To amend and reenact R.S. 40:1751, 1752, 1755, and 1781(3) and (5) and to repeal R.S. 40:1753 and 1754, relative to automatic weapons; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1751, 1752, 1755, and 1781(3) and (5) are hereby amended and reenacted to read as follows:

§1751. Definitions

For purposes of this Part, “machine gun” includes all firearms of any calibre, commonly known as machine rifles, machine guns, and submachine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, dics, belts, or some other separable mechanical device. “Manufacturer” includes all persons manufacturing machine guns; “Merchant” includes all persons dealing with machine guns as merchandise; means any weapon which shoots, is designed to shoot, or can be readily restored to shoot, automatically more than one shot without manual reloading, by a single function of the trigger. The term shall also include the frame or receiver of any such weapon, and any part designed and intended solely and exclusively, or combination of parts designed and intended, for use in converting a weapon into a machine gun. The term shall not include items that are not required to be registered in the National Firearms Registration and Transfer Record maintained by the Bureau of Alcohol, Tobacco, Firearms and Explosives. “Firearm” means a shotgun having a barrel of less than eighteen inches in length; a rifle having a barrel of less than sixteen inches in length; any weapon made from either a rifle or a shotgun if said weapon has been modified to have an overall length of less than twenty-six inches; any other firearm, pistol, revolver, or shotgun from which the serial number or mark of identification has been obliterated, from which a shot is discharged by an explosive, if that weapon is capable of being concealed on the person; or a machine gun, grenade launcher, bazooka, rocket launcher, excluding black powder weapons, or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition. Pistols and revolvers and those rifles and shotguns which have not previously been defined in this chapter as firearms from which serial numbers or marks of identification have not been obliterated are specifically exempt from this definition.

§1752. Penalty

A. Any manufacturer who:
   (1) Passes possession of or delivers a machine gun to any person in violation of R.S. 40:1751 or 1752, or
   (2) Fails to keep an accurate record, as required in R.S. 40:1754, or
   (3) Fails to produce or account for a sheriff’s permit for each machine gun sold by him for which a permit is necessary under the provisions of R.S. 14:2(B) which is a felony, or an attempt to commit any one of those crimes; a crime of violence as defined in R.S. 14:2(B) which is a felony who thereafter violates any of the provisions of this Part R.S. 40:1752 shall be imprisoned at hard labor for not less than one year nor more than five years.

B. Any person who violates R.S. 40:1752 shall be imprisoned at hard labor for not less than one year nor more than ten years.

C. Whoever, having been convicted of murder, armed or simple robbery, assault, rape, burglary, or aggravated burglary, any person who has been convicted of, or found guilty by reason of insanity for, a crime of violence as defined in R.S. 14:2(B) which is a felony, or an attempt to commit any one of those crimes; a crime of violence as defined in R.S. 14:2(B) which is a felony who thereafter violates any of the provisions of this Part R.S. 40:1752 shall be imprisoned at hard labor for not less than three years nor more than ten years.

§1781. Definitions

For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

A. Any manufacturer who:
   (1) Passes possession of or delivers a machine gun to any person in violation of R.S. 40:1751 or 1752, or
   (2) Fails to keep an accurate record, as required in R.S. 40:1754, or
   (3) Fails to produce or account for a sheriff’s permit for each machine gun sold by him for which a permit is necessary under the provisions of R.S. 14:2(B) which is a felony, or an attempt to commit any one of those crimes; a crime of violence as defined in R.S. 14:2(B) which is a felony who thereafter violates any of the provisions of this Part R.S. 40:1752 shall be imprisoned at hard labor for not less than one year nor more than five years.

B. Any person who violates R.S. 40:1752 shall be imprisoned at hard labor for not less than one year nor more than ten years.

C. Whoever, having been convicted of murder, armed or simple robbery, assault, rape, burglary, or aggravated burglary, any person who has been convicted of, or found guilty by reason of insanity for, a crime of violence as defined in R.S. 14:2(B) which is a felony, or an attempt to commit any one of those crimes; a crime of violence as defined in R.S. 14:2(B) which is a felony who thereafter violates any of the provisions of this Part R.S. 40:1752 shall be imprisoned at hard labor for not less than three years nor more than ten years.

§1781. Definitions

For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

A. Any manufacturer who:
   (1) Passes possession of or delivers a machine gun to any person in violation of R.S. 40:1751 or 1752, or
   (2) Fails to keep an accurate record, as required in R.S. 40:1754, or
   (3) Fails to produce or account for a sheriff’s permit for each machine gun sold by him for which a permit is necessary under the provisions of R.S. 14:2(B) which is a felony, or an attempt to commit any one of those crimes; a crime of violence as defined in R.S. 14:2(B) which is a felony who thereafter violates any of the provisions of this Part R.S. 40:1752 shall be imprisoned at hard labor for not less than one year nor more than five years.

B. Any person who violates R.S. 40:1752 shall be imprisoned at hard labor for not less than one year nor more than ten years.

C. Whoever, having been convicted of murder, armed or simple robbery, assault, rape, burglary, or aggravated burglary, any person who has been convicted of, or found guilty by reason of insanity for, a crime of violence as defined in R.S. 14:2(B) which is a felony, or an attempt to commit any one of those crimes; a crime of violence as defined in R.S. 14:2(B) which is a felony who thereafter violates any of the provisions of this Part R.S. 40:1752 shall be imprisoned at hard labor for not less than three years nor more than ten years.

§1781. Definitions

For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

A. Any manufacturer who:
   (1) Passes possession of or delivers a machine gun to any person in violation of R.S. 40:1751 or 1752, or
   (2) Fails to keep an accurate record, as required in R.S. 40:1754, or
   (3) Fails to produce or account for a sheriff’s permit for each machine gun sold by him for which a permit is necessary under the provisions of R.S. 14:2(B) which is a felony, or an attempt to commit any one of those crimes; a crime of violence as defined in R.S. 14:2(B) which is a felony who thereafter violates any of the provisions of this Part R.S. 40:1752 shall be imprisoned at hard labor for not less than one year nor more than five years.

B. Any person who violates R.S. 40:1752 shall be imprisoned at hard labor for not less than one year nor more than ten years.

C. Whoever, having been convicted of murder, armed or simple robbery, assault, rape, burglary, or aggravated burglary, any person who has been convicted of, or found guilty by reason of insanity for, a crime of violence as defined in R.S. 14:2(B) which is a felony, or an attempt to commit any one of those crimes; a crime of violence as defined in R.S. 14:2(B) which is a felony who thereafter violates any of the provisions of this Part R.S. 40:1752 shall be imprisoned at hard labor for not less than three years nor more than ten years.

§1781. Definitions

For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

A. Any manufacturer who:
   (1) Passes possession of or delivers a machine gun to any person in violation of R.S. 40:1751 or 1752, or
   (2) Fails to keep an accurate record, as required in R.S. 40:1754, or
   (3) Fails to produce or account for a sheriff’s permit for each machine gun sold by him for which a permit is necessary under the provisions of R.S. 14:2(B) which is a felony, or an attempt to commit any one of those crimes; a crime of violence as defined in R.S. 14:2(B) which is a felony who thereafter violates any of the provisions of this Part R.S. 40:1752 shall be imprisoned at hard labor for not less than one year nor more than five years.

B. Any person who violates R.S. 40:1752 shall be imprisoned at hard labor for not less than one year nor more than ten years.

C. Whoever, having been convicted of murder, armed or simple robbery, assault, rape, burglary, or aggravated burglary, any person who has been convicted of, or found guilty by reason of insanity for, a crime of violence as defined in R.S. 14:2(B) which is a felony, or an attempt to commit any one of those crimes; a crime of violence as defined in R.S. 14:2(B) which is a felony who thereafter violates any of the provisions of this Part R.S. 40:1752 shall be imprisoned at hard labor for not less than three years nor more than ten years.
(2) In lieu of the requirement to use the costs assessed in criminal matters for the operational expenses of the court pursuant to Paragraph (1) of this Subsection, all fines, fees, including probation fees, or costs of a court assessed and collected by the City Court of Alexandria pursuant to Subsection A of this Section shall be deposited in the general fund of the city of Alexandria.

Section 2. R.S. 13:1875(12)(c) and 1899(B) are hereby amended and reenacted to read as follows:

§1875. Compensation of city judges; particular courts

*(1) * * *

(2) * * *

(c) One-half of civil fees assessed and collected shall be used for the operational expenses of the City Court of Alexandria transmitted, on a monthly basis, by the clerk of the city court for deposit to the general fund of the City Court of Alexandria and one-half thereof shall be transmitted for deposit to the general fund of the Rapides Parish Police Jury.

§1899. Assessment and disposition of costs in criminal cases; costs in juvenile matters for specified courts

* * *

B. * * *

* * *

Except as otherwise provided by law, the proceeds derived from these costs shall be deposited in a special account which shall be subject to audit, and used for the operational expenses of the court or for the payment of clerical fees or other similar expenditures as may be approved by the judge.

(2) In lieu of the requirement to use the costs assessed in criminal matters for the operational expenses of the court pursuant to Paragraph (1) of this Subsection, all fines, fees, including probation fees, or costs of a court assessed and collected by the City Court of Alexandria pursuant to Subsection A of this Section shall be deposited in the general fund of the city of Alexandria.

Section 3. Section 1 of this Act shall become effective on January 1, 2024.

Section 4. Section 2 of this Act shall become effective on January 1, 2026.

Approved by the Governor, June 6, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 122

HOUSE BILL NO. 356
BY REPRESENTATIVE FISHER
AN ACT

To enact R.S. 46:1053(C)(2)(j), relative to the Ouachita Parish hospital service district; to provide relative to compensation for commission 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)(j) is hereby enacted to read as follows:

§1053. Commission; qualification of members; appointment; vacancies; compensation; removal of commissioners; certain powers

* * *

C. * * *

(2) * * *

(1) In lieu of the per diem provided for in Subparagraph (a) of this Paragraph, the governing authority of Ouachita Parish may permit the payment of a salary to each member of the commission of the Ouachita Parish hospital service district within which the G. B. Cooley Hospital is situated in an amount not to exceed one hundred fifty dollars per month, payable from funds of the district.

Approved by the Governor, June 6, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 123

HOUSE BILL NO. 368
BY REPRESENTATIVES HARRIS, BEAULIEU, BRASS, BUTLER, WILFORD CARTER, COX, DEVILLIER, ECHOLS, EDMONDS, EMERSON, FIRMENT, FREIBERG, GADBERRY, GREEN, MIKE JOHNSON, LANDRY, MIGUEZ, MOORE, NEWELL, ROB LEWIS, OWEN, PIERRE, SELDERS, THOMPSON, AND WHITE
AN ACT

To enact R.S. 49:170.22, relative to state symbols; to provide that the pecan is the official state nut of Louisiana; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:170.22 is hereby enacted to read as follows:

§170.22. State nut

There shall be an official state nut. The official state nut shall be the pecan. Its use on official documents of the state and with the insignia of the state is hereby authorized.

Approved by the Governor, June 6, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 124

HOUSE BILL NO. 383
BY REPRESENTATIVE AMEDEE
AN ACT

To amend and reenact R.S. 44:4.1(B)(11) and to enact R.S. 22:572.2, relative to insurance; to require certain insurers to provide for a data transfer plan; to provide for the minimum content of the plan; to require the filing of the plan with the insurance commissioner before certain insurers may be authorized to provide for the powers and duties of the commissioner relative thereto; to provide relative to the nature of data transfer plans; to exempt data transfer plans and information produced pursuant to a data transfer plan from the Public Records Law; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:572.2 is hereby enacted to read as follows:

§572.2. Louisiana Property and Casualty Guaranty Fund Data Transfer Plan

A. Each insurer that is subject to the Louisiana Insurance Guaranty Association Law shall prepare, implement, and maintain a data transfer plan. Upon the occurrence of a company-action level event, as defined in R.S. 22:613, the insurer shall file the data transfer plan with the commissioner.

B. (1) The data transfer plan required by Subsection A of this Section shall outline specific procedures, actions, and safeguards that at minimum include all of the following:

(a) The manner, methods, and formats in which the insurer maintains and preserves its claims and underwriting records.

(b) The process by which the insurance commissioner will transfer all of its claims and underwriting records to the Louisiana Insurance Guaranty Association if an order of rehabilitation or liquidation is issued pursuant to R.S. 22:2008.

(c) Any other information deemed necessary by the commissioner.

(2) If the insurer utilizes a third-party vendor to maintain and preserve its claims and underwriting records, the insurer shall include in its data transfer plan the process by which the third-party vendor will provide the insurer’s claims and underwriting records without delay to the Louisiana Insurance Guaranty Association if an order of rehabilitation or liquidation is issued pursuant to R.S. 22:2008.

C. The commissioner shall review each data transfer plan submitted pursuant to Subsection A of this Section to determine compliance with the requirements of this Section and consult with the Louisiana Insurance Guaranty Association to confirm that the data transfer plan will integrate with the Louisiana Insurance Guaranty Association’s manner and means of maintaining records received from insurers that are subject to orders of rehabilitation or liquidation.

D. The commissioner may do all of the following:

(1) Investigate and examine the records and operations of insurers to determine if each insurer has implemented and complied with the data transfer plan requirements of this Section.

(2) Direct an insurer to test the processes set forth in its data transfer plan to ensure that the data can be effectively transferred.

(3) Direct an insurer to modify its data transfer plan to comply with the requirements of this Section.

(4) Require an insurer to supplement the services required to initiate a data transfer plan.

(5) Require an insurer to take action to remedy substantial noncompliance with the requirements of this Section regarding data transfer plans.

(6) Waive compliance with the requirements of this Section upon an insurer’s written request that establishes that the issues giving rise to a company-action level event will be resolved and with the concurrence of the Louisiana Insurance Guaranty Association.

E. An insurer that remains in a company-action level event, as defined in R.S. 22:613, shall update and file its data transfer plan with the commissioner at intervals the commissioner deems appropriate.

F. (1) Data transfer plans and information produced to the commissioner pursuant to data transfer plans shall not be public records or subject to inspection, examination, copying, or reproduction pursuant to the Public Records Law.

(2) Each data transfer plan is a proprietary and confidential business record and shall not be subject to production, including subpoena. The data transfer plan and any information produced to the commissioner pursuant to a data transfer plan is subject to the provisions of R.S. 22:613.

(3) The commissioner shall provide the data transfer plan and any information used to test the processes in the plan to the Louisiana Insurance Guaranty Association or any other guaranty association if, prior to the guaranty association receiving the information, the commissioner and the guaranty association agree, in writing, to hold that information with the same confidential treatment required of the commissioner by R.S. 22:613; unless the insurer grants prior written consent to share the information with a guaranty association.

Section 2. R.S. 44:4.1(B)(11) is hereby amended and reenacted to read as follows:

* As it appears in the enrolled bill
§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, 550.7, 571, 572, 572.1, 572.2, 574, 601.3, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.9.2, 691.10, 691.38, 691.56, 732, 752, 753, 771, 771.1, 834, 972(D), 976, 1008, 1019.2, 1203, 1460, 1464, 1466, 1468, 1546, 1559, 1566(D), 1644, 1656, 1657.1, 1660.7, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2026, 2045, 2056, 2065, 2091, 2293, 2303, 2567

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 6, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 125

BY REPRESENTATIVE BROWN

AN ACT
To amend and reenact R.S. 22:1053(A)(2), relative to coverage of step therapy or fail first protocols; to authorize a substitution of biosimilar biological products designated by the federal Food and Drug Administration; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:1053(A)(2) is hereby amended and reenacted to read as follows:

(2) The provisions of this Section shall not be construed to prohibit the substitution of an AB-rated generic equivalent, biosimilar, or interchangeable biological product as designated by the federal Food and Drug Administration.

Approved by the Governor, June 6, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 126

BY REPRESENTATIVE FARNUM

AN ACT
To amend and reenact R.S. 27:44(24) and 44.1(B)(1) and R.S. 40:1563(M) and (N) and 1563.5 and to enact R.S. 40:1563(O), relative to riverboat or landside facilities.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 27:44(24) and 44.1(B)(1) are hereby amended and reenacted and R.S. 27:44.2 is hereby enacted to read as follows:

§44. Definitions

When used in this Chapter, the following terms shall mean:

(24) “Riverboat” means a vessel or facility which one of the following:
(a) Carries: A vessel that carries a valid Certificate of Inspection issued by the United States Coast Guard with regard to the carriage of passengers on designated rivers or waterways within or contiguous to the boundaries of the state of Louisiana and for the carriage of a minimum of six hundred passengers and crew.
(b) Carries: a valid Certificate of Inspection from the United States Coast Guard for the carriage of a minimum of six hundred passengers and crew. A non-certificated vessel that carries a valid certificate of compliance issued by the board based on the recommendation of an approved third-party inspector pursuant to R.S. 27:44.1. The non-certificated vessel shall meet the following requirements:

(i) Has a minimum length of one hundred fifty feet.
(ii) Is of such type and design so as to replicate as nearly as practicable historic Louisiana river borne steamboat passenger vessels of the nineteenth century era. It shall not, however, be a requirement that the vessel be:

1. Steam-propelled or maintain overnight facilities for its passengers.
2. Paddlewheel-driven or have an operable paddlewheel.
3. A facility that is named and approved by the board pursuant to R.S. 27:44.2.
4. A landside facility that is located within one thousand two hundred feet of a riverboat's licensed berth. Such landside facilities shall be inspected and issued a certificate pursuant to R.S. 27:44.2.

§4.1. Riverboat inspections; alternative inspections when certificate of inspection not issued; inspections for non-certificated vessels

B. To ensure the public health and safety of the public the Louisiana Gaming Control Board may approve that the non-certificated vessels be inspected by a combination of the following:

(1) A third-party inspector including but not limited to the American Bureau of Shipping or its affiliates named and approved by the board.

§4.2. Riverboat inspections for landside facilities: state fire marshal

A. To ensure public health and safety, the riverboat landside facilities shall be inspected prior to the commencement of gaming operations, annually, and as requested by the board. The licensee or applicant shall receive a valid certificate of compliance issued by the board in order to operate or continue to operate.

