barge Canal Road, to the south by Choctaw Drive, to the west by the Mississippi River, and to the east by Scenic Highway, and Kansas City Southern Rail subject to, and less and except, the exclusions as defined below (“District Exclusions”), and being more fully described as follows:

Commence at the point of intersection of the northern line of Township 6 South, Range 1 West, Greensburg Land District, Louisiana and the western limits of East Baton Rouge Parish, being within the Mississippi River; thence easterly along the northern line of Township 6 South, Range 1 West, Greensburg Land District, Louisiana to the intersection of the northwest right-of-way of Baton Rouge Barge Canal Road; thence northeasterly along said right-of-way of Baton Rouge Barge Canal Road and across Scenic Highway to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway approximately 477 feet to a point, being the south boundary of Shady Acres subdivision; thence northeasterly along said boundary of Shady Acres subdivision to the intersection of the west boundary of Lot 80 of Shady Acres subdivision; thence north northeasterly along the west boundary of Lot 80 of Shady Acres subdivision to the intersection of south right-of-way of Rafe Meyer Road; thence easterly along said right-of-way of Rafe Meyer Road and continue across Scotland-Zachary Highway to the intersection of the east right-of-way of Scotland-Zachary Highway; thence southwesterly along said right-of-way of Scotland-Zachary Highway to the intersection of the south right-of-way of Blount Road; thence southwesterly along said right-of-way of Blount Road to the intersection of the east right-of-way of Scenic Highway; thence turning approximately 116 degrees to the right and continue northwesterly across Blount Road and along said right-of-way of Scenic Highway approximately 1690 feet to a point; thence turning approximately 94 degrees to the left and continue southwesterly across Scenic Highway and along the south boundary of Tract 1-A of Highland Farms to the intersection of the east right-of-way of Kansas City Southern Rail; thence northwesterly along said right-of-way of Kansas City Southern Rail approximately 113 feet to a point; thence turning approximately 67 degrees to the left and continue westerly across Kansas City Southern Rail to the intersection of the west right-of-way of Kansas City Southern Rail and north boundary of Crestworth 2nd Filing subdivision; thence continue westerly along north boundary of Crestworth 2nd Filing subdivision to the intersection of the west boundary of Crestworth 2nd Filing subdivision; thence southerly and southwesterly along the west boundaries of Crestworth 2nd Filing, Crestworth 1<sup>st</sup> Filing, and Highland Farms subdivisions to the intersection of the north boundary of Tract NWWTP; thence easterly along the north boundary of Tract NWWTP, across Avenue M and to the intersection of the west right-of-way of Avenue L; thence southerly along the west right-of-way of Avenue L being common with the boundary of Tract NWWTP to the intersection of the south right-of-way of Woodpecker Street; thence easterly along the south right-of-way of Woodpecker Street being common with the boundary of Tract NWWTP to the intersection of the west right-of-way of Avenue K; thence southerly along the west right-of-way of Avenue K being common with the boundary of Tract NWWTP to the intersection of the south right-of-way of Mills Avenue being the northern boundary of Southern University; thence easterly along the south right-of-way of Mills Avenue and across Kansas City Southern Rail to the intersection of the east right-of-way of Kansas City Southern Rail; thence southeasterly along said right-of-way of Kansas City Southern Rail to the

intersection of the north right-of-way of W.K. Gordon Street; thence northeasterly along said right-of-way of W.K. Gordon Street and across Scenic Highway to the intersection of the east right-of-way of Scenic Highway; thence northwesterly along said right-of-way of Scenic Highway to the intersection of the south right-of-way of Rosenwald Road; thence easterly along said right-of-way of Rosenwald Road being common with the north boundary of Lot 94-X of North Baton Rouge subdivision to the northeast corner of said Lot 94-X; thence turning approximately 90 degrees to the right and continue southerly along the east boundary of Lots 94-X, 94-Y and 94 of North Baton Rouge subdivision to the southeast corner of said Lot 94; thence turning approximately 90 degrees to the right and continue westerly along the south boundary of said Lot 94 to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway approximately 267 feet to a point; thence turning approximately 86 degrees to the right and continue southwesterly across Scenic Highway and along the north right-of-way of Mallard Street being common with the south boundary of Lot 22, Block 3 of Scotland Heights subdivision to the southwest corner of said Lot 22; thence turning approximately 90 degrees to the right and continue northwesterly along the west boundary of Lots 22, 21 and 20, Block 3 of Scotland Heights subdivision to the northwest corner of said Lot 20; thence turning approximately 90 degrees to the right and continue northeasterly along the north boundary of said Lot 20 to the intersection of the west right-of-way of Scenic Highway; thence northwesterly along said right-of-way of Scenic Highway to the intersection of the south right-of-way of W.K. Gordon Street; thence southwesterly along said right-of-way of W.K. Gordon Street to the intersection of the east right-of-way of Kansas City Southern Rail; thence southeasterly along said right-of-way of Kansas City Southern Rail to the intersection of the north right-of-way of Harding Boulevard; thence easterly along said right-of-way of Harding Boulevard to the intersection of the east right-of-way of CN Rail; thence northeasterly along said right-of-way of CN Rail to the intersection of the west right-of-way of Scenic Highway; thence northwesterly along said right-of-way of Scenic Highway to the intersection of the north right-of-way of Swan Avenue; thence westerly along said right-of-way of Swan Avenue, being common with the south boundary of Lot B, Block 9 of University City subdivision, to the southwest corner of said Lot B; thence turning approximately 90 degrees to the right and continue northerly along the west boundary of Lots B, A and 3 Block 9 of University City subdivision to the intersection of the south right-of-way of Osprey Avenue; thence easterly along said right-of-way of Osprey Avenue to the intersection of the west right-of-way of Scenic Highway; thence northwesterly along said right-of-way of Scenic Highway approximately 356 feet to a point; thence turning approximately 66 degrees to the right and continue westerly across Scenic Highway and along the south right-of-way of Robin Street being common with the north boundary of Lots 1 and 9-A, Block 7 of North Baton Rouge subdivision to the northeast corner of said Lot 9-A; thence turning approximately 80 degrees to the right and continue southwesterly along the east boundary of said Lot 9-A to the southeast corner of said Lot 9-A; thence turning approximately 101 degrees to the right and continue westerly along the south boundary of Lots 9-A and 2-A, Block 7 of North Baton Rouge subdivision to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway to the intersection of the south right-of-way of Swan Avenue; thence easterly along said right-of-way of Swan Avenue, being common with the north boundary Lot 1, Block 2 of North Baton Rouge subdivision to the northeast corner of said Lot 1; thence turning approximately 90 degrees to the right and continue southerly along the east boundary of Lots 1, 2, 3, 4, 5 and 6, Block 2 of North Baton Rouge subdivision to the north right-of-way of Snipe Street; thence easterly along said right-of-way of Snipe Street approximately 80 feet to a point; thence turning approximately 92 degrees to the right and continue southerly across Snipe Street and along the east boundary of Lots 1, 2 and 3, Block 1 of North Baton Rouge subdivision to the southeast corner of said Lot 3; thence turning approximately 91 degrees to the left and continue easterly along the north boundary of Lots 4 and 13, Block 1 of North Baton Rouge subdivision to the northeast corner of said Lot 13; thence turning approximately 91 degrees to the right and continue southerly along the east boundary of said Lot 13 and across Fairchild Street to the intersection of the south right-of-way of Fairchild Street; thence easterly along said right-of-way of Fairchild Street being common with the north boundary of Lot 1, Block 1 of Moreco subdivision to the northeast corner of said Lot 1; thence turning approximately 90 degrees to the right and continue southerly along the east boundary of said Lot 1 to the southeast corner said Lot 1; thence turning approximately 90 degrees to the right and continue westerly along the south boundary of said Lot 1 to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway to the intersection of the north boundary of Lot 4, Block 1 of Moreco subdivision; thence easterly along the north boundary of said Lot 4 to the northeast corner of said Lot 4; thence turning approximately 90 degrees to the right and continue southerly along the east boundary of Lots 4, 5 and 6, Block 1 of Moreco subdivision and across Curtis Street to the intersection of the south right-of-way of Curtis Street; thence easterly along said right-of-way of Curtis Street being common with the north boundary of Lots 1, 37 and 36, Block 2 of Moreco subdivision to the northeast corner of said Lot 36; thence turning approximately 90 degrees to the right and continue southerly along the east boundary of said Lot 36 to the southeast corner of said Lot 36; thence turning approximately 90 degrees to the left and continue easterly along the north boundary of Lots 8 through 21-A, Block 2 of Moreco subdivision to the intersection of the west right-of-way of Helene Street; thence southerly along said right-of-way of Helene Street and across Harding Boulevard and along the east boundary of Lot J of Hastin Heights subdivision to the southeast corner of

\* As it appears in the enrolled bill

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

said Lot J; thence turning approximately 90 degrees to the right and continue westerly along the south boundary Lots J through A to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway to the intersection of the south right-of-way of 79th Avenue; thence easterly along said right-of-way of 79th Avenue being common with the north boundary of Lot 47 of Southern Heights subdivision to the northeast corner of said Lot 47; thence turning approximately 90 degrees to the right and continue southerly along the east boundary Lots 47, 48 and 49 of Southern Heights subdivision to the intersection of the north boundary of Lot 11-A-1 of Southern Heights subdivision; thence turning approximately 90 degrees to the left and continue easterly along north boundary of said Lot 11-A-1 to the northeast corner of said Lot 11-A-1; thence turning approximately 90 degrees to the right and continue southerly along east boundary of said Lot 11-A-1 and across 78th Avenue to the intersection of the south right-of-way of 78th Avenue; thence easterly along said right-of-way of 78th Avenue being common with the north boundary of Lots 353-A and 354-A of Southern Heights subdivision to the northeast corner of said Lot 354-A; thence turning approximately 90 degrees to the right and continue southerly along the east boundary of Lots 354-A, 394, 395, 396, and 397 of Southern Heights subdivision and across 77th Avenue to the intersection of the south right-of-way of 77th Avenue; thence easterly along said right-of-way of 77th Avenue being common with the north boundary of Lot 32, Block 18 of Bank subdivision to the northeast corner of said Lot 32; thence turning approximately 109 degrees to the right and continue southeasterly along the east boundary of Lots 32, 6, 5 and 4, Block 18 of Bank subdivision to the southeast corner of said Lot 4; thence turning approximately 66 degrees to the right and continue westerly along the south boundary of said Lot 4 to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway approximately 837 feet to the intersection of the boundary of Lot 3, Block 15 of Bank subdivision; thence easterly along the north boundary of said Lot 3 to the northeast corner of said Lot 3; thence turning approximately 114 degrees to the right and continue southeasterly along the east boundary of Lots 3, 2 and 1, Block 15 of Bank subdivision to the intersection of the north right-of-way of 72nd Avenue; thence westerly along said right-of-way of 72nd Avenue to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway approximately 200 feet to the intersection of the boundary of Lot 2, Block 14 of Bank subdivision; thence easterly along the north boundary of said Lot 2 to the northeast corner of said Lot 2; thence turning approximately 115 degrees to the right and continue southeasterly along the east boundary of Lots 2 and 1, Block 14 of Bank subdivision to the intersection of the north right-of-way of 71st Avenue; thence westerly along said right-of-way of 71st Avenue to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway to the intersection of the south right-of-way of 68th Avenue; thence easterly along said right-of-way of 68th Avenue being common with the north boundary of Lots 3 and 4, Block 1 of Bank subdivision to the northeast corner of said Lot 4; thence turning approximately 90 degrees to the right and continue southerly along the east boundary of said Lot 4 to the intersection of the north boundary of Lot 3, Block 1 of Monte Sano Highland Farms; thence turning approximately 90 degrees to the left and continue easterly along the north boundary of Lots 3 through 9, Block 1 of Monte Sano Highland Farms to the northeast corner of said Lot 9; thence turning approximately 90 degrees to the right and continue southerly along the east boundary of said Lot 9 to the intersection of the north right-of-way of Goudchaux Street; thence westerly along said right-of-way of Goudchaux Street to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway approximately 140 feet to a point; thence turning approximately 117 degrees to the right and continue westerly across Scenic Highway and along the north right-of-way of Goudchaux Street to the intersection of the east right-of-way of Kansas City Southern Rail, being common with the west right-of-way of Sanchez Street; thence southerly along said right-of-way of Sanchez Street to the intersection of the south right-of-way of Monte Sano Avenue; thence easterly along said right-of-way of Monte Sano Avenue approximately 1448 feet to a point; thence turning approximately 90 degrees to the left and continue northerly across Monte Sano Avenue and along the west boundary of Lots F and 1, Block 60 of Monte Sano Highland Farms to the northwest corner of said Lot 1; thence turning approximately 90 degrees to the left and continue westerly along the south boundary of Lots 5 and 6, Block 60 of Monte Sano Highland Farms to the southwest corner of said Lot 6; thence turning approximately 90 degrees to the right and continue northerly along the west boundary of said Lot 6 to the intersection of the south right-of-way of Kaufman Street; thence easterly along said right-of-way of Kaufman Street, across Scenic Highway and along the north boundary of Lot 85 of Scenic Gardens to the northeast corner of said Lot 85; thence turning approximately 90 degrees to the right and continue southerly along the east boundary of said Lot 85 to the intersection of the south right-of-way of Monte Sano Avenue; thence westerly along said right-of-way of Monte Sano Avenue to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway approximately 1498 feet to a point, being the intersection of the north boundary of Lot 9; Block 9 of Monte Sano Highland Farms; thence turning approximately 99 degrees to the left and continue easterly then southerly along the north and east boundary of said Lot 9 to the intersection of the north right-of-way of Shada Avenue; thence westerly along said right-of-way of Shada Avenue to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway to the intersection of the south right-of-way of Galvez Street; thence easterly along said right-of-way of Galvez Street being common with the north boundary of Lots 1 and 20, Block

13 of Garden City to the northeast corner of said Lot 20; thence turning approximately 90 degrees to the right and continue southerly, westerly and northerly along the east, south and west boundary of said Lot 20 to the intersection of the south boundary of Lot 2, Block 13 of Garden City; thence turning approximately 90 degrees to the left and continue westerly along the south boundary of said Lot 2 to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway to the intersection of the south right-of-way of Sherwood Street; thence easterly along said right-of-way of Sherwood Street being common with the north boundary of Lot 1-A, Block 24 of Garden City to the northeast corner of said Lot 1-A; thence turning approximately 90 degrees to the right and continue southerly along the east boundary of said Lot 1-A to the intersection of the north right-of-way of Dayton Street; thence westerly along said right-of-way of Dayton Street to the intersection of the east right-of-way of Scenic Highway; thence southeasterly along said right-of-way of Scenic Highway to the intersection of the north right-of-way of Huron Street; thence easterly along said right-of-way of Huron Street to the intersection of the west right-of-way of Pocahontas Street; thence southerly along said right-of-way of Pocahontas Street approximately 655 feet to a point being the intersection of the south boundary of Lot 10, Block 54 of Suburb Istrouma; thence turning approximately 90 degrees to the right and continue westerly along the south boundary of Lots 10 and 7, Block 54 of Suburb Istrouma to the intersection of the east Right-of-Way of Scenic Highway; thence southerly along said right-of-way of Scenic Highway approximately 555 feet to a point being the intersection of the north boundary of Lot 4, Block 40 of Suburb Istrouma; thence turning approximately 90 degrees to the left and continue easterly along the north boundary of said Lot 4 to the intersection of the west boundary of Lot 14, Block 40 of Suburb Istrouma; thence turning approximately 90 degrees to the left and continue northerly then easterly along the west and north boundary of said Lot 14 to the intersection of the west right-of-way of Interstate 110; thence southerly along said right-of-way of Interstate 110 to the intersection of the north right-of-way of Chippewa Street; thence westerly along said right-of-way of Chippewa Street to the intersection of the east right-of-way of Lobelia Street; thence northerly along said right-of-way of Lobelia Street to the intersection of the north boundary of Lot 1-A, Block 3 of Standard Heights; thence turning approximately 90 degrees to the right and continue easterly along the north boundary of said Lot 1-A to the intersection of the west right-of-way of Scenic Highway; thence northerly along said right-of-way of Scenic Highway to the intersection of the south boundary of Tract R-4 located in Sections 44 and 45, Township 6 South, Range 1 west, being the Exxon Mobil Refinery; thence continue westerly and southerly along the south and east boundaries of said Tract R-4 to the intersection of the north right-of-way of Ontario Street, being common with the west right-of-way of Lockwood Avenue; thence southerly along the said right-of-way of Lockwood Avenue to the intersection of the south right-of-way of Choctaw Drive; thence westerly along said right-of-way of Choctaw Drive approximately 1910 feet to a point, being the approximate intersection of the east right-of-way of Larkspur Avenue; thence turning approximately 90 degrees to the right and northerly across Choctaw Drive to the intersection of the south right-of-way of Chippewa Street; thence westerly along said right-of-way of Chippewa Street to the intersection of the east boundary of Lot 12, Block 58 of Standard Heights; thence southerly along the east boundaries of Lots 12 through 22, Block 58 of Standard Heights, across Seneca Street and east boundaries of Lots 12 through 18, Block 57 of Standard Heights to the intersection of the north boundary of Lot 19, Block 57 of Standard Heights; thence turning approximately 90 degrees to the left and easterly across the north boundary of Lot 4, Block 57 of Standard Heights to the intersection of the west right-of-way of Lipine Avenue; thence southerly along said right-of-way of Lipine Avenue to the intersection of the south right-of-way of Choctaw Drive; thence westerly along said right-of-way of Choctaw Drive to the intersection of the west right-of-way of North 3rd Street, being common with the east boundary of the C.N.R.R. Baton Rouge yard and city limits of Baton Rouge; thence southwesterly and westerly along the east and south boundaries of the C.N.R.R. Baton Rouge Yard and westerly along the south boundary of Tract R-2, all being common with city limits of Baton Rouge, to the intersection of the western limits of East Baton Rouge Parish, being within the Mississippi River and being the point of beginning.

- (b) The following areas shall be excluded from the district:  
(Monte Sano Highland Farms)  
Lots 4, 5, 24 and 25, Block 1 of Monte Sano Highland Farms located in Section 37, Township 6 South, Range 1 West, Greensburg Land District, Louisiana.  
(Southern Heights)  
Lots 15 through 19 of Southern Heights located in Section 50, Township 6 South, Range 1 West, Greensburg Land District, Louisiana.  
Area 3A (Southern University Student Housing)  
100, 200, 300 and 400 Millennium Apartments, U.S. Jones Hall, Samuel V. Totty Hall, Boley Hall, and Camille Shade of Southern University located in Sections 39 and 75, Township 6 South, Range 1 West, Greensburg Land District, Louisiana, being more fully described as follows:  
Commence at a point having Louisiana State Plane South Zone coordinates of X=3324105, Y=737349, the actual Point of Beginning; thence proceed in a southwesterly direction through the Southern University campus property S 53° 51' W a distance of 1123 feet more or less to a point; thence proceed in a northwesterly direction through the Southern University campus property N 36° 09' W a distance of 723 feet more or less to a point; thence proceed in a northwesterly direction through the Southern University campus property N 11° 28' W a distance of 549 feet more or less to a point; thence proceed in a northwesterly direction through the Southern University campus property N

21° 09' W a distance of 500 feet more or less to a point; thence proceed in a northeasterly direction through the Southern University campus property N 68° 51' E a distance of 484 feet more or less to a point; thence proceed in a southeasterly direction through the Southern University campus property S 21° 09' E a distance of 163 feet more or less to a point; thence proceed in a northeasterly direction through the Southern University campus property N 68° 51' E a distance of 532 feet more or less to a point; thence proceed in a southeasterly direction through the Southern University campus property S 21° 09' E a distance of 673 feet more or less to a point; thence proceed in a southeasterly direction through the Southern University campus property S 36° 09' E a distance of 634 feet more or less to the actual Point of Beginning.

**Area 3B (Southern University Student Housing)**  
Lottie Anthony Hall and Wallace Lee Bradford Hall of Southern University located in Section 50, Township 6 South, Range 1 West, Greensburg Land District, Louisiana, being more fully described as follows:

Commence at a point on the north side of Harding Boulevard located 30 feet west of the centerline of Harding Boulevard, having Louisiana State Plane South Zone coordinates of X=3324393, Y=734678, the actual Point of Beginning; thence proceed in a southwesterly direction through the Southern University campus property S 87° 45' W a distance of 309 feet more or less to a point; thence proceed in a northwesterly direction through the Southern University campus property N 57° 24' W a distance of 80 feet more or less to a point; thence proceed in a northwesterly direction through the Southern University campus property N 22° 33' W a distance of 58 feet more or less to a point; thence proceed in a northeasterly direction through the Southern University campus property N 45° 24' E a distance of 77 feet more or less to a point; thence proceed in a northeasterly direction through the Southern University campus property N 78° 53' E a distance of 229 feet more or less to a point; thence proceed in a northwesterly direction through the Southern University campus property N 11° 07' W a distance of 251 feet more or less to a point; thence proceed along a curve to the right through the Southern University campus property with a radius of 125' and chord of S 52° 14' E a distance of 188 feet more or less to a point; thence proceed in a southeasterly direction through the Southern University campus property S 03° 26' E a distance of 315 feet more or less to the actual Point of Beginning.

**Area 3C (Southern University Student Housing)**  
Washington Hall and Bethune Hall of Southern University located in Section 50, Township 6 South, Range 1 West, Greensburg Land District, Louisiana, being more fully described as follows:

Commence at a point on the north side of Harding Boulevard located 30 feet west of the centerline of Harding Boulevard, having Louisiana State Plane South Zone coordinates of X=3325128, Y=734704, the actual Point of Beginning; thence proceed in a southwesterly direction through the Southern University campus property S 87° 53' W a distance of 275 feet more or less to a point; hence proceed in a northwesterly direction through the Southern University campus property N 02° 07' W a distance of 339 feet more or less to a point; hence proceed in a northeasterly direction through the Southern University campus property N 87° 53' E a distance of 275 feet more or less to a point; thence proceed in a southeasterly direction through the Southern University campus property S 02° 07' E a distance of 339 feet more or less to the actual Point of Beginning.

**Area 3D (Southern University Student Housing)**  
Horace G. White Hall, William Edward Reed Hall and Grandison Hall of Southern University located in Sections 39 and 50, Township 6 South, Range 1 West, Greensburg Land District, Louisiana, being more fully described as follows:

Commence at a point having Louisiana State Plane South Zone coordinates of X=3325690, Y=735865, the actual Point of Beginning; thence proceed in a southeasterly direction through the Southern University campus property S 01° 24' E a distance of 670 feet more or less to a point; thence proceed in a northeasterly direction through the Southern University campus property N 88° 36' E a distance of 174 feet more or less to a point; thence proceed in a southeasterly direction through the Southern University campus property S 01° 24' E a distance of 120 feet more or less to a point; thence proceed in a southwesterly direction through the Southern University campus property S 88° 36' W a distance of 304 feet more or less to a point; hence proceed in a northwesterly direction through the Southern University campus property N 01° 24' W a distance of 790 feet more or less to a point; thence proceed in a northeasterly direction through the Southern University campus property N 88° 07' 36' E a distance of 130 feet more or less to the actual Point of Beginning.

**Area 4 (Saint Irma Lee)**  
Blocks 1, 2 and 3 of Saint Irma Lee subdivision, including Right-of-Ways for Saint Irma Lee Way, Saint John Lane, Rosemary Place, Camden Street and Dillard Drive located in Section 50, Township 5 South, Range 1 West, Greensburg Land District, Louisiana.

(Shada Plantation)  
Lots 5-A-1, 5-A-2 and 5-A-3 of Shada Plantation located in Section 50, Township 6 South, Range 1 West, Greensburg Land District, Louisiana.

(c) Notwithstanding anything to the contrary in the property descriptions provided in Subparagraphs (a) and (b) of this Paragraph, whether specifically identified or not, no portion of the SU EDD shall include any tract of land that is used for residential purposes, except for hotels, motels, inns or bed and breakfasts for temporary occupancy, in any form or fashion, including, without limitation, private or public homes, residences, housing, dwellings, apartments, studios, flats, townhomes, condominiums, cooperatives, residential rooms, residential beds, dormitories, student residences and housing, student apartments, fraternity houses, sorority houses, student residential quarters

or other form or housing, as of the effective date of this Act, individually and collectively “Residential Properties”. All Residential Properties are deemed District Exclusions. In the event that the description of the SU EDD set forth above includes any of the District Exclusions, such District Exclusions shall not be considered as a component of the SU EDD.

C.(1) A college economic development district shall be administered and governed by a board of commissioners, referred to in this Section as the “board”.

(2) The board shall be comprised as follows:  
(a) The highest executive officer of the college shall appoint four persons and shall serve as a member of the board and chairman of the board as long as he is the highest executive officer of the University.

(b) Two of the members of the board shall be representatives from businesses within the district.

(3) Members shall serve five-year terms after initial terms as provided by the ordinance creating the district. The president shall serve as long as he is president of the university. Two members shall serve an initial term of two years, and two members shall serve an initial term of three years, as determined by lot at the first meeting of the board. Each member of the board shall continue to serve until reappointed or a successor is duly appointed. Any vacancy in the membership of the board shall be filled in the manner of the original appointment for the unexpired term. If an appointment to fill a vacancy is not made within sixty days, the board shall appoint an interim successor to serve until the position is filled by the appointing authority.

(4) Any member of the board may be removed by a three-fourths vote of the remaining membership of the board for cause, which cause may include failure to attend at least one-half of the meetings of the board in a two-year period.

(5) The members of the board shall serve without salary or per diem. The board may reimburse any member for reasonable, actual, and necessary expenses incurred in the performance of his duties pursuant to this Section.

(6) The board shall elect from its members a president, a vice president, a secretary, and a treasurer, whose duties shall be those common to such offices. At the option of the board, the offices of secretary and treasurer may be held by one person.

(7) The board shall meet in regular session at least once a year and shall also meet in special session as often as the president of the board convenes the board or upon the written request of at least three members. A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available for inspection through the board's secretary or secretary-treasurer, who shall also maintain the minute books and archives of the district. The monies, funds, and accounts of the district shall be in the official custody of the board.

(8) The domicile of the board shall be established by the board at a location within the district. The official journal of the district is the official journal of the parish where the domicile of the board is located.

D. A college economic development district, acting by and through its board, shall have and exercise all powers of a political subdivision necessary or convenient for the carrying out of its objects and purposes, including but not limited to the following:

(1) To sue and to be sued.  
(2) To adopt, use, and alter at will a corporate seal.  
(3) To acquire by gift, grant, or purchase all property, including rights-of-way, movable, immovable, or mixed, corporeal or incorporeal, or any interest therein.  
(4) To enter into contracts for the purchase, acquisition, construction, and improvement of works and facilities necessary in connection with the purposes of the district.

(5) In its own name and on its own behalf to incur debt and to issue revenue bonds, special assessment bonds, certificates, notes, and other evidences of indebtedness and to levy and cause to be collected certain taxes as provided in this Section and as may be provided by general law.

(6) To regulate the imposition of fees and rentals charged by the district for its facilities and services rendered by it.

(7) To borrow money and pledge all or part of its revenues, leases, rents, or other advantages as security for such loans.

(8) To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

(9) To develop public improvement projects for the benefit of the respective college, either directly with the respective college or through one or more private foundations or nonprofit corporations affiliated with the respective college, or both.

(10) To exercise any and all of the powers granted to an economic development district as if the district were an economic development district established pursuant to Part II of this Chapter, including but not limited to the powers of tax increment financing pursuant to R.S. 33:9038.33 and 33:9038.34 and the power to levy taxes within the district pursuant to R.S. 33:9038.39. The district shall exercise such powers in accordance with the provisions of Part II of this Chapter.

(11) To exercise any and all of the powers granted to a community development district as if the district were a community development district established pursuant to Chapter 27-B of this Title, including but not limited to the power to levy special assessments on property within the district pursuant to R.S. 33:9039.29. The district shall exercise such powers in accordance with the provisions of Chapter 27-B of this Title.

E.(1) It is expressly provided that any sales and use tax levied by a college economic development district or any subdistrict created by the district may exceed the limitation set forth by Article VI, Section 29(A) of the Constitution of Louisiana and shall be imposed, collected, and enforced subject to the terms

\* As it appears in the enrolled bill

of the resolution imposing the tax and the provisions of Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

(2)(a) A college economic development district and any subdistrict created by the district may levy taxes or assessments of any type only after the board has adopted an appropriate resolution giving notice of its intention to levy such taxes or assessments. The resolution shall include a general description of the taxes or assessments to be levied. The district or subdistrict shall give notice of its intention by publication once a week for two weeks in the official journal of the district, the first publication to appear at least fourteen days before the public meeting of the board at which the board shall hear any objections to the proposed taxes or assessments. The notice of intent so published shall state the date, time, and place of the public hearing.

(b) Such taxes or assessments may be levied only after the board has called a special election submitting the proposition for the levy of such taxes or assessments to the qualified electors of the district or subdistrict, as applicable, and the proposition has received the favorable vote of a majority of the electors voting in the election. Any election held pursuant to this Section shall be conducted in accordance with the Louisiana Election Code and held on a date that corresponds with an election date provided by R.S. 18:402(A)(1) or (B)(1). However, if there are no qualified electors in the district or subdistrict, as applicable, as certified by the registrar of voters, no such election is required, but the taxes or assessments shall not be levied unless approved by the governing authority of the local governmental subdivision.

(c) The powers and rights conferred by this Paragraph shall be in addition to the powers and rights conferred by any other general or special law. This Paragraph does and shall be construed to provide a complete and additional method for the levy of any taxes or assessments. No election, proceeding, notice, or approval shall be required for the levy of such taxes or assessments except as provided in this Paragraph.

F.(1) A college economic development district may create subdistricts as provided in this Subsection. The district shall publish notice of its intent to create a subdistrict in the official journal of the district. At least ten days after publication of such notice, the board shall conduct a public hearing on the question of creating the subdistrict. Thereafter, the board may designate one or more areas within the boundaries of the district as subdistricts of the district. Each subdistrict shall constitute a political subdivision of the state and shall be governed by the board. Each subdistrict shall have the same powers as the district and shall be given a suitable name as the board may designate. Hereafter in this Section, any reference to the district includes any subdistrict created by the district.

(2) The boundaries of a district may be changed in accordance with provisions of this Section dealing with the establishment of the original boundaries. If a district is expanded to include an area where qualified electors reside, no tax shall be collected in the added area unless the qualified electors of that added area approve the tax in accordance with Subparagraph (E)(2)(b) of this Section.

G.(1) The district may issue and sell from time to time bonds, notes, renewal notes, refunding bonds, interim certificates, certificates of indebtedness, certificates of participation, debentures, warrants, commercial paper, or other obligations or evidences of indebtedness to provide funds for and to fulfill and achieve its public purpose or corporate purposes, as set forth in this Section, including but not limited to the payment of all or a portion of the costs of a project, to provide amounts necessary for any corporate purposes, including necessary and incidental expenses in connection with the issuance of the obligations, the payment of principal and interest on the obligations of the district, the establishment of reserves to secure such obligations, and all other purposes and expenditures of the district incident to and necessary or convenient to carry out its public functions or corporate purposes, and any credit enhancement for said obligations.

(2) Except as may otherwise be provided by the board, all obligations issued by the district shall be negotiable instruments and payable solely from the revenues of the district as determined by the board, or from any other source that may be available to the district but shall not be secured by the full faith and credit of the state or the local governmental subdivision.