The board may issue a certificate of compliance to a licensee or applicant for its riverboat landside facility based on the recommendation of a third-party inspector approved by the board, including the state fire marshal or his designee.

B. (1) The recommendation shall be based on compliance of all of the following from the riverboat landside facility:
(a) Applicable provisions of the National Fire Protection Association Life Safety Code (NFPA 101) as adopted by the state.
(b) Applicable provisions of the International Building Code as adopted by the state.
(c) An inspection report by the state fire marshal, or his designee.
(d) Applicable provisions of the local and state building codes and laws.
(e) Issuance of a certificate of occupancy.

(2) When acting as the third-party inspector, the state fire marshal shall only be required to inspect a riverboat landside facility in accordance with any law for which he is given responsibility for supervision or enforcement, including but not limited to R.S. 40:1561 et seq.

(3) Items not in compliance with the inspection standards described in this Section shall be identified by the third-party inspector who shall establish a time period for the discrepancies to be remedied by the licensee or applicant. Failure to remedy any discrepancy timely shall be reported to the Louisiana Gaming Control Board and a penalty, including but not limited to a civil penalty, upon the licensee or applicant. Nothing in this Section shall limit the ability of the state fire marshal to enforce and apply the provisions of any law for which he is given responsibility for supervision or enforcement, including but not limited to R.S. 40:1561 et seq.

(4) The third-party inspector shall submit a report to the board with its findings. The third-party inspector shall inform the board in writing whether the licensee or applicant is eligible for a certificate of compliance or a temporary certificate of compliance. When the state fire marshal acts as the third-party inspector, the inspection report shall be sufficient for the purposes of complying with the requirements of this Section.

C. (1) Fees imposed by a third-party inspector shall be paid by the licensee or applicant. Under no circumstance shall the state or any of its political subdivisions, boards, or agencies be responsible for the payment of such inspection fees as required by this Section. Inspection fees shall be used to pay for the costs of the inspection of the riverboat landside facility. Inspection fees shall be paid prior to the inspection in a time and manner determined by the board.

(2) The state fire marshal is authorized to collect fees for each riverboat landside facility inspection according to the following schedule:
(a) Annual riverboat landside facility inspections not to exceed fifteen thousand dollars.
(b) Each additional inspection as deemed necessary by the board or state fire marshal not to exceed five thousand dollars.
(c) All fees collected by the state fire marshal pursuant to this Section shall be deposited into the Louisiana Fire Marshal Fund.

D. The licensee shall conduct quarterly inspections using criteria required by the division, shall document in writing the results of such quarterly inspection, and shall make the results available to the division and the board.

Section 2. R.S. 40:1563(M) and (N) and 1563.5 are hereby amended and reenacted and R.S. 40:1563(O) is hereby enacted to read as follows:

(11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 550.7, 571, 572, 572.1, 572.2, 574, 601.3, 618, 639, 691.4, 691.5, 691.6, 691.7, 691.8, 691.9, 691.9.1, 691.9.2, 691.10, 691.38, 691.56, 732, 752, 753, 771, 771.1, 834, 972(D), 976, 1008, 1019.2, 1203, 1460, 1464, 1466, 1468, 1546, 1559, 1566(D), 1644, 1656, 1657.1, 1660.7, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2026, 2045, 2056, 2065, 2091, 2293, 2303, 2567

THE ADVOCATE
As it appears in the enrolled bill
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when he determines, as a result of a plan review, investigation, or inspection, that a carbon monoxide source within or attached to the building or structure poses a hazard. The source of carbon monoxide may include but not be limited to an attached enclosed garage or fossil-fuel burning appliance or appliances.

(2) For purposes of this Subsection, the following means:

(a) “Attached enclosed garage” means a structure or portion of a structure without openings or openings on only one side that is used for the parking or storage of private motor vehicles.

(b) “Hotel” means a building or structure that was in existence as of August 1, 2014, which is utilized as a residential occupancy building containing sleeping units where the occupants are primarily transient in nature, including boarding houses, hotels, and motels.

§R. The fire marshal shall take all steps necessary and proper to perform inspections as required by R.S. 40:2009.25.

§1563.5. Inspection fees
The state fire marshal may charge inspection fees pursuant to R.S. 23:537 and 541, R.S. 27:44.2, and R.S. 51:911.22, 911.32, and 911.44.

Approved by the Governor, June 6, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 127

BY REPRESENTATIVES LACOMBE, ADAMS, FISHER, GAINES, LARVADAIN, AND ROMERO
AN ACT
To amend and reenact R.S. 26:142 and to enact R.S. 26:235), (36), and (37), 71(A) (1(c), 82.1, and 90.1, relative to alcoholic beverages; to provide relative to the definitions of distilling, manufacturing distiller, manufacturing distillery, and self-distribution; to provide for self-distribution of alcoholic beverages of high alcoholic content; to provide relative to permit fees; to provide for limitations; to authorize manufacturing distillers to host contracted private events at manufacturing distilleries; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:142 is hereby amended and reenacted and R.S. 26:235), (36), and (37), 71(A) (1(c), 82.1, and 90.1 are hereby enacted to read as follows:

§2. Definitions
For purposes of this Chapter, the following terms shall be defined as follows:

(36) “Distill, distilling, and distilled” means the process of producing liquor by distillation through one or more stills located at a licensed premises as part of a distiller’s process of engaging in the material and essential aspects of manufacturing such distilled spirits for human consumption.

(37) “Manufacturing distillery” or “manufacturing distiller” means any person who personally or through any agent engages in the distilling of any alcoholic beverage in Louisiana; engages in the distilling of any alcoholic beverage outside Louisiana for sale in Louisiana; or engages in the business of supplying distilled alcoholic beverages to licensed wholesale dealers in Louisiana. “Self-distribution” means distribution by a manufacturing distiller who operates a manufacturing distillery entirely located in the state of Louisiana to a retailer holding a Class A permit issued pursuant to R.S. 26:71.1, a Class B permit issued pursuant to R.S. 26:71, or a Class C permit issued pursuant to R.S. 26:71.2.

§71. Permits required; fees; exception
A. Except as provided in Subsections B and C of this Section, before engaging in the business of manufacturing, supplying, or dealing in alcoholic beverages, all persons shall obtain from the commissioner, according to established rules and regulations, a permit to conduct each separate business and shall pay the commissioner a fee not to exceed the amounts provided for in the following schedule and in accordance with regulations promulgated pursuant to the provisions of the Administrative Procedure Act for each year the permit is valid:

(1) $142. Distribution through wholesalers only
Except as provided for in R.S. 26:71.3, 71.4, 82.1, 85, 271.11, and 359, no alcoholic beverage produced or manufactured inside or outside of this state shall be sold or offered for sale in Louisiana or shipped or transported into or within the state except to the holder of a wholesaler’s permit and for delivery at the place of business of the wholesaler shown in his permit.

Section 2. The Louisiana State Law Institute is hereby authorized and directed to arrange in alphabetical order and renumber the defined terms comprising R.S. 26:2.

Approved by the Governor, June 6, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 128

BY REPRESENTATIVES LAFLEUR, BOYD, BRASS, CARRIER, WILFORD CARTER, FISHER, GEYMANN, GLOVER, GREEN, HUGHES, JEFFERSON, JENNINGS, KNOX, LARVADAIN, LYONS, MARCELLE, DUSTIN MILLER, MOORE, NEWELL, PHELPS, PIERRE, AND WILLARD

AN ACT
To enact R.S. 17:3129.8, relative to open educational resources for public postsecondary education students; to provide for pilot programs; to require the Board of Regents and the management boards to collaborate relative to the programs; to require the Board of Regents to report to the legislature; to provide for effectiveness; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3129.8 is hereby enacted to read as follows:

§3129.8. Affordable Digital Textbook and Learning Materials Pilot Programs
A. The Board of Regents, referred to in this Section as the “board”, in collaboration with the public postsecondary education management boards, shall identify and implement pilot programs to provide open and no-cost digital textbook and learning materials that can be used to improve student outcomes. The pilot programs for which funds will be awarded shall be selected by the board in accordance with the criteria set forth in this Section.

B. The board shall:
(1) Issue a request for applications from public postsecondary education management boards for proposals for pilot programs.
(2) Prioritize pilot programs that provide the most benefit to socially and economically disadvantaged and historically underrepresented students.

$142. Distribution through wholesalers only
Except as provided for in R.S. 26:71.3, 71.4, 82.1, 85, 271.11, and 359, no alcoholic beverage produced or manufactured inside or outside of this state shall be sold or offered for sale in Louisiana or shipped or transported into or within the state except to the holder of a wholesaler’s permit and for delivery at the place of business of the wholesaler shown in his permit.

The Board of Regents, referred to in this Section as the “board”, in collaboration with the public postsecondary education management boards, shall identify and implement pilot programs to provide open and no-cost digital textbook and learning materials that can be used to improve student outcomes. The pilot programs for which funds will be awarded shall be selected by the board in accordance with the criteria set forth in this Section.
This may be determined by identifying courses with a high percentage of enrollment of groups of such students and the potential for large-scale adoption as provided in open educational resources in the courses.

(3) Award funds for pilot programs to replace existing commercial textbooks available to students only through purchase with open educational resources as defined in R.S. 17:3129.9. The open educational resources used in pilot programs shall be made available to students at no cost with unlimited access not later than the first day of classes of the first semester in which the program is being implemented. Priority shall be placed on using open educational resources that carry an open license that allow faculty to customize course materials to improve student learning outcomes.

(4) Enter into contracts with management boards administering pilot programs. At a minimum, the contracts shall require the following:

(a) Revised and newly created course materials including ancillary materials and related learning materials.

(b) Instructional materials must be made available in the statewide digital platform and open educational resources maintained by LOUIS: The Louisiana Library Network in order to ensure materials are discoverable and widely available. Materials shall be made available under a license consistent with the availability of open educational resources material.

(c) In submitting proposals pursuant to Subsection B of this Section, management boards interested in participating shall:

(a) Demonstrate the anticipated number of students who would benefit from the program, the courses in which the awarded funds will be used, the textbooks currently being used in the courses, and the proposed use of open educational resources in the courses; and the estimated average amount of savings per student.

(b) Either propose customizing course instruction to currently available open educational resources or developing new course instruction using open educational resources.

(c) Identify the faculty who would customize course instruction to existing open educational resources or develop new course instruction using open educational resources.

(2) In awarding funding, the board shall give priority to proposals that include the following:

(a) Targeted learning modules to provide additional student supports to combat ongoing learning loss.

(b) Opportunities to help students develop necessary employability skills including but not limited to digital skills, financial literacy, time management, communication, and goal setting.

D.(1) The provisions of this Section shall be implemented beginning with the 2026 fall semester.

(3) Not later than September 1, 2026, the Board of Regents shall provide a written report to the governor, the president of the Senate, the speaker of the House of Representatives, and the chairmen of the legislative committees on education and commerce.

Approved by the Governor, June 6, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 129

HOUSE BILL NO. 647
(Substitute for House Bill No. 263 by Representative Bourriaque)
BY REPRESENTATIVES BOURRIAQUE, BACALA, DUBUISSON, FREEMAN, LACOMBE, ROMERO, AND TURNER

To amend and reenact R.S. 26:73(C)(1)(c) and 272(C)(1)(c), relative to alcoholic beverage permits; to provide relative to the issuance of a Class “R” restaurant permit by the commissioner for the sale of alcoholic beverages of high and low alcoholic content; to provide relative to the definition of restaurant establishment; to provide relative to the sale of alcoholic beverages for consumption off the premises; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 26:73(C)(1)c and 272(C)(1)c are hereby amended and reenacted to read as follows:

§73. Restaurant “R” permit; application; fees

C.(1) For purposes of this Section, “restaurant establishment” shall be defined as an establishment: * * *

(e) Which maintains separate sales figures for alcoholic beverages and prepares alcoholic beverages for consumption on the premises or prepares alcoholic beverages for consumption off premises with an appropriate lid or cover on the container: * * *

§272. Restaurant “R” permit; application; fees

C.(1) For purposes of this Section, “restaurant establishment” shall be defined as an establishment: * * *

(e) Which maintains separate sales figures for alcoholic beverages and prepares alcoholic beverages for consumption on the premises or prepares alcoholic beverages for consumption off premises with an appropriate lid or cover on the container: * * *

Approved by the Governor, June 6, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 131

HOUSE BILL NO. 13
BY REPRESENTATIVE MUSSARELLO

To amend and reenact R.S. 34:1951(B)(2)(e), relative to the members of the South Tangipahoa Parish Port Commission; to change a nominating body from the Hammond Chamber of Commerce to the Tangipahoa Chamber of Commerce; 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. 34:1951(B)(2)(e) is hereby amended and reenacted to read as

THE ADVOCATE

* As it appears in the enrolled bill
E. (1)(a) On every occasion that a school bus operator uses extended sick leave, a statement from a licensed physician certifying that it is for personal illness relating to pregnancy, illness of an infant, or required medical visits related to infant or maternal health or that it is a medical necessity for the school bus operator to be absent for at least ten consecutive work days shall be presented prior to the extension of such leave.

.§1206.2.  Employees; extended sick leave
A.(1)(a) Every city, parish, and other local public school board shall permit each employee, as defined in R.S. 17:1205, to take up to ninety days of extended sick leave in each six-year period of employment which may be used for a medical necessity in the manner provided in this Section at any time that the employee has no remaining regular sick leave balance.

(b)(a) If an employee exhausts the sick leave available pursuant to the provisions of Subparagraph (a) of this Paragraph, such employee may be granted, if school board policy provides for such leave, up to thirty additional days of extended sick leave in each six-year period of employment for personal illness related to pregnancy, illness of an infant, or required medical visits certified by a physician as relating to infant or maternal health.

(2) As used in this Section the following means shall have the following meanings:

* * *

E.(1)(a) “Infant” means a child under one year of age.

(d) “Medical necessity” means the result of catastrophic illness or injury, a life threatening condition, a chronic condition, or an incapacitating condition, as certified by a physician, of a school bus operator or an immediate family member.

(e) “Parent” means the biological parent of a school bus operator or an individual who stood in loco parentis to the school bus operator.

Approved by the Governor, June 7, 2023.

R. Kyle Ardoin
Secretary of State

ACT No. 133

HOUSE BILL NO. 21
BY REPRESENTATIVES STAGNI AND COX
AN ACT

To amend and reenact R.S. 17:500.2(A)(1) and (2)(c) and (d) and (E)(1)(a) and 1206.2(A)(1) and (2)(c) and (d) and (E)(1)(a) and to enact R.S. 17:500.2(A)(2)(e) and 1206.2(A)(2)(e), relative to extended sick leave for certain school employees; to provide relative to requirements of sick leave related to pregnancy and infant care for school bus operators and public school employees; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:500.2(A)(1) and (2)(c) and (d) and (E)(1)(a) and 1206.2(A)(1) and (2)(c) and (d) and (E)(1)(a) are hereby enacted to read as follows:

§500.2.  School bus operators; extended sick leave
A.(1)(a) Every city, parish, and other local public school board shall permit each school bus operator to take up to ninety days of extended sick leave in each six-year period of employment, which may be used for a medical necessity in the manner provided in this Section, at any time that the school bus operator has no remaining regular sick leave balance.

(b) If a school bus operator exhausts the sick leave available pursuant to the provisions of Subparagraph (a) of this Paragraph, such school bus operator may be granted, if school board policy provides for such leave, up to thirty additional days of extended sick leave in each six-year period of employment for personal illness related to pregnancy, illness of an infant, or required medical visits certified by a physician as relating to infant or maternal health.

(2) As used in this Section, the following terms shall have the following meanings:

* * *

(c) “Infant” means a child under one year of age.

(d) “Medical necessity” means the result of catastrophic illness or injury, a life threatening condition, a chronic condition, or an incapacitating condition, as certified by a physician, of a school bus operator or an immediate family member.

(e) “Parent” means the biological parent of a school bus operator or an individual who stood in loco parentis to the school bus operator.

Approved by the Governor, June 7, 2023.

R. Kyle Ardoin
Secretary of State

ACT No. 135

HOUSE BILL NO. 44
BY REPRESENTATIVES HORTON, ADAMS, CREWS, EMERSON, FIRMENT, MCCORMICK, CHARLES OWEN, SEAbaugh, AND STAGNI
AN ACT

To amend and reenact R.S. 11:2260(A)(2)(introductory paragraph) and (b), relative to the Firefighters’ Retirement System; to provide for membership on the board of trustees; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2260(A)(2) and (b) are hereby amended and reenacted to read as follows:

§2260.  Administration
A.  Board of trustees:
   *(b) The board shall consist of eleven members as follows:*
   
*   *

(b) A fire chief who is chief of a fire department participating in the system and who is a member of the system, shall be elected in December, 1988 by a majority of the fire chiefs of fire departments participating in the system, to take office January 1, 1989, to serve until January 1, 1991, and his successor shall be elected for a term of five years commencing on January 1, 1991. Two members of the Louisiana Fire Chiefs Association who are members of the system and who shall be elected by a majority of the officers of the association for five-year terms.

* * *

Section 2. This Act does not affect the term of the member of the board of trustees who is serving pursuant to R.S. 11:2260(A)(2)(b) on the effective date of this Act. The additional trustee position provided for in R.S. 11:2260(A)(2)(b) as amended by this Act shall be filled initially in December 2023 for a term that begins on January 1, 2024.

Approved by the Governor, June 7, 2023.

R. Kyle Ardoin
Secretary of State
AN ACT
To amend and reenact R.S. 11:2260(A)(2)(e), relative to the Firefighters’ Retirement System; to provide for membership on the system’s board of trustees; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:2260(A)(2)(e) is hereby amended and reenacted to read as follows:

§2260. Administration
A. Board of trustees:
   (2)
      (e) A retiree of the system, who shall be elected by a majority vote of the members of the board from at least three nominees submitted by the retired members and beneficiaries of the system; for a term of five years, commencing on January 1, 1989.

Section 2. The provisions of this Act shall not affect the term of the retiree member of the board of trustees serving pursuant to the provisions of R.S. 11:2260(A)(2)(e) as they existed before the effective date of this Act.

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 7, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 136

BY REPRESENTATIVE J. DUBUISSON

AN ACT
To amend and reenact R.S. 34:855.3(C), relative to the regulation of personal watercraft; to provide an exception to the prohibition against the use of personal watercraft at night; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:855.3(C) is hereby amended and reenacted to read as follows:

§855.3. Regulation of personal watercraft

C. A person shall not operate a personal watercraft at any time between sunset and sunrise unless equipped with navigational lights in accordance with the regulations of the United States Coast Guard.

Approved by the Governor, June 7, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 137

BY REPRESENTATIVE JENKINS

AN ACT
To enact R.S. 18:444(G)(2)(d), relative to the parish executive committee of the Democratic Party in Caddo Parish; to provide relative to membership on the committee; 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. 18:444(G)(2)(d) is hereby enacted to read as follows:

§444. Parish executive committees

G. Composition.

(2)

(d) In Caddo Parish, the parish executive committee of the Democratic Party shall be composed of one member elected from each parish commission district and twelve members elected at large from the parish. All other recognized political parties in Caddo Parish shall comply with the provisions of Paragraph (1) of this Subsection.

Approved by the Governor, June 7, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 138

THE ADVOCATE

* As it appears in the enrolled bill

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2023 Regular Session

HOUSE BILL NO. 101

BY REPRESENTATIVE EMERSON

AN ACT
To amend and reenact R.S. 40:1666.5(A) and (D), relative to the Fireman’s Supplemental Pay Board; to provide relative to membership and service on the board; to provide relative to appointments to the board; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1666.5(A) and (D) are hereby amended and reenacted to read as follows:

$1666.5. Fireman’s Supplemental Pay Board
A. There is hereby created a Fireman’s Supplemental Pay Board, hereinafter referred to as the board, which shall consist of five seven persons appointed by the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. In making his appointments the governor shall select two three persons who are members in good standing of the Professional Firefighters Association of Louisiana, two persons who are members in good standing of the Louisiana State Fireman’s Association, and one at-large member who has at least twenty-five years of firefighter experience, and two persons who are members in good standing of the Louisiana Fire Chiefs Association. The board shall elect a chairman from its membership to serve a two-year term.

D. If more than thirty days have passed since the governor has been notified of a vacancy on the board and no new appointment has been made or if more than thirty days have passed since the governor has taken his oath of office for the term and no initial appointment for that position has been made, then the board shall notify the governor or the organization from which the appointment shall be a member in good standing of the same fire fighter’s or fire chief’s organization as his predecessor the member who created the vacancy or whose term expired, as applicable, shall be appointed by such organization so that the board shall at all times consist of three persons who are members in good standing of the Professional Firefighters Association of Louisiana and two persons who are members in good standing of the Louisiana State Fireman’s Association and two persons who are members in good standing of the Louisiana Fire Chiefs Association.

Any member serving pursuant to the provisions of this Subsection shall serve until the governor makes his appointment for such position pursuant to Subsection A of this Section.

Section 2. This Act shall become effective at noon on January 3, 2024.

Approved by the Governor, June 7, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 139

BY REPRESENTATIVE CARRIER

AN ACT
To enact R.S. 40:539(C)(8)(n), relative to employees of the Kinder Public Housing Authority; to provide that employees of the authority shall not be included 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 as provided by Article III, Section 13 of the Constitution of Louisiana.

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)

(p) Notwithstanding Subparagraph (a) of this Paragraph or of any other law to the contrary, the Kinder Public Housing Authority shall not be considered an instrumentalty 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 in 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 7, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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* As it appears in the enrolled bill

CODING: Words in strikethrough type are deletions from existing law; words underlined (House Bills) and underscored (Senate Bills) are additions.
The fee shall expire at the end of the term provided for in the proposition authorizing the fee, not to exceed eight years, but may be renewed as provided in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the fee shall be held for that purpose in accordance with the Louisiana Election Code. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

Section 2. R.S. 33:9091.4(E)(3)(b) is hereby repealed in its entirety.

Section 3. (A) The provisions of this Act shall not affect the parcel fee levied within the Lake Terrace Crime Prevention District on the effective date of this Act. The governing authority of the city of New Orleans shall continue to levy the fee until such time as it expires, as provided in the proposition approved by a majority of the district’s registered voters voting on the proposition at an election held on November 18, 2017.

(B) Notwithstanding the provisions of Subsection A of this Section, the board of commissioners of the Lake Terrace Crime Prevention District may call an election for the purpose of submitting the question of the imposition of the fee authorized in this Act to the voters prior to December 31, 2026. If the imposition of the fee is approved by a majority of the district’s registered voters voting on the proposition at any such election, the governing authority of the city shall then begin to levy a parcel fee as provided in the proposition.

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 7, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State
To enact R.S. 13:5554.11, relative to the payment of group insurance premiums for retired sheriffs and deputy sheriffs in Pointe Coupee Parish; to create a permanent fund; to require the depositing of certain monies into the fund; to provide for investment of money in the fund; to authorize the withdrawal of earnings; to provide for limitations on appropriations from the fund; to provide for audits of the fund; to provide for the membership and election on the investment advisory board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554.11 is hereby enacted to read as follows:

§13:5554.11. Pointe Coupee Parish; payment of group insurance premiums; retired sheriffs and deputy sheriffs; creation of fund

There is hereby created in the Parish the PCREIF for the payment of group insurance premiums for retired sheriffs and deputy sheriffs. The PCREIF shall be established and provided with respect to the purposes and functions; to establish and provide with respect to the purposes and functions; to provide for audits of the fund; to provide for the membership and election on the investment advisory board; and to provide for related matters.

The purpose of the commission shall be to assist and afford opportunities to children who enter the juvenile justice system, or who are children in need of care or supervision, to become productive, law-abiding citizens of the community, parish, and state by the establishment of rehabilitative programs within a structured environment and to provide physical facilities and related community, parish, and state services for children throughout the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart M of Part XI of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1109 through 1109.6, relative to the creation of a juvenile justice district for certain parishes; to create and provide with respect to the purposes and functions; to provide for the membership and election on the investment advisory board; 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. Subpart M of Part XI of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:1109 through 1109.6, is hereby enacted to read as follows:

SUBPART M. RIVER PARISHES JUVENILE JUSTICE DISTRICT

§1109. River Parishes Juvenile Justice District; creation; jurisdiction

The River Parishes Juvenile Justice District is hereby established as a political subdivision of the state, with a territorial jurisdiction throughout the Twenty-Third, Twenty-Ninth, and Fortieth Judicial Districts, including the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.

§1109.2. Board of commissioners; appointment; terms

A. The River Parishes Juvenile Justice Commission is hereby created to control, administer, and manage the affairs of the district. The commission shall be comprised of a board of fourteen commissioners, who shall be elected from districts created and as provided in R.S. 15:1109.1(A) and shall be jointly appointed for terms of four years, by the sheriffs of the Twenty-Third Judicial District; two commissioners shall be appointed, for terms of four years, by the sheriffs of St. Charles Parish; one commissioner shall be appointed, for a term of four years, by the sheriff of the Baptist Parish; one commissioner shall be appointed, for a term of four years, by the district attorney of the Twenty-Third Judicial District; one commissioner shall be appointed, for a term of four years, by the district attorney of the Twenty-Ninth Judicial District; one commissioner shall be appointed, for a term of four years, by the chief judge of the Twenty-Ninth Judicial District; and one commissioner shall be appointed, for a term of four years, by the chief judge of the Fortieth Judicial District.

§1109.3. Purposes of the commission

The purpose of the commission shall be to assist and afford opportunities to children who enter the juvenile justice system, or who are children in need of care or supervision, to become productive, law-abiding citizens of the community, parish, and state by the establishment of rehabilitative programs within a structured environment and to provide physical facilities and related services for children throughout the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist.
Section 1109.3. Board of commissioners; officers; meetings

A. The board of commissioners shall elect a president, a secretary, and a treasurer, whose duties in addition to those herein provided for may be established by the board. If the board so decides, one commissioner may serve as both secretary and treasurer, but in any event, the treasurer shall furnish bond in an amount and in accordance with terms and conditions fixed by the board.

B. The board shall fix a time and place for the holding of its regular meetings and shall hold at least one regular meeting in each calendar month. Additional regular or special meetings may be held upon the call of the president or of five of the commissioners. All meetings of the board shall be held at the domicile of the board and shall be governed by the provisions of R.S. 42:11 et seq.

C. A majority of the current members of the board shall constitute a quorum.

A true copy:

R. Kyle Ardoin
Secretary of State

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Act No. 146

Senate Bill No. 26

By Senator Price

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

To amend and reenact R.S. 42:1141.4(A)(2), relative to public notice of hearings of the Ethics Adjudicatory Board; to provide for delivery of notice; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1141.4(A)(2) is hereby amended and reenacted to read as follows:

§1141.4. Notice and procedure

A. (1) The Ethics Adjudicatory Board shall give public notice of its hearings that are conducted pursuant to R.S. 42:1141.5. The Ethics Adjudicatory Board shall mail a copy of the notice to the subject of the hearing. The Ethics Adjudicatory Board shall also serve a copy of the notice to the respondent or the respondent's attorney of record after service was made.

B. The Ethics Adjudicatory Board may exclude incompetent, irrelevant, and unduly repetitious evidence.

C. Only documents provided for in Code of Civil Procedure Articles 966 and 967 may be filed in support of or in opposition to the motion.

D. The Ethics Adjudicatory Board shall exclude incompetent, irrelevant, and unduly repetitious evidence.

To enact R.S. 42:1141.7 and 1141.8, relative to motions and exceptions; to provide for a motion for summary judgment for matters pending before the Ethics Adjudicatory Board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1141.7 and 1141.8 are hereby enacted to read as follows:

§1141.7. Motions and exceptions

A. Motions and exceptions may be made before, during, or after a public hearing.

B. Any motion or exception made before or after the public hearing shall be filed with the appropriate panel of the Ethics Adjudicatory Board. Any contradictory motion or exception shall be accompanied by a memorandum which shall set forth a concise statement of the grounds upon which the relief sought is based and the legal authority therefor.

§1141.8. Summary judgment

A. A motion for summary judgment may be filed by the Board of Ethics or the respondent without leave of the Ethics Adjudicatory Board and without an agreement by any other party to the use of summary judgment procedure, at any time before, during, or after a public hearing on the merits.

B. After an opportunity for adequate discovery, a motion for summary judgment shall be granted if the motion, memorandum, and supporting documents show that there is no genuine issue of material fact and that the mover is entitled to judgment as a matter of law.

C. Only documents provided for in Code of Civil Procedure Articles 966 and 967 may be filed in support of or in opposition to the motion.

D. The Ethics Adjudicatory Board shall exclude incompetent, irrelevant, and unduly repetitious evidence.

E. An objection to an evidentiary offer may be made and shall be noted in the record. When an objection to an evidentiary offer is sustained by the Ethics Adjudicatory Board, the subject evidence shall be considered proffered into the record with or without a motion.

F. (1) The burden of proof rests with the mover. Nevertheless, if the mover will not bear the burden of proof at the public hearing on the merits of the issue before the Ethics Adjudicatory Board on the motion for summary judgment, the mover's burden on the motion does not require him to negate all essential elements of the adverse party's claim, action, or defense, but rather to point out to the board the absence of factual support for one or more elements essential to the adverse party's claim, action, or defense.

(2) The burden is on the adverse party to produce factual support sufficient to
establish the existence of a genuine issue of material fact or that the mover is not entitled to judgment as a matter of law.

6. The Ethics Adjudicatory Board may render a summary judgment dispositive of a particular issue or defense in favor of one or more parties even though the granting of the summary judgment does not dispose of the entire matter as to that party or parties.

7. The Ethics Adjudicatory Board may render a summary judgment dispositive of the entire matter as to that party or parties.

8. The Ethics Adjudicatory Board shall transmit notice of the hearing on the motion for summary judgment to the Board of Ethics through the secured electronic transfer system and to the respondent through his counsel of record, or if no counsel of record, to the respondent, by either email or regular mail to the last known email or mailing address provided by the respondent's counsel of record or respondent to the Ethics Adjudicatory Board.

9. The denial of a motion for summary judgment by the Ethics Adjudicatory Board is an interlocutory judgment and is not appealable pursuant to R.S. 42:142(A).

Approved by the Governor, June 7, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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**ACT No. 149**

SENATE BILL NO. 51

THE ADVOCATE

* As it appears in the enrolled bill PAGE 11

CODING: Words in *italics* are deletions from existing law; words underlined are additions.
of the competitively priced Louisiana feedstock available during its operations. The report shall also list the production levels for the period covered by the report. The amount of feedstock used to achieve the production levels, the location from where the feedstock originated, and the steps taken to obtain Louisiana harvested feedstock. The report shall also itemize the financial benefits the facility has received from the state, including but not limited to: the use of state grants, state assisted financing, participation in the Quality Jobs Program, the Enterprise Zone Program and the 10-Year Industrial Exemption Program.

Section 2. R.S. 9:1152(B) and 2800.14 are hereby amended and reenacted to read as follows:

§1152. Grant of mineral servitude on lands acquired by the state from agencies or political subdivisions by subsidence or erosion

B. The boundaries of such servitudes may be fixed as follows:

(1) The state agency or political subdivision having an interest therein may submit to the secretary of the Department of Energy and Natural Resources a certified map or plat of survey prepared by a registered land surveyor showing the exact extent of the servitude area, along with such other proof of the boundaries thereof as the secretary may reasonably require. Upon the true and certified copy of any certificates, plats, agreements or judgments fixing the boundaries of such servitudes shall be filed with the secretary of the Department of Energy and Natural Resources and shall be recorded in the parish where the affected property is located.

§2800.14. Limitation of liability for damages to oyster leases

Oil companies, including drilling, exploration, production, pipeline, and marine contractors, and persons performing related services who cause any loss of production from leases for oil or gas, excavation, corrective maintenance, remediation, operations, release and response, or events and activities, which include the transportation of materials or equipment to or from existing or proposed drilling sites, well sites, rights of way, production, storage, and pumping facilities within a designated water route or navigable waters approved by the Department of Energy and Natural Resources, shall be liable for the diminution in market value of the oyster leases. Diminution in market value of the oyster leases shall be calculated in accordance with the method used by the Louisiana Oyster Lease Damage Evaluation Board. This Section shall have no effect as to judgments rendered by a court of competent jurisdiction prior to August 15, 2004.

Section 3. R.S. 13:5107(C) is hereby amended and reenacted to read as follows:

§3107. Service of citation and process

C. In all suits in which title to lands or waterbottoms under the jurisdiction of the state land office is or may be at issue, and in all possessory actions, boundaries, trespass actions, and dispossessing actions involving alleged aggregated prescription of immovable property, declaratory judgments, injunctions and concursus proceedings involving such lands or waterbottoms, citation and service of all pleadings also shall be made on the register of the state land office. In all suits in which property rights, mineral rights, or authorities under the jurisdiction of the State Mineral and Energy Board may also be at issue, citation and service of all pleadings also shall be made on the secretary of the Department of Energy and Natural Resources.

Section 4. The introductory paragraph of R.S. 17:202(A)(2) and 218(2) are hereby amended and reenacted to read as follows:

§202. Louisiana Environmental Education Commission; creation; membership; duties

A.(1)
§218. Professional development
In-service teachers should develop the same environmental education competencies specified for pre-service teachers as follows:

(2) The Department of Energy and Natural Resources, the Department of Environmental Quality, the Department of Wildlife and Fisheries, the Louisiana Department of Health, the office of state parks within the Department of Culture, Recreation, and Tourism, the Department of Agriculture and Forestry, and the Department of Education shall develop and publicize environmental education teacher in-service or professional internships related to their mission and shall be encouraged to develop such programs if they do not exist.

Section 5. The introductory paragraph of R.S. 30:4(D), the introductory paragraph of 41(D)(1), 30:4(D)(1)(d), (2), and (3)(a)(ii); (G), (M)(6)(b); (N)(1) and (5), the introductory paragraph of 41(A)(2), 41(C)(2), 41(E)(3), and (7); 29(A), (B)(1), and (C)(6)(b)(i); 73(A), 81(B), 82(1), (4), and (13), 83(A), (B)(1), (F)(5), (H), 86(E)(1) and (7), 89.1, 91(B)(2)(c), 95(D), 101.2(A), 101.3(2), (4), and (7), 101.4(A), 101.13(B)(3) and (C)(4), 121(A) and (C), 124(A), 124(B)(3), 132, 135, 136(B)(1)(a), 136(A)(3), 142(E)(1)(a), 149(C), (D)(1), (2), (4), and (6), (E), and (F), the introductory paragraph of 144(A), 150(A), (B)(7), (D), (F)(2), and (H), 209:09(4)(b), 212(A), 215(A), 216(C)(2), 401, 503(I), the introductory paragraph of 546(A), 702(1), 723(G), 731(1), 904(5) and (20), 905(A) and (B)(9), 905.1(A), 953(C), 962(3), 963(3), 1105(7), 1105(B), 1108(F), the introductory paragraph of 1152(A), the introductory paragraph of 1152(A) (9)(a), 1203(B), 1354(6), 1401(B) and (C), 1402(D) and (B), and 2004(12)(a), 2011(D)(20), 2015(1)L, 2035(B)(2), 2074(C) and (E), 2248(C)(1), 2397, 2458(A)(4), 2459(A) and (D), 2460(A)(14), 2469(E), 2495, and 2575(D) are hereby amended and reenacted as

§4. Jurisdiction, duties, and powers of the assistant secretary; rules and regulations

D. The assistant secretary shall make, after notice and public hearing as provided in this Chapter, any reasonable rules, regulations, and orders that are necessary:
(1) To require that all pipelines, excluding field transmission, flow, and gathering lines; all wells; and all associated structures, including any piping, valves, appliances, and equipment, which are constructed on state water bottoms pursuant to the grant of a right-of-way by the secretary of the Department of Energy and Natural Resources or the issuance of a lease by the State Mineral and Energy Board shall conform to the following provisions:

(d) If determined by the governor and the secretary of the Department of Energy and Natural Resources to be in the best interests of the state, the owner or operator of a pipeline, well, or associated structure shall not be required to have it removed but shall be required to adequately mark it for the duration of the obstruction according to regulations of the Coast Guard and of the assistant secretary.