(3) Obligations shall be authorized, issued, and sold by a resolution or resolutions of the board. Such bonds or obligations may be of such series, bear such date or dates, mature at such time or times, bear interest at such rate or rates, including variable, adjustable, or zero interest rates, be payable at such time or times, be in such denominations, be sold at such price or prices, at public or private negotiated sale, after advertisement as is provided for in R.S. 39:1426, be in such form, carry such registration and exchangeability privileges, be payable at such place or places, be subject to such terms of redemption, and be entitled to such priorities on the income, revenue, and receipts of, or available to, the district as may be provided by the board in the resolution or resolutions providing for the issuance and sale of the bonds or obligations of the district.

(4) The obligations of the district shall be signed by such officers of the board by either manual or facsimile signatures as shall be determined by resolution or resolutions of the board and may have impressed or imprinted thereon the seal of the district or a facsimile thereof.

(5) Any obligations of the district may be validly issued, sold, and delivered, notwithstanding that one or more of the officers of the board signing such obligations, or whose facsimile signature or signatures may be on the obligations, shall have ceased to be such officer of the board at the time such obligations shall actually have been delivered.

(6) Obligations of the district may be sold in such manner and from time to time as may be determined by the board to be most beneficial, subject to approval of the State Bond Commission, and the district may pay all expenses,

premiums, fees, or commissions which it may deem necessary or advantageous in connection with the issuance and sale thereof.

(7) The board may authorize the establishment of a fund or funds for the creation of a debt service reserve, a renewal and replacement reserve, or such other funds or reserves as the board may approve with respect to the financing and operation of any project funded with the proceeds of such bonds and as may be authorized by any bond resolution, trust agreement, indenture of trust or similar instrument or agreement pursuant to the provisions of which the issuance of bonds or other obligations of the district or subdistrict may be authorized.

(8) Any cost, obligation, or expense incurred for any of the purposes or powers of the district specified in this Subsection shall be a part of the project costs and may be paid or reimbursed as such out of the proceeds of bonds or other obligations issued by the district; however, no portion of any state sales taxes made directly available to the district pursuant to an agreement with the state shall be used by the district to pay the costs of constructing or operating any privately owned hotel located within the district, without the consent of the Joint Legislative Committee on the Budget or its successor.

(9) For a period of thirty days from the date of publication of the resolution authorizing the issuance of bonds hereunder, any persons in interest shall have the right to contest the legality of the resolution and the legality of the bond issue for any cause, after which time no one shall have any cause or right of action to contest the legality of the resolution or of the bonds authorized thereby for any cause whatsoever. If no suit, action, or proceeding is begun contesting the validity of the bond issue within thirty days, the authority to issue the bonds and to provide for the payment thereof, and the legality thereof and all of the provisions of the resolution authorizing the issuance of the bonds shall be conclusively presumed, and no court shall have authority to inquire into such matters.

(10) Neither the members of the board nor any person executing the bonds shall be personally liable for the bonds or be subject to any personal liability by reason of the issuance thereof. No earnings or assets of the district shall accrue to the benefit of any private persons. However, the limitation of liability provided for in this Paragraph shall not apply to any gross negligence or criminal negligence on the part of any member of the board or person executing the bonds.

(11) All obligations authorized to be issued by the district pursuant to the provisions of this Subsection, together with interest thereof, income therefrom, and gain upon the sale thereof shall be exempt from all state and local taxes.

(12) The state and all public officers, any parish, municipality, or other subdivision or instrumentality of the state, any political subdivision, any bank, banker, trust company, savings bank and institution, building and loan association, savings and loan association, investment company or any person carrying on a banking or investment business, any insurance company or business, insurance association, and any person carrying on an insurance business, and any executor, administrator, curator, trustee, and other fiduciary, and any retirement system or pension fund may legally invest any sinking funds monies, or other funds belonging to them or within their control in any bonds or other obligations issued by the district pursuant to the provisions of this Subsection, and such bonds or other obligations shall be authorized security for all public deposits. It is the purpose of this Section to authorize such persons, firms, corporations, associations, political subdivisions and officers, or other entities, public or private, to use any funds owned or controlled by them, including but not limited to sinking, insurance, investment, retirement, compensation, pension and trust funds, and funds held on deposit, for the purchase of any such bonds or other obligations of the district or subdistrict, and that any such bonds shall be authorized security for all public deposits. However, nothing contained in this Section with regard to legal investments or security for public deposits shall be construed as relieving any such person, firm, corporation, or other entity from any duty of exercising reasonable care in selecting securities.

H. (1) Notwithstanding anything in this Section, a college economic development district and any subdistrict created by the district shall not levy or assess any property tax or fee on any property within the district or subdistrict that is owned, used, or operated by an exempt entity as defined in this Subsection; and no exempt entity shall be subject to any sales or use tax levied or assessed by a district or subdistrict. An exempt entity shall be issued a certificate of exclusion from the district or subdistrict certifying that the entity is engaged in industrial activities as defined in this Subsection and excluded from a sales or use tax levied by the district or subdistrict. The district or subdistrict shall adopt rules and regulations for the implementation and issuance of such certificates of exclusion.

(2) For purposes of this Subsection, “exempt entity” means any entity engaged or any entity contractually affiliated with any entity engaged in industrial activities within a district or subdistrict.

(3) For purposes of this Subsection “industrial activities” means manufacturing, refining, fabricating, constructing, assembling, processing, treating, power generation, storage or wholesale distribution of products, commodity, goods, materials, or articles, or procurement or service providers for such activities, including by way of illustration but without limitation:

(a) The processing of raw materials or substances.

(b) The making, manufacturing, or assembling of semi-finished or finished goods, products, or equipment.

(c) The cleaning, servicing, repairing, or testing of materials, goods, and equipment normally associated with industrial businesses or cleaning, servicing, and repair operations to goods and equipment, where such operations

have impacts that would make them incompatible in nonindustrial property or areas.

(d) The storage or transshipping of materials, products, goods, and equipment.  
(e) The distribution and sale of materials, products, goods, and equipment to institutions or industrial and commercial businesses for their direct use or to stores for resale to individual customers.

(f) The training of personnel in general industrial operations.

(g) Any other permitted uses on Industrial Properties set forth in the Unified Development Code for the City of Baton Rouge / Parish of East Baton Rouge, Louisiana (“UDC”) in Section 8.211 (M1 Light Industrial District and Section 8.212 (M 2 Heavy Industrial District) as each may be amended (individually and collectively “Industrial District Zoning”).

I.(1) Each college economic development district and any subdistrict created by such college district may be the recipient of a sales or use tax increment which consist of that portion of the designated incremental sales or use tax collected each year on the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property, and on sales of services, all as defined in R.S. 47:301 et seq. or any other appropriate provision or provisions of law as amended.

(2) The sales or use tax increment may include hotel occupancy taxes, occupancy taxes, or similar taxes, or any combination of such taxes, levied upon the use or occupancy of hotel rooms if so designated by the city of Baton Rouge, parish of East Baton Rouge as the tax recipient entity, from taxpayers located within a college economic development district and subdistrict which exceeds the designated sales or use tax revenues and hotel occupancy taxes, occupancy taxes, or similar taxes so designated that were collected in the year immediately prior to the year in which the college economic development district and any subdistrict was established.

J. A college economic development district shall dissolve and cease to exist upon the later to occur of either one year after the date on which all loans, bonds, notes, and other evidences of indebtedness of the district, including refunding bonds, are paid in full as to both principal and interest, or fifty years from the creation of the district.

K. This Section, being necessary for the welfare of the state, the parish, and its residents, shall be liberally construed to effect the purposes thereof.

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 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

ACT No. 204

---

SENATE BILL NO. 76  
BY SENATOR FRED MILLS  
AN ACT

To enact R.S. 33:9038.75, relative to special districts; to authorize the parish of St. Martin to create a special district; to grant such district certain rights and powers, including the power to provide for tax increment financing and incur debt; to provide for governance; 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. 33:9038.75 is hereby enacted to read as follows:

**§9038.75. St. Martin Special Medical District**

**A. Declaration.** The legislature hereby finds and declares that a cooperative economic development district is necessary to establish the framework and governance of medical economic development through public-private partnerships, job creation and to continue to improve the health outcomes of citizens.

**B. Creation.** The governing authority of the parish of St. Martin may create a special district and political subdivision of the state, hereinafter referred to as the “district”.

**C. Boundaries.** The district shall be comprised of the following described parcels or tracts of land located in St. Martin Parish:

That certain tract of land, together with all buildings and improvements thereon located, and all rights, ways, privileges, and servitudes thereto appertaining, and all appurtenances thereof, containing 44.422 acres and being situated in Section 47, Township 9 South, Range 6 East, St. Martin Parish, Louisiana, the said property being depicted on a plat of survey dated February 20, 2018, prepared by Comeaux Engineering & Consulting; the subject property measuring 499.18 feet on Champagne Boulevard its southwestern line, by 4,023.91 feet on its southeastern line, 3,752.10 feet on its northwestern line, and 566.00 feet on Doyle Melancon Road (Doyle Melancon Extension Road), its northeastern line; the said property being bounded, now or formerly, as follows: on the southwest by Champagne Boulevard; on the northwest by the property of Robert Grant Bienvenu; on the southeast by the properties of Hospital Service District No. 2 of St. Martin Parish, Louisiana, Randy J. Kees, Kyle Lastrapes, Kip Lastrapes, and Charles Papadakes, et al; and on the northeast by Doyle Melancon Road; the subject property having such boundaries and further dimensions as shown and depicted on the plat of survey.

**D. Purpose.** The district is created to provide for cooperative economic development within the district, among the district, the owner or owners of business and property within the district and any other interested parties, such development endeavors being related to the provisions and expansion of medical services, renovation, restoration, and related ventures.

**E. Governance.** In order to provide for the orderly development of the district and to effectuate the purposes of the district, the district shall be administered and governed by the board of commissioners of the St. Martin Parish Hospital Service District No. 2 and the parish president shall serve as an ex officio member.

**F. Rights and powers.** The district, acting by and through its board of commissioners, shall have and exercise all powers of a political subdivision and special taxing district necessary or convenient for the carrying out of its objects and purposes, including but not limited to the following:

(a) To sue and be sued.

(b) To adopt bylaws and rules and regulations.

(c) To receive by gift, grant, or donation any sum of money, property, aid, or assistance from the United States, the state of Louisiana, or any political subdivision thereof, or any person, firm, or corporation.

(d) For the public purposes of the district, to enter into contracts, agreements, or cooperative endeavors with the state and its political subdivisions or political corporations and with any public or private association, corporation, business entity, or individual.

(e) To establish public-private partnerships and joint ventures for the benefit of the district and to contract with private concerns who may be granted leases, rights-of-use, or other concessions for contributing private at-risk capital for a particular district project or program.

(f) To acquire by gift, grant, purchase, or lease property as may be necessary or desirable for carrying out the objectives and purposes of the district and sell such property.

(g) In its own name and on its own behalf, to incur debt and to issue bonds, notes, certificates, and other evidences of indebtedness. For this purpose the district shall be deemed and considered to be an issuer for purposes of R.S. 33:9037 and shall, to the extent not in conflict with this Section, be subject to the provisions of R.S. 33:9037. The tax to repay the bonded indebtedness shall be levied through an ordinance adopted by the district’s board, only after a special election is held for the purpose of approving the tax by a majority of the electors voting.

(h) To establish such funds or accounts as are necessary for the conduct of the affairs of the district.

**G.(1) For purposes of implementing tax increment financing as provided for in this Part, the board shall have all authorities provided for in R.S. 33:9038.33 to implement ad valorem tax increment financing and bonding, in R.S. 33:9038.34 to implement sales tax increment financing, and in R.S. 33:9038.35 for cooperative endeavor authority. However, any tax or portion of a tax which has been previously dedicated to another purpose according to a proposition approved by voters shall be used as such a tax increment only if approved by a majority of the voters of the taxing authority levying the tax voting on the proposition in an election held for such purpose. Any election held pursuant to this Section shall be conducted in accordance with the Louisiana Election Code and held on a date that corresponds with an election date provided by R.S. 18:402(A)(1) or (B)(1).**

**(2) The board shall designate the boundaries of a sales tax area and shall designate the local sales taxes, which are to be used in determining the sales tax increments, including state sales tax increments, and the initial annual baseline collection rate for the sales tax area, which shall be the amount of such designated sales taxes collected in the sales tax area in the fiscal year of the district most recently completed prior to the establishment of the sales tax area. In addition, a monthly baseline collection rate shall be determined by dividing the initial annual baseline collection rate by twelve. The initial annual baseline collection rate and the monthly baseline collection rate shall be certified by the chief financial officer or equivalent of the district. The certification shall also be published one time in the official journal of the parish of St. Martin. If the amounts of the initial annual baseline collection rate and the monthly baseline collection rate are not contested within thirty days after such publication, then such amounts shall be conclusively presumed to be valid, and no court shall have any jurisdiction to alter or invalidate the designation of the amount of either the initial annual baseline collection rate or the monthly baseline collection rate.**

**H. The provisions of this Section shall not affect any school system or law enforcement agency for any purpose.**

**I. Liberal construction.** This Section, being necessary for the welfare of the parish and its residents, shall be liberally construed to effect the purposes thereof.

Section 2. This Act shall become effective upon signature of 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 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

ACT No. 205

SENATE BILL NO. 87  
BY SENATOR ROBERT MILLS  
AN ACT

To amend and reenact Act No. 558 of the 1956 Regular Session, relative to the Benton Metropolitan Planning Commission; to provide for the expansion of the jurisdictional boundaries of the metropolitan planning area under the jurisdiction of the Benton Metropolitan Planning Commission; to provide with respect to the municipality of Benton; to provide certain definitions, terms, procedures, conditions, and effects; to provide relative to the creation, organization, and duties of the planning commission; 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. Act No. 558 of the 1956 Regular Session is hereby amended and reenacted to read as follows:

Article 1: Purposes and Authority

Section 1. General Purposes. That it is the purpose and intent of this Act to provide for metropolitan planning in the Village municipality of Benton and that unincorporated part of ~~the parish of Bossier Parish~~ lying within ~~five miles outside~~ of the Village municipality of Benton ~~that is defined as the metropolitan planning area~~ and the creation, organization, powers, and duties of a metropolitan planning commission; for the regulation of the subdivision of land in the metropolitan planning area, as defined herein; for the making and adoption of an official map or maps to preserve the integrity of the major street plan and other plans by the regulation of building in mapped streets; for the making and adoption of a zoning plan and zoning ordinance or ordinances; for the adoption of ordinances prescribing minimum construction, health, and sanitation standards to prevent the spread of slums and to encourage and assist public and private agencies, corporations, and individuals in the rehabilitation and redevelopment of blighted areas; and for the adoption of other plans, ordinances, and measures to effectuate the purposes of this Act.

It is the intent of this Act to provide for the planning and the effectuation of plans for the orderly physical development of the metropolitan planning area as a whole. To this end provision is made for unified planning of the area with the Village municipality of Benton and the unincorporated area of the parish of Bossier Parish lying outside the Village municipality of Benton ~~but within five miles of the Village of Benton that is defined as the metropolitan planning area~~; and, further, provision is made for joint or correlated action by the Village Council council of the Village municipality of Benton and the Police Jury police jury of the parish of Bossier Parish in the adoption of ordinances or other measures to effectuate such unified plans.

Section 2: Separate Actions by Village Municipality and Parish. Where joint or correlated legislative action is required, as above provided, it is contemplated in this Act that such joint or correlated legislative action will be taken within a reasonable time but in no case longer than ~~90~~ ninety days after the submission of such ordinances or other measures to the Village Council council or the Police Jury police jury by the planning commission. In the event such legislative action is not taken by either the Village Council council or the Police Jury police jury, nothing in this Act shall be construed to prohibit, prevent, or impair the other from taking such action unilaterally with respect to the territory within its lawful jurisdiction; provided that in such case either the Village Council council or Police Jury the police jury, as the case may be, that has failed to take such legislative action shall forfeit to the other all rights and privileges with respect to joint action, such as appointment of members of the board of zoning appeals, and such rights and privileges shall remain forfeit until such time as the joint or correlated action contemplated is taken.

Section 3. Conflict with Other Laws. Where other laws relating to the physical planning, zoning, airport zoning, effectuation of plans, platting, and other purposes of this Act are in conflict with the provisions of this Act, the provisions of this Act shall prevail; provided, however, that where such other laws or provisions thereof provide for other and additional duties, powers, authority, and responsibility, such other laws shall be applicable insofar as they are not in conflict with the provisions of this Act. Nothing in this Act shall affect existing planning, zoning, or other laws as they relate to that part of the parish of Bossier Parish lying outside the metropolitan planning area as defined herein. It is distinctly recognized, however, that should either party herein authorized to do so fail to take advantage of or to use the instant legislation, this Act will in no way be construed to displace, amend, supersede or affect existing planning and/or zoning laws or statutes of the State of Louisiana or of either jurisdiction herein which are now in effect.

Section 4. Delegation of Authority. Where, for reasons of convenience, economy, or effectiveness in the administration of plans, ordinances, or other measures, such as zoning, it is desired that the Village Council council or Police Jury the police jury or department, bureau, or agent of either undertake the administration of such plans, ordinances, or other measures with respect to the territory of the other, the Village Council council and Police Jury the police jury are hereby authorized and empowered to enter into such arrangement as may be mutually agreed upon for such administration and to provide compensation therefor to the governing body or department, bureau, or agent thereof, commensurate with the value and extent of the administration and work involved.

Nothing in this section shall be construed as authorizing the delegation by Village Council the council or the Police Jury police jury to the other or to any

department, bureau, or agent thereof, of the legislative authority vested by law in such governing body.

Section 5. Definitions. For the purposes of this Act, certain words and phrases used herein are defined as follows:

~~(1) Municipal and Municipality relate to “Municipal” or “Municipality” means the Village municipality~~ of Benton and, where appropriate to the context, to that area lying within the corporate limits of ~~such village the municipality~~ as such corporate limits exist or may exist in the future.

~~(2) Village Council relates to “Council” means~~ the chief legislative body of the Village of Benton municipality of Benton.

~~(3) Parish relates to “Parish” means the parish of Bossier Parish~~ as such parish exists today or may exist in the future.

~~(4) Police Jury relates to “Police jury” means~~ the chief legislative body of the parish of Bossier Parish.

~~(5) Planning Commission or Commission “Planning commission” or “commission” means the Benton Parish Metropolitan Planning Commission, as provided for in Section 1 of Article 2 of this Act.~~

~~(6) Metropolitan planning area “Metropolitan planning area” means all of the land which is described as follows:~~

~~(a) All land located within the Village municipality of Benton.~~

~~(b) and all All unincorporated land lying within five miles outside of the Village municipality of Benton and within the parish of Bossier Parish as such Village the municipality and Parish the parish exists or may exist in the future.~~

~~(c) All land within the unincorporated area of the parish of Bossier that extends beyond the five-mile area that is provided in Subsection B of this Section to include all of Section 5, Township 19, Range 12; Section 6, Township 19, Range 12; Section 7, Township 19, Range 12; Section 8, Township 19, Range 12; Section 13, Township 19, Range 13; and Section 18, Township 19, Range 12 of Bossier Parish.~~

~~(7) Street or Streets “Street” or “streets” means, relates to, and includes streets, avenues, boulevards, roads, lanes, alleys and other ways.~~

~~(8) Subdivision “Subdivision” means the division of a tract or parcel of land into two or more lots, sites, or other divisions for the purpose, whether immediate or future, of sale or building development, and includes re-subdivision, and when appropriate to the context, relates to the process of subdividing, or to the land or area subdivided. For the purpose of this Act, the following shall not be deemed to be subdivisions provided that no new streets or roads are involved: divisions of land for agricultural purposes where the resulting parcels are three acres or larger in size, divisions of property by testamentary or intestate provisions or divisions of property by court order.~~

Section 6: Severability. The requirements and provisions of this Act are severable, and if any article, section, paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, inoperative, or otherwise inapplicable, the decision of the court shall not affect the validity or applicability of the act as a whole or of any part thereof other than the part so held to be void, invalid, inoperative, or otherwise inapplicable.

Article 2: Metropolitan Planning.

Section 1: Metropolitan Planning Commission: Creation and Appointment. The Village Council council of the Village municipality of Benton and the Police Jury police jury of the parish of Bossier Parish may create a commission, to be known as the Benton Parish Metropolitan Planning Commission. The Commission commission shall consist of five members who shall be qualified voters residing in the metropolitan planning area and who shall hold no elective office. In addition the President president of the Bossier Parish Police Jury, the President president of the Bossier Parish School Board and the Mayor mayor of the Village municipality of Benton shall be ~~ex officio~~ ex officio members of the commission in an advisory capacity without voting power. Two of the five citizen members shall be appointed by the Village Council council, two by the Police Jury police jury, and one elected by the joint action of the Village Council council and the Police Jury police jury. The term of each citizen member shall be six years, except that of the members first appointed, the terms of the two members appointed by the Village Council council shall be one and four years respectively, the terms of the two members appointed by the Police Jury police jury shall be two and five years respectively and the term of the member elected by joint action shall be three years. Any vacancy shall be filled for the unexpired term by the appointing authority, which shall have also the power to remove any citizen member appointed by it for cause stated in writing and after public hearing. All members of the Commission commission shall serve without compensation.

Section 2: Organization, Rules, Staff. The commission shall elect its chairman from amongst its members. The term of the Chairman chairman shall be one year with eligibility for re-election. The commission shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations, which records shall be a public record. The commission may appoint such employees and staff as it may deem necessary for its work, and may contract with city planners and other consultants for such services as it may require.

Section 3: Budget. The commission shall prepare an annual budget of its operating expenses, the total amount of which, exclusive of gifts, shall be within the total amounts appropriated for that purpose by the Village Council council and the Police Jury police jury. The Village municipality of Benton shall act as fiscal agent for the commission.

Section 4: Area of Jurisdiction: The area of jurisdiction of the commission shall be the metropolitan planning area as defined herein. In its planning,

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

the commission may take into consideration and may make plans for such other area as, in its judgment bears relation to the metropolitan planning area, but the plans for such other area shall not in themselves or by reason of this Act have any legal or official status.

Section 5: Master Plan: It shall be the function and duty of the ~~Commission~~ **commission** to make and adopt a master plan for the physical development of the area within its jurisdiction. The master plan, consisting of maps, plats, charts, and descriptive and explanatory matter, shall show the commission's recommendations for such physical development, and may include among other things, the general location, character, and extent of streets, bridges, viaducts, parks, parkways, waterway and waterfront developments, playgrounds, airports and other public ways, grounds, places and spaces; the general location of public buildings, schools, and school sites, and other public property; the general location and extent of public utilities and terminals, whether publicly or privately owned, for water, power, heat, light, sanitation, transportation, communication, and other purposes; the acceptance, widening, removal, extension, relocation, narrowing, vacating, abandonment, or change of use of any of the foregoing public ways, grounds, places, spaces, buildings, properties, utilities, or terminals; a zoning plan for the regulation of the height, area, bulk, location, and use of private and public structures and premises, and extent of the ~~neighborhood~~ **neighborhood** units and communities or groups of neighbor units, of neighborhood and community centers; and the general character, extent, and layout of the replanting of blighted districts and slum areas. The commission may from time to time amend, extend, or add to the plan or carry any part or subject matter into greater detail.

Section 6: General Purpose of the Plan: In the preparation of the master plan, the commission shall make careful and comprehensive surveys and studies of the existing conditions and probable future growth of the ~~Village Council~~ **council of the municipality of** Benton and its environs. The plan shall be made with the general purpose of guiding and accomplishing a ~~co-ordinated~~ **coordinated**, adjusted and harmonious development of the metropolitan planning area which will, in accordance with existing and future needs, best promote public health, safety, morals, order, convenience, prosperity, or the general welfare, as well as efficiency and economy in the process of development.

Section 7: Adoption of Master Plan: The commission may adopt the master plan as a whole by a single resolution, or, as the work of making the whole master plan progresses, may from time to time adopt a part or parts thereof, any such part to correspond generally with one or more of the functional subdivisions of the subject matter of the plan. The adoption of the plan or any part, amendment, or addition, shall be by resolution carried by the affirmative votes of not less than six members of the commission. The resolution shall refer expressly to the maps, descriptive matter, and other matters intended by the commission to form the whole or part of that plan, and the action taken shall be recorded on the adopted plan or part thereof by the identifying signature of the secretary of the commission, and a copy of the plan or part thereof shall be certified to each of the following: The ~~Village Council~~ **council of the municipality of** Benton, the ~~Police Jury~~ **police jury of the parish of** Bossier Parish, the Bossier Parish School Board, and the ~~Clerk of Court and Recorder~~ **clerk of court of the parish of** Bossier Parish, who shall record ~~such~~ **the** plan or part thereof on the conveyance records of ~~Bossier Parish~~ **the parish of Bossier**. The plan or part thereof shall take effect forty-five days after the date of adoption unless, within such period, it shall have been disapproved by the ~~Village Council~~ **council**, in the case of its applicability to the ~~Village~~ **municipality of** Benton, by the ~~Police Jury~~ **police jury**, in the case of its applicability to unincorporated areas outside the ~~Village~~ **municipality of** Benton or by the ~~Bossier Parish~~ School Board, in the case of its applicability to schools and school sites.

Section 8: Miscellaneous Powers of the Commission: The commission may make reports and recommendations relating to the plan and development of the area within its jurisdiction to public officials and agencies, public utility companies, civic, educational, professional, and other organizations and citizens. It may recommend to the executive or legislative officials of the ~~Village~~ **municipality of** Benton and ~~the parish of~~ Bossier Parish, and to other public or semi-public boards, commissions, agencies or other bodies, programs for public improvements and the financing thereof. All public officials shall, upon request, furnish to the commission, within a reasonable time, such available information as it may require for its work. The commission, its members and employees, in the performance of its functions, may enter upon any land, make examinations and surveys, and place and maintain necessary monuments and marks thereon. In general, the commission shall have such powers as may be necessary to enable it to perform its functions and promote the planning of the area within its jurisdiction.

Section 9: Legal Status of Plan: Whenever the commission shall have adopted the master plan or any part thereof, then and thenceforth no street, park, or any public way, ground place or space, no public building or structure, school or school site, or no public utility, whether publicly or privately owned, shall be constructed or authorized in the area of jurisdiction of the commission until and unless the location and extent thereof shall have been submitted to and approved by the planning commission; ~~provided that in the case of disapproval~~ **If the commission disapproves of the construction plan**, the commission shall communicate its reasons ~~for the disapproval~~ **to the** ~~Village Council~~ **council** or ~~Police Jury~~ **the police jury**, as appropriate; ~~and the Village Council~~ **The council** or ~~Police Jury~~ **the police jury**, by a vote of not less than two-thirds of its entire membership, shall have the power to overrule such

disapproval and, upon such overruling, the ~~Village Council~~ **council**, ~~Police Jury~~ **the police jury**, or the appropriate board or officer shall have the power to proceed; provided, however, that if the public way, ground, place, space, building, structure, school or school site, or utility ~~be is~~ one the authorization or financing of which does not, under the law or charter provisions governing the same, fall within the province of the ~~Village Council~~ **council** or ~~Police Jury~~ **police jury** or other body or official of the ~~Village~~ **municipality of** Benton or ~~parish of~~ Bossier Parish, then the submission to the planning commission shall be by the board, or official having such jurisdiction, and the planning commission's disapproval may be overruled by such board by a vote of not less than two-thirds of its entire membership or by said official. The acceptance, widening, removal, extension, relocation, narrowing, vacating, abandonment, change of use, acquisition of land for, or sale or lease of any street or other public way, ground, place, property, or structure shall be subject to similar submission and approval, and the failure to approve may be similarly overruled. The failure of the commission to act within forty-five days from and after the date of official submission to it shall be deemed approval, unless a longer period ~~be is~~ granted by the ~~Village Council~~ **council**, ~~Police Jury~~ **the police jury**, or other submitting agency or official.

Section 10: Effective Date. In adopting such ordinances as are necessary to effect the purposes of this Article, the ~~Village Council~~ **council** of the ~~Village~~ **municipality of** Benton and ~~the Police Jury~~ **police jury of the parish of** Bossier Parish shall, by mutual agreement, designate the date upon which the powers, duties, and authority of the ~~Benton~~ Metropolitan Planning Commission shall take effect; provided, however, that such date shall be not less than ~~90~~ **ninety** days nor more than one year after the adoption of such ordinances. During this period the ~~Village Planning Commission~~ **planning commission of the** ~~Village~~ **municipality of** Benton and the ~~Parish Planning Commission~~ **planning commission of the parish of** Bossier Parish shall continue to exist with all the powers and duties theretofore held; and, by the expiration of such period the ~~Village Planning Commission~~ **planning commission of the municipality and** the ~~Parish Planning Commission~~ **planning commission of the parish of Bossier** shall have turned over to the ~~Benton~~ Metropolitan Planning Commission all of their records, plans, studies, or other instruments of their work and planning as they pertain to the metropolitan planning area as herein defined. Upon the attachment of the jurisdiction of the ~~Benton~~ Metropolitan Planning Commission, the ~~Village Planning Commission~~ **planning commission of the municipality** shall cease to exist and the ~~Parish Planning Commission~~ **parish planning commission** shall have no further authority in the metropolitan planning area; provided, however, that such plans or parts thereof as have been lawfully adopted by such commissions, including but not limited to the subdivision regulations, major street plan, and zoning plan, shall continue in effect and shall be administered by the ~~Benton~~ Metropolitan Planning Commission until repealed or replaced by such commission in accordance with this Article.

Article 3: Subdivision Regulation

Section 1. Planning Commission As Planning Authority. From and after the time when the ~~Benton-Parish~~ **Metropolitan** Planning Commission shall have adopted a master plan which includes at least a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street plan and shall have filed a certified copy of such major street plan in the office of the ~~Clerk of Court and Recorder~~ **clerk of court of the parish of** Bossier Parish, no plat of a subdivision of land lying within the metropolitan planning area shall be filed or recorded until it shall have been submitted to and approved by the commission and such approval entered in writing on the plat by the secretary of the commission. The ~~Clerk of Court and Recorder~~ **clerk of court** shall not file or record a plat of a subdivision without the approval of the planning commission as required by this Article; the filing or recording of a plat of a subdivision without the approval of the planning commission as required by this Article shall be void.

Section 2. Subdivision Regulations. In exercising the powers granted to it by this Article, the planning commission shall adopt regulations governing the subdivision of land within the metropolitan planning area. Such regulations may provide for the harmonious development of the metropolitan planning area; for the coordination of streets within subdivisions with other existing or planned streets or with other features of the master plan or official map of the metropolitan planning area; for adequate open spaces for traffic, recreation, light, and air; and for a distribution of population and traffic which will tend to create conditions favorable to health, safety, convenience, or prosperity.

Such regulations may include requirements as to the extent to which and the manner in which streets shall be ~~grade~~ **graded** and improved and water, sewer and other utility mains, piping, connections, or other facilities shall be installed as a condition precedent to the approval of the plat. The regulations or practice of the ~~Commission~~ **commission** may provide for the tentative approval of the plat previous to such improvement and installation; but any such tentative approval shall not be entered on the plat.