(2) To require that all field transmissions, flow, and gathering lines constructed on state water bottoms pursuant to the grant of a right-of-way by the secretary of the Department of Energy and Natural Resources or the issuance of a lease by the State Mineral and Energy Board shall conform to the following provisions:

(a)(i)

(ii) If the inspection reveals abandonment, machinery, or material above the mudline, the owner shall be responsible for its removal to avoid its constituting an obstruction which may unduly interfere with other uses, including navigation or fishing. However, the assistant secretary may by rule grant such exceptions or variances from this requirement if the location of the equipment, machinery, or material would cause removal to be extraordinarily onerous or impractical. Moreover, removal shall not be required if the governor and the secretary of the Department of Energy and Natural Resources determine that in the best interests of the state removal shall not be required. However, the owner shall be required to mark it for the duration of the obstruction according to regulations of the Coast Guard and the assistant secretary.

G. The office of conservation of the Department of Energy and Natural Resources through the commissioner shall implement the provisions of Subsections D, E, and F of this Section as to interstate pipelines insofar as those requirements may be consistent with the regulations for interstate pipelines adopted by the United States Department of Transportation.

In such event, the office shall further implement the provisions of Subsections D, E, and F of this Section insofar as those requirements may be consistent with the regulations for interstate pipelines adopted by the United States Department of Energy.

M.

(6) Permit requirements that include the following:

(b) Reimbursement to the state or any political subdivision of the state for reasonable and extraordinary costs incurred in responding to or mitigating a disaster or emergency due to a violation of this Subsection or any rule, regulation, or order promulgated or issued pursuant to this Subsection. Such costs shall be subject to approval by the director of the Governor's Office of Homeland Security and Emergency Preparedness prior to being submitted to the permiitee for reimbursement. Such payments shall not be construed as an admission of responsibility or liability for the emergency or disaster.

The Department of Energy and Natural Resources, office of conservation, is hereby authorized to adopt rules and regulations in accordance with the Administrative Procedure Act to collect reimbursement under this Section.

N.(1) The Cross-Unit Well Study Commission is hereby created within the Department of Energy and Natural Resources, office of conservation. The commission shall study the legal implications of the prescription of nonuse in relation to the drilling of any well located closer than three hundred thirty feet from the property boundary of a drilling unit or lease.

(5) The chairman shall hold the first public meeting of the commission on or before September 1, 2014, at the headquarters of the Department of Energy and Natural Resources, office of conservation. After the first meeting, the commission shall hold monthly public meetings at the headquarters of the Department of Energy and Natural Resources, office of conservation.

§4.1. Underground injection controls

B. The assistant secretary of the office of conservation of the Department of Energy and Natural Resources, hereafter referred to as the “assistant secretary”, shall have authority to make, after notice and hearings as provided in this Chapter, all necessary rules, regulations, and orders that are necessary from time to time in the proper administration and enforcement of this Section including, but not limited to rules, regulations, or orders for the following purposes:

§21.2. Bohemia Spillway Cost Recovery

Upon the final disposition of each claim filed with the Department of Energy and Natural Resources pursuant to Act 233 of the 1984 Regular Session, the secretaries shall condemn one or more of the parties to the claim to pay the cost of administering the claim and may appropriate and order that the cost be subject to approval by the director of the Governor's Office of Management and Budget and be deposited immediately into the state treasury.

§23. Underground storage of liquid or gaseous hydrocarbons or both, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law

D.(1) In furtherance of the development of comprehensive energy policy for the state, the secretary of the Department of Energy and Natural Resources shall determine the feasibility of initiating projects, by the state or by contract on behalf of the state, for the storage of emergency supplies of state-owned oil and gas, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gas, or any project which would not otherwise be prohibited by law.

(2) Each production pit located within the inland tidal waters, lakes, and water bottoms shall be closed by January 1, 1993. The Department of Energy and Natural Resources through the office of conservation shall adopt rules to enforce the provisions of this Section and may issue compliance orders, cease and desist orders, and other such orders as are necessary to enforce the requirements of this Section and the rules of the department.

(3) The exemptions and exceptions for production pits located within the inland tidal waters, lakes, and water bottoms are those authorized under the rules of the Department of Energy and Natural Resources, office of conservation in Statewide Order No. 29-B, Section XV, Paragraph 2.2(K) and (M) are hereby declared null, void, and without effect. After June 30, 1989, no new production pits shall be constructed within the inland tidal waters, lakes, and water bottoms.
shall be required or sought in connection with any activity mandated by, arising out of, or resulting from the requirements of this Section.

§26. Applications and notification of completeness
A. Notwithstanding any other law to the contrary, the secretary of the Department of Energy and Natural Resources and the commissioner of conservation shall, after notification by the department to the applicant that the application is complete, grant or deny all applications for all permits, licenses, registrations, or compliance in this or any other Title within sixty days. The notification of completeness shall be issued within fourteen days, exclusive of holidays, by the department. If the application is not complete the department shall notify the applicant in writing all the deficiencies which cause the application not to be complete. If the secretary or the commissioner does not grant the application, he shall provide written reasons for his decision to deny, and copies of the decision shall be provided to all parties. The secretary and the commissioner may delegate the power to grant permits, licenses, registrations, variances, or compliance schedules to an assistant.

§29. Remediation of oilfield sites and exploration and production sites
A. The legislature hereby finds and declares that Article IX, Section 1 of the Constitution of Louisiana mandates that the natural resources and the environment of the state, including ground water, are to be protected, conserved, and replenished insofar as possible and consistent with the health, safety, and Welfare of the people and further mandates that the legislature enact laws to implement this policy. It is the duty of the legislature to set forth procedures to ensure that damage to the environment is remediated to a standard that protects the public interest. To this end, this Section provides the procedure for judicial resolution of claims for environmental damage to property arising from activities subject to the jurisdiction of the Department of Energy and Natural Resources, office of conservation. The provisions of this Section shall be implemented upon receipt of timely notice as required by Paragraph (B)(1) of this Section. The provisions of this Section shall not be construed to impede or limit provisions under private contracts imposing requirements on the use of properties in excess of the requirements of the department or limit the right of a party to a private contract to enforce any contract provision in a court of proper jurisdiction.

B. (1) Notwithstanding any law to the contrary, immediately upon the filing or amendment of any litigation or pleading making a judicial demand arising from or alleging environmental damage, the provisions of this Section shall apply and the party filing same shall provide timely notice to the state of Louisiana through the Department of Energy and Natural Resources, commissioner of conservation and the attorney general. The litigation shall be stayed with respect to any such judicial demand until thirty days after such notice is issued and return receipt is filed with the court.

C.(1) ______

(3)(a) ______

(b)(i) If the department preliminarily approves or structures a preliminary plan that requires the application of regulatory standards of an agency other than the department or that provides an exception from the department's standards, within fifteen days of such preliminary structuring or approval, the department shall submit the plan to the Department of Agriculture and Forestry, the Department of Environmental Quality, and the Department of Energy and Natural Resources for comment. Within thirty days after the department's submission of the plan to all of the agencies, each agency may provide written comments regarding the plan. Each agency providing written comments shall submit a schedule of the agency's costs for reviewing the plan to the court for reimbursement by the responsible party. Failure of an agency to respond to the department shall not affect the validity of the plan approved by the department. The department and agency heads shall coordinate in order to establish protocol to ensure inter-agency communication regarding plan development, timely delivery of all proposed plans to the appropriate agency heads, and timely receipt of all agency comments back to the department.

§73. Definitions
As used in this Part, the following terms shall have the meaning ascribed to them in this Section, unless the context or use clearly indicates otherwise:
(1) “Commissioner” means the commissioner of the office of conservation within the Department of Energy and Natural Resources or his authorized representatives.

§81. Policy and purpose
B. It is in the public interest and within the police power of this state to establish an oilfield site restoration commission and an oilfield site restoration fund to provide for the proper and timely cleanup, closure, and restoration of oilfield sites, to be administered by the assistant secretary of the office of conservation within the Department of Energy and Natural Resources.

§82. Definitions
As used in this Part, the following terms shall have the meanings ascribed to them in this Section, unless the context or use clearly indicates otherwise:
(1) “Assistant secretary” means the assistant secretary of the office of conservation within the Department of Energy and Natural Resources or his authorized representatives.

(4) “Department” means the Department of Energy and Natural Resources.

(13) “Secretary” means the secretary of the Department of Energy and Natural Resources.

§83. Oilfield Site Restoration Commission; Department of Energy and Natural Resources
A. The Oilfield Site Restoration Commission is hereby created within the office of the secretary of the Department of Energy and Natural Resources. The commission shall have the power to sue and be sued and shall be domiciled in the parish of East Baton Rouge. Venue for any suit brought by or against the commission shall be in the Nineteenth Judicial District Court.
B. The commission shall consist of ten members comprised as follows:
(1) The secretary of the Department of Energy and Natural Resources, who shall serve as the chairman and the assistant secretary, who shall serve as vice chairman. The undersecretary of the department may serve as a proxy member of the board in the absence of the secretary with full authority to act for the secretary as a member of the board.
F. The powers of the commission shall be limited to the following:
(5) Review administration of site restoration activities and review the adequacy of site restoration assessments and reopen the funding needs and arrangements for site-specific trust accounts every four years. However, unless the oilfield site is transferred from one party to another after the adoption of a standard for evaluation of site-specific trust accounts established prior to the adoption of a standard for evaluation by the office of conservation, the Department of Energy and Natural Resources shall not be reassessed if the operator of record provides to the office on an annual basis, utilizing the methodology in use at the time the site-specific trust account was established, a proof that the security is adequate to ensure proper closure of the wells upon completion of activity.

H. The Department of Energy and Natural Resources shall adopt rules and regulations, in accordance with the Administrative Procedure Act, to implement the provisions of this Part and to provide for procedures for site assessments and restoration.

§86. Oilfield Site Restoration Fund
E. Except as otherwise provided in this Section, the monies in the fund may be disbursed and expended pursuant to the authority and direction of the secretary or assistant secretary for the following purposes and uses:
(1) Any oilfield site assessment or restoration conducted by the Department of Energy and Natural Resources pursuant to this Part, and the payment of the principal, interest, and legal fees, credit enhancement fees, trustee fees, and other related costs of issuance or ongoing expenses in connection with issuance of bonds or other debt obligations on behalf of the commission, at the direction of the secretary, pursuant to R.S. 30:83.1 for the purpose of financing the costs of such oilfield site assessments and restorations.

(7) Except for the costs of administration of this Part by the Department of Energy and Natural Resources not exceeding the limitations set by the United States Congress or administering federal agency for the federal funds appropriated or granted, the monies deposited into the fund pursuant to this Paragraph shall be used only for the purposes of assessing and restoring orphan oilfield sites. Notwithstanding any other requirements in this Part, such monies may be expended by the secretary through a contract entered into under any competitive process authorized by Title 33 or 39 of the Louisiana Revised Statutes of 1950. The contract may be awarded to any qualified party whether or not the party is on the approved list of contractors acceptable to conduct site assessment and restoration by the commission.

§89.1. Credits for judgments or compromises
In the event an owner of a property interest in an oilfield site, or in other property affected by oil or gas exploration, development, or production activities on an oilfield site, obtains a final judgment from a court of competent jurisdiction, pursuant to the provisions of this Title or any other law or regulation or any obligation whatsoever, including but not limited to obligations imposed by contract or by law, or enters into a binding compromise, which judgment or compromise awards damages or other relief for injury to the property interest resulting from oil or gas exploration, development, or production activities on an oilfield site, the judgment or compromise shall not be considered but not limited to damages equivalent to the costs of site assessment or restoration, or which judgment or compromise requires the performance of site assessment, restoration, or any other operations or activities on an oilfield site, in any action, judicial or administrative, by the state of Louisiana or any state agency to enforce any law or regulation with regard to the consequences of the same oil or gas exploration, development, or production activities on the same oilfield site, then solely to the extent that a judgment or compromise after June 30, 2006, is shown to have been satisfied or discharged by the actual performance of
site restoration in accordance with the appropriate regulatory standards of the Department of Energy and Natural Resources, office of conservation, at a minimum of forty dollars. A site assessment, the party against whom such judgment was rendered, or who is obligated by such compromise, shall be given full credit against the obligation sought to be enforced by the state of Louisiana or any state agency, and such obligation shall be reduced proportionately, in amounts equal to the portion of such judgment or compromise paid, satisfied, or discharged or the costs of the performance of any site assessment, restoration, or other operations or activities required by such judgment or compromise.

§91. Orphaned oilfield sites

B.(1)

(2)(a)

(c) In the event that lienholder is not properly notified as provided herein, any claim by the holder or holders against the commission, Department of Energy and Natural Resources, office of conservation, or the contractors for the value of the salvaged property shall be limited to the actual cash value of the salvaged property at the time of salvage.

§95. No inference of liability on the part of the state

D. No party contracting with the Department of Energy and Natural Resources, office of conservation, or the commission under the provisions of this Part shall be deemed to be a public employee or an employee otherwise subject to the provisions of Parts I through IV of Chapter 15 of Title 42 of the Louisiana Revised Statutes of 1950.

§101.2. Policy and purpose

A. The legislature finds and declares that it is in the public interest and within the police power of this state to establish a fishermen's gear compensation and underwater obstruction removal program and a fishermen's gear compensation and underwater obstruction removal dedicated fund account to provide for the proper and timely identification, inventory, and removal of underwater obstructions that are a hazard to navigation and commercial fishing in the state, and to compensate commercial fishermen for damage to their fishing gear from the underwater obstructions. The program and fund account shall be administered, for purposes of fishermen's gear compensation, by the assistant secretary of the office of coastal management and, for purposes of underwater obstruction removal, by the assistant secretary of the office of conservation, both with the Department of Energy and Natural Resources.

§101.3. Definitions

As used in this Part, the following terms shall have the meanings ascribed to them in this Section, unless the context or use clearly indicates otherwise:

(2) “Assistant secretary” means the assistant secretary of the office of conservation within the Department of Energy and Natural Resources or his authorized representatives.

(4) “Department” means the Department of Energy and Natural Resources.

(7) “Secretary” means the secretary of the Department of Energy and Natural Resources or his authorized representatives.

§101.4. Underwater Obstruction Removal Program

A. The Fishermen's Gear Compensation and Underwater Obstruction Removal Program is hereby created within the office of the secretary of the Department of Energy and Natural Resources and shall be administered, for purposes of fishermen’s gear compensation, by the assistant secretary of the office of coastal management and, for purposes of underwater obstruction removal, by the assistant secretary of the office of conservation.

§101.13. Disbursement of funds; eligibility; hearings

B. In order to be eligible to receive reimbursement from the account, a commercial fisherman shall show that he has a valid claim. A valid claim shall be established by the hearing examiner, based on evidence that the following conditions have been met:

(3) The fisherman made a good faith effort to locate the financially responsible party. Evidence of a good faith effort shall be established by regulation and shall include attempts to identify the responsible party with the assistance of the Department of Energy and Natural Resources where necessary.

C. Notwithstanding the provisions of Subsections A and B of this Section, no payment:

(4) Shall be made for any claim at a site that has been certified by the assistant secretary of the office of conservation for the Department of Energy and Natural Resources as having been cleared under the provisions of this Part. Once a site has been cleared under the Louisiana Fishermen's Gear Compensation and Underwater Obstruction Removal Program, the assistant secretary shall certify that the site of at least two hundred yards in diameter is free of obstructions, and future claims at a site so certified shall be denied.

$121. State Mineral and Energy Board created; composition and powers

A. The State Mineral and Energy Board, as created by Act No. 93 of the 1936 Regular Session, is hereby continued. The board shall be composed of the governor and the secretary of the Department of Energy and Natural Resources, ex officio, and nine members appointed by the governor. Each appointment by the governor shall be submitted to the Senate for confirmation. Six members shall constitute a quorum.

C. The governor shall be ex officio chairman or may designate the board to elect its chairman to serve for two years. The board shall be a body corporate with power to sue and be sued. The domicile of the board shall be in Baton Rouge and it shall possess in addition to the powers herein granted, all the usual powers incident to corporations. If the governor serves as ex officio chairman, in case of a tie, the vote of the governor shall determine the issue. If the governor has designated the board to elect its chairman, the chairman may vote only once on any motion. The deputy secretary or the undersecretary of the Department of Energy and Natural Resources may serve as a proxy member of the board in the absence of the secretary with full authority to act for the secretary as a member of the board.

$124. Board may lease public lands; fee

A. The legislature finds that the state, through the Department of Energy and Natural Resources, should promote the generation and use of alternative energy sources, including but not limited to wind energy, solar energy, and hydrokinetic energy, throughout the state to ensure the viability of the state's natural resources, to provide a continuing utility-scale clean energy source for the citizens and businesses of Louisiana, to support economic development through job retention and creation in Louisiana, and to promote a clean environment.

$126. Inspection; quantity of land; advertisements for bids; fees

B.(1) (3) On its own motion and after complying with the provisions of R.S. 36:354(A)(2), or at the request of the secretary of the Department of Energy and Natural Resources, the board shall issue, under his power of appointment of assistants, a commission to have authority to employ additional counsel and fix and pay the compensation of the same manner as if an application had been made therefor.

$132. Attorney for the board

The attorney general shall be the attorney for the board, but the board shall have authority to employ additional counsel and fix and pay the compensation for such additional counsel or counselors, subject, however, to the authority of the attorney general and the secretary of the Department of Energy and Natural Resources to approve such counsel whereupon the attorney general shall issue, under his power of appointment of assistants, a commission to such counsel as assistant attorney general. However, any contract for legal services which exceed two hundred fifty thousand dollars shall be subject to approval by the Joint Legislative Committee on the Budget.

$135. Secretary and other employees

The Department of Energy and Natural Resources, through the office of mineral resources shall provide the necessary staff functions to assist the board in its leasing, supervision of other activities and the assistant secretary thereof shall serve as secretary to the board.

$136. Funds, disposition and appropriation of; penalties

A.(1) (3) All bonuses, rentals, royalties, shut-in payments, or other sums payable to the state as the lessor under the terms of valid existing mineral leases entered into under this Subpart or previously granted by the state and under the supervision of the board or from leases hereafter granted shall be paid to the office of mineral resources, by check or electronic wire transfers only, and all such payments if made payable to the register of the state land and conservation office, may be endorsed and otherwise processed by the secretary of the Department of Energy and Natural Resources pursuant to his general authority in regard to the functions of that office as provided in R.S. 36:921 through R.S. 36:926. A payor of royalty whose total monthly payments exceed twenty thousand dollars or more shall pay the royalty payment by electronic wire transfer.

$136.3. Mineral and Energy Operation Fund

D. The monies in the fund shall be appropriated by the legislature to the Department of Energy and Natural Resources to be used solely for the administration and regulation of minerals, ground water, and related energy activities. Additionally, monies deposited into the fund pursuant to Paragraph (B)(5) of this Section shall be used solely for the administration and regulation of solar power generation facilities.

$142. Board as agency to receive, administer, and control royalties in-kind; contract authority
E.(1)(a) Upon receipt of a written proposal by an applicant to enter into the bogey or subsidiary of the Department of Energy and Natural Resources, the board may undertake arm's-length negotiations with the applicant resulting in terms which it deems to be most advantageous to the state and approving the applicant with regard to the amount of royalty and terms and conditions as it may deem appropriate. Under any such contract, the price for which any natural gas is to be sold shall be not less than the first of the month published price for the subject month for Henry Hub natural gas as reported in McGraw-Hill Companies’ Platts Inside FERC’s Gas Market Report or its successor, plus or minus the basis differential for the pipeline system into which the natural gas is delivered. However, for those leases for which an existing pricing mechanism provides a higher price than the above published price, the price for those specific leases shall not be less than the existing pricing mechanism. If the Inside FERC’s Gas Market Report ceases to be published, the secretary of the Department of Energy and Natural Resources shall designate a substitute published source for the price data. If the above-referenced Henry Hub natural gas spot market price is discontinued, the secretary of the Department of Energy and Natural Resources shall designate a substitute reference price, to ensure a reasonably consistent pricing mechanism, until the legislature adopts a replacement.

§143. Transfer of solid mineral leases, approval by board

C. When a transfer is proposed under the circumstances described in Subsection B hereof, the proposed transferee shall first make application on forms to be prescribed by the secretary of the Department of Energy and Natural Resources pursuant to regulation. Such regulations shall require at a minimum, detailed information concerning the competence and integrity of the proposed transferee, including its financial and performance capabilities, as these bear upon its ability to perform all obligations under the lease or sublease in such a manner as not to adversely affect the public interest of the state as respects its natural resources, including potential economic and physical waste and development of such resources, or both. All applications shall be accompanied by a fee of one hundred dollars and a bond to secure payment by the applicant of the actual costs of any investigation or hearing hereunder.

D.(1) Prior to any action by the board on any such application, the secretary of the Department of Energy and Natural Resources shall conduct a hearing on the application, which shall be conducted as expeditiously as practicable consistent with developing and analyzing all relevant information, records, depositions, and evidence. The sublessee of the lease or sublease or the corporate entity whose stock the transferee proposes to acquire under the circumstances described in Subsection B hereof shall be a necessary party to any hearing hereunder, and to any investigation or other proceeding had in connection therewith.

(2) In advance of any such hearing, the secretary of the Department of Energy and Natural Resources shall have the same powers as are conferred upon the commissioner of conservation by R.S. 30:909 to investigate, receive written statements, administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda, contracts, agreements, or other records or documents; and any party to any such hearing shall have the right to take the testimony of any witness and to compel any witness to appear and depose and to produce books, papers, correspondence, memoranda, contracts and agreements, or other records or documents, on the same terms as are contained in R.S. 30:909.

(4) Promptly after the conclusion of the hearing, the secretary of the Department of Energy and Natural Resources shall prepare written findings of fact and a recommended decision on the application. He shall transmit these to the State Mineral and Energy Board together with a certified copy of the hearing record. After giving due consideration to whether the evidence establishes that the proposed transferee is competent and otherwise qualified to operate under the lease or sublease, the board may approve the transferee's proposed acquisition of the lease or sublease.

(6) Anything herein to the contrary notwithstanding, the secretary of the Department of Energy and Natural Resources may investigate and issue orders and notices. In addition to all other remedies, the State Mineral and Energy Board or the secretary of the Department of Energy and Natural Resources may bring any action in any court of competent jurisdiction in the name and on behalf of this state against any person or persons participating in or about to participate in a violation of this Section, to enforce compliance with this Section, or enjoin any action in violation of this Section.

§144. Sale of royalties in-kind to small refiners

A. On or before December 31, 1979, the secretary of the Department of Energy and Natural Resources shall submit to the State Mineral and Energy Board for approval a program for the sale of crude oil, or other natural resources, to small refiners, and for the sale and/or processing of in-kind crude oil royalties to refiners in the state and procedures for the sale and/or processing, delivery, and use of royalty crude oil, which at a minimum include the following:

B. The requirements for the royalty relief dry hole credit are as follows:

(7) The dry hole well records and reports shall at all times be open to inspection and audit by the Department of Energy and Natural Resources.

H. The Department of Energy and Natural Resources shall promulgate and adopt rules in accordance with the Administrative Procedure Act to implement the provisions of this Section if a dry hole credit program is established.

§206. Publication of survey

The results of the geological surveys shall be published by the Department of Energy and Natural Resources.

§209. State Mineral and Energy Board, authority of

In order to carry out the provisions of R.S. 30:208, the State Mineral and Energy Board may:

(b) The office of mineral resources, on behalf of the mineral board, shall administer all operating agreements and a beneficial interest of all production payments to the Bond Security and Redemption Fund, an amount equal to twenty-five percent of the production payments from any operating agreement entered into after August 15, 1997, shall be credited to the Mineral and Energy Operations Fund for appropriation to the Department of Energy and Natural Resources.

§212. Permits for surveys on public lands

A. The State Mineral and Energy Board shall have exclusive authority to conduct a geophysical or geological survey on state-owned lands, including geological surveys of any kind on state-owned lands, including water bottoms. No person shall conduct a geophysical or geological survey on state-owned lands, including water bottoms, without obtaining a permit. These permits shall be granted pursuant to rules promulgated under the provisions of the Administrative Procedure Act by the Department of Energy and Natural Resources. No permit shall be granted covering lands over which the state has a mere servitude without consent of the owner of the abutting property.

§215. Nonexclusive geophysical permits

A. A nonexclusive permit to conduct seismic, geophysical, or geological surveying upon state-owned lands, including water bottoms, shall be valid for one year from the date of issuance. However, if operations commence within the authorized period and are ceased due to unforeseen circumstances, the term may be extended for up to one year from the cessation of operations by the secretary of the Department of Energy and Natural Resources. The permittee shall pay to the office of mineral resources at the time of application for the seismic permit a fee. Such fee shall be determined by the State Mineral and Energy
Board at least every twelve months or as often as necessary. The fee shall be based upon market value but shall be no more than thirty dollars and no less than five dollars per acre.

$216. Exclusive geophysical permits

C.(1)

(2) The board may also cause notices to be sent to those whom the board determines would be interested in submitting bids. Upon the request of the board, the office of mineral resources shall prepare and mail the notice of publication. A reasonable fee adopted pursuant to the Administrative Procedure Act to cover the cost of preparing the mailing of the notice of publication may be charged by the office of mineral resources. On its own motion and after complying with the policies adopted pursuant to the provisions of R.S. 36:354(A)(2), or at the request of the secretary of the Department of Energy and Natural Resources, the board shall advertise for bids in the same manner as if an application had been made therefor.

§401. Advisory Commission for Louisiana's Energy, Environment, and Restoration; purpose

There is hereby created the Advisory Commission for Louisiana's Energy, Environment, and Restoration within the Department of Energy and Natural Resources. The commission shall support programs designed to demonstrate to the general public the importance of the Louisiana oil and natural gas exploration, production, and service industry; encourage the wise and efficient use of energy; promote environmentally sound production methods and technologies; develop existing supplies of Louisiana's oil and natural gas resources; support research and educational activities concerning the oil and gas exploration and production industry; cause remediation of historical oilfield environmental problems; and to have such other authority as provided by law.

§503. Definitions

As used in this Chapter, the following words and phrases have the meaning ascribed to them in this Section except as otherwise provided in this Chapter or unless a different meaning is plainly required by the context:

(1) “Assistant secretary” means the assistant secretary of the office of conservation of the Louisiana Department of Energy and Natural Resources.

§546. General powers to control natural resources and energy

A. The assistant secretary of the office of conservation of the Department of Energy and Natural Resources shall have the powers and duties of:

§702. Definitions

As used in this Part, the following words and phrases have the meanings hereinafter ascribed to them:

(1) “Assistant secretary” means the assistant secretary of the office of conservation of the Department of Energy and Natural Resources.

§723. Expropriation authority

G. Water used in the transportation of coal by pipeline to any point in Louisiana shall conform to regulations of the Stream Control Commission and the Department of Energy and Natural Resources prior to its discharge into rivers or streams or holding pits from which seepage can occur.

§731. Definitions

As used in this Part, the following words and phrases shall have the meanings hereinafter ascribed to them:

(1) “Assistant secretary” means the assistant secretary of the office of conservation of the Department of Energy and Natural Resources.

§904. Definitions

(5) “Department of Energy and Natural Resources” and “department” means the Department of Energy and Natural Resources of the State of Louisiana.

(20) “Secretary of Natural Resources” or “Secretary” means the Secretary of Natural Resources of the Department of Energy and Natural Resources of the State of Louisiana.

§905. Jurisdiction and powers; rules and regulations

A. The Department of Energy and Natural Resources, Office of Conservation, or such persons as may be designated by the commissioner, is hereby designated as the official agency whose duty it is to administer the regulations and rules and guidelines contained in this Chapter and to institute such other reasonable regulations and guidelines, after notice and public hearing, as may become necessary pursuant to this Chapter to protect state and private lands from unreasonable degradation by any operator engaged in surface coal mining operations. Exclusive jurisdiction over all aspects of surface coal mining and reclamation shall be vested in the Department of Energy and Natural Resources, Office of Conservation. The Secretary of Natural Resources shall be responsible for the policies of the State relating to the development of the State's lignite reserves, including the transportation and utilization thereof, and shall formulate plans and shall advise the Governor and the Legislature with respect to short and long term policies of the State concerning the development of the State's lignite reserves, including the transportation and utilization thereof, and the integration of the development of the State's lignite reserves into the development of the State's fuel sources. The secretary of the Department of Energy and Natural Resources in cooperation with the Commissioner of Conservation shall establish, for the purpose of avoiding duplication of effort and for coordinating the review and issuance of permits for surface coal mining and reclamation operations with any other federal or state permit process applicable to the proposed operations.

B. The authority shall be vested in the commissioner, and such other persons as may be designated by the commissioner, to administer and enforce the provisions of this Chapter, and he shall seek the accomplishment of the purposes of this Chapter by all practicable and economically feasible methods and in so doing shall have the following duties and powers:

(9) To contract, upon such terms as he may agree upon, for legal, financial, engineering and other professional services necessary to expedite the conduct of the affairs of the Department of Energy and Natural Resources, Office of Conservation, under the provisions of this Act.

§906.1. Abandoned mine reclamation; fund participation

A. The commissioner is authorized to take all action necessary to ensure Louisiana's participation to the fullest extent practicable in the abandoned mines reclamation fund established by the Surface Mining Control and Reclamation Act, as amended, 30 U.S.C. 1201 et seq., and the office of conservation of the Department of Energy and Natural Resources shall function as the state's agency for such participation. Pursuant to the Surface Mining Control and Reclamation Act, as amended, 30 U.S.C. 1201 et seq., the commissioner shall by rule establish priorities that meet the terms of the Surface Mining Control and Reclamation Act as amended, 30 U.S.C. 1201 et seq., and applicable federal regulations for the expenditure of those funds; designate the land and water eligible for reclamation or abatement expenditures; submit reclamation projects and applications to the appropriate authorities; undertake emergency reclamation projects pursuant to the terms of the Surface Mining Control and Reclamation Act, as amended, 30 U.S.C. 1201 et seq., and applicable federal regulations; and administer all money received for abandoned mine reclamation or related purposes.

§953. Limitations

C. A copy of the bylaws of the Interstate Mining Commission shall be placed on file with the secretary of the Department of Energy and Natural Resources and be available for inspection at any reasonable time by the legislature or any interested citizen.

§962. Definitions

As used in this Chapter, the following words, terms, and phrases have the meanings ascribed to them in this Section, unless the context clearly indicates a different meaning:

(2) “Secretary” means the secretary of the Department of Energy and Natural Resources, and his designees.

§963. Management by the Department of Energy and Natural Resources

A. As excepted and otherwise provided by law, the Department of Energy and Natural Resources shall be the state agency charged with managing and monitoring the implementation of all cooperative endeavor agreements to withdraw running surface water or assignments thereof. The secretary shall have the authority to designate the personnel within his agency the various functions of this Chapter are to be performed, to issue contracts or enter into agreements with other public entities when required in his opinion for the efficient implementation of this Chapter, and to establish any necessary policy or promulgate, in accordance with the provisions of the Administrative Procedure Act, any regulations that in his opinion are necessary for the efficient implementation of this Chapter.

§1100. Definitions

Unless the context otherwise requires, the words defined in this Section have the following meaning when found in this Chapter:

(7) “Office” means the office of conservation, Department of Energy and Natural Resources.
§1152. Development and coordination of program; priorities
A. The secretary of the Department of Energy and Natural Resources or his designee, hereafter in this Chapter referred to as the “secretary,” shall develop and coordinate a research and development program in the field of energy and natural resources, including conservation of energy resources, development of new and renewable energy sources, utilization of energy resources, management of energy resources, and waste management. The program shall consider the following priorities:

1. Projects which meet certain basic guidelines for emergency response training as established by the Louisiana Office of Conservation. The program may make allocations available only for those training programs which meet certain basic guidelines for emergency response training established by the Department of Energy and Natural Resources, except that the secretary may accept any financial security provided to the landowner or lessor for facilities exempted from permitting requirements. (9)(a)

2. Projects which are of particular importance to the state, including, but not limited to:

* * *

§1154. Regulations governing solar power generation facilities; solar leases
A. The secretary shall develop and adopt, in cooperation with affected utility, agricultural, and solar industries, landowners, and consumer representatives, regulations governing solar power generation facilities and property leases for the exploration, development, and production of solar energy. The regulations shall be designed to encourage the development and use of solar Energy and Natural Resources projects. The regulations may include all of the following:

* * *

(9) Requirements for a permit to construct or operate a solar power generation facility shall include a bond or other acceptable financial security in an amount determined by the secretary to ensure proper site closure. Any bond shall be executed by the permittee and a corporate surety licensed to do business in the state. The bond or other instrument shall be payable to the Department of Energy and Natural Resources, except the secretary may accept any financial security provided to the landowner or lessor for facilities exempted from permitting requirements.

* * *

§1202. Definitions
 Except where the context clearly indicates otherwise, as used in this Chapter:

* * *

(8) “Secretary” means the secretary of the Department of Energy and Natural Resources or his designee.

* * *

§1354. Definitions
As used in this Chapter, the following terms shall have the following meanings unless the context clearly indicates otherwise:

* * *

(6) “Secretary” means the secretary of the Department of Energy and Natural Resources.

* * *

§1401. Statement of findings
B. With the approval of the United States Department of Energy, the Louisiana Department of Energy and Natural Resources administers the federal oil overcharge monies due the state, as appropriated by the legislature. Early and active legislative input and recommendations on state expenditure plans will maximize efficient delivery of services and benefits to Louisiana’s consumers, particularly those interest groups including low income persons, educational institutions, and hospitals, served by mandated federal programs.

C. The legislature finds and declares that in order to provide legislators with information as to expenditure restrictions and to encourage interaction among the Louisiana Department of Energy and Natural Resources, the legislature, and the United States Department of Energy, a special joint legislative committee on federal oil overcharge monies shall be created.

* * *

§1402. Joint legislative committee; federal oil overcharge monies
B. The Joint Committee on Federal Oil Overcharge Monies shall review the oil overcharge monies program as a whole and provide legislative guidance to the secretary on appropriate supplemental actions to expand the development of state plans to expand federal oil overcharge refund monies.

D. In the conduct of its studies and proceedings, the Joint Committee on Federal Oil Overcharge Monies shall utilize the personnel and services of the staff of the Senate and House of Representatives. The Department of Energy and Natural Resources shall assist the committee in the performance of its duties and functions as the committee shall request.

§2004. Definitions
The following terms as used in this Subtitle, unless the context otherwise requires or unless redefined by a particular Chapter hereof, shall have the following meanings:

* * *

(12) “Pollutant” means those elements or compounds defined or identified as hazardous, toxic, or noxious, or as hazardous, solid, or radioactive wastes under this Subtitle and regulations, or by the secretary, consistent with applicable laws and regulations. For the purposes of the Louisiana Pollutant Discharge Elimination System, as defined in R.S. 30:2073(6), “pollutant” means dredged spoil, solid waste, incinerator residue, filter backwash, sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, except those regulated under the Atomic Energy Act of 1954, 42 U.S.C. 2011 et seq., as amended, heat, wrecked or discarded equipment, rock, sand, cellular dirt, and industrial, municipal, and agricultural waste discharged into water. For the purposes of the Louisiana Pollutant Discharge Elimination System, as defined in R.S. 30:2073(6), “pollutant” does not mean:

* * *

(a) Water, gas, waste, or other material which is injected into a well for disposal in accordance with a permit approved by the Department of Energy and Natural Resources or the Department of Environmental Quality.