Such regulations may provide that, in lieu of the completion of such work and installation previous to the final approval of a plat, the commission may accept a bond, in an amount and with surety and conditions satisfactory to it, providing for and securing to the ~~Village~~ **municipality of** Benton or to ~~the parish of~~ Bossier Parish, as appropriate, the actual construction and installation of such improvements and utilities within a period specified by the commission and expressed in the bond; and the ~~Village Council~~ **council** of the ~~Village~~ **municipality of** Benton and the ~~Police Jury~~ **police jury of the parish of** Bossier Parish are hereby granted the power to enforce such bonds by all appropriate legal and equitable remedies. Such regulations may provide, in

\* As it appears in the enrolled bill

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

lieu of the completion of such work and installations previous to the final approval of a plat, for an assessment or other method whereby the ~~Village~~ **municipality** of Benton or ~~the parish of~~ **Bossier Parish**, as appropriate, is put in an assured position to do such work and make such installations at the cost of the owners of the property within the subdivision.

Before adopting its subdivision regulations or any amendment thereto, the commission shall hold a public hearing thereon, at least ten days notice of the time and place of which shall be published in a newspaper of general circulation in the municipality and parish.

Section 3: Procedure on Plats. The ~~Commission~~ **commission** shall approve or disapprove a plat within forty-five days after the submission thereof; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the commission on demand; provided, however, that the applicant for the commission's approval may waive this requirement and consent to the extension of such period. The ground of disapproval of any plat shall be stated upon the records of the commission. No plat shall be disapproved by the commission without affording a hearing thereon.

Section 4. Effect of Plat Approval on Status of Dedication. The approval of a plat by the planning commission shall not be deemed to constitute or effect an acceptance by the municipality or parish or public of the dedication of any street or other ground shown upon the plat.

Section 5: Penalties for Transferring Lots in Unapproved Subdivisions. Whoever, being the owner or the agent of the owner of any land located within the metropolitan planning area, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land before such plat has been approved by such commission and recorded in the office of the ~~Clerk of Court and Recorder~~ **clerk of court of the parish of** Bossier Parish, shall forfeit and pay a penalty of one hundred dollars for each lot so transferred or sold or agreed or negotiated to be sold; and the description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The ~~village~~ **municipality** or the parish, as appropriate, through its solicitor or other designated official, may enjoin such transfer or sale or agreement by action for injunction or may recover the penalty by civil action.

Section 6. Acceptance of and Improvements in Unapproved Streets. From and after the time when the platting jurisdiction of the planning commission shall have attached by virtue of the adoption of a major street plan as provided in Section 1 of this Article, the ~~village~~ **municipality** or parish or other public body shall not accept, lay out, open, improve, grade, pave, or light any street within the metropolitan planning area unless such street shall have been accepted or opened as, or shall have otherwise received the legal status of, a public street prior to such attachment of the commission's platting jurisdiction or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by such commission or on a street plat made by and adopted by such commission; provided, however, that the ~~Village Council~~ **council** or, in the case of a street outside of the ~~village~~ **municipality**, the ~~Police Jury~~ **police jury** may locate and ~~construct~~ **construct** or may accept any other street if the ordinance or other measure for such location and construction or for such acceptance be first submitted to such commission for its approval, and, if disapproved by the commission, be passed by not less than two-thirds of the entire membership of the ~~Village Council~~ **council** or ~~Police Jury~~ **police jury** as appropriate; and a street approved by the commission upon such submission, or constructed or accepted by ~~such two-thirds~~ **a two-thirds** vote after disapproval by the commission, shall have the status of an approved street as fully as though it had been originally shown on a subdivision plat approved by the commission or on a plat made and adopted by the commission.

Section 7. Erection of Buildings. From and after the time when the platting jurisdiction of the planning commission shall have attached by reason of the adoption of a major street plan as provided in Section 1 of this Article, no building permit shall be issued for and no building shall be erected upon any lot within the metropolitan planning area unless the street giving access to the lot upon which such building is proposed to be placed shall be accepted or opened as, or shall have otherwise received the legal status of a public street prior to that time, or unless such street corresponds in its location and lines with a street shown on a subdivision plat approved by such commission or on a street plat made and adopted by such commission, or with a street located or accepted by the ~~Village Council~~ **council** of the ~~Village~~ **municipality** of Benton, or, in the case of territory outside of the ~~village~~ **municipality**, the ~~Police Jury~~ **police jury**, after submission to such commission and, in case of such commission's disapproval, by the favorable vote required in Section 6 of this Article. Any building in violation of this section shall be deemed an unlawful structure, and the building inspector or solicitor or other designated official of the municipality or parish, as appropriate, may bring action to enjoin such erection or cause it to be vacated or removed.

Article 4: Mapped Streets:

Section 1: Platting of Streets Lines by Planning Commission. From and after the time when the planning commission shall have adopted a master plan which includes at least a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street plan, such commission shall have the power to make or cause to be made, from time to time, plats on which are indicated the locations of the lines recommended by the commission as the planned or mapped lines of future streets, street extensions, street widenings, or street narrowings. The making or certifying of a plat by the commission shall not in and of itself constitute

or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

Section 2: Establishment of Official Map. From and after the time when the planning commission shall have adopted a master plan which includes at least a major street plan or shall have progressed in its master planning to the stage of the making and adoption of a major street plan, and shall have certified a copy of such major street plan to the ~~Village Council~~ **council** and one to the ~~Police Jury~~ **police jury**, the ~~Village Council~~ **council** and the ~~Police Jury~~ **police jury** may establish an official map of the ~~village~~ **municipality**, in the case of the ~~Council~~ **council**, and that part of ~~Bossier Parish~~ **the parish of** Bossier within the metropolitan planning area but outside the ~~municipality~~ of Benton, in the case of the ~~Police Jury~~ **police jury**. The official map shall show the location of the streets theretofore existing and established by law as public streets. Such official map may also show the location of the lines of streets on plats of subdivisions which shall have been approved by the planning commission. The ~~Council~~ **council** and the ~~Police Jury~~ **police jury** shall certify the fact of the establishment of the official map to the Clerk of Court and Recorder of Bossier Parish.

Section 3: Official Map: Additions and Changes. The ~~Council~~ **council** and the ~~Police Jury~~ **police jury** may add to the official map, each in its own jurisdiction, by placing thereon from time to time, the lines of streets in accordance with the plat of any subdivision which shall have been approved by the planning commission. The ~~Council~~ **council** and the ~~Police Jury~~ **police jury** may make, from time to time, other additions to or modifications of the official map by placing thereon the lines of planned new streets or street extensions, widenings, narrowings, or vacating; provided, however, that before taking any such action the ~~Council~~ **council** or the ~~Police Jury~~ **police jury**, as appropriate, shall hold a public hearing thereon, notice of the time and place of which shall be given not less than ten days previous to the time fixed therefor, by one publication in a newspaper of general circulation in the ~~village~~ **municipality** or in the parish, as the case may be; and provided further that such proposed addition to or modification of the official map shall be submitted to the planning commission for its approval, and, in the event of such commission's disapproval, such addition or modification shall require the favorable vote of not less than two-thirds of the entire membership of the ~~Council~~ **council** or ~~Police Jury~~ **police jury**, as appropriate. Any street line location certified by the planning commission to the council, as authorized by Section 1 of this Article, shall be deemed approved by the commission without further submission thereof to such commission. The placing of any street or street line upon the official map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for street purposes.

Section 4: Regulation of Buildings in Bed of Mapped Streets. For the purpose of preserving the integrity of the official map, the ~~Council~~ **council** and the ~~Police Jury~~ **police jury** may provide by general ordinances or other legislative action that no permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on the official map. Any such ordinance or legislative act shall provide that the board of appeals, as provided in Article 5 of this Act, shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or part thereof within any such mapped street location in any case in which such board finds, upon the evidence and arguments presented to it upon such appeal (a) that the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit be granted, or (b) that, balancing the interest of the ~~village~~ **municipality** or parish in preserving the integrity of the official map and the interest of the owner in the use and benefits of his property, the grant of such permit is required by consideration of justice and equity. Before taking any such action, the board of appeals shall hold a hearing thereon, at least ten days notice of the time and place of which shall be given to the appellant by mail at the address specified by the appellant in his appeal petition.

In the event that the board of appeals decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character, and also the duration of the building, structure, or part thereof to be permitted.

Section 5: Municipal Improvements in Streets. Buildings Not on Mapped Streets. Except in streets existing and established by law as public streets at the date of the establishment of the official map, no public water facilities, sewer, or other public utility or improvement shall be constructed after such date in any street until such street is duly placed on the official map. The ~~Village Council~~ **council** and the ~~Police Jury~~ **police jury** may provide by ordinance that no permit for the erection of any building shall be issued unless a street giving access to such proposed building existed and was established by law as a public street at the time of the establishment of the official map or shall have been duly placed on the official map in accordance with the provisions of Sections 2 and 3 of this Article; provided, however, that such ordinance shall contain provisions whereby the applicant for such permit may appeal to the board of appeals. Hearing upon the appeal and notice of hearing shall be held and given as provided in Section 3 of this Article and such board shall have the authority to authorize such a permit, subject to such conditions as the board may impose, where the circumstances of the case do not require the proposed building to be related to existing streets or to streets as shown on the official map and where the permit would not tend to distort or increase the difficulty of carrying out the official map or master plan of the ~~village~~ **municipality**.

\* As it appears in the enrolled bill

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

## Article 5: Zoning

Section 1. Grant of Power: For the purposes of promoting the public health, safety, morals, convenience, order, prosperity and general welfare, ~~The Village Council~~ **council** of the ~~Village~~ **municipality** of Benton and the ~~Police Jury~~ **police jury** of ~~the parish of Bossier Parish~~ **the parish of Bossier** are hereby empowered, in accordance with the conditions and the procedures specified in this Article, to regulate the location, height, bulk, number of stories and size of buildings and other structures, the percentage of the lot which may be occupied, the size of yards, courts or other open spaces, the density of population, and the uses of buildings, structures and land for trade, industry, residence, recreation, civic activities, and other purposes, within the ~~village~~ **municipality**, in the case of the ~~Village~~ **municipality** of Benton, and within that part of ~~Bossier Parish~~ **the parish of Bossier** within the metropolitan planning area but outside the ~~Village~~ **municipality** of Benton, in the case of ~~the parish of Bossier Parish~~ **the parish of Bossier**; provided, however, that such regulations may be adopted with respect only to such portion of the metropolitan planning area outside of the ~~Village~~ **municipality** of Benton, as, in the judgment of the ~~Police Jury~~ **police jury**, is deemed necessary.

Section 2. The Zoning Plan: Whenever the planning commission makes and certifies to the ~~Village Council~~ **council** of the ~~Village~~ **municipality** of Benton and to the ~~Police Jury~~ **police jury** of ~~Bossier Parish~~ **the parish of Bossier** a zoning plan, including both the full text of a zoning ordinance and the map or maps, representing the recommendations of the Planning Commission for the regulation by districts or zones of the location, height, bulk, number of stories, and size of buildings and other structures, the percentage of the lot which may be occupied, the size of yards, courts and other open spaces, the density of population, and the uses of buildings, structures, and land for trade, industry, residence, recreation, civic activities, and other purposes, then the ~~Village Council~~ **council** and the ~~Police Jury~~ **police jury** may exercise the powers granted and for the purposes mentioned in Section 1 of this Article and may divide the ~~village~~ **municipality** or that part of the parish within the metropolitan planning area but outside the ~~Village~~ **municipality** of Benton, as the case may be, into districts or zones of such number, shape and area as it may determine, and, for such purposes may regulate the erection, construction, reconstruction, conversion, alteration, and uses of buildings and structures and the uses of land. All such regulations shall be uniform for each class or kind of building throughout each district, but the regulations in one district may differ from those in other districts.

Section 3: Method of Procedure: Before enacting the zoning ordinance or any amendment thereof, the ~~Village Council~~ **council** or the ~~Police Jury~~ **police jury**, as the case may be, shall hold a public hearing thereon, at least ten days notice of the time and place of which shall be published in a newspaper of general circulation in the ~~village~~ **municipality** or in the parish as the case may be. No change in or departure from the text or maps as certified by the planning commission shall be made, unless such change or departure be first submitted to the planning commission and approved by it, or if disapproved, receive the favorable vote of not less than two-thirds of the entire membership of the ~~Village Council~~ **council** or the ~~Police Jury~~ **police jury**, as the case may be.

Section 4. Amendments: The zoning ordinance, including the map or maps, may from time to time be amended; but no amendment shall become effective unless it be first submitted to and approved by the planning commission, or, if disapproved, shall receive the favorable vote of not less than two-thirds of the entire membership of the ~~Village Council~~ **council** or the ~~Police Jury~~ **police jury**, as the case may be.

Section 5: Non-Conforming Uses: The lawful use of a building or premises exactly as such use existed at the time of the enactment of any regulation affecting it may be continued although such use does not conform with the provisions of such regulation. The ~~Village Council~~ **council** or the ~~Police Jury~~ **police jury**, as appropriate, may provide for the termination of non-conforming uses either by specifying the period or periods within which they shall be required to cease or by providing a formula or formulas whereby the compulsory termination of non-conforming use shall be so fixed as to allow a reasonable period for the recovery or amortization of the investment in the non-conforming use of buildings or premises. The ~~Village Council~~ **council** or the ~~Police Jury~~ **police jury**, as appropriate, may in its discretion provide by ordinance for the resumption, restoration, reconstruction, extension, or substitution of non-conforming uses upon such terms and conditions as may be set forth in the ordinance.

Section 6: Board of Appeals. The zoning ordinance shall provide for a board of appeals of five members and two alternate members, each to be appointed for a term of five years. Three members and one alternate member shall be appointed by the ~~Village Council~~ **council** of the ~~Village~~ **municipality** of Benton, two members and one alternate member shall be appointed by the ~~Police Jury~~ **police jury** of ~~the parish of Bossier Parish~~ **the parish of Bossier**. Of the members first appointed by the ~~Village Council~~ **council**, one shall be appointed for a term of five years, and one for a term of four years, and one for a term of three years; of the members first appointed by the ~~Police Jury~~ **police jury**, one shall be appointed for a term of two years and one for a term of one year. The alternate member appointed by the ~~Village Council~~ **council** shall be appointed for a term of five years and the alternate member appointed by the ~~Police Jury~~ **police jury** shall be appointed for a term of three years.

Members and alternate members shall serve without compensation. Any vacancy shall be filled for the unexpired term by the appointing authority, which shall have also the authority to remove any member for cause stated in writing and after public hearing.

Alternate members shall serve only when called upon by the chairman or acting chairman to form a quorum, and when so serving shall have all the powers and duties of full members.

The zoning ordinance may provide and specify general rules to govern the organization and procedure of such board of appeals, which rules shall not be inconsistent with the provisions of this Article; and the board of appeals may adopt supplemental rules of procedure not inconsistent with this Article or such general rules.

The zoning ordinance may provide that the board of appeals may permit special exceptions to the zoning regulations in the classes or cases or situations and in accordance with the principles, conditions, safeguards, and procedure specified in the ordinance. The ordinance may also authorize the board of appeals to interpret the zoning maps and pass upon disputed questions of lot lines, or district boundary lines or similar questions as they arise in the administration of the zoning regulations.

Appeals to the board of appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the ~~Village~~ **municipality** or ~~Parish~~ **parish** affected by any grant or refusal of a building permit or other act of decision, of the building inspector or permit and zoning clerk of the ~~village~~ **municipality** or parish or other administrative official, based in whole or in part upon the provisions of any ordinance enacted under this Article.

The board of appeals shall have the following powers:

(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, permit, decision, or refusal made by the building inspector or permit and zoning clerk of the ~~village~~ **municipality** or parish or any other administrative official in the carrying out or enforcement of any provision of any ordinance enacted pursuant to this Article.

(2) To hear and decide, in accordance with the provisions of any such ordinances, requests for special exceptions or for interpretation of the map or for decisions upon other special questions upon which such board is authorized by any such ordinance to pass.

(3) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the zoning regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional characteristics of such piece of property, the strict application of any regulation enacted under this Article would result in peculiar and exceptional practical difficulties to or exceptional or undue hardship upon the owner of such property, to authorize, upon an appeal relating to such property, a variance from such strict application so as to relieve such difficulties or hardship, provided such relief may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of the zoning plan and zoning ordinance.

Section 7: Enforcement and Remedies. The ~~Village Council~~ **council** and the ~~Police Jury~~ **police jury** may provide for the enforcement of any ordinance enacted under this Article. A violation of any such ordinance is hereby declared a misdemeanor. In case any building or structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any building, structure, or land is or is proposed to be used in violation of any ordinances enacted under this Article, the building inspector, permit and zoning clerk, municipal or parish counsel, or other appropriate authority of the ~~village~~ **municipality** or of the parish, or any adjacent or neighboring property owner who would be especially damaged by such violation, may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful erection, construction, reconstruction, alteration, conversion, maintenance, or use, or to correct or abate such violation, or to prevent the occupancy of such building, structure, or land.

Section 8: Conflict With Other Laws. Whenever the regulations made under ~~the~~ authority of this Article require a greater width or size of yards, courts, or other open spaces, or require a lower height of buildings or less number of stories, or require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute, the provisions of the regulations made under authority of this Article shall govern. Whenever the provisions of any other statute require a greater width or size of yards, courts, or other open spaces, or require a greater percentage of lot to be left unoccupied, or impose higher standards than are required by the regulations made under authority of this Article, the provisions of such statute shall govern.

Section 9: Existing Zoning Ordinances. Existing zoning ordinances of the ~~Village~~ **council** of Benton shall continue in effect until repealed or replaced by ordinances enacted under the authority of this Article.

Article 6: Housing and Building Codes: Rehabilitation.

Section 1: Grant of Power. For the purposes of promoting the public health, safety, morals, convenience, order, prosperity, and general welfare, the ~~Village Council~~ **council** of the ~~Village~~ **municipality** of Benton and the ~~Police Jury~~ **police jury** of ~~Bossier Parish~~ **the parish of Bossier** are hereby empowered, in accordance with the conditions and procedures specified in this Article, to adopt housing codes prescribing minimum standards for the area, volume, light, air, ventilation, illumination, occupancy and density of occupancy and sanitation of dwelling places; to adopt building codes, plumbing codes, electrical codes and related measures to regulate the construction, reconstruction, alteration, extension, conversion, or maintenance of buildings; to regulate ~~by~~ building and housing codes or other measures or ordinances ~~as to the~~ conditions of sanitation, including requirements for water supply and sewerage disposal and drainage; and to adopt such other ordinances, regulations and plans as, in their judgment, are necessary to

effect the rehabilitation of sub-standard dwellings and blighted areas within the village ~~municipality~~, in the case of the Village ~~municipality~~ of Benton, and within that part of ~~the parish of Bossier Parish~~ within the metropolitan planning area but outside the Village ~~municipality~~ of Benton, in the case of ~~the parish of Bossier Parish~~; provided, however, that such codes, ordinances, plans or other measures may be adopted with respect only to such portion of the metropolitan planning area outside the Village ~~municipality~~ of Benton, as in the judgment of the ~~Police Jury~~ **police jury**, is deemed necessary.

Section 2: Planning Commission. The planning commission may prepare and recommend to the Village ~~Council~~ **council** and the ~~Police Jury~~ **police jury** for adoption such codes, ordinances, plans, or other measures as, in its judgment, may be necessary to accomplish the purposes of this Article.

Section 3: Method of Procedure. Before adopting any code, ordinance, plan, or other measures pursuant to this Article, the Village ~~Council~~ **council** or the ~~Police Jury~~ **police jury**, as the case may be, shall hold a public hearing thereon, at least ten days notice of the time and place of which shall be published in a newspaper of general circulation in the village ~~municipality~~ or in the parish, as the case may be.

Section 4: Enforcement and Remedies. The Village ~~Council~~ **municipality** and the ~~Police Jury~~ **police jury** may provide, in their respective jurisdictions, for the enforcement of any code, ordinance, or other measure enacted under this Article. A violation of any such code, ordinance, or other measure is hereby declared a misdemeanor. In case any building or structure is or is proposed to be constructed, reconstructed, altered, extended, converted, or maintained in violation of any code or ordinance enacted under this article the building inspector, permit and zoning clerk, municipal or parish counsel, or other appropriate authority of the village ~~municipality~~ or of the parish, or any adjacent or neighboring property owner who would be specifically damaged by such violation, may, in addition to other remedies, institute injunction, mandamus, or other appropriate action or proceedings to prevent such unlawful construction, reconstruction, alteration, extension, conversion, maintenance, or use, or to correct or abate such violation or to prevent the occupancy of such building.

Approved by the Governor, June 8, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 206**

---  
SENATE BILL NO. 106

BY SENATOR SMITH AND REPRESENTATIVE GAROFALO

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 22:41(14) and to enact R.S. 22:1964(14)(p), relative to a property damage insurance claim; to require an insurer to provide an insured with certain records in connection to a property damage insurance claim upon an insured's request; to provide for exceptions; to require an insurer to respond within a certain time period; to require an insurer to maintain certain records in connection to a property damage insurance claim; to provide for confidentiality; to provide relative to unfair claims settlement practices; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:41(14) is hereby amended and reenacted and R.S. 22:1964(14)(p) is hereby enacted to read as follows:

§41. Policyholder bill of rights

The following items exist in Louisiana statutes and shall serve as standards for a policyholder bill of rights and do not create additional causes of actions or further penalties not otherwise provided under Louisiana statutes:

\* \* \*

(14) Relative to ~~first-party~~ **first-party** property damage claims, policyholders shall have the right to request and receive from the insurance company ~~any portion of the claim file, including but not limited to any written reports, estimates, bids, plans, measurements, drawings, engineer reports, contractor reports, statements, photographs, video recordings, or any other documents or communications that are not legally privileged unless the record that the insurance company prepared, had prepared, or used during its adjustment of the policyholder's claim is legally privileged in accordance with R.S. 22:1964(14). A~~ **An insurance** company may keep confidential adjuster notes, logs, and any ~~other documents or communications prepared in conjunction with a fraud investigation in accordance with R.S. 22:1964(14).~~

\* \* \*

§1964. Methods, acts, and practices which are defined as unfair or deceptive  
The following are declared to be unfair methods of competition and unfair or deceptive acts or practices in the business of insurance:

\* \* \*

(14) Unfair claims settlement practices. Committing or performing with such frequency as to indicate a general business practice any of the following:

\* \* \*

**(p) Failing to make available upon the written request of an insured any portion of the claim file, including but not limited to estimates, bids, plans, measurements, drawings, engineer reports, contractor reports, statements, photographs, video recordings, or any other documents or communications unless the record is legally privileged that the insurer prepared, had**

**prepared, or used during its adjustment of the insured's claim. An insurer may keep confidential any adjuster notes, logs, and any other documents or communications prepared in conjunction with a fraud investigation.**

Approved by the Governor, June 8, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 207**

---  
SENATE BILL NO. 135

BY SENATOR BARROW AND REPRESENTATIVES AMEDEE, BOYD, BRYANT, BUTLER, WILFORD CARTER, COX, FISHER, GLOVER, GREEN, HUGHES, JEFFERSON, JENKINS, KNOX, LAFLEUR, LARVADAIN, LYONS, MARCELLE, DUSTIN MILLER, MOORE, NEWELL, STAGNI, THOMPSON AND WILLARD

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To enact R.S. 46:451, relative to Medicaid reimbursement for services of licensed midwives and certified nurse midwives; to provide for a minimum rate of reimbursement relative to physician reimbursement; to provide for legislative findings; to provide for definitions; to provide for eligibility requirements; to provide for approval by CMS; to provide for rulemaking; to provide for prohibited decreases in certain reimbursements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:451 is hereby enacted to read as follows:

**§451. Medicaid reimbursement; midwifery services**

**A. The legislature hereby finds and affirms all of the following:**

**(1) Midwives are community-based practitioners who provide comprehensive, holistic, individualized maternity care and alternative birthing services to low-risk clients.**

**(2) Midwifery care is family-centered and individualized to consider the unique cultural, ethnic, psychosocial, nutritional, and educational needs of the client and supports healthy lifestyle habits that benefit the whole family.**

**(3) Midwives have made a tremendous contribution to the health and welfare of mothers and the practice of midwifery continues to advance as a profession as these providers comprise an increasing part of mainstream health care.**

**B. The Louisiana Department of Health shall implement a Medicaid reimbursement rate for midwifery services that is, at a minimum, ninety-five percent of the amount reimbursed to licensed physicians for the provision of the same health services in pregnancy and childbirth when acting within their scope of practice.**

**C. For purposes of this Section, "midwife" means a licensed midwife licensed by the Louisiana State Board of Medical Examiners pursuant to R.S. 37:3240 et seq. or a certified nurse midwife licensed by the Louisiana State Board of Nursing pursuant to R.S. 37:913.**

**D.(1) The midwife shall be enrolled as a Medicaid provider and be a managed care organization network or a fee-for-service provider in the Medicaid program in order to be reimbursed in accordance with this Section.**

**(2) Implementation of the reimbursement rate provided for in this Section shall be subject to approval by the Centers for Medicare and Medicaid Services.**

**(3) The Louisiana Department of Health may promulgate any rules as may be necessary to implement the provisions of this Section.**

**E.(1) Nothing in this Section shall be construed to require a decrease in any reimbursement rate for midwife services that are reimbursed equal to the amount reimbursed to licensed physicians.**

**(2) Nothing in this Section shall be construed to expand, diminish, or alter the scope of practice of a midwife.**

**(3) Nothing in this Section shall be construed to require the Medicaid program to cover any specific healthcare service.**

Section 2. This Act shall be known and may be cited as the "Jessica Collins-Ruffin Act".

Approved by the Governor, June 8, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 208**

---  
SENATE BILL NO. 150

BY SENATOR ROBERT MILLS AND REPRESENTATIVE JEFFERSON

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To enact Part XIII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:410.11, and R.S. 36:651(F)(8), relative to literacy; to create the Louisiana Literacy Advisory Commission; to provide for membership, quorum, staffing, and powers and duties of the commission; to require certain reports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XIII of Chapter 1 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:410.11, is hereby enacted to read as follows:

**§410.11. Louisiana Literacy Advisory Commission**  
**A. The Louisiana Literacy Advisory Commission, referred to in this Section as the “commission”, is created within the Department of Education for the purpose of providing recommendations for improving, strengthening, and supporting literacy in Louisiana.**  
**B. The commission shall be comprised of the following members:**  
**(1) The chairman of the Senate Committee on Education or his designee.**  
**(2) The chairman of the House Committee on Education or his designee.**  
**(3) The governor or his designee.**  
**(4) The state superintendent of education or his designee.**  
**(5) The president of the Center for Literacy and Learning or his designee.**  
**(6) The president of the Louisiana Association of Business and Industry or his designee.**  
**(7) The executive director of the Louisiana Association of School Superintendents or his designee.**  
**(8) A staff member of the Board of Regents appointed by the commissioner of higher education, who shall serve at the pleasure of the commissioner.**  
**(9) The executive director of the Louisiana Association for the Education of Young Children or his designee.**  
**(10) One teacher selected by the Louisiana Association of Educators.**  
**(11) One teacher selected by the Louisiana Federation of Teachers.**  
**(12) The executive director of the Louisiana Association of Public Charter Schools or his designee.**  
**(13) One member appointed by the State Board of Elementary and Secondary Education.**  
**(14) A teacher from Louisiana Key Academy appointed by the academy’s chief education officer.**  
**(15) The leader of Decoding Dyslexia or his designee.**  
**C.(1) A vacancy in the membership of the commission shall be filled in the same manner as the original appointment.**  
**(2)(a) The commission shall elect a chairman and vice chairman from among its membership.**  
**(b) The state superintendent of education shall call the first meeting no later than September 1, 2023, and shall preside over the meeting until the commission elects a chairman.**  
**(3) The members of the commission shall serve without compensation except per diem or expenses reimbursement to which they may be individually entitled as members of their constituent organizations.**  
**(4) The commission shall meet upon the call of the chairman but not less frequently than once every three months. At each meeting the state Department of Education shall provide updates on the progress of implementation of the commission’s recommendations. The commission shall make any further recommendations necessary to fulfill its duties.**  
**(5) A majority of the members of the commission shall constitute a quorum for the transaction of business. A majority of the members present and voting shall be necessary for the commission to take any action. The commission and any committees created pursuant to Paragraph (E)(5) of this Section shall be domiciled in Baton Rouge but may hold public hearings elsewhere in the state. All meetings of the commission and its committees shall comply with the provisions of the Open Meetings Law, R.S. 42:11 et seq.**  
**D. The state Department of Education shall provide staff and other support for the commission.**  
**E. The commission shall study and make recommendations to the State Board of Elementary and Secondary Education, the state Department of Education, and the legislature for improving literacy in Louisiana. When conducting analysis and making recommendations, the commission shall have the following powers and duties:**  
**(1) To serve as the advisory board to the State Board of Elementary and Secondary Education and the state Department of Education on matters relating to literacy.**  
**(2) To research and analyze all policies, regulations, and procedures relative to the implementation of literacy initiatives, reforms, and practices.**  
**(3) To formulate policy and programming recommendations and to report those recommendations to the State Board of Elementary and Secondary Education, the state Department of Education, and the legislature in accordance with the provisions of Subsection F of this Section.**  
**(4) To request and review state, regional, and national literacy data to determine and understand the effectiveness and impact of literacy initiatives, reforms, and practices.**  
**(5) To establish and appoint members of the commission to committees to identify, analyze, and make recommendations to the commission in the areas of:**  
**(a) Dyslexia.**  
**(b) Early childhood literacy.**  
**(c) Any other area deemed appropriate by the commission.**  
**F. Not later than February sixth annually, the commission shall provide a report of its findings and recommendations and the status of the implementation of its recommendations to the governor, the members of the legislature, the state superintendent of education, and the State Board of Elementary and Secondary Education. The report shall be submitted to the David R. Poynter Legislative Research Library as required by R.S. 24:771 and 772.**  
Section 2. R.S. 36:651(F)(8) is hereby enacted to read as follows:  
§651. Transfer of boards, commissions, departments, and agencies to Department of Education; boards, commissions, and agencies within Department of Education

\* \* \*

F. The following agencies are transferred to and hereafter shall be within  
**THE ADVOCATE**  
**PAGE 23**

\* As it appears in the enrolled bill

the Department of Education as provided in R.S. 36:901 et seq.:

\* \* \*

**(8) The Louisiana Literacy Advisory Commission (R.S. 17:410.11).**

\* \* \*

Section 3. The Louisiana Early Literacy Commission provided for in Senate Resolution No. 133 of the 2021 Regular Session is hereby terminated.