* * *

§2011. Department of Environmental Quality created; duties; powers; structure
D. The secretary shall have the following powers and duties:

* * *

(20) To develop and implement a nonpoint source management and groundwater quality protection program and a conservation and management plan for estuaries, to receive federal funds for this purpose and provide matching state funds when required, and to comply with terms and conditions necessary to receive federal grants. The nonpoint source conservation and management plan, the groundwater protection plan, and the plan for estuaries shall be developed in coordination with, and with the concurrence of the appropriate state agencies, including but not limited to the Department of Energy and Natural Resources, the Department of Wildlife and Fisheries, the Department of Agriculture and Forestry, and the State Soil and Water Conservation Commission in those areas pertaining to their respective jurisdictions.

* * *

§2015.1. Purpose; remediation of usable ground water
L. This Section shall not apply to oilfield sites or exploration and production (E&P) sites regulated by the Department of Energy and Natural Resources, office of conservation. “Oilfield site” or “exploration and production (E&P) site” means any oilfield site or exploration and production site as defined in R.S. 30:291(4).

* * *

§2035. Environmental Emergency Response Training Program
B. (1)

(1) In order to encourage training programs to further the purposes of the Louisiana Environmental Quality Act, as provided in R.S. 2011(D)(8), the department may make allocations available only for those training programs which meet certain basic guidelines for emergency response training established by the Department of Public Safety and Corrections or the Department of Energy and Natural Resources in conjunction with the Peace Officers Standard Training (POST). At a minimum, such guidelines shall require that training provide instruction in emergency response situations peculiar or applicable to Louisiana.

* * *

§2074. Water quality control; secretary of environmental quality; powers and duties
C. The office of the secretary shall, in conjunction and coordination with the Department of Energy and Natural Resources, conduct a risk analysis of the discharge of produced waters, excluding cavern leach waters, from oil and gas production areas, and drainage surface, groundwater, and coastal wetlands of this state. The analysis shall examine the environmental risks and economic impact of allowing such discharges in the coastal wetlands and the economic impact on the oil and gas industry if such discharges are prohibited. The analysis shall be completed and delivered to the committees on natural resources of the House of Representatives and Senate no later than April 1, 1988.

* * *

E. No later than October 1, 1995, the secretary shall adopt rules and regulations to govern the discharge of industrial and commercial facilities of liquid wastes that contain methanol alcohol. The rules and regulations shall require pre-treatment of such waste before entering any sewer system, septic tank, or any surface waters of the state. The provisions of this Subsection shall not apply to submersibles and handhelds. The rules adopted pursuant to this Subsection shall not be applicable to industrial facilities required to obtain permits for discharge of liquid wastes from Louisiana Department of Environmental Quality, the United States Environmental Protection Agency, or the Louisiana Department of Energy and Natural Resources.

* * *

§2249. Modification of contribution report
C. (1) After all adjustments provided for in this Chapter, the total amount of dry weight tons contributed by any disposer or generator to the hazardous waste content of Louisiana lands shall be reduced by the total amount of dry weight tons of hazardous wastes generated or disposed by an order of the secretary, the secretary of the Department of Energy and Natural Resources, or a court, ordering the cleanup of any abandoned waste site
where the parties held responsible for the waste at the site are bearing the cost of the cleanup.

§2397. Distribution of revenue

The state treasurer shall each fiscal year deposit the revenues generated under the provisions of this Chapter, from taxes applicable to the sale of reclaimed water, or other sources as provided for by law into the Bond Security and Recovery Fund. Out of the funds from such sources remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated from that fund to pay all obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall deposit an amount equal to one-quarter of the revenues generated from the reclaimed water program into the Clean Water State Revolving Fund, enacted in R.S. 30:2301 et seq., which shall be used for making grants to local governments to finance primary waste treatment facilities; one-quarter into the Coastal Protection Fund Account, created in R.S. 49:214.40, and the remainder shall be used by the Department of Energy and Natural Resources for the protection of groundwater resources. Use of these funds shall be subject to an appropriation by the legislature.

§2458. Interagency council

A. The coordinator shall convene at least twice annually and as deemed necessary and serve as chairperson to a cooperative council, the interagency council, composed of the following:

(4) The secretary of the Department of Energy and Natural Resources or his designee.

§2459. State oil spill contingency plan

A. The coordinator shall develop and distribute to the public a state oil spill contingency plan of response for actual or threatened unauthorized discharges of oil and clean up of pollution from such discharges. In addition, the Department of Environmental Quality, in cooperation with the coordinator, shall recommend provisions of the plan relating to unauthorized discharges of oil. The Department of Wildlife and Fisheries, in cooperation with the coordinator, shall recommend provisions of the plan providing for protection, rescue, and rehabilitation of aquatic life and wildlife, and appropriate measures to abate, contain, and remove pollution from an unauthorized discharge.

D. Prior to adopting the state oil spill contingency plan, the coordinator shall adopt a fully delineated inland boundary for coastal waters as defined in this Chapter, which boundary shall be based upon data provided by, including but not limited to the United States Army Corps of Engineers, United States Department of the Interior, the Coastal Protection and Restoration Authority, the Louisiana Department of Natural Resources, and the oil and gas industry. The coordinator shall be authorized to amend the boundary by rule as conditions may warrant. The boundary, as adopted, shall be clearly marked on large scale maps or charts, official copies of which shall be available upon request from the Department of Public Safety and Corrections, in cooperation with the coordinator, shall recommend provisions of the plan providing for emergency response coordination to protect life and property, excluding prevention, abatement, containment, and removal of pollution from an unauthorized discharge.

§2460. Contingency plan provisions

A. The plan shall include all of the following:

(14) Procedures established in cooperation with the Department of Environmental Quality, Department of Wildlife and Fisheries, the Coastal Protection and Restoration Authority, and Department of Energy and Natural Resources for assessment of natural resources damages and plans for mitigation of damage to and restoration, protection, rehabilitation, or replacement of damaged natural resources. Pursuant to R.S. 49:214.1 et seq., the Coastal Protection and Restoration Authority is responsible for the coastal project protection in the coastal area of the state, therefore, the Coastal Protection and Restoration Authority and the Coastal Protection and Restoration Authority Board shall assist the coordinator in a primary role in assessing natural resource damages in the coastal area.

§2469. Derelict vessels and structures

E. The office of conservation in the Department of Energy and Natural Resources may petition the coordinator to abate an unauthorized discharge or the threat of a discharge from a facility or structure which the secretary certifies to be involved in an actual discharge or poses a threat of a discharge and for which the secretary certifies that the office of conservation cannot immediately locate a viable responsible party. Upon approval of the department's petition the coordinator shall reimburse the office of conservation for all expenses incurred, within the limits of provisions of this Subchapter, and shall reimburse the fund a specified amount within this Chapter. The coordinator shall use monies in the fund for this purpose, which shall not exceed two million dollars in any fiscal year.

§2495. Institutions of higher education

The coordinator by interagency contract may provide grants to state institutions of higher education for research, testing, and development of discharge prevention and response technology; discharge response training, wildlife and natural resources protection, rescue, and rehabilitation, development, implementation, and evaluation of computer models to predict the movements and impacts of discharges, and other purposes consistent with and in furtherance of the purposes of this Chapter. Contracts or agreements relating to wildlife, aquatic resources, and habitats under the jurisdiction of the Department of Wildlife and Fisheries shall be made in coordination with that department. Contracts or agreements relating to wetlands and coastal resources under the jurisdiction of the Department of Energy and Natural Resources shall be made in coordination with that department. To the greatest extent possible, contracts shall be coordinated with studies being done by other state agencies, the federal government, or private industry to minimize duplication of efforts.

§2575. Restrictions on the sale of certain mercury-added products

D. On and after July 1, 2007, no mercury dairy or natural gas manometers shall be offered for final sale or use or distributed for promotional purposes in Louisiana. Manufacturers that produce and sell mercury dairy or natural gas manometers shall notify retailers about the provisions of this product ban and how to dispose of the remaining inventory properly. The Department of Environmental Quality, in cooperation with the Louisiana Department of Agriculture and Forestry and the Louisiana Department of Energy and Natural Resources shall examine the feasibility of implementing a collection and replacement program for dairy and natural gas manometers, respectively, including technical and monetary assistance to operations that once contained mercury manometers.

Section 6. R.S. 31:149(A) is hereby amended and reenacted to read as follows:

§149. Mineral rights reserved from acquisitions of land by governments or agencies of the state at a fee, by prescription; prescription period in acquisitions for economic development

A. “Acquiring authority” for the purposes of this Section means (1) the United States, the state of Louisiana, and a subdivision, department or agency of either the United States or the state of Louisiana; (2) any legal entity in which the state of Louisiana has a financial or other beneficial interest, except an electric public utility acquiring land without expropriation. An electric public utility acquiring land through expropriation shall be considered as an acquiring authority; and (3) a nonprofit entity, recognized under Sections 501(c)(3) and 170 of the Internal Revenue Code as being organized and operated as a public charitable organization, that is certified by the secretary of the Department of Energy and Natural Resources to be a state or national land conservation organization. The certification shall be in writing and shall be a public record. Such certification shall not for that reason alone be construed to authorize the nonprofit entity to exercise expropriation powers. With respect to certifications occurring on and after August 1, 2004, an entity’s certification shall require approval by official action of both the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment.

Section 7. R.S. 32:1511 and 1513.1(A) are hereby amended and reenacted to read as follows:

§1513.1. Immunity from civil liability; limitations

A. A person qualified by training, education, or experience, shall be immune from civil liability for the rendering of care, assistance, or advice, in the area of these qualifications, if responding to an emergency dealing with the prevention or management of an incident resulting from the storage or transportation of hazardous materials at the request of the local civil defense director, the chief local law enforcement officer in the jurisdiction where the incident occurs or his designee, the state police, or the hazardous waste division's emergency response section within the Department of Energy and Natural Resources.

Section 8. R.S. 33:1236(56), 1236.25(C), 1236.27, 1419.1(C), the introductory paragraph of 1419.2(1), 1419.2(6), 1419.3, 1419.4(A) and (D)(1), 1419.5(1) and (4), 1419.6(A), (B), (D), and (E), 4064.4(E) and (J), 4065.3(E) and (I), 4522, 4523, 4524, 4526, and 4546.21(B) are hereby amended and reenacted to read as follows:

$1226. Powers of parish governing authorities

The police juries and other parish governing authorities shall have the following powers:

(56) The Ouachita Parish Police Jury shall have the authority to enact...
ordinances regulating the excavation of land within the unincorporated
areas of the parish of Ouachita, including but not by way of limitation the
requirement that a permit be obtained prior to any excavation of land; that
all excavations of land conform to certain prescribed design criteria, and for
such other similar rules and regulations as may be enacted by the Ouachita
Parish Police Jury. However, nothing herein shall be construed to apply to
facilities permitted or regulated by the Department of Environmental Quality
or the Department of Energy and Natural Resources.

§1236.25. Pointe Coupee Parish; False River; encroachments
C. Any ordinance adopted in accordance to Subsections A and B of this
Section shall not become effective until the ordinance is approved by the
Department of Energy and Natural Resources.

§1236.27. Cameron Parish; liquid or solid waste
A. The governing authority of Cameron Parish may provide by ordinance
for zoning and land use regarding any public or private facility for the disposal,
incineration, or storage of liquid or solid waste within the parish. The types
and quantities of the waste to be disposed of, incinerated, or stored at such
a facility shall be in compliance with any permit granted by the Department
of Environmental Quality and with any permit issued by the office of
conservation of the Department of Energy and Natural Resources.
B. The authorization provided for in this Section shall not supersede the
authority of the Department of Environmental Quality or the authority of the
Department of Energy and Natural Resources.

§1419.1. Legislative findings
C.(1) To assist in financing its political subdivisions for these purposes, the
Alternative Fuel Vehicle Revolving Loan Fund Program is established in this
Subpart to facilitate a state effort and to operate to the extent determined
feasible by the Department of Energy and Natural Resources in conjunction
with and in coordination with the administration of a state transportation plan or any other federal
or private source of assistance or funding, or both.
(2) The financial administration of the Alternative Fuel Vehicle Revolving
Loan Fund shall be with the Department of Energy and Natural Resources.

§1419.3. Alternative Fuel Vehicle Revolving Loan Fund Program
A. There shall be an Alternative Fuel Vehicle Revolving Loan Fund Program
within the Department of Energy and Natural Resources through which the
state may provide financial assistance to a local governing authority in
the manner provided for in this Subpart for the costs of converting all or a portion
of the local governing authority’s fleet of motor vehicles to qualified
clean fuel vehicles propelled by an alternative fuel.
B. The Department of Energy and Natural Resources may promulgate rules
and regulations as are necessary to implement the provisions of this Subpart,
including but not limited to administrative guidance and procedures
promulgated rules and regulations, to notify and advise the commission of any
recommendations to the commission which may affect the correction
of indebtedness issued by the Department of Energy and Natural Resources, or any political subdivision, governmental agency, public
commission, public trust, or any other entity having the authority to issue
debt for or on behalf of the state, if the net proceeds of such debt instruments
are deposited in the alternative fuels loan fund, or are used to finance a fleet
conversion approved by the Department of Energy and Natural Resources or
are used to refund any obligation which finances a fleet conversion approved
under this Subpart.

§1419.6. Loan conditions and repayment
A. Upon approval of an application by the Department of Energy and Natural
Resources, the department may lend amounts on deposit in the Alternative
Fuel Vehicle Revolving Loan Fund to a local governing authority to finance
all or a portion of the cost of a fleet conversion. Such loans are subject to
the borrower’s compliance with the conditions of the loan, as well as any
applicable rules or regulations promulgated by the department.
B. Prior to making a loan, the Department of Energy and Natural Resources
shall determine that the clean fuel vehicles will be fully insured and that the
local governing authority has the ability to repay the loan, and may require
a dedicated source of repayment and impose additional requirements as the
department deems necessary.

D.(1) The interest rate on each loan shall be established by the secretary of
the Department of Energy and Natural Resources, subject to any limitations
provided for federal assistance under a state transportation plan or other
limitations required for the use of other federal funds by applicable federal
law. Criteria to be considered in the development of such interest rate shall
include but are not limited to administrative costs of the program, program
priorities established by the department, the creditworthiness of the applicant, the cost of bonds issued to secure loan funding, and the long-term
viability of the Alternative Fuel Vehicle Revolving Loan Fund.

(2) The interest rate for a loan may include any additional rate that the
Department of Energy and Natural Resources considers reasonable or
necessary to provide a reserve for the repayment of the loan. The additional
rate may be fixed or variable, may be calculated according to a formula, and
can differ from the rate established for any other loans.
E. Each loan shall be evidenced by a bond, note, or other evidence of
indebtedness of the borrower, in a form prescribed or approved by the
Department of Energy and Natural Resources. Such evidences of indebtedness
shall be consistent with the provisions of this Subpart and, if federal funds
are used, consistent with the terms of the appropriate federal act, and are
not required to be identical for all loans.

§4064.4. Powers of commission
E. The commission may perform such tasks relative to sewerage and water
systems as it may be authorized to perform by the Louisiana Department of
Highway and Transportation Development, the Department of Environmental Quality, the Department of Energy and
Natural Resources, the Department of Public Service, and the Department of Energy and Natural Resources.
The aforesaid departments shall be authorized to assist the commission in the enforcement of its
promulgated rules and regulations, to notify and advise the commission of any
condition, hazard, or other factor which may affect public health, and to make
such recommendations to the commission which may affect the correction
of said condition, hazard, or factor. Each aforesaid department shall be
authorized to execute with the commission a letter of understanding and/or
memorandum of agreement, the intent of which shall be to assure no parallel, preemptive,
and/or converse enforcement or regulatory action by either entity.

J. In exercising its authority under this Subpart, the commission shall be
subject to the authority of the Department of Health and Human Resources, the
Department of Environmental Quality, and the Department of Energy and
Natural Resources.

§4065.3. Powers of commission
E. The commission may perform such tasks relative to sewerage and water
systems as it may be authorized to perform by the Louisiana Department of
Highway and Transportation Development, the Department of Environmental Quality, and the Department of
Energy and Natural Resources.

§4522. Malodorants required
A. All natural and other odorless gases shall be malodorized by the use of a
malodorant in accordance with pipeline safety rules and regulations
promulgated by the assistant secretary of the office of conservation of the
Department of Energy and Natural Resources, or in the case of liquefied
petroleum gas in accordance with R.S. 40:1846(B)(5) and (6).
B. The method of using the malodorant and the containers and equipment
used in connection therewith are under the direction and subject to the approval
of the assistant secretary of the office of conservation of the Department of
Energy and Natural Resources.

THE ADVOCATE
* As it appears in the enrolled bill
CODING: Words in strikethrough type are deletions from existing law; words underscored (House Bills) and underlined (Senate Bills) are additions.
§4524. Enforcement; rules and regulations
The office of conservation of the Department of Energy and Natural Resources shall enforce the provisions of this Subpart. The assistant secretary of the office may prescribe any rules and regulations and conduct such inspections as he deems necessary to carry out the purposes of this Subpart.

In addition to the rights, powers, and duties granted under this Subpart, the assistant secretary shall exercise, relative to this Subpart, all of the rights, powers, and duties granted under R.S. 30:354 et seq.; however, the provisions of R.S. 30:354 shall not apply to this Subpart.

Whenever the assistant secretary shall find any violation of this Subpart, the assistant secretary may report such violation and submit the evidence thereof to the district attorney of the parish or district having jurisdiction over the area wherein the violation occurred.

§4526. Construction of Subpart, surrender of powers
Nothing contained in this Subpart shall be construed as surrendering to the office of conservation of the Department of Energy and Natural Resources any of the powers of supervision, regulation, or control over any local public utility by any town or city, other than those specifically provided herein.