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 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 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 209**

---

SENATE BILL NO. 161

BY SENATOR LAMBERT

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To enact R.S. 40:4.9.1, relative to preparation of seafood for direct sale to the consuming public; to provide for the Louisiana Small Wild Catfish Processor's Act; to provide for the preparation of wild catfish to be sold directly to the consumer; to provide for exceptions to the state Sanitary Code; to provide for minimum preparation safety requirements; to provide for a sales limitation; to provide for labeling; to provide for collection of tax; to provide for licensure as a wholesale/retail seafood dealer or a fresh products vendor; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:4.9.1 is hereby enacted to read as follows:

**§4.9.1. Louisiana Small Wild Catfish Processor's Act; preparation for direct sale to the consuming public**

**A.(1)(a) No provision of the state Sanitary Code or any provision of any other law or regulation that requires any equipment, design, construction, utensils, supplies, preparation, or services shall apply to the preparation of wild catfish for direct sale to the consuming public. This Section shall not be construed to allow the sale or distribution of any unwholesome food.**

**(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to any preparer of wild catfish who employs any individual to assist in the preparation of the wild catfish for sale.**

**(2) Notwithstanding any provision of law to the contrary, all equipment used or connected in any way with the manufacture or other processing, handling, packing, or storing of any wild catfish prepared for direct sale to the consuming public pursuant to this Section shall comply with the following:**

**(a) Be maintained in a clean and sanitary manner, be free from cracks and, wherever possible, be composed of noncorroding metal or other smooth, impervious material giving an easily cleanable surface. Stationary or not readily movable equipment shall be so installed as to provide for easy cleaning.**

**(i) All barrels, boxes, tubs, pails, or other receptacles used for holding the processed wild catfish shall be kept clean and sanitary and shall be so constructed as to be easily cleanable.**

**(ii) All food contact surfaces shall be cleaned and sanitized after each day's production.**

**(b) If appropriate, be refrigerated so that all processed wild catfish shall be maintained at an appropriate temperature.**

**B. No individual who prepares wild catfish for direct sale to the consuming public pursuant to this Section shall sell more than four hundred pounds of wild catfish per month.**

**C. No individual who prepares wild catfish for direct sale to the consuming public pursuant to this Section shall sell the processed wild catfish to any retail business or individual for resale.**

**D.(1) Any individual who prepares wild catfish for direct sale to the consuming public pursuant to this Section shall affix to any processed wild catfish offered for sale a label which clearly indicates that the food was not produced in a licensed or regulated facility.**

**(2) No individual who prepares wild catfish for direct sale to the consuming public pursuant to this Section shall sell the processed wild catfish unless he is registered to collect any local sales and use taxes that are applicable to the sale of the seafood, as evidenced by a current sales tax certificate issued to the seller by the sales and use tax collector for the parish in which the sales occur.**

**E. No individual who prepares wild catfish for direct sale to the consuming public pursuant to this Section shall sell the processed wild catfish unless he holds a wholesale/retail seafood dealer's license pursuant to R.S. 56:306 or a fresh products license pursuant to R.S. 56:303.1.1.**

**F. This Section shall be known and may be cited as the “Louisiana Small Wild Catfish Processor's Act”.**

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

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

ACT No. 210  
---  
SENATE BILL NO. 200  
BY SENATOR DUPLESSIS  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 23:302(7) and (8), and to enact R.S. 23:302(9) and (10) and Part VIII of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 23:370, relative to an employee's absence from work to obtain genetic testing or a medically necessary cancer screening; to provide relative to employee obligations; to provide certain employee protections; to provide relative to definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:302(7) and (8) are hereby amended and reenacted and R.S. 23:302(9) and (10) and Part VIII of Chapter 3-A of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:370, are hereby enacted to read as follows:

§302. Definitions

For purposes of this Chapter and unless the content clearly indicates otherwise, the following terms shall have the following meanings ascribed to them:

\* \* \*

(7) “Medically necessary” means those healthcare services that are in accordance with generally accepted evidence-based medical standards or that are considered by most physicians or independent licensed practitioners within the community of their respective professional organizations to be the standard of care.

(a) In order to be considered medically necessary, services shall be deemed reasonably necessary to diagnose, correct, cure, alleviate, or prevent the worsening of a condition or conditions that endanger life, cause suffering or pain, or have resulted or will result in a handicap, physical deformity, or malfunction, and those for which no equally effective and less costly course of treatment is available or suitable for the recipient.

(b) Services that are experimental, not approved by the Food and Drug Administration, investigational, or cosmetic are not deemed medically necessary and are specifically excluded from coverage unless coverage for early screening and detection is provided for in Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950.

~~(7)~~(8) “Labor organization” means any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or for other mutual aid or protection in relation to employment or any agent acting for such an organization.

~~(8)~~(9) “Protected genetic information” means information about an individual's genetic tests, the genetic tests of an individual's family members, or the occurrence of a disease, or medical condition or disorder in family members of the individual.

(10) “Preventive cancer screening” means healthcare services necessary for the detection of cancer in an individual, including but not limited to magnetic resonance imaging, ultrasound, or some combination of tests.

\* \* \*

**PART VIII. GENETIC TESTING AND CANCER SCREENING**

**§370. Genetic testing and cancer screening leave of absence**

A. When medically necessary, as that term is defined in R.S. 23:302, an employer shall grant an employee a day's leave of absence from work to obtain genetic testing or preventive cancer screening. An employee who wishes to request such leave shall provide at least fifteen days notice to the employer prior to the leave and make a reasonable effort to schedule the leave so as not to unduly disrupt the operations of the employer. Furthermore, the employee shall provide documentation confirming the performance of such genetic testing or cancer screening when requested by the employer. An employee shall not be required to, but may, disclose the results of genetic testing or a preventative cancer screening.

B. Notwithstanding any other provision of law to the contrary, an employer, employment agency, or labor organization shall not be required to provide paid time off to any employee who is absent from work due to genetic testing or a medically necessary cancer screening. However, an employee shall be permitted to substitute any accrued vacation time or other appropriate paid leave for leave taken pursuant to this Section.

C. Every employer shall post in a conspicuous location on its premises a notice, to be prepared by the Louisiana Workforce Commission, setting forth the requirements of this Section.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
ACT No. 211  
---  
SENATE BILL NO. 202  
BY SENATOR BARROW AND REPRESENTATIVE JEFFERSON  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)

---

THE ADVOCATE  
PAGE 24

\* As it appears in the enrolled bill

of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 17:3399.13.1(C), 3399.14(D) and (E), 3399.15(B)(5)(a), and 3399.17 and to enact R.S. 17:3399.14(F), relative to campus accountability and safety; to provide relative to prevention, reporting, and investigation of incidents of power-based violence at public postsecondary institutions; to provide relative to coordination between institutions and certain local agencies; to provide for surveys and reporting of survey results; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3399.13.1(C), 3399.14(D) and (E), 3399.15(B)(5)(a), and 3399.17 are hereby amended and reenacted and R.S. 17:3399.14(F) is hereby enacted to read as follows:

§3399.13.1. Administrative reporting requirements

\* \* \*

C. The chancellor of each institution shall submit a report to the institution's management board within fourteen days of receiving the report pursuant to Subsection A of this Section from the Title IX coordinator. The report shall include the number of responsible employees and confidential advisors for the institution, the number and percentage of these who have completed required annual training, the number of complaints of power-based violence received by the institution, the number of complaints which resulted in a finding that power-based violations occurred, the number of complaints in which the finding of power-based violations resulted in discipline or corrective action, the type of discipline or corrective action taken, the amount of time it took to resolve each complaint, the number of reports of retaliation, and the findings of any investigations of reports of retaliation. The report shall be posted on the institution's website.

\* \* \*

§3399.14. Coordination with local law enforcement

\* \* \*

D. The head of any law enforcement or criminal justice agency located within the parish of the campus of the institution shall execute a memorandum of understanding proposed by an institution within the law enforcement agency's criminal jurisdiction within thirty days of receipt of the proposal.

E. Each executed memorandum of understanding shall be reviewed annually by each institution's chancellor, Title IX coordinator, and the executive officer of the criminal justice agency, and shall be revised as considered necessary.

~~E-F.~~ Nothing in this Part or any memorandum of understanding entered into pursuant to this Section shall be construed as prohibiting a victim or responsible employee from making a complaint to both the institution and a law enforcement agency.

§3399.15. Campus security policy

\* \* \*

B. Each public postsecondary education management board shall institute policies incorporating the policies and best practices prescribed by the Board of Regents regarding the prevention and reporting of incidents of power-based violence committed by or against students of an institution. The policies, at a minimum, shall require each institution under the board's management to provide for the following:

\* \* \*

(5) Training. (a) The institution shall require annual training for each responsible employee, individual who is involved in implementing an institution's student grievance procedures, including each individual who is responsible for resolving complaints of reported power-based violence, or sexual misconduct policy violations, each Title IX coordinator at all institutions, and each employee of an institution who has responsibility for conducting an interview with an alleged victim of power-based violence. ~~Each institution shall ensure that the individuals and employees receive the training described in this Subsection no later than the beginning of the 2022-2023 academic year.~~

\* \* \*

§3399.17. Public institutions of postsecondary education; power-based violence climate surveys

A.(1) Each institution shall administer an anonymous power-based violence climate survey to its students ~~once every three years~~. If an institution administers other surveys with regard to campus safety, the power-based violence climate survey may be included as a separate component of any such survey provided that the power-based violence component is clearly identified as such.

(2) Participation in the power-based violence climate survey shall be voluntary; no student shall be required or coerced to participate in the survey nor shall any student face retribution or negative consequence of any kind for declining to participate.

(3) Each institution shall make every effort to maximize student participation in the survey.

B. The Board of Regents shall:

(1) ~~Develop~~ Coordinate the survey in consultation with the public postsecondary education management boards and stakeholders in accordance with national best practices.

(2) Work with the management boards in researching and selecting the best method of developing and administering the survey.

(3) Consult with victims' advocacy groups and student leaders who represent a variety of student organizations and affiliations, including student government associations, academic associations, faith-based groups, cultural groups, and fraternities and sororities, when meeting the requirements of

---

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

Paragraph (1) of this Subsection.

B. The Board of Regents shall:

(1) ~~Develop~~ **Coordinate** the survey in consultation with the public postsecondary education management boards and **stakeholders** in accordance with national best practices.

(2) Work with the management boards in researching and selecting the best method of developing and administering the survey.

(3) Consult with victims’ advocacy groups and student leaders who represent a variety of student organizations and affiliations, including student government associations, academic associations, faith-based groups, cultural groups, and fraternities and sororities, when meeting the requirements of Paragraph (1) of this Subsection.

(4) ~~Submit a written report on survey results to the House Committee on Education, the Senate Committee on Education, and the governor not later than forty-five days prior to the convening of the next Regular Session of the Legislature following the administration of the survey. The report shall summarize results from each public postsecondary education institution and the state as a whole.~~

(5)~~(4)~~ Publish the survey results on the board’s website and in any other location or venue the board considers necessary or appropriate.

C. Each public postsecondary institution shall:

(1) Administer a survey during the 2022-2023 academic year and every third year thereafter.

(2) Report survey results to the institution’s board of supervisors and the Board of Regents.

(3) Publish the survey results in a prominent, easy-to-access location on the institution’s website.

**D. The Board of Regents shall submit a written report on the survey results, to be included in the power-based violence report pursuant to R.S. 17:3399.13.1(F). The report shall summarize results from each public postsecondary education institution and the state as a whole. The report shall be submitted to the David R. Poynter Legislative Research Library as required by R.S. 24:771 and 772.**

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 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

ACT No. 212

---

SENATE BILL NO. 229

BY SENATOR DUPLESSIS AND REPRESENTATIVE KNOX

AN ACT

To amend and reenact R.S. 33:130.862(A) and to enact R.S. 33:130.865.1, relative to the boundaries of the New Orleans Exhibition Hall Authority Economic Growth and Development District; to provide for a payment in lieu of taxes provision; 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. 33:130.862(A) is hereby amended and reenacted and R.S. 33:130.865.1 is hereby enacted to read as follows:

§130.862. New Orleans Exhibition Hall Authority Economic Growth and Development District; creation; territorial jurisdiction

A. The New Orleans Exhibition Hall Authority Economic Growth and Development District, a body politic and corporate, referred to in this Subpart as the “district”, is hereby created in the city of New Orleans, referred to in this Subpart as the “city”. The district shall be comprised of all the property bounded by the floodwall at Girod Street to Market Street, Market Street to Tchoupitoulas Street, north on Tchoupitoulas Street to Euterpe Street, west on Euterpe Street to Chippewa Street (extended), north on Chippewa Street (extended) to Melpomene Street, west on Melpomene Street to Annunciation Street, north on Annunciation Street to Thalia Street, east on Thalia Street to St. Thomas Street (extended), north on St. Thomas Street (extended) to Calliope Street riverbound, **east on Calliope Street riverbound to Convention Center Boulevard**, north on Convention Center Boulevard to Girod Street, and east on Girod Street to the floodwall, referred to in this Subpart as the “property”.

\* \* \*

**§130.865.1. Payment in lieu of taxes**

**A. Any property that is acquired or owned by the district or any subdistrict is hereby declared to be public property used for public purposes and shall be exempt from all ad valorem taxes. However, any improvements thereon, other than those improvements owned by the New Orleans Exposition Hall Authority, shall be subject to all ad valorem taxes, or, in the alternative, a payment in lieu of taxes, subject to the process defined in Subsection B of this Section.**

**B. Subject to prior review by the New Orleans City Council of an economic development project with a payment in lieu of taxes agreement as provided for herein, the district or any subdistrict may designate any property it acquires or owns, each no greater than one discrete parcel subject to its own ad valorem tax bill, to be an “economic development project” that may be leased to a lessee**

subject to the lessee making payments to the tax collector for the city of New Orleans in an annual sum in lieu of ad valorem taxes to compensate the city of New Orleans for any services rendered to such economic development project. **The annual sum, together with any fees and charges to be paid by such lessee shall not be in excess of the ad valorem taxes such lessee would have been obligated to pay in such year had such property been owned by the lessee during the period for which such payment in lieu of taxes is made. The payment to be made in lieu of taxes, together with any fees and charges of the district or any subdistrict, shall constitute statutory impositions within the meaning of R.S. 47:2128. Prior to entering into the payment in lieu of tax agreement, the district or any subdistrict, acting by and through the board, shall provide the city of New Orleans office of economic development with the payment in lieu of tax proposal for property designated an economic development project serving the public purposes of the district or subdistrict, which proposal shall consist of the following:**

**(1) The term of the payment in lieu of tax proposal evidenced in a payment in lieu of tax agreement.**

**(2) The annual amount of the payment in lieu of taxes to be paid by the lessee.**

**(3) A description of the economic development project identified in the payment in lieu of tax proposal, which at a minimum shall consist of one or more of the following:**

**(a) For each distinct parcel and lot within the economic development project, including areas therein that are leased to sub-lessees, creation of at least ten new permanent jobs.**

**(b) For each economic development project in aggregate, creation of an affordable workforce housing development of not less than seventy-five housing units, defined to be priced at an affordable or workforce rate, as then defined by the United States Department of Housing and Urban Development, for a minimum period of thirty years.**

**(4) Documentation that the economic development project identified in the payment in lieu of tax agreement will meet all required city standards, including but not limited to the city of New Orleans local hire and disadvantaged business enterprise rules, as well as all applicable rules within the Comprehensive Zoning Ordinance of the city of New Orleans. Each payment in lieu of tax proposal, as defined herein, shall be submitted prior to acquiring or owning an economic development project with such payment in lieu of tax agreement. The proposal shall be submitted to the city of New Orleans office of economic development for review via personal delivery to the director of such office, in exchange for a stamped receipt by the office or via registered or certified U.S. mail. The office of economic development shall have forty-five days from the date the proposal is received to review the payment in lieu of tax proposal, pursuant to those standards herein and any additional requirements which may be adopted by the office of economic development, and transmit a recommendation of approval or denial to the New Orleans city council, through the clerk of the city council. The city council shall have fifteen days from the date the proposal is received by its clerk to review the payment in lieu of tax proposal, followed by an additional thirty-day period to adopt a resolution disapproving or approving, with or without amendments, the proposal. The thirty day approval period shall include a hearing before the city council economic development committee, which may recommend a vote of disapproval, approval, or approval with amendments on the resolution to the full city council. The payment in lieu of tax agreement shall be deemed denied for execution by the district or any subdistrict if the city council fails to adopt a resolution approving the proposal, with or without amendments, within the thirty days following such fifteen-day review period. The payment in lieu of tax agreement related to an economic development project within the district or any subdistrict shall become effective upon approval by resolution of the board of the district or any subdistrict after the payment in lieu of tax agreement has received the approval of the city council and has incorporated the city council amendments, if any, to the payment in lieu of tax agreement.**

**C. All economic development projects for which a payment in lieu of tax agreement is approved shall submit annual project compliance reports to the city council and office of economic development, with such data that shall be required by the office of economic development.**

**D. Failure to comply with any provision of the approved payment in lieu of tax agreement shall be grounds for amendment or cancellation of said agreement by further council resolution.**

**E. In connection with the lease of any property owned by the district or subdistrict to a private entity, the contract of lease or other agreement shall not be subject to R.S. 33:4710.11(D)(4) and R.S. 33:4710.11(D)(5).**

**F. Nothing herein shall be construed to relieve any party of the obligation to comply with the Comprehensive Zoning Ordinance of the city of New Orleans, including but not limited to provisions related to inclusionary zoning.**

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

ACT No. 213

---

SENATE BILL NO. 231

BY SENATOR BARROW

AN ACT

To enact R.S. 33:9097.37, relative to East Baton Rouge Parish; to create the Glen Oaks Area Crime Prevention and Improvement District; to provide relative to the boundaries, purpose, governance, and powers and duties of

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

the district; to provide relative to district funding, including the authority to impose a parcel fee within the district, subject to voter approval; 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. 33:9097.37 is hereby enacted to read as follows:

**§9097.37. Glen Oaks Area Crime Prevention and Improvement District**

**A. Creation.** There is hereby created within the parish of East Baton Rouge, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the Glen Oaks Area Crime Prevention and Improvement District, referred to in this Section as the “district”. The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

**B. Boundaries.** The boundaries of the district are coterminous with the boundaries of the Mickens Place Subdivision as established in the official subdivision plat filed with the clerk of court for East Baton Rouge Parish.

**C. Purpose.** The purpose of the district is to aid in crime prevention and to add to the security of the district residents by providing for an increase in the presence of law enforcement personnel in the district and to add to the overall betterment of the district by providing for beautification and other improvements within the district.

**D. Governance.** (1) The district shall be governed by a seven-member board of commissioners, referred to in this Section as the “board”. The board shall be composed as follows:

(a) The president of the Mickens Place Homeowners Association.

(b) The board of directors of the Mickens Place Homeowners Association shall appoint one member.

(c) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member.

(d) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member.

(e) The member of the governing authority of the city of Baton Rouge, parish of East Baton Rouge whose district encompasses all or the greater portion of the area of the district shall appoint one member.

(f) The assessor for the parish of East Baton Rouge shall appoint one member.

(g) The mayor-president for the city of Baton Rouge, parish of East Baton Rouge, shall appoint one member.

(2) All members of the board shall be residents and qualified voters within the district.

(3)(a) Members appointed pursuant to Subparagraphs (1)(b) through (g) of this Subsection shall serve three-year terms after initial terms as provided in Subparagraph (b) of this Paragraph. Vacancies resulting from the expiration of a term or any other reason shall be filled in the manner of the original appointment. Members shall be eligible for reappointment.

(b) Two members shall serve an initial term of one year; two shall serve two years; and two shall serve three years as determined by lot at the first meeting of the board.

(c) The member serving pursuant to Subparagraph (1)(a) of this Subsection shall serve during his term of office.

(4) The board shall elect from its members a chairman, a vice chairman, a secretary, a treasurer, and such other officers as it deems necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.

(5) The secretary of the board shall maintain the minute books and archives of the district. The monies, funds, and accounts of the district shall be in the official custody of the board.

(6) The board shall adopt such bylaws as it deems necessary or advisable for conducting its business affairs. Rules and regulations of the board relative to the notice and conduct of meetings shall conform to applicable law, including, if applicable, the Open Meetings Law. The board shall hold regular meetings as provided for in the bylaws and may hold special meetings at times and places within the district as prescribed in the bylaws.

(7) A majority of the members of the board shall constitute a quorum for the transaction of business. The board shall keep minutes of all meetings and shall make them available through the secretary of the board.

(8) The members of the board shall serve without compensation but shall be reimbursed for their reasonable out-of-pocket expenses directly related to the governance of the district.

**E. Powers and duties.** The district, acting through its board, shall have the following powers and duties:

(1) To sue and be sued.

(2) To adopt, use, and alter at will a corporate seal.

(3) To receive and expend funds collected pursuant to Subsection F of this Section and in accordance with a budget adopted as provided by Subsection H of this Section.

(4) To enter into contracts with individuals or entities, private or public, for the provision of security patrols, improvement, or other programs in the district.

(5) To provide or enhance security patrols in the district; to provide for improved lighting, signage, or matters relating to the security of the district; and to provide for improvements in the district; and to provide generally for the overall betterment of the district.

(6) To purchase, lease, rent, or otherwise acquire items, supplies, and services necessary or deemed appropriate for achieving any purpose of the district.

(7) To accept private grants and donations.

(8) To procure and maintain liability insurance against any personal or legal liability of a board member that may be asserted or incurred based upon service

\* As it appears in the enrolled bill

as a member of the board or that may arise as a result of actions taken within the scope and discharge of duties as a member of the board.

**F. Parcel fee.** The district may impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection.

(1) The fee shall be imposed by duly adopted resolution of the board. The fee shall be a flat fee not to exceed one hundred dollars per parcel per year.

(2) The fee shall be imposed on each improved and unimproved parcel located within the district. The owner of the parcel shall be responsible for payment of the fee.

(3) For purposes of this Section, “parcel” means a lot, a subdivided portion of ground, an individual tract, or a “condominium parcel” as defined in R.S. 9:1121.103.

(4) The fee shall be imposed only after its imposition has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code.

(5) The term of the imposition of the fee shall be as provided in the proposition authorizing the fee, not to exceed ten years. The fee may be renewed if the renewal is approved by the voters in the manner provided in Paragraph (4) of this Subsection. If renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed ten years.

(6) The fee shall be collected at the same time and in the same manner as ad valorem taxes are collected for East Baton Rouge Parish. The tax collector shall collect and remit to the district all amounts collected not more than sixty days after collection; however, the district may enter into an agreement with the tax collector to authorize the retention of an annual collection fee, not to exceed one percent of the amount collected.

(7) Any parcel fee which is unpaid shall be added to the tax rolls of East Baton Rouge Parish and shall be enforced with the same authority and subject to the same penalties and procedures as unpaid ad valorem taxes.

**G. Additional contributions.** The district may solicit, accept, and expend additional voluntary contributions and grants to carry out its purposes.

**H. Budget.** (1) The board shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act pursuant to R.S. 39:1301 et seq.

(2) The district shall be subject to audit by the legislative auditor pursuant to R.S. 24:513.

**I. Miscellaneous provisions.** (1) It is the purpose and intent of this Section that any additional law enforcement personnel and services provided for through the fees authorized in this Section shall be supplemental to, and not in lieu of, personnel and services to be provided in the district by publicly funded law enforcement agencies.

(2) If the district ceases to exist, any funds of the district shall be transmitted to the governing authority of the city of Baton Rouge, parish of East Baton Rouge, and shall be used for law enforcement purposes in the area which comprised the district.

**J. Indemnification and exculpation.** (1) The district shall indemnify its officers and board members to the fullest extent permitted by R.S. 12:227, as fully as if the district were a nonprofit corporation governed thereby, and as may be provided in the district’s bylaws.

(2) No board member or officer shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages, for breach of his duties as a board member or officer, provided that this provision shall not eliminate or limit the liability of a board member or officer for any of the following:

(a) Acts or omissions not in good faith or which involve intentional misconduct or a knowing violation of law.

(b) Any transaction from which he derived an improper personal benefit.

(3) To the fullest extent permitted by R.S. 9:2792 et seq., including R.S. 9:2792.1 through 2792.9, a person serving the district as a board member or officer shall not be individually liable for any act or omission arising out of the performance of his duties.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 214**  
---

2023 Regular Session  
HOUSE BILL NO. 55

BY REPRESENTATIVES SELDERS, BOYD, BRASS, BRYANT, WILFORD  
CARTER, CORMIER, COX, FISHER, GLOVER, JENKINS, KNOX,  
LAFLEUR, LANDRY, LARVADAIN, LYONS, MCFARLAND, MOORE,  
SCHLEGEL, AND WILLARD

AN ACT

To amend and reenact R.S. 15:830(A), (B), and (C) and to enact R.S. 15:830(D) and (E), relative to the mental health treatment of incarcerated persons; to provide for legislative intent; to provide relative to the duties of the Department of Public Safety and Corrections; to provide for training; to provide for treatment goals; to provide for discharge plans; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:830(A), (B), and (C) are hereby amended and reenacted and R.S. 15:830(D) and (E) are hereby enacted to read as follows:

§830. Treatment of inmates with mental illness or intellectual disability

**A. This Section shall be cited and referred to as “The Mental Healing**

Justice for Incarcerated People Act”.

B. It is the intent of the legislature that the state of Louisiana shall allocate state funding for the “Mental Healing Justice for Incarcerated People Act” to ensure both the access and delivery of quality care for individuals incarcerated within the Department of Public Safety and Corrections. The legislature also finds that access to high-quality mental health services, regardless of the setting, is of importance. The state wholly supports efforts to assist incarcerated individuals suffering from severe and persistent mental illnesses in their efforts to navigate incarceration and reentry into society.

A. C.(1) The department ~~may~~ shall establish resources and programs for the treatment of inmates with a mental illness or an intellectual disability; either in a separate facility or as part of other institutions or facilities of the department.

(2)(a) Subject to appropriation by the legislature and the availability of resources, the department shall provide screening to persons entering state prison facilities, upon intake, for mental health disorders as defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.

(b) At any point during the person’s incarceration, any department staff member who suspects that an incarcerated person may have a mental illness may refer that person to the facility’s mental health department.

(3) Subject to appropriation by the legislature and the availability of resources, the department shall provide Mental Health First Aid training to employees on an annual basis.

(4) The department may utilize trained peer support who have shared lived experiences to augment and enhance mental health services.

(5) To the extent feasible and subject to the availability of department and community resources, the department, prior to the release of an incarcerated person, shall provide an incarcerated person who has been diagnosed with a serious mental illness an appointment or walk-in instructions for a community mental health provider to ensure continuity of care.

B. ~~D.~~ On the recommendation of appropriate medical personnel and with the consent of the Louisiana Department of Health or other appropriate department, the secretary of the Department of Public Safety and Corrections may transfer an inmate for observation and diagnosis to the Louisiana Department of Health or other appropriate department or institution for a period not to exceed the length of his sentence. If the inmate is found to be subject to civil commitment for psychosis or other mental illness or intellectual disability, the secretary of the Department of Public Safety and Corrections shall initiate legal proceedings for such commitment. If the inmate is not represented by counsel at such legal proceedings, the court shall appoint an attorney to represent him. Reasonable attorney fees shall be fixed by the judge and shall be paid by the state. While the inmate is in such other institution his sentence shall continue to run.

~~C.~~ E. When, in the judgment of the administrator of the institution to which an inmate has been transferred, he has recovered from the condition which occasioned the transfer, he shall be returned to the department, unless his sentence has expired.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 215**

---

HOUSE BILL NO. 68

BY REPRESENTATIVES HODGES, ADAMS, AMEDEE, BUTLER, CARRIER, COX, CREWS, DESHOTEL, EDMONDS, EDMONSTON, FIRMENT, FISHER, GAROFALO, HARRIS, HORTON, MCFARLAND, MIGUEZ, MOORE, CHARLES OWEN, SCHAMERHORN, SEABAUGH, SELTERS, AND THOMPSON

AN ACT

To enact R.S. 17:282 and 3996(B)(75), relative to curricula; to authorize public school governing authorities to offer an elective high school course in the history and literature of the Bible; to provide for course purposes and parameters; to require the State Board of Elementary and Secondary Education to adopt rules for implementation; 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 “History and Literature of the Bible Act”.

Section 2. R.S. 17:282 and 3996(B)(75) are hereby enacted to read as follows:

**§282. History and literature of the Bible; high schools**

A. Each public school governing authority may offer an elective high school course in the history and literature of the Bible for the purposes of:

(1) Providing students with knowledge of biblical content, characters, poetry, and narratives that are prerequisites to understanding contemporary society and culture, including literature, art, music, mores, oratory, and public policy.

(2) Familiarizing students with the content, history, and structure of the Bible and the influence of the Bible on law, history, government, literature, art, music, customs, morals, values, and culture.

B. If such a course is offered:

(1) No student shall be required to use a particular translation of the Bible as the textbook for the course.

**THE ADVOCATE**  
**PAGE 27**

\* As it appears in the enrolled bill

(2) The course shall maintain religious neutrality and accommodate diverse religious views, traditions, and perspectives.(3) The course shall not endorse, promote, favor, disfavor, or show hostility toward any particular religion or any nonreligious perspective.

C. The State Board of Elementary and Secondary Education shall adopt rules in accordance with the Administrative Procedure Act for the implementation of this Section.

D. In carrying out the provisions of this Section, neither the State Board of Elementary and Secondary Education nor any public school governing authority shall violate any provision of the United States Constitution or any federal law, the Constitution of Louisiana or any state law, or any regulation of the United States Department of Education.

\* \* \*

§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:

\* \* \*

(75) Elective course on the history and literature of the Bible, R.S. 17:282.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 216**

---

HOUSE BILL NO. 77

BY REPRESENTATIVES SCHLEGEL, AMEDEE, BACALA, BAGLEY, BUTLER, CARRIER, CREWS, DAVIS, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FONTENOT, FREIBERG, GAROFALO, GOUDEAU, HARRIS, HODGES, HORTON, ILLG, IVEY, MIKE JOHNSON, KERNER, MACK, MCMAHEN, MIGUEZ, MINCEY, MOORE, CHARLES OWEN, PRESSLY, RISER, ROMERO, SCHAMERHORN, SEABAUGH, ST. BLANC, STAGNI, TARVER, THOMAS, THOMPSON, VILLIO, AND WHITE

AN ACT

To enact Chapter 31-B of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:2121, relative to liability for publishers and distributors of material harmful to minors; to provide for the investigation and pursuit of actions by the attorney general; to provide for civil penalties for failure to perform age verification; to provide for attorney fees and court costs; to provide for exceptions; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 31-B of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:2121, is hereby enacted to read as follows:

**CHAPTER 31-B. COMMERCIAL PUBLICATION AND DISTRIBUTION OF MATERIAL HARMFUL TO MINORS**

**§2121. Enforcement of age verification by publishers and distributors of material harmful to minors**

A.(1) Any commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on the internet from a website that contains a substantial portion of such material shall be subject to civil penalties as provided in this Section if the entity fails to perform reasonable age verification methods to verify the age of individuals attempting to access the material.

(2) The attorney general may conduct an investigation of the alleged violation and initiate a civil action in the Nineteenth Judicial District Court for the parish of East Baton Rouge on behalf of the state to assess civil penalties. Prior to asserting a cause of action, the attorney general shall provide the commercial entity with a period of time of not less than thirty days to comply with this Section.

B.(1) Any commercial entity that violates this Section may be liable for a civil penalty, to be assessed by the court, of not more than five thousand dollars for each day of violation to be paid to the Department of Justice, in order to fund the investigation of cyber crimes involving the exploitation of children. In addition to the remedies provided in this Section, the attorney general may request and the court may impose an additional civil penalty not to exceed ten thousand dollars for each violation of this Section against any commercial entity found by the court to have knowingly failed to perform reasonable age verification methods to verify the age of individuals attempting to access the material. The civil penalty shall be paid to the Department of Justice in order to fund the investigation of cyber crimes involving the exploitation of children.

(2) Each violation may be treated as a separate violation or may be combined into one violation at the option of the attorney general.

(3) Any commercial entity that violates this Section may be liable to the attorney general for all costs, expenses, and fees related to investigations and proceedings associated with the violation, including attorney fees.

(4) If the court assesses a civil penalty pursuant to this Section, the

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

Department of Justice shall be entitled to legal interest as provided in R.S. 9:3500 from the date of imposition of the penalty until paid in full.

C.(1) This Section shall not apply to any bona fide news or public interest broadcast, website, video, report, or event and shall not be construed to affect the rights of any news-gathering organization.

(2) No internet service provider, or its affiliates or subsidiaries, search engine, or cloud service provider shall be held to have violated the provisions of this Section solely for providing access or connection to or from a website or other information or content on the internet or a facility, system, or network not under the control of that provider, including transmission, downloading, intermediate storage, access software, or other related capabilities, to the extent such provider is not responsible for the creation of the content of the communication that constitutes material harmful to minors.

D. For purposes of this Section:

(1) “Commercial entity” means corporations, limited liability companies, partnerships, limited partnerships, sole proprietorships, or other legally recognized entities.

(2) “Distribute” means to issue, sell, give, provide, deliver, transfer, transmute, circulate, or disseminate by any means.

(3) “Internet” means the international computer network of both federal and non-federal interoperable packet switched data networks.

(4) “Material harmful to minors” means all of the following:

(a) Any material that the average person, applying contemporary community standards would find, taking the material as a whole and with respect to minors, is designed to appeal to, or is designed to pander to, the prurient interest.

(b) Any of the following material that exploits, is devoted to, or principally consists of descriptions of actual, simulated, or animated display or depiction of any of the following, in a manner patently offensive with respect to minors:

(i) Pubic hair, anus, vulva, genitals, or nipple of the female breast.

(ii) Touching, caressing, or fondling of nipples, breasts, buttocks, anuses, or genitals.

(iii) Sexual intercourse, masturbation, sodomy, bestiality, oral copulation, flagellation, excretory functions, exhibitions, or any other sexual act.

(c) The material taken as a whole lacks serious literary, artistic, political, or scientific value for minors.

(5) “Minor” means any person under the age of eighteen years.

(6) “News-gathering organization” means any of the following:

(a) An employee of a newspaper, news publication, or news source, printed or on an online or mobile platform, of current news and public interest, while operating as an employee as provided in this Subparagraph, who can provide documentation of such employment with the newspaper, news publication, or news source.

(b) A radio broadcast station, television broadcast station, cable television operator, wire service, or an employee thereof.

(7) “Publish” means to communicate or make information available to another person or entity on a publicly available internet website.

(8) “Reasonable age verification methods” means verifying that a person seeking to access the material is eighteen years of age or older by using any of the following methods:

(a) Providing a digitized identification card as defined in R.S. 51:3211.

(b) Requiring the person attempting to access the material to comply with a commercial age verification system that verifies in any of the following ways:

(i) Government-issued identification.

(ii) Any commercially reasonable method that relies on public or private transactional data to verify the age of the person attempting to access the information is at least eighteen years of age or older.

(9) “Substantial portion” means more than thirty-three and one-third percent of total material on a website, which meets the definition of “material harmful to minors” as defined by this Section.

Section 2. This Act shall be known and may be cited as the “Pornography Age Verification Enforcement Act” or the “PAVE Act”.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 217**

---

HOUSE BILL NO. 89

BY REPRESENTATIVES MARCELLE AND GLOVER

AN ACT

To amend and reenact R.S. 32:398.10(E), relative to the collection and reporting of statistical information related to traffic stops; to remove the application of an exception to state police for a statutory provision governing the collection of traffic stop data that is applicable to law enforcement agencies or departments that adopt written policies against racial profiling; to provide a special effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:398.10(E) is hereby amended and reenacted to read as follows:

§398.10. Collection and reporting of statistical information relating to traffic stops

\* \* \*

E. Except for the office of state police, ~~The~~ the provisions of this Section

\* As it appears in the enrolled bill

shall be inapplicable to any local law enforcement agency or department that has adopted a written policy against racial profiling.

\* \* \*

Section 2. The provisions of this Act shall become effective on January 1, 2024.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 218**

---

HOUSE BILL NO. 94

BY REPRESENTATIVES BACALA, CARRIER, COUSSAN, DUBUISSON, ECHOLS, EDMONDS, EDMONSTON, FIRMENT, FONTENOT, GLOVER, HARRIS, HILFERTY, HORTON, ILLG, MIKE JOHNSON, MCMAHEN, MIGUEZ, ORGERON, CHARLES OWEN, PRESSLY, RISER, SCHLEGEL, STAGNI, THOMPSON, VILLIO, WHEAT, AND WHITE

AN ACT

To enact R.S. 14:67.13, relative to theft; to create the crime of theft or criminal access of an automated teller machine; to provide for a definition; to provide for criminal penalties; to provide relative to the payment of restitution for the crime; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:67.13 is hereby enacted to read as follows:

§67.13. Theft or criminal access of an automated teller machine

A.(1) Theft of an automated teller machine is the misappropriation or taking of an automated teller machine which belongs to another without the consent of the other to the misappropriation or taking with the intent to deprive the owner permanently of the automated teller machine or its contents.

(2) Criminal access of an automated teller machine is the intentional destroying, damaging, impairing, tampering with, or otherwise rendering inoperable of an automated teller machine belonging to another with the intent to steal currency or personal financial information of another, regardless of the pecuniary loss.

B. For purposes of this Section, “automated teller machine” means an electronic information processing device located in this state which accepts or dispenses cash in connection with an account or credit card.C. Whoever violates the provisions of this Section shall be imprisoned with or without hard labor for not less than five years nor more than ten years, and may, in addition, be required to pay a fine of not more than ten thousand dollars. Restitution shall be ordered pursuant to Code of Criminal Procedure Article 883.2.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 219**

---

HOUSE BILL NO. 121

BY REPRESENTATIVES AMEDEE, BRASS, EDMONSTON, EMERSON, FREIBERG, GEYMAN, JEFFERSON, MCCORMICK, CHARLES OWEN, AND TARVER AND SENATOR PEACOCK

AN ACT

To enact R.S. 17:17.7, relative to required recess for students; to require certain public schools to provide daily recess; to provide for a minimum duration of such recess; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:17.7 is hereby enacted to read as follows:

§17.7. Required recess

Each public school that includes any of the grades kindergarten through five shall provide at least fifteen minutes of recess, consisting of supervised, unstructured free play, each school day.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 220**

---

HOUSE BILL NO. 128

BY REPRESENTATIVE LACOMBE

AN ACT

To amend and reenact R.S. 33:1236.26(A), relative to the governing authority of West Baton Rouge Parish; to provide for nuisance ordinances regarding grass and obnoxious weeds; 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. 33:1236.26(A) is hereby amended and reenacted to read as follows:

§1236.26. Powers of the governing authorities of Pointe Coupee Parish, St.

Charles Parish, St. John the Baptist Parish, ~~and St. Landry Parish, and West Baton Rouge Parish;~~ nuisance ordinance regarding grass and obnoxious weeds; notice required

A. The governing authorities of the parishes of Pointe Coupee, St. Charles, St. John the Baptist, ~~and St. Landry, and West Baton Rouge~~ may amend ordinances to compel property owners to cut grass and obnoxious weeds on their property without the notice required in R.S. 33:1236(21)(a)(i) if the property owner liable has been notified pursuant to that Item at any time during the immediately preceding twelve months and has failed to do the work himself after an opportunity to do so.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 221**

---

HOUSE BILL NO. 135

BY REPRESENTATIVES MIKE JOHNSON, BAGLEY, BUTLER, CREWS, DESHOTEL, EDMONDS, FIRMENT, HORTON, LAFLEUR, MCFARLAND, SCHAMERHORN, SCHLEGEL, SEABAUGH, STAGNI, THOMPSON, AND

WHITE  
AN ACT

To amend and reenact R.S. 18:427(A) and to enact R.S. 18:424(B)(6), 425(B)(3)(d), and 426(A)(2)(c), relative to election officials; to provide for commissioners-in-charge, commissioners, alternate commissioners, and watchers; to provide for qualifications; to prohibit registered sex offenders and child predators from serving in certain positions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:427(A) is hereby amended and reenacted and R.S. 18:424(B)(6), 425(B)(3)(d), and 426(A)(2)(c) are hereby enacted to read as follows:

§424. Commissioners-in-charge

\* \* \*

B. Qualifications. A commissioner-in-charge shall possess the following qualifications:

\* \* \*

(6) No person who is required to register as a sex offender or child predator pursuant to R.S. 15:542 may serve as a commissioner-in-charge.

\* \* \*

§425. Commissioners

\* \* \*

B. Qualifications and classifications.

\* \* \*

(3)

\* \* \*

(d) No person who is required to register as a sex offender or child predator pursuant to R.S. 15:542 may serve as a commissioner.

\* \* \*

§426. Alternate commissioners; qualifications, powers, and duties; oath and compensation

A. Qualifications.

\* \* \*

(2)

\* \* \*

(c) No person who is required to register as a sex offender or child predator pursuant to R.S. 15:542 may be selected as an alternate commissioner.

\* \* \*

§427. Watchers

A. Qualifications. (1) A qualified voter of the state of Louisiana who is not a candidate in the election may serve as a watcher; however, a watcher who is not a resident of the parish where he serves may not serve as a commissioner.

(2) No person who is required to register as a sex offender or child predator pursuant to R.S. 15:542 may serve as a watcher.

\* \* \*

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 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 222**

---

HOUSE BILL NO. 136

BY REPRESENTATIVE BAGLEY

AN ACT

To enact R.S. 33:381(C)(35), relative to the village of Noble and Sabine Parish; to provide for the abolition of the office of police chief and the police department in the village of Noble; to authorize the town to contract with

other law enforcement entities in the parish for law enforcement services; 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 III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:381(C)(35) is hereby enacted to read as follows:

§381. Municipal officers

\* \* \*

C.

\* \* \*

(35)(a) Notwithstanding any other provision of law to the contrary, the board of aldermen of the village of Noble may, upon recommendation of the mayor, abolish the office of chief of police of the village. No such action by the board shall be effective until the end of the term of the police chief in office at the time of that action or when a vacancy occurs in the office, whichever occurs first; however, if at the time of that action the office is filled by an officer temporarily appointed, the abolition of the office shall become effective as provided by ordinance.(b) If the office of chief of police is abolished and the municipal police department is abolished pursuant to R.S. 33:362(C), the mayor and board of aldermen may contract with or enter into a cooperative endeavor with any law enforcement entity or officer within Sabine Parish for police services for the village.

\* \* \*

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 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 223**

---

HOUSE BILL NO. 139

BY REPRESENTATIVE STEFANSKI

AN ACT

To enact R.S. 13:2575.10, relative to Acadia Parish; to provide relative to administrative adjudication of certain ordinance violations; to provide definitions for certain violations; to provide relative to the types of violations subject to administrative adjudication procedures; to provide relative to appeals; 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. 13:2575.10 is hereby enacted to read as follows:

§2575.10. Additional administrative adjudication procedures in Acadia Parish

A. As applied in the parish of Acadia, the term “housing violation” as used in this Chapter shall also encompass building codes, zoning, vegetation, and nuisance ordinances.

B. In the parish of Acadia, the procedures for administrative adjudication provided in this Chapter may also be used in matters involving licensing and permits and any other ordinance violations that may be determined by the parish governing authority.C. In the parish of Acadia, any owner or mortgagee of record of property determined to be blighted or abandoned, or any party determined by a hearing officer to be in violation of any ordinance enacted pursuant to this Chapter, may appeal the determination to the appropriate district court.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 224**

---

HOUSE BILL NO. 167

BY REPRESENTATIVES COX, ADAMS, BACALA, BAGLEY, BEAULLIEU, BOYD, CARRIER, ROBBY CARTER, WILFORD CARTER, CORMIER, DEVILLIER, EDMONSTON, EMERSON, FIRMENT, FISHER, HODGES, HUGHES, JENKINS, MIKE JOHNSON, JORDAN, KNOX, LAFLEUR, LANDRY, LARVADAIN, LYONS, MARCELLE, MOORE, CHARLES OWEN, ROMERO, SELTERS, THOMPSON, TURNER, WHITE, AND WILLARD

AN ACT

To enact R.S. 17:1688 and 5002(H), relative to tuition and fees at public postsecondary education institutions; to provide for a tuition and fee waiver for certain disabled veterans; to provide for the waiver amount to be calculated after the application of federal benefits; to provide criteria for continuing eligibility and for the maximum duration of the waiver; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1688 and 5002(H) are hereby enacted to read as follows:

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

§1688. Disabled veterans; tuition and fee exemption  
A.(1) A disabled veteran who has enrolled in a program of education approved for educational assistance under 38 U.S.C. 3313 at a public postsecondary education institution and who does not qualify for the one hundred percent eligibility tier shall receive an exemption in an amount equal to the remaining tuition and fees owed to the institution attended after the application of federal benefits under 38 U.S.C. 3313.

(2) For purposes of this Section, “disabled veteran” means an individual who has a service-connected disability as determined by the United States Department of Veterans Affairs and who is a resident of Louisiana.

B. In order to be eligible for the exemption, the student shall maintain full-time enrollment and meet the academic standards and comply with the rules and regulations of the institution for enrollment and continued attendance. A student shall be eligible for the exemption for up to ten semesters or an equivalent number of units in an eligible institution which operates on a schedule based on units other than semesters.

\* \* \*

§5002. Awards and amounts

\* \* \*

H. In lieu of the payment of tuition as provided in this Section, any student participating in the program provided by R.S. 17:1688 for disabled veterans shall receive the tuition exemption provided in that Section.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 225**

---

HOUSE BILL NO. 174  
BY REPRESENTATIVE EMERSON  
AN ACT

To enact R.S. 18:154(C)(1)(h), relative to the disclosure of voter registration information; to prohibit the disclosure of the active duty or dependent status of certain voters; to prohibit the disclosure of certain addresses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:154(C)(1)(h) is hereby enacted to read as follows:

§154. Records open to inspection; copying; exceptions

\* \* \*

C.(1) Notwithstanding any provision of this Section to the contrary, the registrar, the clerk of court, the Department of State, the office of motor vehicles of the Department of Public Safety and Corrections and any entity that contracts with the office, each voter registration agency and any entity that contracts with a voter registration agency, and any person who handles the voter registration application form of another person shall be prohibited from circulating on a commercial list or otherwise disclosing the following:

\* \* \*

(h) The active duty status or dependent status of a voter who requested an absentee ballot pursuant to the provisions of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.) or the physical mailing address where such a ballot is mailed.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 226**

---

HOUSE BILL NO. 184  
BY REPRESENTATIVES FRIEMAN, AMEDEE, BOYD, WILFORD CARTER, ECHOLS, EMERSON, GAROFALO, HODGES, JEFFERSON, MIKE JOHNSON, AND KNOX  
AN ACT

To amend and reenact Children’s Code Article 622(A) and to enact Children’s Code Article 650, relative to the placement of a child removed from the care of a parent; to provide for the intervention of an interested party to facilitate the placement of the child; to permit a party to motion the court for a contradictory hearing to determine the placement of a child; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Article 622(A) is hereby amended and reenacted and Children’s Code Article 650 is hereby enacted to read as follows:

Art. 622. Placement pending a continued custody hearing

A. Prior to the continued custody hearing required in Article 624, a suitable relative or other suitable individual may intervene or seek and obtain an ex parte court order to take provisional custody of the child pending the continued custody hearing. The provisions of Code of Civil Procedure Article 3945 are inapplicable to an ex parte order rendered pursuant to this Paragraph.

\* \* \*

Art. 650. Intervention

A. For good cause shown, the court may allow any family member or interested person to intervene to facilitate the placement of the child and to

ensure that the best interests of the child are protected.

B. The court may limit the nature and extent of intervenor’s participation in the adjudication hearing.

C. For the purposes of this Section, “interested person” means any person with whom the child enjoys a close, established, significant relationship, yet not a blood relative, including a neighbor, godparent, teacher, or close friend of the parent.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 227**

---

HOUSE BILL NO. 192  
BY REPRESENTATIVE JEFFERSON  
AN ACT

To enact R.S. 42:1119(B)(2)(c), relative to nepotism; to provide relative to the appointment or employment of family members of certain municipal governing authority members under certain circumstances; to require recusal by the related municipal governing authority member; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1119(B)(2)(c) is hereby enacted to read as follows:

§1119. Nepotism

\* \* \*

B.

\* \* \*

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection:

\* \* \*

(c) Any municipality with a population of one thousand persons or less according to the most recent federal decennial census may employ or appoint, notwithstanding R.S. 42:1113, any immediate family member of a municipal governing authority member provided that the family member is the only qualified applicant for the position after it has been advertised for at least thirty days in the official journal of the municipality. Any municipal governing authority member whose immediate family member is appointed or employed by the municipality shall recuse himself from any decision involving the promotion or assignment of his family member.

\* \* \*

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 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 228**

---

HOUSE BILL NO. 193  
BY REPRESENTATIVE CHARLES OWEN  
AN ACT

To amend and reenact R.S. 13:978(H)(1)(a), relative to transcription fees for the Thirtieth Judicial District; to authorize an increase in transcription fees in civil and criminal cases; to provide for the cost per page for an original transcript and copies in appellate cases; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:978(H)(1)(a) is hereby amended and reenacted to read as follows:

§978. Court reporters for thirtieth judicial district

\* \* \*

H.(1)(a) In all civil and criminal cases, a fee, of one dollar and fifty cents per page and fifty cents per page additional for the first copy, thirty-five cents per page additional for copies reported and transcribed beyond the first copy, as determined by a majority of the judges, which shall not be less than three dollars per page nor exceed six dollars per page for each original thirty-two line page transcribed, and no less than one dollar per page for each additional copy, shall be charged by and paid to the court reporter for reports and for transcribing the testimony which shall be retained by him as compensation in addition to the salary as provided herein, and shall be taxed as costs of the suit in which the testimony is taken to be collected by the clerk of court, except in pauper cases; payment of the fees shall be made primarily by the plaintiff immediately upon the transcription of the evidence, and the court reporter shall not be required to file the transcript with the clerk of court before payment.

\* \* \*

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 8, 2023.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 229**

---  
HOUSE BILL NO. 217  
BY REPRESENTATIVES LAFLEUR, CARPENTER, DAVIS, AND SELDERS  
AND SENATORS FIELDS AND FOIL  
AN ACT

To amend and reenact R.S. 13:711, 712(B), and 713(A) and (B), relative to the commissioners of the Nineteenth Judicial District Court; to provide relative to the appointment of additional commissioners; to provide for the salary of the commissioners; to provide for the powers and duties of the commissioners of the Nineteenth Judicial District; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 13:711, 712(B), and 713(A) and (B) are hereby amended and reenacted to read as follows:

§711. Nineteenth Judicial District Court; commissioners  
A. The offices of commissioner of the Nineteenth Judicial District Court are hereby created. ~~Two~~ Four commissioners shall be appointed in said judicial district, such offices to be designated as Section A, ~~and Section B, respectively~~ Section B, Section C, and Section D, respectively.

B. Each such commissioner shall be selected by a majority of the duly elected judges of the Nineteenth Judicial District. A commissioner shall serve at the pleasure of the court and may be removed from office by a majority of the elected judges of the district. Additionally, any commissioner shall be subject to removal from office for any reason for which a district judge may be removed.

§712. Commissioners; qualifications; salary and benefits; restrictions on employment; quarters; supplies; equipment; and employees

\* \* \*

B. ~~The salary of each commissioner the commissioners in Section A and Section B, in addition to any supplements or emoluments otherwise provided by law, shall be ninety percent of the state-funded portion of the salary paid to a district judge per annum, such salary and related benefits to be payable in the same manner and from the same sources as the salary and benefits of a district judge. The salary of the commissioners in Section C and Section D, in addition to any supplements or emoluments otherwise provided by law, shall be ninety percent of the state-funded portion of the salary paid to a district judge per annum, such salary and related benefits to be payable from funds available to the Nineteenth Judicial District Court. Commissioners shall be members of the State Employees' Retirement System.~~

\* \* \*

§713. Commissioners; duties; powers; contempt  
A. Commissioners of the Nineteenth Judicial District Court shall perform such duties as are assigned to them by the chief judge of the district in accordance with rules which shall be prescribed by the elected judges of the court, not inconsistent herewith or with the constitution and laws of the state. Such duties shall include but shall not be limited to hearing and recommendation of disposition of any ~~civil or criminal matter~~ civil, criminal, or domestic violence matter which may be assigned by rule of court or by any judge of the Nineteenth Judicial District Court, and hearing and recommendation of disposition of criminal and civil proceedings arising out of the incarceration of state prisoners. In such proceedings, the commissioners may hold hearings at the facilities where the state prisoners are incarcerated.

B. ~~(1) Over matters pending in the Nineteenth Judicial District Court, commissioners shall have all powers of a district judge not inconsistent with the constitution and laws of the state and the United States nor with the rules of the court and their assigned duties, including but not limited to the powers to administer oaths and affirmations, take acknowledgements, affidavits and depositions, sign orders, act on felony and misdemeanor charges, hear preliminary motions, accept pleas in misdemeanor cases including misdemeanor cases preliminary to trial on the merits, conduct trials of misdemeanor cases, fix bail, and sign and issue search and arrest warrants upon probable cause being shown and in accordance with law. A commissioner shall not have the power to adjudicate cases, except as provided in Subsection E of this Section and except to render and sign judgments and orders confirming judgments by default after receipt of proof sufficient to establish a prima facie case as required by law. A commissioner may sign any and all orders which clerks of court are authorized to sign pursuant to Code of Civil Procedure Article 283.~~

(2) In criminal matters, the powers and duties of the commissioners shall include but are not limited to the power to:  
(a) Administer oaths and affirmations.  
(b) Take acknowledgments, affidavits, and depositions.  
(c) Sign orders.  
(d) Act on felony and misdemeanor charges.  
(e) Hear preliminary motions prior to filing the bill of information or indictment and make recommendations to the district judge.

(f) Fix bail.  
(g) Sign and issue search and arrest warrants upon probable cause being shown and in accordance with law.  
(h) Conduct seventy-two hour hearings or call out. For purposes of this Subparagraph, the term "call out" refers to an individual's initial appearance before the criminal court judge on duty in order to appoint counsel and set or review bail on each pending charge if the commissioner finds probable cause to support the charge.

(i) Sign waivers of extradition only upon written consent of the defendant and the expressed waiver of the defendant's right to have his extradition heard by a district court.

(j) Supervise defendants sentenced under the provisions of the specialty courts in accordance with the policies established by the judges of the Nineteenth Judicial District Court.

(k) Supervise all conditions of bail bonds.  
(l) Review and act on petitions for protective order and matters of domestic violence, including the issuance of temporary orders of protection and temporary restraining orders, until such time as hearings may be conducted on the matters.

(m) Conduct hearings regarding protective orders and make recommendations to the appropriate district judge for the issuance of a preliminary or permanent injunction.

(3) In civil matters, the powers and duties of the commissioners shall include but are not limited to the power to:

(a) Administer oaths and affirmations.  
(b) Take acknowledgments, affidavits, and depositions.

(c) Review and act on petitions for protective orders and matters of domestic violence, including the issuance of temporary orders of protection and temporary restraining orders, until such time as hearings may be conducted on the matters.

(d) Conduct hearings regarding protective orders and make recommendations to the appropriate district judge for issuance of a preliminary or permanent injunction.

(4) A commissioner shall not have the power to adjudicate cases, except as provided in Subsection E of this Section and except to render and sign judgments and orders confirming judgments by default after receipt of proof sufficient to establish a prima facie case as required by law. A commissioner may sign any and all orders which clerks of court are authorized to sign pursuant to Code of Civil Procedure Article 283.

Approved by the Governor, June 8, 2023.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 230**

---  
HOUSE BILL NO. 224  
BY REPRESENTATIVES BOYD AND KNOX  
AN ACT

To enact R.S. 38:2233.5, relative to the city of New Orleans; to provide relative to the procurement of goods and services; to provide relative to contracts awarded to socially and economically disadvantaged businesses; to authorize certain entities to set-aside a certain percentage of contracts to be awarded to such businesses; to provide relative to rules and regulations regarding the certification of socially and economically disadvantaged businesses; 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. 38:2233.5 is hereby enacted to read as follows:  
§2233.5. City of New Orleans; socially and economically disadvantaged businesses; procurement set-asides

A. Notwithstanding any other provision of law to the contrary, the governing authority of the city of New Orleans, referred to in this Section as the "city", and any board, agency, or commission of the city, through its respective fiscal officer or director of finance, may for each fiscal year designate and set aside, for awarding to socially and economically disadvantaged businesses, an amount not less than ten percent of the value of anticipated local procurement of goods and services, including construction or doing of any public work, including alteration or repair. However, should the governing authority of the city, or any board, agency, or commission of the city choose to set aside a greater amount, then nothing in this Section shall be construed to prohibit such set-aside levels above ten percent, but not to exceed twenty-five percent.

B. The procurement set-aside as provided by Subsection A of this Section may be divided into contract award units of economically feasible production runs in order to facilitate offers or bids from socially and economically disadvantaged businesses. In making the annual designation of procurement set-asides, an attempt may be made to vary the included procurements so that a variety of goods and services, including construction or doing of any public work, including alteration or repair, produced by different socially and economically disadvantaged businesses may be set aside each year. The failure to set aside particular procurements shall not be considered to prohibit or discourage socially and economically disadvantaged businesses from seeking the procurement award through the normal solicitation and bidding processes.

C.(1)(a) The governing authority of the city shall adopt rules and regulations to implement the provisions of this Section. Such rules and regulations shall include procedures regarding the certification of socially and economically disadvantaged businesses.

(b) No business shall be awarded a contract pursuant to the provisions of this Section unless it has met the certification requirements established by the governing authority of the city.

(2) The rules and regulations adopted by the governing authority shall also provide for the establishment of a contract procedure for the awarding of contracts pursuant to this Section. In addition, the rules and regulations shall require that schedules to publicize requests for proposals, requests for qualifications, and bid solicitations shall adhere to current federal guidelines. The governing authority shall adopt a requirement that the prime contractor award a certain percentage, not to exceed thirty-five percent, of the total dollar bid to socially and economically disadvantaged subcontractors. This requirement may be waived if the prime contractor, after a good faith effort, is unable to comply with the requirement.

D. If the governing authority of the city, or any board, agency, or commission of the city, is unable to award all of its procurement set-asides to socially and economically disadvantaged businesses, then the balance of the procurement set-asides may be awarded to other businesses in accordance with existing solicitation, bid evaluations, and contract award provisions otherwise provided by law.

E. All laws and rules pertaining to solicitations, bid evaluations, contract awards, and other procurement matters shall apply to procurements set-aside for socially and economically disadvantaged businesses as provided in this Section, including penalties for noncompliance. If a conflict exists with the provisions of this Section, the provisions of this Section shall govern.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 231**

---

HOUSE BILL NO. 258

BY REPRESENTATIVES WRIGHT, AMEDEE, BRASS, FREIBERG,  
PHELPS, ST. BLANC, AND TARVER

AN ACT

To amend and reenact R.S. 17:3217, relative to the University of Louisiana System; to establish a state maritime academy under the supervision and management of the system's board of supervisors; to provide for the purposes and programs of the academy; to provide for the hiring of an executive director; to authorize the executive director to establish an advisory board; to provide relative to federal funding; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3217 is hereby amended and reenacted to read as follows: §3217. University of Louisiana System

A. The University of Louisiana System is composed of the institutions under the supervision and management of the Board of Supervisors for the University of Louisiana System, referred to in this Section as the board of supervisors or the board, as follows:

- (1) Grambling State University at Grambling.
- (2) Louisiana Tech University at Ruston.
- (3) McNeese State University at Lake Charles.
- (4) Nicholls State University at Thibodaux.
- (5) Northwestern State University of Louisiana at Natchitoches.
- (6) Southeastern Louisiana University at Hammond.
- (7) The University of Louisiana at Lafayette.
- (8) The University of Louisiana at Monroe.
- (9) The University of New Orleans.

(10) Any other college, university, school, institution or program now or hereafter under the supervision and management of the ~~Board of Supervisors for the University of Louisiana System~~ board of supervisors.

B.(1) A state maritime academy, the Universities of Louisiana Maritime Academy, is hereby established for the purposes of leveraging and coordinating existing maritime programs and facilities, providing for the training of merchant marine officers, and providing for additional educational pathways aligned with the workforce needs of the maritime industry.

(2) Subject to the powers, duties, and responsibilities of the Board of Regents under Article VIII, Section 5(D) of the Constitution of Louisiana, specifically the authority to approve, disapprove, or modify a proposed degree program, department of instruction, division, or similar subdivision, the academy shall be under the supervision and management of the board of supervisors and shall be headed by an executive director hired by the system president.

(3) The training programs offered through the academy may operate across multiple institutions within the system. The programs shall be developed in a manner that makes maximum use of existing state and local resources, including programs, facilities, and faculty, through cooperative service agreements and contracts with other public education institutions' maritime programs such as those housed in the Louisiana Community Technical College System and elementary and secondary training programs recognized by the Maritime Administration of the United States Department of Transportation.

(4) The board of supervisors is the designated legal state entity to qualify the academy and its training programs for federal assistance and to receive

and expend funds under the provisions of the Maritime Academy Act of 1958 (P.L. 85-672) and any applicable rules, regulations, and laws.

(5) The executive director of the academy may establish an advisory board for the purpose of making recommendations relative to the establishment and operations of the academy.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 232**

---

HOUSE BILL NO. 275

BY REPRESENTATIVE TRAVIS JOHNSON

AN ACT

To amend and reenact R.S. 46:1053(C)(2)(g), relative to Concordia Parish; to provide relative to Concordia Parish Hospital Service District No. 1; to provide relative to the governing board of the district; to provide relative to per diem paid to board members; 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. 46:1053(C)(2)(g) is hereby amended and reenacted to read as follows:

§1053. Commission; qualification of members; appointment; vacancies; compensation; removal of commissioners; certain powers

\* \* \*

C.

\* \* \*

(2)

\* \* \*

(g) Notwithstanding any other provision of law to the contrary, the governing authority of Concordia Parish may permit a per diem to each member of the Concordia Parish Hospital Service District No. 1 in an amount of ~~not less than twenty-five dollars nor more than one hundred dollars~~ not to exceed three hundred dollars for each day of attendance at meetings of the commission, not to exceed twelve meetings per year.

\* \* \*

Section 2. This Act shall become effective on July 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2023, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 233**

---

HOUSE BILL NO. 434

BY REPRESENTATIVE MCFARLAND

AN ACT

To amend and reenact R.S. 46:460.91, relative to the state medical assistance program; to provide for claims processing data; to provide for a quarterly report; to require the provision of certain information in the quarterly report; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:460.91 is hereby amended and reenacted to read as follows: §460.91. Claims processing data; reports to legislative committees

A. The department shall produce and submit to the Joint Legislative Committee on the Budget and the House and Senate committees on health and welfare on a quarterly basis a report entitled the "Healthy Louisiana Claims Report" which conforms with the requirements of this Subpart.