§4546.21. Construction contracts

B. Whenever such a project includes a pipeline facility that is publicly bid, the authority or the participating political subdivision in which the project will be completed may require, as part of the bidding process, the prequalification of contractors and subcontractors to ensure compliance with the certification requirements of 49 CFR 192.801 et seq., as mandated by the United States Department of Transportation Pipeline and Hazardous Materials Safety Administration, or the Louisiana Department of Energy and Natural Resources. Any such project subject to prequalification shall otherwise comply with the provisions of R.S. 30:2211 et seq. and any other applicable provisions regarding public procurement or public bidding.

Section 9. R.S. 34:3116(B) and 3304(B) are hereby amended and reenacted to read as follows:

§3116. Coordination and cooperation

B. The executive director shall take affirmative steps to fully coordinate all aspects of the authority development program with the secretary of the Department of Energy and Natural Resources or his designee charged with the development of the coastal zone management plan.

§3304. Coordination and cooperation

B. The secretary of the Department of Transportation and Development is authorized to call upon the Department of Economic Development, the Department of Energy and Natural Resources, the Board of Commissioners of the Port of New Orleans, and all other port commissions and districts and state agencies, departments, and political subdivisions of the state for full and complete cooperation and assistance in carrying out the provisions of this Chapter, and all such entities are hereby directed and it shall be their duty to cooperate and assist the department to the fullest possible extent.

Section 10. R.S. 36:4(A)(7), 81.C(11), 351(A), (B), and (C)(1), 353, 354(A)(13), (B)(1)(b), (4), (6), and (8), 356(A) and (B), 357(A), 358(A), the introductory paragraph of 359(A), the introductory paragraph of 359(B), 359(D) and (2), and (C), 629(J) (2) through (8), and 957(A) are hereby amended and reenacted to read as follows:

§4: Structure of executive branch of state government
A. In accordance with the provisions of Article IV, Section 1 and Article XIV, Section 6 of the Constitution of Louisiana, all offices, boards, commissions, agencies, and instrumentalities of the executive branch of state government, whether constitutional or statutory, and/or their functions, powers, duties, and responsibilities shall be allocated, either in the Act by which this Title was created or by legislation enacted subsequent thereto, within the departments listed in this Section, except as provided in Subsections B and C of this Section, and in order to comply with this constitutional mandate, the agencies of the executive branch of state government hereinafter enumerated, whether heretofore created by the constitution or by statute, and/or their functions, powers, duties, and responsibilities are allocated, in the manner hereinafter set forth in this Title, within the following designated departments:

(7) Department of Energy and Natural Resources.

§8.1. Litigation oversight; reports to the legislature
C. The provisions of this Section shall apply to any civil action filed by the following departments or offices, including offices and agencies thereof, collectively referred to in this Section as “agency”:

(11) Department of Energy and Natural Resources.

§351. Department of Energy and Natural Resources; creation, domicile; composition; purposes and functions
A. The Department of Energy and Natural Resources is created and shall be a body corporate with the power to sue and be sued. The domicile of the department shall be in Baton Rouge.
B. The Department of Energy and Natural Resources, through its offices and officers, shall be responsible for the conservation, management, and development of water, minerals, and other such natural resources of the state, including coastal management, except timber and fish and wildlife and their habitats.
C. (1) The Department of Energy and Natural Resources shall be composed of the executive office of the secretary, the office of management and finance, the office of conservation, the office of mineral resources, the office of coastal management, the Oilfield Site Restoration Commission, and such other offices as shall be created by law.

§353. Secretary of natural resources
There shall be a secretary of natural resources, who shall be appointed by the governor with consent of the Senate and who shall serve at the pleasure of the secretary, and who shall have such powers and duties as conferred by law, which salary shall not exceed the amount approved for such position by the legislature while in session. The secretary shall serve as the executive head and chief administrative officer of the Department of Energy and Natural Resources and shall have the responsibility for the policies of the department except as otherwise provided by this Title, and for the administration, control, and operation of the functions, programs, and affairs of the department, provided that the secretary shall perform his functions under the general control and supervision of the governor. The secretary shall be an ex officio member of the State Mineral and Energy Board.

§354. Powers and duties of secretary of natural resources
A. In addition to the functions, powers, and duties otherwise vested in the secretary by law, he shall:

(10) Contract, if the secretary so desires, or if the secretary deems necessary, designate one of the offices within the department or its assistant secretary, under the secretary’s supervision, to do so, with private or public research organizations for the purchase, out of funds available to the Department of Energy and Natural Resources, of services in scientific, technological research, including but not limited to surveys, studies, and experiments with a view toward protecting and replenishing the natural resources of the state under the jurisdiction of the Department of Energy and Natural Resources, toward preventing the waste, wasteful use, and wasteful utilization thereof, except as defined in R.S. 30:3, toward preventing the use of said natural resources in such a manner and in such quantities as will threaten with premature exhaustion, extinction, and destruction of the supply of these resources in the state, and toward the energy policy of this state, and to prepare and implement plans and programs in relation thereto.

B. The secretary shall have authority to:

(1)(a) (b) All of the above are to be accomplished in accordance with applicable civil service laws, rules, and regulations, and with policies and rules of the Department of Energy and Natural Resources, and all are subject to budgetary control and applicable laws.

(4) Contract upon such terms as he may agree upon, for legal, financial, engineering, and other professional services necessary or expedient in the conduct of the affairs of the Department of Energy and Natural Resources under the provisions of this Chapter.

(6) Represent, or designate the assistant secretary of the office of conservation to represent, the state in all matters involving or affecting the interest of the state, and its rights and responsibilities, relative to energy and natural resources within the jurisdiction of the Department of Energy and Natural Resources before all federal agencies, offices, and officials, and congressional committees, and in all judicial actions arising out of the proceedings of such agencies, offices, and committees or in relation thereto. Those employed or contracted with as provided by this Section shall be entitled to represent the state and the secretary and to appear in the courts and before agencies of this state or the agencies, officials, and courts of the United States and of other states, to carry out the purposes of this Chapter.

(8) Obtain from the federal government and its agencies, the offices of the Department of Energy and Natural Resources, and other state agencies any information and data collected by such entities relating to energy, natural resources, and the environment, or the agencies and officials mutually agree shall be collected, and upon request, and in conditions or as required by law; however, information and data subject to nondisclosure under R.S. 44:4 shall maintain such status while in the custody of the secretary.

§356. Undersecretary; functions; office of management and finance
A. There shall be an undersecretary of the Department of Energy and Natural Resources, who shall be appointed by the governor with consent of the Senate and who shall serve at the pleasure of the governor at a salary fixed by the governor, which salary shall not exceed the amount approved for such position by the legislature while in session. The undersecretary shall be directly responsible to and shall perform his functions under the supervision and control of the secretary.
B. The undersecretary shall direct and be responsible for the functions of...
the office of management and finance within the Department of Energy and Natural Resources. In such capacity he shall be responsible for accounting and financial management, procurement, management and program analysis, personnel management, and grants management for the department and all of its offices, including all agencies transferred to the Department of Energy and Natural Resources, except as otherwise specifically provided in this Title. He shall employ, appoint, remove, and fire such personnel as is necessary for the efficient administration of the office of management and finance and the performance of its powers, duties, functions, and responsibilities, in accordance with applicable civil service laws, rules, and regulations, and with policies and rules established by the head of the agency or the functions thereof. The secretary shall have no authority to exercise, review, administer, or implement the quasi-judicial, licensing, permitting, regulatory, rulemaking, or enforcement powers or decisions of the assistant secretary of the office of conservation. The assistant secretary shall be authorized to employ, appoint, remove, assign, and promote such personnel as is necessary for the efficient administration required in making these decisions, in accordance with applicable civil service laws, rules, and regulations, and with policies and rules, subject to budgetary control of the Department of Energy and Natural Resources, and applicable laws.

§357. Assistant secretaries
A. Each office within the Department of Energy and Natural Resources, except the office of management and finance, shall be under the immediate supervision and direction of an assistant secretary. The assistant secretary of each such office shall be appointed by the governor with the consent of the Senate and shall serve at the pleasure of the governor. Each assistant secretary shall be paid a salary which shall be fixed by the governor, which salary shall not exceed the salary approved for such position by the legislature while in session. The commissioner of conservation shall serve as the assistant secretary for the office of conservation and shall be selected in accordance with law.

§358. Offices; purposes and functions
A. The purposes for which the officers of the Department of Energy and Natural Resources are created shall be as set forth in this Section.

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

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

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

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

C. The Oilfield Site Restoration Commission (R.S. 30:80 et seq.) is placed within the Department of Energy and Natural Resources and shall perform its powers, duties, functions, and responsibilities in accordance with the provisions of R.S. 36:901 et seq.

§629. Transfer of boards, commissions, departments, and agencies to the Department of Agriculture and Forestry
* * *
J. The Louisiana Forestry Commission (Article IX, Section 8(B) and (C) of the Constitution of Louisiana and Chapter 28 of Title 3 of the Louisiana Revised Statutes of 1950) hereafter shall be within the Department of Agriculture and Forestry in accordance with the provisions of R.S. 36:802, except as otherwise provided in this Subsection.

(2) All employees of the office of forestry of the Department of Energy and Natural Resources are transferred to the office of forestry of the Department of Agriculture and Forestry.

(3) An appropriate percentage of the administrative employee positions, and the employees holding those positions, of the Louisiana Forestry Commission which were transferred to the Department of Energy and Natural Resources are transferred to the Department of Agriculture and Forestry. The secretary of natural resources and the commissioner of agriculture and forestry shall jointly determine the appropriate number of administrative positions and personnel to be transferred. This determination and the resulting transfer shall be effected no later than the last day of September of 1986.

(4) All funds appropriated to the Louisiana Forestry Commission and the office of forestry of the Department of Energy and Natural Resources shall be transferred to those entities in the Department of Agriculture and Forestry.

(5) Any appropriation for Fiscal Year 1986-1987 to the Louisiana Forestry Commission and the office of forestry, all surplus within the former office and department, and the Secretary of Agriculture and Forestry shall be transferred to the Department of Agriculture and Forestry. All appropriations of all mineral leases granted by the state, and it shall retain general authority to take action for and on behalf of and to protect the interest of the state in accordance with applicable laws.

(6) Property and facilities owned and operated by or leased by or for the Louisiana Forestry Commission or the office of forestry of the Department of Energy and Natural Resources are transferred to those entities within the Department of Agriculture and Forestry.

(7) The Louisiana Forestry Commission and the office of forestry of the Department of Energy and Natural Resources shall be an ex officio service in accordance with applicable laws.

(8) The office of forestry of the Department of Agriculture and Forestry shall be the successor of the office of forestry of the Department of Energy and Natural Resources. For purposes of the transfer of functions of the office of forestry from the Department of Energy and Natural Resources to the Department of Agriculture and Forestry, the Department of Agriculture and Forestry shall be the successor to the Department of Energy and Natural Resources. All unfinished business of the former office and of the former department related thereto shall be completed by all, references in laws and documents to the former office and to the former department related thereto shall be deemed to refer to, and all obligations of the former office and of the former department related thereto shall be the obligations of the successor office and department. All legal proceedings of the former office and of the former department related thereto shall be continued in the name of the successor office and department and further proceedings shall be in the name of the successor office and department without the necessity for amendment of any document.

§957. Effective date of certain transfers and abolitions; continued merger and consolidation within departments
A. The transfer or abolition of each agency transferred or abolished by this Title, which agency or the functions thereof are transferred to one of the following departments, shall be effective upon the effective date of this Title: the Department of State Civil Service, the Department of Economic Development, the Department of Culture, Recreation and Tourism, the Louisiana Workforce Commission, the Department of Energy and Natural Resources, the Department of Public Safety and Corrections, the Department of Workforce Development, and the Department of Wildlife and Fisheries.

Section 11. R.S. 37:711(E), 1377(K)(1), and §1151(1) are hereby amended and reenacted to read as follows:

(1) Board; appointments; terms

(2) Exemptions for other programs; additional requirements

(1) The fleet of airplanes operated by the Louisiana Forestry Commission and the office of forestry of the Department of Energy and Natural Resources are transferred to those entities within the Department of Agriculture and Forestry. All airplanes operated by the Department of Agriculture and Forestry shall be under the exclusive jurisdiction of that department. Subject to the provisions of R.S. 2:1 et seq., the department may provide guidelines and procedures for the use and operation of its aircraft.

(3) The office of forestry of the Department of Agriculture and Forestry shall be the successor of the office of forestry of the Department of Energy and Natural Resources. For purposes of the transfer of functions of the office of forestry from the Department of Energy and Natural Resources to the Department of Agriculture and Forestry, the Department of Agriculture and Forestry shall be the successor to the Department of Energy and Natural Resources. All unfinished business of the former office and of the former department related thereto shall be completed by all, references in laws and documents to the former office and to the former department related thereto shall be deemed to refer to, and all obligations of the former office and of the former department related thereto shall be the obligations of the successor office and department. All legal proceedings of the former office and of the former department related thereto shall be continued in the name of such former office and department and further proceedings shall be in the name of the successor office and department without the necessity for amendment of any document.

§1377. Definitions; exceptions

(1) Gas Fitting. “Gas fitting” means the work or business of installing, repairing, improving, altering, or removing natural gas piping, fittings, valves, or tanks used for conveying fuel gas for appliances on or in premises or in buildings annexed to immovable property. For purposes of this Chapter, gas fitting includes, but is not limited to the following:

(1) The installation or maintenance of piping by any entity of a municipal or gas district system that is subject to the regulatory authority of the Public Service Commission, the New Orleans City Council, or the office of pipeline safety in the Department of Energy and Natural Resources.

(2) Gas Fitting. “Gas fitting” means the work or business of installing, repairing, improving, altering, or removing natural gas piping, fittings, valves, or tanks used for conveying fuel gas for appliances on or in premises or in buildings annexed to immovable property. For purposes of this Chapter, gas fitting includes, but is not limited to the following:

(1) The installation or maintenance of piping by any entity of a municipal or gas district system that is subject to the regulatory authority of the Public Service Commission, the New Orleans City Council, or the office of pipeline safety in the Department of Energy and Natural Resources.

(1) K. Gas Fitting. “Gas fitting” means the work or business of installing, repairing, improving, altering, or removing natural gas piping, fittings, valves, or tanks used for conveying fuel gas for appliances on or in premises or in buildings annexed to immovable property. For purposes of this Chapter, gas fitting includes, but is not limited to the following:

(1) The installation or maintenance of piping by any entity of a municipal or gas district system that is subject to the regulatory authority of the Public Service Commission, the New Orleans City Council, or the office of pipeline safety in the Department of Energy and Natural Resources.

(1) L. Gas Fitting. “Gas fitting” means the work or business of installing, repairing, improving, altering, or removing natural gas piping, fittings, valves, or tanks used for conveying fuel gas for appliances on or in premises or in buildings annexed to immovable property. For purposes of this Chapter, gas fitting includes, but is not limited to the following:

(1) The installation or maintenance of piping by any entity of a municipal or gas district system that is subject to the regulatory authority of the Public Service Commission, the New Orleans City Council, or the office of pipeline safety in the Department of Energy and Natural Resources.

(1) M. Gas Fitting. “Gas fitting” means the work or business of installing, repairing, improving, altering, or removing natural gas piping, fittings, valves, or tanks used for conveying fuel gas for appliances on or in premises or in buildings annexed to immovable property. For purposes of this Chapter, gas fitting includes, but is not limited to the following:

(1) The installation or maintenance of piping by any entity of a municipal or gas district system that is subject to the regulatory authority of the Public Service Commission, the New Orleans City Council, or the office of pipeline safety in the Department of Energy and Natural Resources.
the Department of Energy and Natural Resources, that office shall adopt rules and regulations for the construction, operation and maintenance of said facilities in accordance with the requirements, rules and regulations promulgated under this Chapter and such impoundments are exempted from the provisions of this Chapter.

§327. Lake Borgne Basin Levee District Board of Commissioners; powers and duties

F. The board shall operate and maintain the Violet Siphon in accordance with an operation and maintenance plan developed jointly by the Lake Borgne Basin Levee District and the Department of Energy and Natural Resources, office of coastal restoration and management.

§3067.134. Board of commissioners; tenure; replacement; compensation

E. In addition, the following may serve at their pleasure as ex officio nonvoting members of the board and shall not be considered in determining a quorum for the purpose of board meetings:

(5) The secretary of the Department of Energy and Natural Resources or his designee.

§3092. Definitions

Unless the context otherwise requires, the following terms shall have the following meanings for purposes of this Chapter:

(7) “Office” means the office of conservation, Department of Energy and Natural Resources.

§3097.3. Commissioner of conservation; powers and duties

B. The commissioner is authorized to employ, assign, and remove personnel, including a deputy, within the Department of Energy and Natural Resources, office of conservation, to provide administrative and technical staff functions the commissioner deems necessary to carry out the powers, functions, and duties under this Chapter. Personnel actions shall be in accordance with applicable civil service laws, rules, and regulations, and with the policies and rules of the department, all subject to budgetary control and applicable laws.

§3098.2. Powers of the Department of Energy and Natural Resources, office of conservation resources

§3098.6. Advisory committee

A. The Department of Energy and Natural Resources is hereby authorized to appoint a committee to serve in an advisory capacity and to make recommendations for the regulation and control of water well drillers as defined in this Chapter. This advisory committee shall consist of the following members:

(2) The secretary of the Department of Energy and Natural Resources or his designee.

Section 13. R.S. 39:99.29(A), 253(A)(2), 2007(D)(1), and 2177(D) are hereby amended and reenacted to read as follows:

§99.29. Governing board; membership; terms; compensation and expenses; chairman and vice chairman; quorum; employees, agents; limitation of liability

A. The board of the corporation shall exercise all powers, rights, and duties conferred by this Subpart or other provisions of law upon the corporation. The board shall consist of the governor, the state treasurer, attorney general, president of the Senate and speaker of the House of Representatives, chairman of the Coastal Protection and Restoration Authority Board, secretary of the Department of Energy and Natural Resources, secretary of the Department of Transportation and Development, or their designees, and seven members appointed by the governor with one member appointed from each congressional district and the remaining member or members appointed from the state at large. The members of the board who are appointed by the governor shall represent the state’s diverse population as near as practicable, and shall have a background and significant experience in financial management and investments. The members of the board appointed by the governor shall serve at the pleasure of the governor for terms of four years each, or until their successors shall have been appointed and qualified, as designated by the governor. Any appointment to fill a vacancy on the board shall be made for the unexpired term of the member whose death, resignation, or removal created such vacancy. Members on the board may be appointed to an additional term.