B. ~~The department shall conduct an independent review of claims submitted by healthcare providers to Medicaid managed care organizations. The review shall examine, in the aggregate and by claim type, the volume and value of claims submitted, including those adjudicated, adjusted, voided, duplicated, rejected, pending or denied in whole or in part for purposes of ensuring a Medicaid managed care organization's compliance with the terms of its contract with the department. The department shall actively engage provider representatives in the review, from design through completion. The initial quarterly report shall include detailed findings and defining measures to be reported on a quarterly basis, as well as all of the following data on healthcare provider claims delineated by an individual a Medicaid managed care organization including any dental Medicaid managed care organization contracted by the department and separated by claim provider type and shall be separately reported for both acute care and behavioral health claims:~~

(1) ~~The following data on claims submitted by all healthcare providers except behavioral health providers based on data of payment during calendar year 2017:~~

(a) ~~The total number and dollar amount of claims for which there was at least one claim denied denial at the service line level, except for hospital inpatient claims which shall be reported by the number of inpatient days paid and number of inpatient days denied.~~

~~(b) The total number and dollar amount of claims denied at the service line level.~~

~~(c) (2) The total number and dollar amount of claims adjudicated in the reporting period at the service line level.~~

~~(d) (3) The total number and dollar amount of denied claims divided by expressed as a percentage of the total number and dollar amount of claims adjudicated, except for hospital inpatient claims which shall be expressed as a percentage of the hospital inpatient days denied out of the total hospital inpatient days.~~

~~(e) (4) The total number and dollar amount of adjusted claims.~~

~~(f) (5) The total number and dollar amount of voided claims.~~

~~(g) (6) The total number and dollar amount of claims denied as a duplicate claim.~~

~~(h) (7) The total number and dollar amount of rejected claims.~~

~~(i) (8) The total number and dollar amount of pending claims average number of days from receipt of the claim by the managed care organization to the date on which the provider is paid or is notified that no payment will be made.~~

~~(j) (9) For each managed care organization, a listing of the top of the five network billing participating providers with the highest number of total denied claims, that includes the number of total denied claims expressed as a ratio to all claims adjudicated and the total dollar value of the claims. Provider information shall be de-identified.~~

~~(10) The total number of denied claims submitted to the managed care organization for reconsideration of the claim denial, excluding a reconsideration conducted pursuant to R.S. 46:460.81 et seq.~~

~~(11) The percentage of denied claims submitted to the managed care organization for reconsideration of the claim denial, excluding a reconsideration conducted pursuant to R.S. 46:460.81 et seq., that is overturned by the managed care organization.~~

~~(12) The number of denied claims submitted to the managed care organization for appeal of the claim denial.~~

~~(13) The percentage of denied claims submitted to the managed care organization for appeal of the claim denial that is overturned by the managed care organization.~~

~~(14) The total number of denied claims submitted to the managed care plan for arbitration of the claim denial.~~

~~(2) The following data on claims submitted by behavioral health providers based on date of payment during calendar year 2017:~~

~~(a) The total number and dollar amount of claims for which there was at least one claim denied at the service line level.~~

~~(b) The total number and dollar amount of claims denied at the service line level.~~

~~(c) The total number and dollar amount of claims adjudicated in the reporting period at the service line level.~~

~~(d) The total number and dollar amount of denied claims divided by the total number and dollar amount of claims adjudicated.~~

~~(e) The total number and dollar amount of adjusted claims.~~

~~(f) The total number and dollar amount of voided claims.~~

~~(g) The total number and dollar amount of duplicate claims.~~

~~(h) The total number and dollar amount of rejected claims.~~

~~(i) The total number and dollar amount of pending claims.~~

~~(j) For each of the five network billing providers with the highest number of total denied claims, the number of total denied claims expressed as a ratio to all claims adjudicated and the total dollar value of the claims. Provider information shall be de-identified.~~

~~C. The report shall feature a narrative which includes, at minimum, the action steps which the department plans to take in order to address all of the following:~~

~~(1) The five most common reasons for denial of claims submitted by healthcare providers other than behavioral health providers, including provider education to the five network billing providers with the highest number of total denied claims.~~

~~(2) The five most common reasons for denial of claims submitted by behavioral health providers, including provider education to the five network billing providers with the highest number of total denied claims.~~

~~(3) Means to ensure that provider education addresses root causes of denied claims and actions to address those causes.~~

~~(4) Claims denied in error by managed care organizations.~~

~~D. The report shall include all of the following data relating to encounters:~~

~~(1) The total number of encounters submitted by each Medicaid managed care organization to the state or its designee.~~

~~(2) The total number of encounters submitted by each Medicaid managed care organization that are not accepted by the department or its designee.~~

~~E. D. The initial report and subsequent quarterly Quarterly reports shall include all of the following information relating to case management delineated by a Medicaid managed care organization:~~

~~(1) The total number of Medicaid enrollees receiving case management services; individuals identified for case management delineated by all of the following:~~

~~(a) The method of identification used by the managed care organization.~~

~~(b) The reason identified for case management.~~

~~(c) The Louisiana Department of Health region.~~

~~(2) The total number of Medicaid enrollees eligible for case management services; individuals who accepted and enrolled in case management services delineated by all of the following:~~

~~(a) The method of identification used by the managed care organization.~~

~~(b) The reason identified for case management.~~

~~(c) The tier assignment as required by the contract executed by the managed care organization and this state.~~

~~(d) The Louisiana Department of Health region.~~

~~(3) The total number of individuals identified but not enrolled in case management delineated by all of the following:~~

~~(a) Method of identification used by the managed care organization.~~

~~(b) The reason identified for case management.~~

~~(c) The Louisiana Department of Health region.~~

~~(4) The total number of individuals enrolled in case management that are women whose pregnancy has been categorized as high-risk.~~

~~(5) The total number of individuals enrolled in case management who have been diagnosed with sickle cell disease.~~

~~(6) The total number of individuals enrolled in case management who received specialized behavioral health services.~~

~~E. The quarterly reports shall include all of the following information relating to utilization management delineated by Medicaid managed care organizations:~~

~~(1) A list of all items and services that require prior authorization.~~

~~(2) The percentage of standard prior authorization requests that were approved for all items and services subject to prior authorization categorized by type of service.~~

~~(3) The percentage of standard prior authorization requests that were denied for all items and services subject to prior authorization categorized by type of service.~~

~~(4) The percentage of standard prior authorization requests that were approved after appeal for all items and services subject to prior authorization categorized by type of service.~~

~~(5) The percentage of expedited prior authorization requests that were approved for all items and services subject to prior authorization categorized by type of service.~~

~~(6) The percentage of expedited prior authorization requests that were denied for all items and services subject to prior authorization categorized by type of service.~~

~~(7) The average and median time that elapsed between the submission of a request and a determination by the managed care organization, for standard prior authorizations for all items and services subject to prior authorization categorized by type of service.~~

~~(8) The average and median time that elapsed between the submission of a request and a decision by the managed care organization for expedited prior authorizations for all items and services subject to prior authorization categorized by type of service.~~

Section 2. This Act shall become effective October 1, 2023.

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 234**

---

SENATE BILL NO. 12

BY SENATORS FIELDS, ALLAIN, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CORTEZ, DUPLESSIS, FESI, HARRIS, HENRY, JACKSON, MILLIGAN, MIZELL, MORRIS, PRICE, REESE, SMITH AND STINE AND REPRESENTATIVES BACALA, BOYD, BRASS, BRYANT, ROBBY CARTER, CORMIER, EDMONDS, FISHER, FREIBERG, GREEN, HILFERTY, HUGHES, ILLG, JEFFERSON, JENKINS, KNOX, LAFLEUR, LARVADAIN, LYONS, MARCELLE, DUSTIN MILLER, MOORE, NEWELL, CHARLES OWEN, PHELPS, PIERRE, SELTERS AND WILLARD Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 40:1137.3(E) and (F) and to enact R.S. 40:1137.3(G), relative to automated external defibrillators (AED); to require an AED on the premises of each postsecondary institution and each elementary, middle, and high school; to require an AED at certain athletic events; to require an individual trained in the use of the AED and first-aid CPR at the events; to provide for a cardiac emergency response plan; to provide for rules and regulations; to create a special fund; to provide for uses of monies in the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1137.3(E) and (F) are hereby amended and reenacted and R.S. 40:1137.3(G) is hereby enacted to read as follows:

§1137.3. Persons in possession of AEDs; training, testing, and notification requirements; manufacturer responsibility; possession required

\* \* \*

E. (1)(a) ~~Any Each postsecondary education institution of higher education that competes in intercollegiate athletics shall have an AED on its premises in an easily accessible location within its athletic department.~~

~~(b) Any postsecondary education institution that sponsors an intercollegiate athletic event shall have an AED and a trained AED user who is also trained in first-aid CPR at the event.~~

~~(c) Each postsecondary education institution shall have a “cardiac emergency response plan”. For purposes of this Subparagraph, a “cardiac emergency response plan” means a written document that establishes the specific steps to reduce death from cardiac arrest at an intercollegiate athletic event.~~

- (i) An institution cardiac emergency response plan shall be prepared by each president or chancellor jointly with local emergency responders.  
(ii) The plan, which shall focus on preventing the loss of life, shall integrate at a minimum the following guidelines:  
(aa) Establishing a cardiac emergency response team.  
(bb) Activating the team in response to a sudden cardiac arrest.  
(cc) Implementing AED placement and routine maintenance within the institution.  
(dd) Maintaining ongoing staff training in CPR and AED use.  
(ee) Practicing using drills.  
(ff) Integrating local EMS with the plan.  
(gg) Annually reviewing and evaluating the plan.

~~(2)(a) Each elementary, middle, and high school shall have an AED on its premises, if funding is available, subject to appropriation in an easily accessible location. Each high school shall have the authority to accept donations of AEDs or funds to acquire AEDs.~~

(b) Any elementary, middle, or high school that sponsors an interscholastic athletic event shall have an AED and a trained AED user who is also trained in first-aid CPR at the event.

(c) Each elementary, middle, and high school shall have a “cardiac emergency response plan”. For purposes of this Subparagraph, a “cardiac emergency response plan” means a written document that establishes the specific steps to reduce death from cardiac arrest at an interscholastic athletic event.

(i) A school cardiac emergency response plan shall be prepared by each principal jointly with local emergency responders.

(ii) The plan, which shall focus on preventing the loss of life, shall integrate at a minimum the following guidelines:

- (aa) Establishing a cardiac emergency response team.  
(bb) Activating the team in response to a sudden cardiac arrest.  
(cc) Implementing AED placement and routine maintenance within the school.  
(dd) Maintaining ongoing staff training in CPR and AED use.  
(ee) Practicing using drills.  
(ff) Integrating local EMS with the plan.  
(gg) Annually reviewing and evaluating the plan.

~~F. The Louisiana Department of Health shall promulgate all necessary rules and regulations to implement the provisions of Subsections D and E of this Section. Such rules and regulations shall, at a minimum, provide for compliance;:~~

- (1) Compliance, enforcement, and penalties.  
(2) Periodic maintenance and testing of each AED to ensure each AED is in working order.

(3) Appropriate training for persons designated to use and maintain an AED.

G. (1) There is hereby created in the state treasury, as a special fund, the Jump Start Your Heart Fund, hereinafter referred to in this Section as the “fund”. The fund shall consist of any monies appropriated, allocated, donated, or transferred to the fund and shall be deposited by the state treasurer after compliance with the provisions of Article VII, Section 9(B) of the Constitution of Louisiana.

(2) All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund.

(3) Monies in the fund shall be appropriated by the legislature and shall be utilized to purchase automated external defibrillators for use at each postsecondary, high, middle, and elementary school in the state under the provisions of all necessary rules and regulations as promulgated by the Louisiana Department of Health.

Section 2. The provisions of this Act shall be implemented by each postsecondary education institution and each elementary, middle, and high school beginning with the first school year that starts at least twelve months after the effective date of this Act.

Section 3. The provisions of this Act shall be known and cited as the “Jump Start Your Heart Act”.

Section 4.(A) The provisions of Sections 1, 2, and 3 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) The provisions of this Section 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 shall become effective on the day following such approval.

Approved by the Governor, June 9, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 235**

---

SENATE BILL NO. 16  
BY SENATOR BERNARD  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 18:423(J), relative to parish boards of election supervisors; to provide for member compensation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:423(J) is hereby amended and reenacted to read as follows:  
§423. Parish boards of election supervisors

\* \* \*

J. Notwithstanding any provision of Subsection E of this Section to the contrary, in a parish where the parish board of election supervisors tabulates and counts absentee by mail and early voting ballots in accordance with R.S. 18:1313.1, a member of the board may be compensated not more than ~~eight~~ **nine** days for a presidential or regularly scheduled congressional primary or general election or ~~seven~~ **eight** days for any other primary or general election.

Section 2.(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) The provisions of this Section 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 shall become effective on the day following such approval.

Approved by the Governor, June 9, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 236**

---

SENATE BILL NO. 23  
BY SENATOR BERNARD  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 18:1309(A)(2), relative to early voting locations; to require approval by the secretary of state; to provide for location requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 18:1309(A)(2) is hereby amended and reenacted to read as follows:

§1309. Early voting; verification

A.  
\* \* \*  
\* \* \*

(2) During the early voting period, the registrar shall maintain regular office hours, remaining open from 8:30 a.m. to 6:00 p.m. Monday through Saturday. Early voting on each day of the early voting period shall terminate when all persons who were in line to vote at the close of the regular office hours of the registrar's office, as provided in this Paragraph, have been allowed to vote. If the secretary of state determines the office space of the registrar is insufficient or inconvenient to accommodate early voting, the registrar may provide for an alternate location to conduct early voting, which location shall be ~~in the courthouse or in a public building in the immediate vicinity thereof~~ **an accessible and conveniently located public facility within the parish**, and in such case, adequate notice shall be posted at the registrar's office informing the public of the location where early voting is being conducted.

Approved by the Governor, June 9, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 237**

---

SENATE BILL NO. 34  
BY SENATORS BERNARD, PEACOCK AND SMITH  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 32:410(A)(3)(c) and R.S. 39:17.2(D) and to enact R.S. 40:1321(U), relative to state driver's licenses and state photo identification cards; to provide for added language to driver's license requirements; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 32:410(A)(3)(c) is hereby amended and reenacted to read as follows:

§410. Form of license; photograph, signature of licensee, anatomical gift statement, declaration of life-sustaining procedures, and additional information on license

A.  
\* \* \*  
(3)  
\* \* \*

(c) Every license issued shall ~~bear thereon~~ **include** the words “DON'T

DRINK AND DRIVE; DON'T LITTER LOUISIANA” and “Crisis Lifeline dial 988”.

Section 2. R.S. 39:17.2(D) is hereby amended and reenacted to read as follows:  
§17.2. Digitized credentials; authorization; implementation; validity

D. The commissioner of administration shall promulgate rules and regulations to implement the program and to develop the accessibility of any digitized credential available for use in an electronic wallet. The commissioner shall include the words “Crisis Lifeline dial 988” on the home page of any application created for digitized credentials established pursuant to this Subpart.

Section 3. R.S. 40:1321(U) is hereby enacted to read as follows:  
§1321. State identification cards; Special special identification cards; issuance; veteran designation; disabled veteran designation; university logo; “I’m a Cajun” designation; needs accommodation designation; autism spectrum disorder designation; fees; expiration and renewal; exceptions; promulgation of rules; promotion of use; persons less than twenty-one years of age; the Protect and Save our Children Program; Selective Service Registration

U. Every state identification card issued by OMV shall include the words “Crisis Lifeline dial 988”.

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 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 9, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

ACT No. 238

SENATE BILL NO. 46  
BY SENATOR ABRAHAM  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To enact R.S. 17:351.1(C)(3)(d), relative to textbooks and other instructional materials; to provide relative to the determination of the quality of textbooks and other instructional materials; and to provide for related matters.  
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:351.1(C)(3)(d) is hereby enacted to read as follows:  
§351.1. Textbooks and other instructional materials; review; adoption; procurement; distribution

C.  
  
(3)

(d)(i) If the governing authority of a public elementary or secondary school conducts a review of textbooks or other instructional materials and determines the textbooks or other instructional materials are of high quality, the state Department of Education shall recognize that determination for all purposes including but not limited to funding eligibility.

(ii) A public school governing authority seeking the recognition of textbooks or other instructional materials as high quality for all purposes shall have at least two teachers who hold the designation of Teacher Leader Advisor certify that the textbooks and instructional materials are fully aligned with Louisiana state content standards, using the rubric approved by the department. No more than fifty percent of the Teacher Leader Advisors conducting the certification shall be employed by the governing authority.

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 9, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

ACT No. 239

SENATE BILL NO. 61  
BY SENATOR STINE  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To enact Subpart FFF of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.391, relative to individual income tax refund checkoff donations; to authorize a refund checkoff donation for Holden’s Hope; to provide for the administration and disbursement of donated monies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart FFF of Part I of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.391, is hereby enacted to read as follows:

SUBPART FFF. HOLDEN’S HOPE

§120.391. Income tax checkoff; donation for Holden’s Hope  
For tax years beginning on and after January 1, 2023, every individual who files an individual income tax return for the current tax year and who is entitled to a refund may designate on his current year return that all or any portion of the total amount of the refund to which he is entitled shall be donated to Holden’s Hope, in lieu of that amount being paid to him as a refund, in which case the refund shall be reduced by the amount so designated. The designation shall be made at the time of the filing of the current year tax return and shall be made on the income tax return form as prescribed by the secretary of the Department of Revenue. Donated monies shall be administered by the secretary and distributed to Holden’s Hope in accordance with the provisions of R.S. 47:120.37. No donation made under the provisions of this Section shall be invalid for lack of an authentic act.

Approved by the Governor, June 9, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

ACT No. 240

SENATE BILL NO. 80  
BY SENATOR FIELDS  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To enact R.S. 18:1922.1 and Chapter 21 of Title 24 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 24:991 and 992, relative to redistricting; to provide for public hearings; to provide for procedure; to provide for public participation; to provide for a redistricting website; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1922.1 is hereby enacted to read as follows:

§1922.1. Public participation  
A. Prior to the adoption of any redistricting or reapportionment plan, a local governing body shall hold a minimum of two public hearings. At least one hearing shall be held within thirty days after the publication of any proposed redistricting plan.

B. Each member of the public who attends a hearing shall be afforded an opportunity to testify on the record in accordance with the rules of the local governing body.

Section 2. Chapter 21 of Title 24 of the Louisiana Revised Statutes of 1950, comprised of R.S. 24:991 and 992, is hereby enacted to read as follows:

CHAPTER 21. LEGISLATIVE REDISTRICTING TRANSPARENCY

§991. Statewide redistricting public hearings  
A. Following the release of the tabulation of population by the United States Bureau of the Census pursuant to the provisions of Public Law 94-171 following each federal decennial census, the legislature shall conduct a series of public hearings at different locations throughout the state to solicit public comment concerning the development of redistricting plans subject to enactment by the legislature.

B. The legislature shall provide that each public hearing is broadcast live via the internet. If a technical difficulty occurs during a public hearing that impairs the broadcast of the hearing, the hearing shall be temporarily paused to address the issue with the broadcast; however the failure to resolve the issue shall not require the hearing to be terminated and shall not be construed to be a violation of the provisions of this Section.

§992. Redistricting website  
A. The legislature shall provide for, maintain, and update as necessary a redistricting website.

B. At a minimum, the redistricting website shall contain the following information:

(1) Any documents or material presented or distributed by the legislature at a redistricting public hearing.

(2) Any written testimony, materials, or redistricting plans submitted by the public at a redistricting public hearing or in the manner prescribed by the legislature.

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 9, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 241**  
---

SENATE BILL NO. 84  
BY SENATOR LUNEAU  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To enact R.S. 42:1160, relative to electronic documents; to provide for methods of response; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1160 is hereby enacted to read as follows:

**§1160. Electronic response required**

**The board shall send a communication electronically in a timely manner to a filing party who files a report through the Computerized Data Management System in the manner provided by this Subpart. This communication shall not take the place of any other type of notice required by law.**

Section 2. The provisions of this Act shall become effective on January 1, 2024.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 242**  
---

SENATE BILL NO. 89  
BY SENATOR STINE  
AN ACT

To amend and reenact R.S. 47:293(9)(a)(xvii), and (10) and to enact R.S. 47:293.1, relative to individual income tax; to provide relative the deduction from income for net capital gain; to require the Department of Revenue to promulgate regulations relative to the net capital gains deduction; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:293(9)(a)(xvii) and (10) are hereby amended and reenacted and R.S. 47:293.1 is hereby enacted to read as follows:

**§293. Definitions**

The following definitions shall apply throughout this Part, unless the context requires otherwise:

\* \* \*

(9)(a) “Tax table income”, for resident individuals, means adjusted gross income plus interest on obligations of a state or political subdivision thereof, other than Louisiana and its municipalities, title to which obligations vested with the resident individual on or subsequent to January 1, 1980, and less:

\* \* \*

(xvii) Income from net capital gains, which shall be limited to gains recognized and treated for federal income tax purposes as arising from the sale or exchange of an equity interest in or substantially all of the assets of a nonpublicly traded corporation, partnership, limited liability company, or other business organization commercially domiciled in this state. The provisions of this Item shall apply only to the sale or exchange of an equity interest in or the assets of a nonpublicly traded business that the taxpayer has held for a minimum of five years immediately prior to the sale or exchange. **The Department of Revenue shall promulgate regulations in accordance with R.S. 47:293.1 relative to the individual income tax deduction for income from net capital gains pursuant to this Item.** The amount of the deduction shall be limited as follows:

\* \* \*

(10) “Tax table income”, for nonresident individuals, means the amount of Louisiana income, as provided in this Part, allocated and apportioned under the provisions of R.S. 47:241 through 247, plus the total amount of the personal exemptions and deductions already included in the tax tables promulgated by the secretary under authority of R.S. 47:295, less the proportionate amount of excess federal itemized personal deductions; the temporary teacher deduction; the recreation volunteer and volunteer firefighter deduction; the construction code retrofitting deduction; any gratuitous grant, loan, or other benefit directly or indirectly provided to a taxpayer by a hurricane recovery entity if such benefit was included in federal adjusted gross income; any gratuitous grant, loan, rebate, tax credit, advance refund, or other qualified disaster relief benefit directly or indirectly provided to a taxpayer by the state or federal government as a COVID-19 relief benefit as defined in R.S. 47:297.16 if the benefit was included in the taxpayer’s federal adjusted gross income; the exclusion provided for in R.S. 47:297.3 for S Bank shareholders; the deduction for expenses disallowed by 26 U.S.C. 280C; salaries, wages, or other compensation received for disaster or emergency-related work rendered during a declared state disaster or emergency; wages of nonresident individuals who are eligible for the mobile workforce exemption pursuant to R.S. 47:248; the deduction for net capital gains; the pass-through entity exclusion provided in R.S. 47:297.14; the exemption for military survivor benefit plan payments pursuant to R.S. 47:297.17; and personal exemptions and deductions provided for in R.S. 47:294. The proportionate amount is to be

determined by the ratio of Louisiana income to federal adjusted gross income. When federal adjusted gross income is less than Louisiana income, the ratio shall be one hundred percent. **The Department of Revenue shall promulgate regulations in accordance with R.S. 47:293.1 relative to the individual income tax deduction for income from net capital gains pursuant to this Paragraph.**

\* \* \*

**§293.1. Regulation requirement for capital gains deduction**

**A. The secretary of the Department of Revenue shall promulgate regulations providing for the individual income tax deduction for income from net capital gains arising from the sale or exchange of an equity interest in or substantially all of the assets of a nonpublicly traded corporation, partnership, limited liability company, or other business organization commercially domiciled in Louisiana under R.S. 47:293(9)(a)(xvii) and (10).**

**B. The purpose of the regulations shall be to reduce the existing administrative requirements for eligible taxpayers.**

**C. Such regulations shall, at a minimum, provide for the following:**

**(1) Documentation requirements applicable to taxpayers claiming the deduction.**

**(2) A de minimus exception to documentation requirements for small transactions eligible for the deduction.**

**(3) Restrictions on eligibility for transactions if the majority of physical assets are located outside of Louisiana.**

**(4) Restrictions on eligibility for transactions between related parties.**

Section 2. This Act shall be applicable for taxable periods beginning on or after January 1, 2023.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 243**  
---

SENATE BILL NO. 117  
BY SENATOR HARRIS AND REPRESENTATIVES BACALA, COUSSAN,  
FISHER, GAROFALO, HUGHES, TRAVIS JOHNSON, KNOX, MARCELLE,  
PIERRE, SELDERS AND WILLARD  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 14:37.1(B) and (C), relative to the crime of assault by drive-by shooting; to provide for certain penalties; to provide relative to the term “drive-by shooting”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:37.1(B) and (C) are hereby amended and reenacted to read as follows:

**§37.1. Assault by drive-by shooting**

\* \* \*

B. Whoever commits an assault by drive-by shooting shall be imprisoned for not less than ~~one year~~ **three years** nor more than ~~five~~ **ten** years, with or without hard labor, and without benefit of suspension of sentence.

C. As used in this Section and in R.S. 14:30(A)(1) and 30.1(A)(2), the term “drive-by shooting” means the discharge of a firearm from a motor vehicle on a public street, ~~or highway, or interstate highway~~ with the intent either to kill, cause harm to, or frighten another person.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 244**  
---

SENATE BILL NO. 145  
BY SENATOR HENSGENS  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To enact R.S. 38:2225.2.6, relative to design-build contracts; to provide for airports to use the design-build method; to provide for air traffic control tower and hangar development by design-build method; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2225.2.6 is hereby enacted to read as follows:

**§2225.2.6. Design-build contracts; authorized use by airports; air traffic control tower and hangar**

**A. Notwithstanding any other provision of law to the contrary, a public airport may use the design-build project delivery method to contract for construction and design-build of an air traffic control tower or hangar development and redevelopment project when deemed in the public interest, beneficial to the entity, and in accordance with the procedures set forth by law.**

**B. The following are considerations for using the design-build delivery method:**

**(1) Collaboration and cost control.**

**(2) Concurrent execution of design and construction.**

**(3) Complex project with a restrictive time frame.**

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

- (4) Public entity, designer, and contractor with mutual project goals.
- (5) Risk identification controlled by entity.
- (6) Minimization of the risk of construction and design disputes by using a collaborative process.

C.(1) For purposes of this Section, “design-builder” means the entity contractually responsible for delivering the project design and construction.

(2) Every design-builder shall be duly licensed and registered to do business in the state of Louisiana as either an architect, an engineer, or a general contractor. Each design-builder shall have the following rights and powers:

(a) The design-builder may sublet responsibility for professional design services to an individual, firm, or corporation duly licensed and registered in the state of Louisiana to provide design services.

(b) The design-builder may sublet responsibility for construction or other services requiring a contractor's or trade subcontractor's license to persons or entities duly registered, licensed, or otherwise qualified to provide those services as required by law.

D. Prior to any submittal of a proposal on a design-build project, the following requirements shall be met:

(1)(a) All engineering and surveying firms providing design and design-related services with the design-builder to which the design-build contract is awarded shall be licensed to perform those services by the Louisiana Professional Engineering and Land Surveying Board.

(b) All architectural firms providing design services with the design-builder to which the design-build contract is awarded shall be licensed to perform those services by the Louisiana State Board of Architectural Examiners or the Louisiana Horticulture Commission.

(c) All contractors performing construction work for the design-build contract shall be licensed by the Louisiana State Licensing Board for Contractors.

(2) A two-stage selection process that will utilize a request for qualifications graded and judged by a primary evaluation committee and a request for technical proposals graded and judged by a separate technical review committee shall be used to select the design-builder and shall include the following specific provisions:

(a)(i) Public announcement procedures for the solicitation of interested design-build competitors and a procedure for requesting letters of interest and statements of qualifications from qualified firms or teams.

(ii) Public announcement procedures shall include a requirement for the advertisement in the official journal of the municipality in which the project is to take place.

(iii) All notices of intent to select design-build contractors shall be advertised a minimum of thirty days prior to the deadline for receipt of responses and shall contain a brief description of the project, the required scope of services, the members of the primary evaluation committee, and sufficient information for design-build entities to determine their interest.

(b) Decisions by the primary evaluation committee shall be made on the basis of the criteria set forth in this Subsection. Members of the primary evaluation committee may serve as members of the technical review committee. Each member of the technical review committee shall score assigned elements. Scores shall be considered public information.

(3) The airport shall provide a request for a qualifications package to design-builders who submit a letter of interest. All required information shall be identified in the request for qualifications package and in standard response form. The response to a request for qualifications package shall include statements of qualifications. The completed response form and any other required information shall be transmitted by the responding design-builder by the deadline to submit forms and information as provided in the request for qualifications package. Any response failing to meet all of the requirements contained in the request for qualifications package shall not be considered. False and misrepresented information furnished in response to a request for qualifications package shall be grounds for rejection.

(4)(a) The primary evaluation committee shall evaluate the responses to the request for qualifications package received by the airport. The following general criteria used by the primary evaluation committee in evaluating responses to the request for qualifications package for design-build services shall apply to both the design and construction components of any responding entity:

(i) Professional training and experience of both the design and construction entity components and of key personnel in general and as related to the project under construction.

(ii) Capacity for timely completion of the work.

(iii) Past performance on projects of a similar nature to the project described in the notice of intent.

(iv) The quantity and value of work awarded to both the design and construction entity components.

(b) The primary evaluation committee may consider additional project-specific needs, including but not limited to the design-builder's past projects in the same metropolitan statistical area as the proposed project and the domicile address of the responding design-builder verified by the secretary of state online business filing database.

(c) The primary evaluation committee shall consist of a minimum of five members designated by the head of the airport according to the rules established pursuant to this Subsection. One of the members of the primary evaluation committee shall be a licensed contractor in the discipline of the project and one member shall be a licensed design professional in the discipline of the project, neither of which shall have any involvement in the project.

(d) The primary evaluation committee shall evaluate the qualifications of responding design-builders on the basis of the criteria set forth in this

Subsection and the rules established pursuant to this Subsection and shall select a short list of no fewer than three of the highest rated entities. However, if fewer than three responses are received, the head of the airport may approve proceeding with the design-build process. The primary evaluation committee may, at its discretion, be assisted by other airport personnel in its evaluation of a design-builder's qualifications. The primary evaluation committee shall present its short list to the head of the airport. The short-listed design-builders shall be invited to submit a detailed technical proposal for the design-build project. The invitation to the short-listed entities shall specify a deadline for submission of proposals.

(5)(a) The specific requirements of the technical proposal shall be identified by the airport to the design-builders making the short list by means of a “Scope of Services Package”. The technical proposal shall include design strategy, preliminary design concepts, fundamental requirements, quality standards, capacities, materials, the schedule of commencement and completion, and a lump sum for all services in fulfillment of the requirements and within the constraints of the “Scope of Services Package”. Any and all weighing or grading factors that will be used to judge the technical proposal shall be identified in the “Scope of Services Package”.

(b) The airport may compensate unsuccessful and responsive short-listed entities for the expense of preparing the technical proposal. The amount shall be predetermined by the airport and shall be identified in the “Scope of Services Package”. The airport may use concepts submitted by any paid short-listed design-builder in the construction of the project.

(6) A technical review committee for the evaluation of design-build proposals shall be established according to the rules set forth in this Subsection. The technical review committee members shall include construction professionals as defined by the rules established in this Subsection. The technical review committee shall identify specific technical elements of the project, depending on the characteristics of the project, that will be included in the technical score and those shall be identified in the “Scope of Services Package”. The technical review committee may select additional engineering, architectural, construction, and other technical experts to serve as committee members. The technical review committee shall select one member to serve as chairman of the committee.

(a) An adjusted score approach shall be used by the airport in determining the winning proposal. The adjusted score shall be determined using the following components:

(i) Technical score shall be determined by any weighing factors assigned to each element depending on its relative magnitude or significance to the overall project. Each technical review committee member shall rate their assigned element of the proposal from each of the design-builder on the short list and shall submit their score to the chairman of the technical review committee. The schedule and price components shall not be made known to the technical review committee during the scoring process. The chairman of the technical review committee shall adjust the scores for any applicable weighing factors and shall determine the total technical score for each proposal. Prior to determining the adjusted score, the chairman of the technical review committee shall notify each design-builder, in writing, of their final technical score. All information pertaining to the technical review committee, including that of the committee chairman, shall be public information.

(ii) The time value, consisting of the product of the design-builders proposed contract time expressed in calendar days multiplied by the value-per-calendar-day expressed in dollars established by the airport and identified in the “Scope of Services Package”.

(iii) The price proposal submitted by the short listed design-builders.

(b) The winning proposal shall be the proposal with the lowest adjusted score. The adjusted score for each entity's design-build proposal shall be determined by the following formula: Adjusted Score = (Price Bid + Time Value) divided by the Technical Score. Use of the time value is not mandatory and if not used, the adjusted score shall be determined by the following formula: Adjusted Score = Price Bid divided by the Technical Score.

(7) Design-builders who have submitted bona fide proposals may, within seven days of the announcement of the award, challenge the award by submitting a letter to the head of the airport describing in detail the reasons for the challenge. The head of the airport shall have the authority to resolve any challenge concerning the award of a contract. A written decision shall be rendered within fourteen days of the timely receipt of the challenge and shall be mailed or otherwise furnished immediately to the design-builder making the challenge. The decision shall be final and conclusive unless the decision is fraudulent or if the person adversely affected by the decision has timely appealed to the court of proper venue for the airport.

E. Once the design-builder has been chosen and a contract for a stipulated schedule and sum certain price is executed, the price of the design-build contract shall not be increased other than for inflation as prescribed in the contract and for site or other conditions of which the design-builder had no knowledge and should not have had knowledge as a reasonable possibility existing at the site or concerning the design and construction.

F. The provisions of this Section shall supersede any conflicting provisions of any other law, including but not limited to the requirements of Chapter 10 of Title 38 of the Louisiana Revised Statutes of 1950.

Approved by the Governor, June 9, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

ACT No. 245

---

SENATE BILL NO. 152

BY SENATORS MILLIGAN, ABRAHAM, BARROW, BERNARD, BOUIE,  
CATHEY, CLOUD, CONNICK, CORTEZ, FESI, HENRY, HENSGENS,  
JACKSON, MCMATH, FRED MILLS, ROBERT MILLS, MIZELL,  
PEACOCK, POPE, PRICE, SMITH, STINE, TALBOT AND WOMACK AND  
REPRESENTATIVE GAROFALO

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To enact R.S. 36:4(B)(1)(l) and Subpart C-2 of Part I of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 39:15.11 through 15.15, relative to the Louisiana Cybersecurity Commission; to create the Louisiana Cybersecurity Commission within the division of administration; to provide for legislative intent; to provide for definitions; to provide for commission membership; to provide for the powers and duties of the commission; to provide for staffing; to provide for an annual report; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:4(B)(1)(l) 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 and 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:

(1) Division of administration (including but not limited to Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950 generally). The following agencies are placed within the division of administration:

\* \* \*

(l) Louisiana Cybersecurity Commission (R.S. 39:15.11 et seq.).

\* \* \*

Section 2. Subpart of C-2 of Part I of Chapter 1 of Subtitle I of Title 39 of the Louisiana Revised Statutes of 1950, comprised of R.S. 39:15.11 through 15.15, is hereby enacted to read as follows:

SUBPART C-2. LOUISIANA CYBERSECURITY COMMISSION

§15.11. Legislative intent

The legislature of Louisiana hereby finds all of the following:

(1) The mission of the Louisiana Cybersecurity Commission, which was created by executive order of the governor, is the coordination of cybersecurity efforts among local, state, tribal, and federal governments, as well as the private sector to maintain the stability of public services while ensuring proper privacy and protection of data entrusted to the state.

(2) Information systems, networks, and critical infrastructure around the world are threatened by increasingly sophisticated cyber-attacks.

(3) Cyber-attacks aimed at breaching and damaging computers, networks, and critical infrastructure in Louisiana represent a major security risk and increase the state's vulnerability to economic disruption, critical infrastructure damage, privacy violations, and identity theft.

(4) The increasing number and complexity of cyber-attacks demand heightened levels of coordination, information sharing, and emergency response between local, state, tribal, and federal governments and the private sector to protect computer networks and critical infrastructure, as defined by the Cybersecurity and Infrastructure Agency of the federal Department of Homeland Security, from damage or unauthorized access.

(5) As a result of the increasing threat of cyber-attacks and to solidify the collaboration between governments and the private sector, the Louisiana Cybersecurity Commission shall be formally created to ensure continuation of its important mission. The commission's proven track record of improving the resiliency of the cyber ecosystems in the state of Louisiana justify and warrant its statutory creation.

§15.12. Definitions

As used in this Part, these terms shall have the following meanings:

(1) "Commission" means the Louisiana Cybersecurity Commission.

(2) "Critical infrastructure sectors" includes the following sectors which the Cybersecurity and Infrastructure Security Agency of the federal Department of Homeland Security has identified as critical:

- (a) Chemical.
- (b) Commercial facilities.
- (c) Communications.
- (d) Critical manufacturing.
- (e) Dams.
- (f) Defense industrial base.
- (g) Emergency services.
- (h) Energy.
- (i) Financial services.
- (j) Food and agriculture.
- (k) Government facilities.
- (l) Healthcare and public health.
- (m) Information technology.
- (n) Nuclear reactors, materials, and waste.

(o) Transportation systems.

(p) Water and wastewater systems.

(q) Any other sector which the Cybersecurity and Infrastructure Security Agency deems to be critical in the future.

§15.13. Louisiana Cybersecurity Commission; creation; membership

A. The Louisiana Cybersecurity Commission is hereby created within the division of administration to coordinate cybersecurity efforts among state governmental entities, local governments, tribal governments, private companies, academic institutions, and other entities in both the public and private sectors. The commission shall encourage participation by federal agencies and private sector stakeholders to ensure that the objectives of the commission are met and to ensure proper coordination between the state, local, and federal government agencies and private companies.

B.(1) The commission shall be composed of the following twenty-one members, eleven of which are appointed by virtue of their governmental positions and ten members appointed by the governor:

- (a) The state chief information officer.
- (b) The adjutant general.
- (c) The commissioner of higher education.
- (d) The superintendent of the Louisiana State Police.
- (e) The attorney general.
- (f) The secretary of state.
- (g) The secretary of economic development.
- (h) The chairman of the Public Service Commission.
- (i) The director of the Governor's Office of Homeland Security and Emergency Preparedness.

(j) The chairman of the House Select Committee on Homeland Security.

(k) The chairman of the Senate Select Committee on Homeland Security.

(l) Four members appointed by the governor from institutions of higher education in this state. No institution shall have more than one member appointed to the commission. At least one of the members shall be appointed from a Historically Black College or University.

(m) Four members appointed by the governor from the private sector in an industry related to one or more of the critical infrastructure sectors contained within the boundaries of the state of Louisiana.

(n) Two members appointed by the governor from local government who have significant experience in emergency management operations.

(2) The members appointed by the governor shall serve for a term of four years. If a vacancy occurs in the membership of the commission, the vacancy shall be filled in the same manner in which the original appointment was made. The members appointed pursuant to Subparagraphs (l)(a) through (k) of this Subsection may authorize a designee to attend commission meetings.

C. The governor shall designate a chairman and co-chairman for the commission. The chairman and co-chairman of the commission may invite public officials or individuals from the private sector who, in the judgment of the chairman or co-chairman, can provide valuable assistance to the commission in the conduct of its duties.

D.(1) The members of the commission, or their designees, shall not receive additional compensation nor per diem for their service on the commission.

(2) Commission members who are employees or elected public officials of the state or a political subdivision may seek reimbursement of travel expenses from their employing government agency or elective office, in accordance with state travel guidelines issued by the division of administration.

§15.14. Purposes and powers of the commission

A. The commission shall have the following purposes, duties, and powers:

- (1) Identify, prioritize, and mitigate Louisiana's cyber risk.
- (2) Develop a cybersecurity strategy for the state and identify sources of support for strategy implementation.
- (3) Promote cybersecurity awareness and recommend best practices for the security of all of Louisiana's cyber ecosystem.
- (4) Promote actions, including legislative, administrative, and regulatory, where appropriate, to enhance cybersecurity in Louisiana.
- (5) Grow Louisiana's cybersecurity workforce and educate the public and private sectors about cybersecurity.
- (6) Enhance Louisiana cyber emergency preparedness and response capabilities.
- (7) Monitor, understand, and share cyber threat information.
- (8) Build comprehensive digital forensics and cyber investigative capability.
- (9) Identify, prioritize, acquire, and establish funding mechanisms to enhance Louisiana's cybersecurity efforts.
- (10) Facilitate economic development by promoting a cyber-safe Louisiana for businesses and consumers.
- (11) Serve as an advisory body to the governor relating to all issues relating to cybersecurity and protecting critical infrastructure.

B. In furtherance of its powers and duties, the commission may create standing or special committees and rules necessary and proper to ensure efficient accomplishment of its mission.

§15.15. Staffing of the commission; reports

A.(1) The Military Department, state of Louisiana shall provide the primary staff to assist the commission in its duties and mission. The commission may request the assistance of other state agencies, including but not limited to the Governor's Office of Homeland Security and Emergency Preparedness, the office of technology services of the division of administration, and the Louisiana State Police.

(2) All state agencies and political subdivisions of the state shall cooperate with the commission and its staff in implementing the provisions of this Subpart.

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

**B. The commission shall provide an annual report containing an overview of goals, objectives, priorities, estimated completion dates of activities, and recommendations to the office of the governor, the Joint Legislative Committee on Technology and Cybersecurity, and the House and Senate select committees on homeland security.**

Approved by the Governor, June 9, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 246**

---  
**SENATE BILL NO. 167**  
**BY SENATOR ABRAHAM**  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
**AN ACT**

To amend and reenact R.S. 48:250.3(B), (C), (D), and (E), and to enact R.S. 48:250.3.1, relative to design-build; to provide for progressive design-build contracts by the Department of Transportation and Development; to provide for requirements of design-builders, notice of intent letters, and procurement process for progressive design-build; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:250.3 (B), (C), (D), and (E) are hereby amended and reenacted and R.S. 48:250.3.1 is hereby enacted to read as follows:

§250.3. Design-build contracts; qualifications of design-build entities; public announcement procedures; letters of interest; selection of short list; bid proposals by competitors; qualifications evaluation committee; proposal review committee; selection and process of award

\* \* \*

**B.(1) Each design-builder shall employ, or have as a partner, a member, coventurer, or subcontractor persons, or a firm with persons, who are duly licensed and registered to provide the services required to complete the project and do business in this state.**

**(2) All registrations and licenses for each component shall be obtained prior to or concurrent with award of the project to the selected design-builder by the department.**

**(a) The standard professional engineer and land surveyor qualifications as provided for in R.S. 37:681 et seq., the rules and regulations of the Louisiana Professional Engineering and Land Surveying Board, and the department's standard technical qualification requirements for firms providing professional engineering and land surveying services as provided for in R.S. 48:290 shall apply to the components providing design services; and the,**

**(b) The standard contractor qualifications as provided for in R.S. 37:2150 et seq., and the current rules and regulations of the State Licensing Board for Contractors shall apply to the component providing construction services utilized by the design-builder, based upon the applicable categories for the specific project. All registrations and licenses for each component shall be obtained prior to or concurrent with award of the project to the selected design-builder by the department.**

**C. A notice of intent "notice of intent" (NOI) to request letters of interest for a design-build project, or for a pool of prequalified design-builders that shall remain prequalified for up to two years, shall be distributed by the department through advertisement on the Department of Transportation and Development's internet webpage. All notices of intent NOIs shall be advertised a minimum of ten days prior to the deadline for receipt of responses, and The NOI shall contain a description of the project or type of work and sufficient information for a design-builder to determine its interest and to enable it to submit a letter of interest. The department may readvertise the notice of intent NOI using additional media or publications in an attempt to solicit additional responses if the number of responses received by the department is inadequate.**

**D. The department shall provide a "Request for Qualifications" "request for qualifications" (RFQ) to design-builders who submit a letter of interest. The department shall identify all required information in the request for qualifications RFQ and in the standard response forms provided by the department. Any response that fails to meet all requirements contained in the RFQ may not be considered by the department. False or misrepresented information furnished in response to an RFQ shall be grounds for rejection by the department. The response to the request for qualifications RFQ shall include both of the following:**

**(1) statements Statements of qualification by credentials and experience of design component members for the areas of expertise specific to the project or type of work,**

**(2) and statements Statements of qualification by experience and resources of the construction team component. The completed response form and any other required information shall be transmitted to the department by the responding design-builder by the deadline to submit such forms and information as provided in the request for qualifications. Any response failing to meet all of the requirements contained in the request for qualifications shall not be considered by the department. False or misrepresented information furnished in response to a request for qualifications shall be grounds for rejection by the department.**

**E.(1) The chief engineer, with concurrence of the secretary, shall establish**

a design-build qualifications evaluation committee for evaluation of the responses to the request for qualifications received by the department. The following general criteria used by the qualifications evaluation committee in evaluating responses to the request for qualifications for design-build services shall apply to both the design and construction components of any responding entity:

**(a) Experience of both the design and construction entity components and of key personnel as related to the project or type of work under consideration.**

**(b) Past performance on department projects.**

**(c) Any project-specific criteria as that may apply to project needs.**

**(2) The qualifications evaluation committee shall evaluate the qualifications of responding design-builders on the basis of the criteria identified in the request for qualifications and set forth in this Subsection and shall select a short list of the highest rated entities in a number to be determined by the department; however, if, If fewer than three responses are received, the secretary or designated representative may approve proceeding with the design-build process. The qualifications evaluation committee may, at its discretion, be assisted by other department personnel in its evaluation of an entity's qualifications. The design-build qualifications evaluation committee shall present its short list to the chief engineer for recommendation to the secretary. The short-listed entities shall be invited by the secretary or designated representative to submit a detailed technical and cost proposal for the design-build project. The invitation to the short-listed entities shall specify a deadline for submission of such proposals.**

\* \* \*

**§250.3.1. Progressive design-build contracts**

**A. For purposes of this Section, "design-builder" means the entity contractually responsible for delivering the project design and construction.**

**B.(1) Each design-builder shall employ or have as a partner a member, coventurer, subcontractor persons, or a firm with persons, who are duly licensed and registered to provide the services required to complete the project and do business in this state.**

**(2) All registrations and licenses for each component shall be obtained prior to or concurrent with award of the project to the selected design-builder by the department.**

**(a) The standard professional engineer and land surveyor qualifications as provided for in R.S. 37:681 et seq., the rules and regulations of the Louisiana Professional Engineering and Land Surveying Board, and the department's standard technical qualification requirements for firms providing professional engineering and land surveying services, as provided for in R.S. 48:290, shall apply to the components providing design services.**

**(b) The standard contractor qualifications as provided for in R.S. 37:2150 et seq. and the current rules and regulations of the State Licensing Board for Contractors shall apply to the component providing construction services utilized by the design-builder, based upon the applicable categories for the specific project.**

**C. A "notice of intent" (NOI) to request letters of interest for a design-build project shall be distributed by the department through advertisement on the Department of Transportation and Development's internet webpage. All NOIs shall be advertised a minimum of ten days prior to the deadline for receipt of responses. The NOI shall contain a description of the project or type of work and sufficient information for a design-builder to determine its interest and to enable it to submit a letter of interest. The department may re-advertise the NOI using additional media or publications in an attempt to solicit additional responses if the number of responses received by the department is inadequate.**

**D. The department shall provide a "request for qualifications" (RFQ) to design-builders who submit a letter of intent. The department shall identify all required information in the RFQ and in the standard response forms provided by the department. The RFQ shall include but is not limited to the following:**

**(1) Project description.**

**(2) Pre-construction scope of services.**

**(3) Submittal criteria for the project.**

**(4) Procurement grading criteria.**

**(5) Scoring methodology.**

**(6) Total fees and compensation payable to the design-builder for preconstruction services.**

**(7) Estimate of the probable construction cost of the project.**

**E. The response to the RFQ shall include "statements of qualifications" (SOQ) submitted by the design-builder. If the department receives only one response, the secretary or designated representative may approve proceeding with the progressive design-build process. The information contained within the SOQ shall include but not be limited to the following:**

**(1) The design-builder's formation and organizational documents at the time of the SOQ submission.**

**(2) Experience of both the design and construction components of the design-build entity on projects of similar size, scope, and may include the complexity of previous projects.**

**(3) Information regarding proposed key personnel's experience and training to competently manage and complete the design and construction of the project.**

**(4) Past performance on projects.**

**(5) The design-builder's ability to obtain all bonding and insurance requirements.**

**(6) The design-builder's safety plan.**

**F. The chief engineer, with the concurrence of the secretary, shall establish a design-build qualifications evaluation committee for evaluation of the responses to the RFQ received by the department. The chief engineer, with the**

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

concurrence of the secretary, shall assign a project manager who shall become the chairman of the qualifications evaluation committee for the project. The qualifications evaluation committee may, at its discretion, be assisted by other department personnel in its evaluation of a design-builder's SOQ.

G. The department may evaluate submissions based solely upon the information provided in each design-build entity SOQ. The department may also interview some or all of the design-build entities to further evaluate their qualifications for the project.

H. After selecting a design-builder based upon qualifications, the department may enter into a contract and direct the design-builder to begin design and preconstruction activities sufficient to establish an estimated price, lump sum, or guaranteed maximum price, for the project.

I. If the department and the design-builder do not reach an agreement on the estimated price for the project or the department otherwise elects not to amend the design-builder's contract to complete the remaining work, the department may solicit proposals to complete the project from firms that submitted SOQ or formally solicit bids or proposals from other entities using any public procurement method available to the department. The selected design-builder shall be prohibited from bidding on the project.

Approved by the Governor, June 9, 2023.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

ACT No. 247  
---  
SENATE BILL NO. 213  
BY SENATOR DUPLESSIS  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 44:32(C)(1)(a), relative to examination of public records; to provide for a fee schedule; to provide for notification; to provide for the collection of fees; to provide for challenges of fees; to provide for the award of attorney fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 44:32(C)(1)(a) is hereby amended and reenacted to read as follows:  
§32. Duty to permit examination; prevention of alteration; payment for overtime; copies provided; fees

\* \* \*

C.(1)(a) For all public records, except public records of state agencies, it shall be the duty of the custodian of such public records to provide copies to persons so requesting, unless the requestor fails to pay the applicable copying fees after being notified of the amount in advance of production or the requestor has an outstanding balance from a prior request. The custodian may establish and collect reasonable fees for making copies of public records, which may include the transmission of electronic copies of public records. **Any custodian who elects to establish and collect such fees shall establish a reasonable fee schedule and post the schedule where it can be readily accessed by the public.** The custodian may request payment of fees in advance of production. Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state.

Approved by the Governor, June 9, 2023.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

ACT No. 248  
---  
SENATE BILL NO. 225  
BY SENATOR POPE  
AN ACT

To enact R.S. 47:338.225, relative to the city of Denham Springs; to authorize the governing authority of the city, subject to voter approval, to levy and collect a hotel occupancy tax; to provide for the use of tax proceeds; 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. 47:338.225 is hereby enacted to read as follows:  
§338.225. City of Denham Springs; hotel occupancy tax; authorization

**A.(1) In addition to any other tax levied and collected, the governing authority of the city of Denham Springs may levy and collect a tax upon the paid occupancy of hotel rooms located within the city. The hotel occupancy tax shall not exceed six and three-fourths percent of the rent or fee charged for such occupancy.**

**(2) For purposes of this Section, the term "hotel" shall have the same meaning as provided for in R.S. 47:301(6).**

**(3) The person who exercises or is entitled to occupancy of the hotel room shall pay the hotel occupancy tax at the time the rent or fee for occupancy is paid. "Person" as used in this Paragraph shall have the same definition as that contained in R.S. 47:301.**

**B. The governing authority shall impose the tax by ordinance. However, the ordinance imposing the tax shall be adopted by the governing authority only after a proposition authorizing the levy of the tax has been approved by a majority of**

THE ADVOCATE  
PAGE 40

\* As it appears in the enrolled bill

the electors of the city voting at an election held for that purpose in accordance with the Louisiana Election Code and held on a date that corresponds with an election date provided by R.S. 18:402(A)(1) or (B)(1). The governing authority may provide in the ordinance necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the hotel occupancy tax.

C. The governing authority may enter into a contract with any public entity authorized to collect sales or use taxes, under such terms and conditions as it may deem appropriate including payment of a reasonable collection fee, for the collection of the hotel occupancy tax authorized by this Section. The hotel occupancy tax shall be in addition to all taxes levied upon the occupancy of hotel rooms located within the city.

D. Except as provided in Subsection C of this Section, for the purpose of promoting visitation and tourism within the city by enhancing public safety, the governing authority shall use fifty percent of the proceeds from the tax to fund salaries and benefits for employees of the fire department and fifty percent of the proceeds from the tax to fund salaries and benefits for employees of the police department.

E. Any expenditures made pursuant to this Section shall be used in excess of the normal expenditures that the city already provides for in its budget.

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 9, 2023.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

ACT No. 249  
---  
SENATE BILL NO. 8  
BY SENATOR LUNEAU  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 47:337.63(A)(3), relative to interest applicable to local sales and use tax paid under protest; to require local tax collectors to remit judicial interest to prevailing taxpayers in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 47:337.63(A)(3) is hereby amended and reenacted to read as follows:  
§337.63. Remittance of tax under protest; suits to recover

A.

\* \* \*

(3) To the extent the taxpayer prevails, the collector shall refund the amount to the claimant, with interest at the rate established pursuant to R.S. ~~47:337.69(C)~~ **R.S. 13:4202(B)**, except as provided in Subsection E of this Section. ~~To the extent the collector prevails, the taxpayer shall pay the collector additional interest calculated on the disputed amount at the same rate established for tax obligations pursuant to R.S. 47:337.69(C), except as provided in Subsection E of this Section.~~

Approved by the Governor, June 12, 2023.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

ACT No. 250  
---  
SENATE BILL NO. 62  
BY SENATOR FESI  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.  
AN ACT

To amend and reenact R.S. 30:2373(B)(1), relative to the "Right-to-Know" law; to provide for natural gas pipelines; to provide for reporting requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 30:2373(B)(1) is hereby amended and reenacted to read as follows:  
§2373. Failure to report; penalties

\* \* \*

B.(1) Owners and operators shall immediately notify the department of any reportable releases, other than a federally or state permitted release or application of a pesticide or fertilizer, of a hazardous material or substance listed pursuant to this Chapter exceeding the reportable quantity when that reportable quantity could be reasonably expected to escape the site of the facility, as soon as the owner or operator has knowledge of such release. Failure to do so shall subject owners and operators to civil penalties as provided in Subsection C of this Section. Notwithstanding any provision of law to the contrary, natural gas from distribution lines shall have a reportable release of ~~one forty-two~~ thousand pounds or more.

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

Approved by the Governor, June 12, 2023.  
A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 251**

---

SENATE BILL NO. 69  
BY SENATOR FOIL AND REPRESENTATIVES DAVIS,  
PRESSLY AND WILLARD  
AN ACT

To amend and reenact R.S. 47:6015(D)(1) and (J), relative to income and corporation franchise tax credits; to provide with respect to the research and development tax credit; to extend the sunset of the tax credit; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6015(D)(1) and (J) are hereby amended and reenacted to read as follows:

§6015. Research and development tax credit  
\* \* \*

D.(1) A taxpayer who receives a Phase I or II grant from the federal Small Business Technology Transfer Program or a federal Small Business Innovation Research Grant as created by the Small Business Innovation Development Act of 1982 (P.L. 97-219), reauthorized by the Small Business Research and Development Enhancement Act (P.L. 102-564), and reauthorized again by the Small Business Reauthorization Act of 2000 (P.L. 106-554), and reauthorized again by the SBIR and STTR Extension Act of 2022 (P.L. 117-183) shall be allowed a tax credit in an amount equal to thirty percent of the award received during the tax year.

\* \* \*

J. No credit shall be allowed pursuant to this Section for research expenditures incurred, Small Business Technology Transfer Program funds received or Small Business Innovation Research Grant funds received after December 31, 2025 2029.

\* \* \*

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 12, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 252**

---

SENATE BILL NO. 72  
BY SENATOR BOUIE  
AN ACT

To amend and reenact R.S. 40:1487(A)(2), relative to revenue bonds; to authorize the issuance of revenue bonds on behalf of the Department of Public Safety and Corrections; to provide for the issuance of bonds for the relocation, planning, acquisition, construction, and equipping of a public safety complex and troop or regional headquarters throughout the state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1487(A)(2) is hereby amended and reenacted to read as follows:

§1487. Authorization of bonds  
A.(1)

\* \* \*

(2) The revenue bonds may be issued in order to obtain funds for the relocation, planning, acquisition, construction, and equipping of a Joint Emergency Services Training Center in the parish of East Baton Rouge, a public safety complex, including without limitation a crime lab and or the state fire marshal's project at Independence Park in the parish of East Baton Rouge, and troop or regional headquarters throughout the state, and to fund the cost of issuance, credit enhancements, or other obligations related to the issuance of such bonds.

\* \* \*

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 12, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 253**

---

SENATE BILL NO. 108  
BY SENATORS HARRIS AND FOIL AND REPRESENTATIVES BOYD,  
BRYANT, WILFORD CARTER, COX, DAVIS, FISHER, FREEMAN,  
GLOVER, GREEN, HUGHES, KNOX, LARVADAIN, DUSTIN MILLER,  
NEWELL, SELDERS AND WILLARD  
AN ACT

To amend and reenact R.S. 47:6020(G) and (H), relative to the Angel Investor Tax Credit Program; to provide for meeting the requirements for an enhanced credit under the program; to provide for exceptions to meeting general program requirements; to extend the program sunset date; to provide for applicability; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:6020(G) and (H) are hereby amended and reenacted to read as follows:

§6020. Angel Investor Tax Credit Program

\* \* \*

G. Except as provided for in Paragraph (3) of this Subsection, applications Applications received on or after July 1, 2020, for investments that meet the requirements of Subsection C of this Section and the requirements of 26 U.S.C. 1400Z-1, 1400Z-2, and applicable federal regulations shall be entitled to an enhanced credit in accordance with the provisions of this Subsection.

(1) The amount of the credit granted by the department shall be thirty-five percent of the amount of the investment with the credit divided in equal portions for two years.

(2)(a) In addition to the credit cap provided for in Subsection D of this Section, the total amount of credits granted under this Subsection shall not exceed three million six hundred thousand dollars per year for a total program cap of seven million two hundred thousand dollars per year.

(b) If the department does not grant the entire three million six hundred thousand dollars in tax credits in any calendar year authorized pursuant to this Subsection, the amount of unused tax credits shall carry forward to subsequent calendar years and may be granted in any year without regard to the three million six hundred thousand dollar annual cap provided for in this Subsection.

(3) To the extent that federal laws and regulations relative to opportunity zones require that business revenues be derived from within the opportunity zone, otherwise eligible businesses shall be exempt from the requirement that fifty percent or more of sales shall come from out of state as specified in Subsection C of this Section.

H. No credits shall be granted or reserved under this program for reservation applications received by the department on or after July 1, 20252030.

Section 2. The provisions of this Act shall be applicable to taxable periods beginning on or after January 1, 2024.

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 12, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 254**

---

SENATE BILL NO. 110  
BY SENATORS TALBOT, BARROW, BOUDREAUX, BOUIE, CARTER,  
CATHEY, CLOUD, CONNICK, CORTEZ, DUPLESSIS, FESI, HARRIS,  
HENRY, HENSGENS, HEWITT, JACKSON, MCMATH, MILLIGAN,  
FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK,  
REESE, SMITH, STINE, TARVER, WHITE AND WOMACK AND  
REPRESENTATIVE GAROFALO

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

AN ACT

To enact Subpart B-2 of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1060.11 through 1060.16, relative to health insurance; to provide for a short title; to provide for definitions; to provide for time periods for prior authorization determinations; to provide for insurance coverage for positron emission tomography imaging under certain conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart B-2 of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1060.11 through 1060.16, is hereby enacted to read as follows:

**SUBPART B-2. CANCER PATIENT'S RIGHT  
TO PROMPT COVERAGE ACT**

**§1060.11. Short title**  
**This Subpart shall be known and may be cited as the "Cancer Patient's Right to Prompt Coverage Act".**  
**§1060.12. Definitions**

As used in this Subpart, the following definitions apply unless the context indicates otherwise:

(1) “Health coverage plan” means any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract, or other agreement with a health maintenance organization or a preferred provider organization, health and accident including a group insurance plan or self-insurance plan and the office of group benefits. “Health coverage plan” does not include a plan providing coverage for excepted benefits defined in R.S. 22:1061, limited benefit health insurance plans, and short-term policies that have a term of less than twelve months.

(2) “Health insurance issuer” means an entity subject to the Louisiana Insurance Code and applicable regulations, or subject to the jurisdiction of the commissioner, that contracts or offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of healthcare services, including a sickness and accident insurance company, a health maintenance organization, a preferred provider organization or any similar entity, or any other entity providing a plan of health insurance or health benefits.

(3) “Nationally recognized clinical practice guidelines” means evidence-based clinical guidelines developed by independent organizations or medical professional societies, including but not limited to the National Comprehensive Cancer Network, the American Society of Clinical Oncology, and the American Society of Hematology, utilizing a transparent methodology and reporting structure and having policies against conflicts of interest. The guidelines shall establish best practices informed by a systematic review of evidence, an assessment of the benefits and costs of alternative care options, and recommendations intended to optimize patient care.

(4) “Positron emission tomography” means an imaging test that uses radioactive substances to visualize and measure metabolic processes in the body to help reveal how tissue and organs are functioning. The provisions of this Section shall not apply to non-melanomatous skin cancer.

(5) “Prior authorization” means a determination by a health insurance issuer or person contracting with a health insurance issuer that healthcare services ordered by the provider to an individual or an enrollee are medically necessary and appropriate.

(6) “Utilization review” means a set of formal techniques designed to monitor the use of, or evaluate the clinical necessity, appropriateness, efficacy, or efficiency of, healthcare services, procedures, or settings. Techniques include but are not limited to ambulatory review, prior authorization, second opinion, certification, concurrent review, case management, discharge planning, or retrospective review. Utilization review does not include elective requests for clarification of coverage.

**§1060.13. Prior authorization; time periods**

**A. For any services typically covered under the plan and related to the diagnosis or treatment of cancer for which prior authorization is required under a health coverage plan, the health insurance issuer shall offer an expedited review to the provider requesting prior authorization. The health insurance issuer shall communicate its decision on the prior authorization request to the provider as soon as possible, but in all cases no later than two business days from the receipt of the request for expedited review. If additional information is needed and requested for the issuer to make its determination, the issuer shall communicate its decision to the provider as soon as possible, but no later than forty-eight hours from receipt of the additional information.**

**B. For any services typically covered under the plan and related to the diagnosis or treatment of cancer for which prior authorization is required under a health coverage plan and for which the health insurance issuer does not receive a request for expedited review from the provider, the issuer shall communicate its decision on the prior authorization request no later than five days from the receipt of the request. If additional information is needed and requested for the issuer to make its determination, the issuer shall communicate its decision to the provider no more than two business days from receipt of the additional information.**

**C. The provisions of this Section shall apply only when the requesting provider clearly indicated that the request is related to the diagnosis or treatment of cancer.**

**D. The provisions of this Section shall not apply to non-melanomatous skin cancer.**

**§1060.14. Requirement to cover services consistent with nationally recognized clinical practice guidelines**

**A. No health coverage plan that is renewed, delivered, or issued for delivery in this state that provides coverage for cancer in accordance with the Louisiana Insurance Code shall deny a request for prior authorization or the payment of a claim for any procedure, pharmaceutical, or diagnostic test typically covered under the plan to be provided or performed for the diagnosis and treatment of cancer if the procedure, pharmaceutical, or diagnostic test is recommended by nationally recognized clinical practice guidelines for use in the diagnosis or treatment for the insured’s particular type of cancer and clinical state.**

**B. The provisions of this Section shall not prohibit a health insurance issuer from requiring utilization review to assess the effectiveness of the procedure, pharmaceutical, or test for the insured’s condition, but if the procedure, pharmaceutical, or test is what is recommended by nationally recognized clinical practice guidelines for use in the diagnosis or treatment for the insured’s particular type of cancer and clinical state, then any associated prior authorization shall be approved within the time limit specified in R.S. 22:1060.13.**

**§1060.15. Required coverage for positron emission tomography or other recommended imaging for cancer**

**A. No health insurance issuer shall deny coverage of a positron emission tomography or other recommended imaging for the purpose of diagnosis, treatment, appropriate management, restaging, or ongoing monitoring of an individual’s disease or condition if the imaging is being requested for the diagnosis, treatment, or ongoing surveillance of cancer and is recommended by nationally recognized clinical practice guidelines.**

**B. No health coverage plan that is renewed, delivered, or issued for delivery in this state shall require an insured to undergo any imaging test for the purpose of diagnosis, treatment, appropriate management, restaging, or ongoing monitoring of an insured’s disease or condition of cancer that is not recommended by nationally recognized clinical practice guidelines, as a condition precedent to receiving a positron emission tomography or other recommended imaging, when the positron emission tomography or other recommended imaging is recommended by the guidelines provided by this Subpart.**

**C. The coverage provided in this Section may be subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan.**

**§1060.16. Coverage for outpatient cancer treatments**

**A. All health coverage plans renewed, delivered, or issued for delivery in this state shall, in addition to providing coverage for an insured admitted on an inpatient basis to a licensed hospital providing rehabilitation, long-term acute care or skilled nursing services, provide coverage for claims for any otherwise covered and authorized outpatient services provided to the patient for the treatment of cancer.**

**B. The coverage provided in this Section may be subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan.**

Section 2. The provisions of this Act shall apply to any new policy, contract, program, or health coverage plan issued on and after January 1, 2024. Any policy, contract, or health coverage plan in effect prior to January 1, 2024, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2025.

Approved by the Governor, June 12, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 255**

---

**SENATE BILL NO. 118**

**BY SENATOR HARRIS AND REPRESENTATIVE KNOX**

**AN ACT**

To amend and reenact R.S. 51:1301(D), relative to the Louisiana Tax Free Shopping Program; to extend the sunset of the program; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R. S. 51:1301(D) is hereby amended and reenacted to read as follows:

§1301. Purpose; termination

\* \* \*

D. Notwithstanding any provision of law to the contrary, the provisions of this Chapter shall be effective through ~~July 1, 2023~~; **July 1, 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 12, 2023.

A true copy:

R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 256**

---

**SENATE BILL NO. 124**

**BY SENATORS KLEINPETER, FOIL AND HARRIS AND**

**REPRESENTATIVE GAROFALO**

**Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)**

**of the Constitution of Louisiana.**

**AN ACT**

To amend and reenact R.S. 32:57(A), relative to motor vehicles and traffic regulation; to increase penalties for operating a vehicle without a properly attached license plate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:57(A) is hereby amended and reenacted to read as follows: §57. Penalties; alternatives to citation

A. ~~The (1) Except as provided in Paragraph (2) of this Subsection, the first violation of the provisions of this Chapter or any regulation of the department, secretary, and commissioner made pursuant thereto shall be punished by a fine of not more than one hundred seventy-five dollars or by imprisonment for not more than thirty days, or both, unless otherwise specifically provided.~~ A subsequent violation shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than ninety days, or both.

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

**(2) If a violation of R.S. 32:53(A)(2) is committed in the preparation of or during the commission of a felony offense in order to escape detection, the violator shall be punished by an additional fine of two hundred dollars or by imprisonment of an additional thirty days, or both. For any violation of R.S. 32:53(A)(2), the vehicle may be immediately impounded.**

Approved by the Governor, June 12, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 257**

---

**SENATE BILL NO. 130**

BY SENATOR MORRIS AND REPRESENTATIVES ECHOLS, EDMONSTON,  
HUGHES, KNOX, LACOMBE, LAFLEUR AND SEABAUGH  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

**AN ACT**

To amend and reenact R.S. 14:95(G)(2) and to enact R.S. 14:95(G)(4), relative to the crime of illegal carrying of weapons; to provide an exemption for retired law enforcement officers and retired elected heads of law enforcement departments under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(G)(2) is hereby amended and reenacted and R.S. 14:95(G)(4) is hereby enacted to read as follows:

§95. Illegal carrying of weapons

\* \* \*

G.

\* \* \*

(2) The provisions of this Section shall not apply to any law enforcement officer who is retired from full-time active law enforcement service with at least twelve years service upon retirement, nor shall it apply to any enforcement officer of the office of state parks; in the Department of Culture, Recreation and Tourism who is retired from active duty as an enforcement officer, provided that such;

**(a) The retired officers have officer has on their persons his person** valid identification as a retired law enforcement officers **officer**, which identification shall be provided by the entity **which that** employed the officer prior to his or her public retirement. **The retired law enforcement officer must be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such qualification.** This exception shall not apply to such officers **an officer** who are **is** medically retired based upon any mental impairment.

**(b) The retired officer was properly certified by the Council on Peace Officer Standards and Training at the time of retirement, in accordance with R.S. 40:1379.3(D)(1)(f).**

\* \* \*

**(4) The provisions of this Section shall not apply to any retired elected head of a law enforcement department, provided that he was qualified in the use of firearms by the Council on Peace Officer Standards and Training at the time of retirement.**

Approved by the Governor, June 12, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----

**ACT No. 258**

---

**SENATE BILL NO. 144**

BY SENATOR CORTEZ AND REPRESENTATIVES BACALA, BRYANT,  
FISHER, HUGHES, LARVADAIN, MARCELLE, NEWELL, PIERRE,  
SELDERS, THOMPSON AND WILLARD  
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)  
of the Constitution of Louisiana.

**AN ACT**

To amend and reenact R.S. 4:147(1) and (3), 214.1, and 218.1, relative to horse racing; to provide for duties of the commission; to provide for the number of live horse racing dates; to decrease the license fee collected for historical horse racing; to provide for distribution of collected fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:147(1) and (3), 214.1, and 218.1 are hereby amended and reenacted to read as follows:

§147. Specific duties of commission

The commission shall carry out the provisions of this Part, including the following specific duties:

(1)(a) To assign the dates race meetings may be conducted in this state at a **any** particular track, including dates which limit racing at a particular track for quarter horses only, provided that:

(i) **¶ To the extent possible, it** shall prohibit the conducting of any thoroughbred race meetings having the same or overlapping dates for such race meetings at thoroughbred race tracks within ~~a radius of one hundred miles of each other~~ **the state.**

(ii) ~~¶ To the extent possible, it~~ shall prohibit the conducting of any exclusively quarter horse race meetings having the same or overlapping dates for such race meetings at any other exclusively quarter horse track within ~~a radius of one hundred miles of each other~~ **the state.**

(b) To set the minimum number of live races required per race day at a **any** particular track.

\* \* \*

(3)**(a)** To make an annual report to the governor **and the legislature** of its operation, its own actions and rulings, and the receipts derived under the provisions of this Part; and to offer such practical suggestions as it deems proper to accomplish more fully the purposes of this Part.

**(b) To make an annual report to the governor and the legislature regarding the race calendar, field size, the number of races, handle, attendance, the effect of overlapping race days compared to previous years, and any other relevant matters along with any recommendations to improve the racing industry in the state.**

\* \* \*

§214.1. Minimum live racing dates; offtrack and other authorized wagering

A. An association shall not be licensed to conduct offtrack or other authorized wagering in the state unless it conducts live horse racing for not less than ~~one hundred thirty~~ **one hundred twenty-two** racing days within each fifty-two week period at the facility designated in its license. Of the required ~~one hundred thirty-one hundred twenty-two~~ racing days, not less than ~~eighty-four~~ **seventy-six** days shall be thoroughbred horse racing days conducted during **no more than** twenty-one consecutive weeks and not less than forty-six days shall be quarter horse racing days conducted during **no more than** twelve consecutive weeks. The foregoing minimum racing requirements are mandatory unless the association is prevented from live racing as a result of a natural disaster, an act of God, force majeure, a catastrophe, or such other occurrence over which the association has no control. When a pari-mutuel wagering facility and a related offtrack betting facility are sold, the purchaser shall conduct the minimum number of live racing days, including the minimum quarter horse racing days, required by this Section as a condition of operating the offtrack betting facility.

B. Notwithstanding any provision of law to the contrary, at any facility subject to the provisions of R.S. 27:372.1(A), the facility shall maintain a minimum of ~~eighty~~ **seventy-six** thoroughbred horse racing days conducted during twenty consecutive weeks and not less than fifteen days of quarter horse racing conducted during five consecutive weeks. The racing days provided for in this Subsection shall be conducted within a fifty-two week period. The foregoing minimum racing requirements are mandatory unless the association is prevented from live racing as a result of a natural disaster, an act of God, force majeure, a catastrophe, or such other occurrence over which the association has no control. When a pari-mutuel wagering facility and a related offtrack betting facility are sold, the purchaser shall conduct the minimum number of live racing days, including the minimum quarter horse racing days, required by this Section as a condition of operating the offtrack betting facility.

**C. Notwithstanding Subsections A and B of this Section, the commission may reduce the number of race days by up to twenty-one upon a showing by the association and the Horsemen's Benevolent and Protection Association that the reduction would be in the best interests of the industry.**

**D. If the association and the Horsemen's Benevolent and Protection Association cannot reach an agreement pursuant to Subsection C of this Section, the commission may, by a two-thirds vote of the membership, reduce the number of race days by up to twenty-one upon a showing by the association that without the reduction of race days the association would experience imminent financial distress. The commission shall examine all financial records of the association and any relevant financial records of any affiliates for the purpose of determining equitable cost allocation. Any examination of financial records shall be confidential. After the examination, the commission shall release a summary of relevant facts, but any proprietary information or trade secrets shall remain confidential.**

\* \* \*

§218.1. Historical horse racing fee authorization

The commission ~~may shall~~ collect a license fee ~~not to exceed four of one and one-half~~ percent of the total amount wagered at each offtrack wagering facility on historical horse racing to ~~cover administrative costs.~~ **The fee shall be allocated as follows:**

**(1) Sixty-seven percent to the commission.**

**(2) Eleven and one-half percent to the Louisiana Thoroughbred Breeders Association for promotion of the appropriate breeding industry and for breeder awards.**

**(3) Five percent to the Louisiana Quarterhorse Breeders Association for promotion of the appropriate breeding industry and for breeder awards.**

**(4) Eight and one-quarter percent to the parish governing authority where the offtrack wagering facility is located. When a facility is located within the corporation limits of a city, town, or municipality, one-half of the total funds allocated pursuant to the provisions of this Paragraph shall be disbursed to the governing authority of that city, town, or municipality.**

**(5) Eight and one-quarter percent to the sheriff of the parish where the offtrack wagering facility is located. When a facility is located within the corporation limits of a city, town, or municipality, one-half of the total funds allocated pursuant to the provisions of this Paragraph shall be disbursed to the police department of that city, town, or municipality.**

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 12, 2023.

A true copy:  
R. Kyle Ardoin  
Secretary of State

-----  
**ACT No. 259**

---  
**SENATE BILL NO. 147**

**BY SENATOR ROBERT MILLS AND REPRESENTATIVE KNOX**  
**Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i)**  
**of the Constitution of Louisiana.**

**AN ACT**

To amend and reenact R.S. 44:4.1(B)(11) and to enact Subpart P-1 of Part I of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:472.1 through 472.20, relative to self-insurance funds; to authorize the creation of the Louisiana Churches and Nonprofit Religious Organizations Self-Insured Fund; to provide for legislative intent and public purpose; to provide for requirements and management of the self-insurance fund; to provide for definitions; to provide for agreements creating a self-insurance fund; to provide for financial documents; to provide for financial requirements; to provide for excess insurance; to provide for investments; to provide for insurance agents; to provide for rate filings and rate determinations; to provide for insolvencies; to provide for examinations; to provide for audits; to provide for reports; to provide for the hiring of certain professional services providers under certain circumstances; to provide for disclosures; to provide for terms of dissolution; to provide the use of certain fund information; to provide for jurisdiction; to provide for a public records exception; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart P-1 of Part I of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:472.1 through 472.20, is hereby enacted to read as follows:

**SUBPART P-1. LOUISIANA CHURCHES AND NONPROFIT RELIGIOUS ORGANIZATIONS SELF-INSURED FUND**

**§472.1. Legislative finding; public purpose**

**A. Louisiana is currently experiencing a crisis in the availability and affordability of insurance for churches and nonprofit religious organizations. Louisiana property owners and their insurers sustained catastrophic losses in 2020 and 2021 from hurricanes Laura, Delta, Zeta, and Ida. As the result of their losses and their assessment of the risk of loss from future storms, many insurers, including the largest insurer of churches, have substantially reduced their participation in the voluntary market for property insurance. With fewer insurers in the voluntary market, competitive pressure on premium rates is reduced. Current underwriting practices have resulted in a substantial increase in the number of Louisiana churches that are forced to obtain their property insurance coverage or their wind and hail coverage from Louisiana Citizens Property Insurance Corporation, if they can indeed find coverage.**

**B. Increased premiums and assessments make property insurance coverage unaffordable for some churches and nonprofit religious organizations. Due to the fact that property insurance is often unavailable or unaffordable, many churches and nonprofit religious organizations are being forced to sell or abandon their churches and religious buildings or are prevented from restoring storm-damaged properties.**

**C. Throughout Louisiana, churches and other religious organizations are the bedrock that holds many communities together. In addition to providing spiritual and emotional support for their membership in times of crisis, churches and other nonprofit religious organizations provide services to the needy such as soup kitchens, food pantries, orphanages, adoption services, and foster care. Churches and other nonprofit religious organizations provide mentorship for the youth, assistance to the elderly, and disaster relief services when hurricanes and tornadoes strike. Churches and other nonprofit religious organizations also provide much needed hope, help, and services for those individuals in addiction recovery. Church-supported nonviolent offender programs at places such as the Louisiana State Penitentiary at Angola have greatly reduced violence in these facilities and greatly reduced recidivism rates in the state. This voluminous list of services, most of which are provided free of charge to the community, results in the savings of untold millions of dollars each year to state and local taxpayers.**

**D. The availability of property insurance for churches and other nonprofit religious organizations at a reasonable cost is essential to the well-being of the state. Churches and other religious organizations cannot invest in, and lenders will not finance, the construction and ownership of churches and religious buildings without adequate property insurance protection. The state has a vital interest in fostering the availability of property insurance at reasonable costs for churches and other religious organizations.**

**§472.2. Creation of fund**

**The Louisiana Churches and Nonprofit Religious Organizations Self-Insured Fund is hereby created for the purpose of allowing churches, religious organizations, and religious denominations to band together and self-insure, thereby, increasing the availability of property insurance for local churches**

**and religious buildings, increasing competitive pressure on insurance rates, and reducing the volume of business written by the Louisiana Citizens Property Insurance Corporation by offering a less expensive alternative to its policyholders and reducing the exposure and potential assessments to policyholders by the Louisiana Citizens Property Insurance Corporation.**

**§472.3. Authorization; requirements; regulation**

**A. Two or more churches or nonprofit religious organizations or one or more religious denominations may agree to pool their liabilities for the purposes of providing property coverage for their buildings and properties, so long as they have a positive net worth, are financially solvent, and capable of assuming the obligations set forth in this Subpart.**

**B. The department shall promulgate necessary rules in accordance with the Administrative Procedure Act to implement and regulate the activities authorized in this Subpart.**

**§472.4. Definitions**

**Wherever used in this Subpart, 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) “Church” means a nonprofit religious organization made up of a group of religious believers.**

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

**(3) “Fund” means the self-insurance fund established pursuant to this Subpart to provide property insurance for churches and nonprofit religious organizations and shall be known as the Louisiana Churches and Nonprofit Religious Organizations 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’s distribution is payable or before a dividend is declared.**

**(6) “Nonprofit religious organization” means an active corporation or other entity organized under the United States Internal Revenue Code as a nonprofit organization defined as any one of the following:**

**(a) A church or religious house of worship.**

**(b) An organization formed for religious purposes.**

**(c) A nonprofit institution affiliated with a faith-based organization.**

**(d) An integrated auxiliary organization of a church.**

**(7) “Property coverage” means coverage for the damage or loss of a structure or building and may include any or all of the following:**

**(a) Premises liability coverage.**

**(b) Contents coverage for furniture or equipment.**

**(c) Wind and hail coverage.**

**(d) Loss of use coverage.**

**(e) Medical payments coverage.**

**(8) “Religious denomination” means a group of individual churches or houses of worship who are called or identified using the same terms and a particular set of beliefs or spiritual or religious values.**

**§472.5. Agreement to pool liabilities; initial financial requirements**

**A.(1) Any arrangement authorized pursuant to this Subpart 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 Subpart. The members of the arrangement shall not be insurers or be subject to the Louisiana Insurance Code.**

**(2) An agreement to pool liabilities pursuant to this Subpart 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 Subpart.**

**(3) The arrangement shall not be considered a member insurer of the Louisiana Insurance Guaranty Association, nor shall the Louisiana Insurance Guaranty Association be liable for any claim, or increments of any claim, made against the arrangement.**

**(4) The arrangement may include establishment of a trust fund and shall be for the purpose of serving as the group self-insurance fund for participating Louisiana churches and nonprofit religious organizations and such arrangement shall be governed by a board of trustees.**

**(5)(a) The arrangement shall be domiciled in this state. All books, records, documents, accounts, and vouchers of the arrangement shall be kept in a manner that its financial condition, affairs, and operations can be ascertained so that financial statements filed with the department are readily verified and determined whether to be in compliance. 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, and a transcript, exemplification, or certified copy of any photograph, microphotograph, optical imaging, or film reproduction shall 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, provided**

provisions are 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 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, 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 five years, whichever is longer, except that any original, or certified reproduction, in which the member agrees to or acknowledges the members' 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 times that necessitate, require two or more members of the fund to maintain a minimum combined net worth of one million dollars and a current assets to current liabilities ratio of at least one-to-one.

(b) After 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) To maintain the financial stability of the fund, the fund shall assess each member an amount which equals 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 while the fund is in operation. No payment may be paid out of the reserve account unless approved by the department.

B.(1) 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 property coverage. Each application shall include evidence of the fund's inception, which establishes financial strength and liquidity of the members to pay claims promptly and support the financial ability of the fund to satisfy its obligations upon the establishment of the fund, including all of the following:

(a) 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 of not less than the amount required by Subsection A of this Section. In lieu of an audited financial statement, the department may require that the fund submit necessary financial documents in a form and manner approved by the department to verify the combined net worth of those members or principals as required in Subsection A of this Section.

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

(c) Schedules of the entire membership showing the following items:

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

(ii) The working capital of all members combined to be of an amount establishing the financial strength and liquidity of the members to pay claims promptly.

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

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

(2) The application shall be in writing, on a form provided by the department, and 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 Subpart.

(iii) Copies of acceptable excess insurance or reinsurance, as required by this Subpart. 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 Subpart. If the fund employs its own administrator, the fund shall be required to purchase a bond, errors and omissions insurance, directors' and officers' liability 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 Subpart.

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

(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 Subpart, 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 are to be paid by members annually, monthly, quarterly, or any combination thereof.

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

A. The fund established pursuant to this Subpart shall comply with all of the following items:

(1) File rates in accordance with R.S. 22:472.10 and maintain at least seven hundred fifty thousand dollars in earned premiums in the first fund year. In 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, the fund shall 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 pledged one hundred thousand dollars in money or bonds of the United States, the state of Louisiana, or any political subdivision of the state, having a par value of one hundred thousand dollars, or post a surety bond issued by a corporate surety authorized to do business in this state, in the amount of one hundred thousand dollars, to secure the obligations of the fund as required by this Subpart.

(b) In the second and subsequent fund years, the fund shall 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 pledged two hundred fifty thousand dollars in money or bonds of the United States, the state of Louisiana, or any political subdivision of the state, having a par value of two hundred fifty thousand dollars, or post a surety bond issued by a corporate surety authorized to do business in this state, in the amount of two hundred fifty thousand dollars, to secure the obligations of the fund as required by this Subpart.

(3) Provide property coverage as required by this Subpart.

(4)(a) Maintain, on a fund-year basis, a contract or contracts of specific excess insurance or reinsurance of not less than an amount that is actuarially sound and approved by the department. The maximum retention under the excess insurance or reinsurance contracts shall not exceed amounts as may be provided by the department.

(b) For purposes of authorizing the purchase of reinsurance as required by 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 Rating Services, Inc., A- by Fitch Ratings, A by Weiss Ratings, A- by S&P Global Ratings, or A3 by Moody's Investors Service, 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. The department shall approve all excess insurance policies or reinsurance agreements prior to use by the fund.

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

B. In order for a casualty insurance company to be eligible to write excess coverage for the fund, the company shall have on file with the department its current financial statement showing assets, including any surplus to policyholders, at least equal to the current requirements by the department for admission of a new company to do business in this state. Contracts or policies for excess insurance coverage written by active underwriters of Lloyd's of London are 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' liability insurance, or other security approved by the department, and any person, including 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 comply with all of the following:

(1) Post a surety bond with the department issued by a corporate surety authorized to do business in this 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 this state indicating that the deposit of fifty thousand dollars in money or bonds of the United States, the state of Louisiana, or any political subdivision of the state, having a par value of fifty thousand dollars, to secure the performance of its obligations under the contract and pursuant to this Subpart.

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

D. A fund created pursuant to this Subpart shall not be considered a partnership under the laws of this state.

E. All members of the fund are 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 Subpart.

F. The board of trustees may declare, as refundable to fund members, any monies in excess of amounts necessary to fulfill obligations of the fund. The board of trustees may 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 and recorded on the balance sheet as indicated by the most recently completed audited financial statements of the fund.

(2) The fund shall provide written notification to the department at least ten days before the payment of a distribution.

G. Each application for membership in the fund shall contain written notice that the fund is not covered by the Louisiana Guaranty Insurance Association.

#### §472.7. Investments

A. Only a security or other investment that is interest-bearing or interest-accruing or dividend-paying or income-paying and which is not then in default may be purchased or acquired by the fund and the fund shall receive for its exclusive account and benefit the interest or income accruing on the security.

B. The board of trustees may invest amounts not needed for current obligations in any or all of the following items:

(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 Investors Service, S&P Global Ratings, or Fitch Ratings.

(4) Obligations of this state or its subdivisions having a minimum rating of A by Moody's Investors Service, S&P Global Ratings, or Fitch Ratings. Not more than five percent of the fund's assets may be invested in any particular issue and the type of investment shall not 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 Investors Service, S&P Global Ratings, or Fitch Ratings. Not more than five percent of the fund's assets may be invested in any particular issue and the type of investment shall not 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 Investors Service, AAA by S&P Global Ratings, or AAA by Fitch Ratings. 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 Investors Service, AA by S&P Global Ratings, or AA by Fitch Ratings. No more than five 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.

(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 Investors Service, BBB by S&P Global Ratings, or BBB by Fitch Ratings.

(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 if the financial circumstances are acceptable to the department, such as an increase in market value after initial purchase of a corporate bond, provided that the following occur:

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

(ii) In 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 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 are 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 is 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 assets shall include, without limitation, all of the following:

(1) Any item which is not, in fact, actually owned by the fund.

(2) Any item of which the ownership 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 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 does not apply to leases capitalized under generally accepted accounting principles.

(4) Any asset purchased for investment by the fund on credit in which 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 asset on the fund's balance sheet 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 that 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.

#### §472.8. Authority of department

A. No fund shall become operative until it is 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 provisions 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 may examine the affairs, books, transactions, work papers, files, accounts, records, assets, and liabilities of the fund to determine compliance with this Subpart and pursuant to 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 may examine the affairs, books, transactions, work papers, 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 Subpart. 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 Subpart 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 pursuant to 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, in accordance with the authority of the department pursuant to this Subpart, shall be given confidential treatment and are not subject to subpoena, except in the following circumstances:

(a) The information sought has been provided pursuant to an examination, as authorized by R.S. 22:472.13(C), or provided in examination reports, as required by R.S. 22:472.14(I).

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

D. The department may 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 Subpart, any rule promulgated by the department in accordance with the Administrative Procedure Act, or any order or directive issued by the department. A cease and desist order may include a prohibition on writing or incurring any new or renewal business by the fund.

E. If the department determines that the fund or any trustee, member, officer, director, or employee of the fund failed to comply with the provisions of this Subpart, any applicable laws relating to the fund, any rule promulgated by the department, or any 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. The provisions of this Section do not prohibit the legislative auditor from reviewing records and conducting an audit in accordance with R.S. 24:513.

H.(1) The department may order that the group self-insurance fund submit a corrective action plan to the department for its approval to remediate any noncompliance or financial issues affecting the fund.

(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) The corrective action plan may include any of the following:

(a) Mandatory training.

(b) Onsite or offsite 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.

**§472.9. 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 insurance producer pursuant to R.S. 22:1541 et seq. No employee of the fund, religious denomination, or association of nonprofit religious organizations shall be required to be licensed as an agent 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 for claims arising out of the insolvency of the fund or the inability of the fund to pay claims as they become due unless the claimant first exhausts all remedies available to him against the members of the fund as provided by this Subpart.

**§472.10. 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 the date of the filing, unless the department disapproves the use of these 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 may grant or deny the request in written form within thirty days after receipt of the request. If the fund rejects a request or fails to grant or reject a request within the thirty-day period, the member may appeal to the division of administrative law for a hearing in accordance with the provisions of the Administrative Procedure Act within thirty days after expiration of the thirty day period. After the hearing, the administrative law judge may affirm, modify, or reverse the action taken by the fund.

**§472.11. 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 do all of the following:

(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.

**§472.12. Insolvencies**

A. If the fund is insolvent, in addition to any other provision of law or rule, the department shall require that the fund files a written plan within sixty days from the date the fund becomes aware of the insolvency, and the plan shall be signed by the board of trustees. In determining the fund's insolvency, assets shall 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 including the timetable for 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. If the department determines that a plan submitted by the fund is disapproved or, once a plan has been approved by the department, that the fund is not implementing a plan in accordance with the terms of the plan, the department shall give written notification to the fund of its determination.

C. If administrative supervision becomes necessary, the provisions of Subpart H of Part III of Chapter 2 of this Title shall apply to the fund and the department shall have administrative supervision over the fund in the same manner as if the fund were an insurance company.

D.(1) In addition to any other powers of the department, if the group self-insurance fund is insolvent, operating in a hazardous financial condition, or operating in violation of the requirements of this Subpart, the department may 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) 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.

**§472.13. Examination**

A. The department shall, at least once every five years, conduct an examination of the group self-insurance fund and at such other times as the department deems it necessary.

B. If an examination is needed, the department shall appoint one or more examiners to perform the examination and instruct them as to the scope of the examination. In performing its examination, the examiner or examiners shall observe the guidelines and procedures deemed appropriate by the department.

C. The provisions of this Subpart shall not 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 consider appropriate.

D. The provisions of this Subpart shall not 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 its examination, 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 Subpart, the department may examine the accounts, records, documents, and transactions of all of the following persons:

(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 an examination shall be guilty of perjury.

H. If the department conducts an examination or investigation pursuant to this Subpart, all expenses incurred by the department 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 time to time for 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. Compensation paid pursuant to this Subsection 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. After the receipt of the billing, if the group self-insurance fund considers the amount of expenses billed to it unreasonable or contrary to the provisions of this Subpart, the fund, within fifteen days, may file a rule to show cause in a court of competent jurisdiction upon the department as to the reasonableness and legality of the amount of expenses billed to it by the department. The rule to show cause shall be tried in court by preference as to scheduling and, upon appeal, shall be given preference in the appellate court as provided by the law in the same manner as that given to the 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 Subpart, 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.

#### §472.14. 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 provisions 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 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 after receipt of 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) At the conclusion of a hearing initiated pursuant to Subsection G of this Section, 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 prescribed in 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. 22:472.13(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 to prohibit the department from disclosing the content of an examination report, a preliminary examination report or results, or any matter relating thereto, to another office of the department or to the insurance department of 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 Subpart.

(3) If the department determines that regulatory action is appropriate as a result of any examination, it 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 pursuant to this Subpart, or in accordance with the authority of the commissioner pursuant to this Subpart, 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. 22:472.13(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 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 pursuant to this Subpart.

(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 pursuant to this Subpart.

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 Subpart.

(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, as part of an examination made pursuant to this Subpart, 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 pursuant to R.S. 22:472.13, 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 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 Subpart 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 imposition of the fine. Upon receipt of this notice, the aggrieved party may apply for and is entitled to an administrative hearing pursuant to the Administrative Procedure Act.

N. The provisions of this Section shall not be construed to prohibit the legislative auditor from reviewing records and conducting an audit in accordance with R.S. 24:513.

§472.15. Authorization of the department to employ investigators  
The department may 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.

§472.16. Disclosure  
A. It is 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 Subpart, to act with the specific intent to do any of the following items:

(1) Represent falsely, directly or indirectly, to the department or any employee, trustee, or administrator of the department, that an asset of the group self-insurance fund is unencumbered, or 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 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 subject to the penalties provided in R.S. 22:1924.

§472.17. 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 filed pursuant to this Subpart 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 may have an administrative hearing conducted in accordance with the provisions of the Administrative Procedure Act.

§472.18. Dissolution  
A. If the fund elects to dissolve, it shall apply to the department for authority to dissolve. An application for dissolution shall be made 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. Applications to dissolve shall be granted if either of the following conditions are 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 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 members participating in the fund pursuant to a distribution plan submitted by the fund to the department and approved by the department.

§472.19. Exclusive use of information  
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 the member 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 in any of the following circumstances:  
(1) When the member of the fund requests, individually or through an insurance producer, that the group self-insurance fund renew the policy or write other insurance business.

(2) When the insurance agent has, by contract, agreed to act exclusively for one member or a group of affiliated members, in which case the rights of the agent shall be determined by the terms of the agent's contract with that member 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 the 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 pursuant to R.S. 22:472.8.

(2) In addition, the insurance producer may have 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.

§472.20. Jurisdiction  
The Nineteenth Judicial District Court shall have exclusive jurisdiction over any proceeding instituted pursuant to this Subpart.

Section 2. R.S. 44:4.1(B)(11) 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:

\* \* \*  
(11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 472.8, 472.14, 550.7, 571, 572, 572.1, 574, 601.3, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 976, 1008, 1019.2, 1203, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1657.1, 1660.7, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, 2091, 2293, 2303, 2508

\* As it appears in the enrolled bill

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

Section 3.(A) The Louisiana State Law Institute, in accordance with its statutory authority, is hereby directed to redesignate the provisions of Subpart P-1 of Part I of Chapter 2 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:472.1 through 472.20, as enacted by Section 1 of this Act, as Chapter 28 of Title 12 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 12:1851 through 1870.

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 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.

A true copy:  
R. Kyle Ardoin  
Secretary of State

AN ACT

Section 1. R.S. 17:24.13 and 3996(B)(75) are hereby enacted to read as follows:

### §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:

**(75) Numeracy professional development, R.S. 17:24.13.**

R. Kyle Ardoin  
Secretary of State

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