§233. Development and coordination of policy

A.(1) (2) The division of administration shall use this information to develop and maintain a database on all state buildings and facilities and their associated energy use, energy demand, and energy cost. The Department of Energy and Natural Resources shall provide energy management training upon request to certain state personnel, such as building managers, financial administrators, and others.

§2007. Responsibilities of the commissioner of administration; training; reporting

D.(1) The commissioner shall conduct a training program at least semiannually to acquaint small entrepreneurs with state procurement and public contract proposal and bidding practices. This shall include all state procurements which are governed by Chapter 10 of Title 38, Chapter 17 of this Title, and Parts XIII and XIII-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950. The commissioner shall also secure the assistance of staff from either the Department of Transportation and Development, Department of Energy and Natural Resources, or Department of Environmental Quality who are knowledgeable about state procurements undertaken pursuant to Chapter 10 of Title 38 and Parts XIII and XIII-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, for the purpose of providing practical advice to small entrepreneurs relative to procurements and public contracts governed by such law.

§2177. Responsibilities of the commissioner of administration; training; reporting

D. The commissioner shall conduct a training program at least semiannually to acquaint veteran and service-connected disabled veteran-owned small entrepreneurs with state procurement and public contract proposal and bidding practices. This shall include all state procurements which are governed by Chapter 10 of Title 38, Chapter 17 of this Title, and Parts XIII and XIII-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950. The commissioner shall also secure the assistance of staff from the Louisiana Department of Veterans Affairs for veteran-specific information and data, and either the Department of Transportation and Development, Department of Energy and Natural Resources, or Department of Environmental Quality who are knowledgeable about state procurements undertaken pursuant to Chapter 10 of Title 38 and Parts XIII and XIII-A of Chapter 1 of Title 48 of the Louisiana Revised Statutes of 1950, for the purpose of providing practical advice to veteran and service-connected disabled veteran-owned small entrepreneurs relative to procurements and public contracts governed by such law.

Section 14. R.S. 40:1730.22(F), 1730.28.4(B)(1), 1892, 1893, and 1894 are hereby amended and reenacted to read as follows:

§1730.22. Louisiana State Uniform Construction Code Council; membership; function of council; meeting requirements; immunity

E(1) Training and technical assistance in the implementation of the Louisiana State Uniform Construction Code residential and commercial building energy code provisions shall be the responsibility of the technology assessment division of the Department of Energy and Natural Resources.

(2) The technology assessment division of the Department of Energy and Natural Resources shall continue training and technical assistance and funding as follows.

§1730.28.4. Energy Code Commission: members; purpose; procedure; termination

B. In addition to the voting members of the commission, the commission shall be composed of the following nonvoting members:

(1) Secretary of the Department of Energy and Natural Resources or his designee.

§1892. Malodorants required

All natural and other odorless gases shall be malodorized by the use of a malodorant in accordance with pipeline safety rules and regulations promulgated by the assistant secretary of the office of conservation of the Department of Energy and Natural Resources, or in the case of liquefied petroleum gas in accordance with R.S. 40:1846(B)(5) and (6).

§1894. Enforcement of Part; rules and regulations

The office of conservation of the Department of Energy and Natural Resources shall enforce the provisions of this Part. The assistant secretary of the office of conservation may prescribe any rules and regulations on the subject matter necessary to carry out the provisions of this Part. In addition to the rights, powers, and duties granted under this Part, the assistant secretary shall exercise relative to this Part all the rights, powers, and duties granted under R.S. 30:501 et seq.; however, the provisions of R.S. 30:544 shall not apply to this Part.

Section 15. R.S. 41:642(A)(2)(b) and (B), 1602(B)(1), 1701.1(C) and (D), 1702(D)(1) and (2)(a)(i), the introductory paragraph of (ii), (H), and (I), 1703(B), 1712(D), 1731, 1732(A), 1733(B) and (C), and the introductory paragraph of 1734(A) are hereby amended and reenacted to read as follows:
§642. Sixteenth section lands; erosion; title and revenues

A.(1) * * *

(2)(a) * * *

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, in the event sixteenth section lands are comprised entirely of state-owned water bottoms and no school indemnity lands were provided for such sixteenth section lands, all proceeds received by the state from production and other revenues generated after July 1, 2007, from any oil and gas lease or other contract granted by the state in its sovereign capacity attributable to the sixteenth section lands shall be credited, subject to an appropriation specifically for proceeds attributable to Fiscal Years 2007-2008, 2008-2009, and 2009-2010, to the account of the school fund of the parish in which such sixteenth section lands are located. Beginning in Fiscal Year 2010-2011 and thereafter, such proceeds shall total not more than twenty per cent of the fair market value of the state's interest in the sixteenth section lands of the parish in which such lands are located. The secretary of the Department of Energy and Natural Resources shall certify to the treasurer the amount of proceeds to be credited pursuant to this Subparagraph.

B. Proof of the extent of erosion or subsidence which may have occurred after the title to the sixteenth section land or indemnity lands vested in the state as trustee for the benefit of the school children of the townships in which such lands are located shall be made by the school board having an interest therein to the Department of Energy and Natural Resources and shall consist of a certified map or plat of survey prepared by a professional land surveyor qualified and currently licensed by the Louisiana Professional Engineering and Land Surveying Board, showing the exact extent of land claimed to be lost through erosion or subsidence and by such evidence as may be required by the secretary showing the extent of erosion or subsidence claimed.

§1602. Louisiana Archaeological Survey and Antiquities Commission

B.(1) The commission shall be composed of eleven members. The person designated as state archaeologist and one representative each from the Department of Culture, Recreation and Tourism and the Department of Energy and Natural Resources, and the Governor's Commission on Indian Affairs, shall serve at the ex officio voting member of the commission. The governor shall appoint seven members to the commission from a list of two nominees submitted to him by the ex officio members for each appointment he is to make, provided that at least one appointment shall be a member of the Louisiana Archaeological Society.

§1701.1. State Land Office; powers, duties, functions, and responsibilities

C. Subject to the approval of the commissioner of administration, the governor, the attorney general, the Department of Wildlife and Fisheries, and the Department of Energy and Natural Resources, the State Land Office shall develop and promulgate a comprehensive state master plan for the administration of state lands and water bottoms and shall ensure that all public lands and water bottoms are protected, administered, and conserved in a manner consistent with the constitution.

D. The State Land Office shall identify all public lands and water bottoms within the state and develop and maintain a current master list of those lands and water bottoms. All state agencies, including but not limited to Department of Wildlife and Fisheries, the Department of Energy and Natural Resources, the Office of Coastal Protection and Restoration, the Department of Transportation and Development, the Louisiana Geological Survey, the state's colleges and universities, all levee boards, drainage boards, parish governing authorities, and any districts created under the jurisdiction of levee boards, drainage boards, or parish governing authorities, shall cooperate with the State Land Office in developing the master list.

§1702. Reclamation of lands lost through erosion, compaction, subsidence, and sea level rise; land acquisition for certain coastal projects; requirements

D. * * *

(1) The administrator of the State Land Office may issue a permit for the carrying out of the work necessary to implement the recovery of the land lost through erosion, compaction, subsidence, or sea level rise; however, no such permit shall be issued until plans and specifications for such work have been first submitted to the governing authority of the parish in which the proposed project is located, the Department of Transportation and Development, the Department of Wildlife and Fisheries, the Coastal Protection and Restoration Authority, and the Department of Energy and Natural Resources, and such plans and specifications shall be subjected to the approval of each of such entities. No permit shall be required for projects to facilitate the development, design, engineering, implementation, operation, maintenance, or repair of integrated coastal protection projects by the Coastal Protection and Restoration Authority. Any permit issued under R.S. 29:39 et seq. or other applicable law or permits for the Atchafalaya Basin Program. Within sixty days of completion of the reclamation project, the riparian owner shall submit to the State Land Office proof of the extent of the land area actually reclaimed in the manner provided in Subsection C of this Section for showing the submerged area, which map or plat shall be employed for fixing the definitive boundary between the reclaimed land area and the state water bottoms. Permits issued pursuant to these provisions shall be effective for a period not to exceed two years from the date of issuance and shall thereupon expire. All work remaining or any additional work may be completed only by application in the manner provided by this Section.

(2)(a) To facilitate the development, design, and implementation of integrated coastal protection projects, including hurricane protection and flood control, pursuant to R.S. 49:214.1 et seq., the executive director of the Coastal Protection and Restoration Authority, after consultation with other state agencies, including the Department of Energy and Natural Resources and the Department of Transportation and Development, the Louisiana Geological Survey, the state's colleges and universities, all levee boards, drainage boards, parish governing authorities, and any districts created under the jurisdiction of levee boards, drainage boards, or parish governing authorities, shall enter into an agreement under this Section with respect to the ownership of minerals and other matters to the same extent as authorized under Item (i) of this Paragraph. In addition, such agreement shall at a minimum, specify:

(i) When land is acquired from any person by an “acquiring authority” as defined in R.S. 31:149, for the principal purpose of facilitating the development, design, and implementation of integrated coastal protection projects, including hurricane protection and flood control, by the state or its political subdivisions, or by the state and federal government, the executive director of the Coastal Protection and Restoration Authority, after consultation with other state agencies, including the Department of Energy and Natural Resources, the State Land Office, and the State Purchasing Office, may, in accordance with rules and regulations adopted in accordance with the Administrative Procedure Act by the Coastal Protection and Restoration Authority after consultation with other state agencies, including the Department of Energy and Natural Resources and the State Land Office, enter into an agreement under this Section with respect to the ownership of minerals and other matters to the same extent as authorized under Item (i) of this Paragraph.

§1703. Permits and licenses for encroachments other than reclamation projects

B. The office, with the aid of the division, the Department of Energy and Natural Resources, the Department of Wildlife and Fisheries, the Department of Transportation and Development, and the attorney general, shall adopt regulations to implement this Chapter, including the granting and revoking of permits, leases or licenses, processing of applications, establishing fee schedules, and enforcing the rules and regulations adopted in accordance with this Chapter.

D. When permit or lease applications involve projects over which the United States Army Corps of Engineers, the Department of Energy and Natural Resources, and any other federal or state agency asserts jurisdiction, and such governmental agencies have, by public notice or regulations, established timetables for receipt of objections, public hearings, or other proceedings, the office, to the least inconvenience the applicant and prevent multiple hearings, shall adopt and conform to such timetables or evidentiary requirements and
shall attempt to coordinate any public hearing with such agencies whenever feasible. When the United States Army Corps of Engineers or other interested agencies do not assert jurisdiction over a given project, thirty days from date of published notice by the applicant shall be allowed for objection of objections in writing to the office.

§1731. Legislative findings
To ensure the viability of the state’s natural resources, to provide a continuing energy source for the citizens and businesses of Louisiana, to promote economic development through job retention and creation in Louisiana, and to promote a clean and lasting environment, the Louisiana Legislature finds that the state, through the Department of Energy and Natural Resources, should promote the generation and use of the renewable energy derived from wind.

§1732. Lease authority and royalties
A. Notwithstanding any other provision of law except Subsection B of this Section, the State Mineral and Energy Board in conjunction with the secretary of the Department of Energy and Natural Resources, shall have the authority to lease for the exploration, development, or production of energy from wind any lands belonging to the state or the title to which is held by the state, including water bottoms, vacant state lands, and lands adjudicated to the state at tax sale, except lands that form any portion of state highway right-of-way. The leases shall be granted through a public bid process which shall be promulgated by the adoption of rules and regulations by the State Mineral and Energy Board. All bonuses, rentals, royalties, payments, or other sums due the state as the lessor under the terms of leases granted under the provisions of this Subsection for the exploration, development, and production of energy from wind shall be paid to the office of mineral resources. Revenues received from these leases by the office of mineral resources shall be remitted to the state treasurer who, after compliance with Article VII, Section 9 of the state constitution, shall credit an amount equal to twenty-five percent of the revenues to the Wetlands Conservation and Restoration Fund and an amount equal to the seventy-five percent to the state general fund. The funds derived under leases granted under the provisions of this Section shall not be included in calculations for the Budget Stabilization Fund.

§1733. Award of state wind leases
B. After certification by the other state agencies, the State Mineral and Energy Board shall forward the applications and certification with copies of any other leases on the proposed location to the secretary of the Department of Energy and Natural Resources who shall evaluate whether the lands proposed for lease best support the exploration, development, or production of energy from wind. In evaluating the proposed lease, the secretary of the Department of Energy and Natural Resources shall consider the capability of the lease proposal to fulfill the intent of this Chapter; the environmental impact of the placement of wind turbines and other equipment necessary for the exploration, development, or production of energy from wind, the impact of the proposed lease on any other leases, including leases for the exploration or production of subsurface deems appropriate. When evaluating the proposed lease, the secretary of the Department of Energy and Natural Resources shall consult with the Department of Wildlife and Fisheries when the proposed lease lies within the confines of properties under the jurisdiction of the Louisiana Wildlife and Fisheries Commission or the Department of Wildlife and Fisheries when the proposed lease lies within the confines of properties under the jurisdiction of the Department of Energy and Natural Resources that may have jurisdiction within the confines of the proposed lease.

C. If the secretary of the Department of Energy and Natural Resources determines that a proposed lease for the exploration, development, or production of energy from wind is appropriate he shall recommend to the State Mineral and Energy Board that the board conduct a public bid process. If the secretary of Department of Energy and Natural Resources determines that a proposed lease for the exploration, development, or production of energy from wind is not appropriate, he shall notify the State Mineral and Energy Board who shall then notify the applicant that no bid process shall occur.

§1734. Powers and duties of the secretary of the secretary of the Department of Energy and Natural Resources
A. The secretary of the Department of Energy and Natural Resources shall promulgate rules and regulations pursuant to the Administrative Procedure Act to implement the provisions of this Chapter and to institute reasonable fees for services performed by the department. The rules and regulations shall include all provisions necessary to accomplish the intent of the legislature as stated in this Chapter and shall provide for the following:

Section 16. R.S. 42:1113(D)(1)(a)(i)(ii) and (b)(i), 1124(A)(2)(f), and 1266(C)(1) (f) are hereby amended and reenacted to read as follows:

§1113. Prohibited contractual arrangements; exceptions; reports
D.(1)(a) The secretary, deputy secretary, undersecretary, and each assistant secretary, or the equivalent position of the Department of Energy and Natural Resources.

(p) Solely for purposes of sales and tax imposed by the state under R.S. 47:302, 321, and 331 or any political subdivision of the state, the term “sale at retail” shall not include the sale of anthropogenic carbon dioxide for use in a qualified tertiary recovery project approved by the assistant secretary of the office of conservation of the Department of Energy and Natural Resources pursuant to R.S. 47:633.4.

§633. Rates of tax
The taxes on natural resources severed from the soil or water levied by R.S. 47:631 shall be predicated on the quantity or value of the products or resources severed and shall be paid at the following rates:

(7)(a)
(c)(i)(aa)

* * *

(iii)

* * *

(bb) Payout of well cost shall be the cost of completing the well to the commencement of production as determined by the Department of Energy and Natural Resources.

(iv)

* * *

(aa) To qualify for inactive or orphan well status for purposes of the special rate referenced in this Section, an application for inactive or orphan well certification shall be made to the Department of Energy and Natural Resources during the period beginning July 1, 2018, and ending June 30, 2023. Upon certification that a well is inactive or orphan, production shall be subject to the tax rate applicable for the monthly average gas prices used in making the gas base rate adjustment for the twelve-month period ending March 31, 1990 (1.7446 $/MMBTU). For the twelve-month period ending March 31, 2003, the monthly average gas prices used in making the gas base rate adjustment for the twelve-month period ending March 31, 2002 shall be published in the Wall Street Journal for the previous twelve-month period ending on March thirty-first of the preceding year.

(b) The furnishing, in the discretion of the secretary, of severance tax information to the Department of Energy and Natural Resources to be used solely for the coordination and verification of revenue and production data relative to mineral resources produced within the state. Any information so furnished shall be considered and held confidential and privileged by the Department of Energy and Natural Resources to the same extent as heretofore provided.

§634.4. Tertiary recovery incentive

B.(1) In order to accomplish the purposes set forth in Subsection A of this Section, no severance tax shall be due in regard to production from a qualified tertiary recovery project approved by the assistant secretary of the office of the legislature.

§634.5. Produced water injection incentive

A. The office of water resources of the Department of Environmental Quality was directed by R.S. 30:2074(C) to act in conjunction with the Department of Energy and Natural Resources to conduct a risk analysis of the discharge of produced waters, excluding cavern leach waters, from oil and gas activities on the ground and into the surface waters of the coastal wetlands of the state, and to examine the environmental risks and the economic impact on the oil and gas industry if the discharge was to be prohibited. The risk analysis was not properly conducted as directed, however, and the Department of Environmental Quality did in fact prohibit the discharge of produced water into the surface waters of the state by rules promulgated and which became effective on March 20, 1991.

§648.2. Definitions

Unless the context otherwise requires, the words defined in this Section have the following meaning when found in this Part:

(1) A “certified new discovery oil and natural gas well” is one designated as such by the Department of Energy and Natural Resources after determining that:

§648.3. Severance tax suspension on production from certified new discovery oil and natural gas wells

All severance taxes on production from certified new discovery oil and natural gas wells are hereby suspended from the date of completion for a period of two hundred and forty months or until payout of the well cost is achieved, whichever comes first. If, in any one fiscal year, the secretary of the Department of Revenue is unable to make reasonable changes sufficient to insure a consistent result, the “gas tax rate” shall remain that last established under this Subparagraph until a comparable method for determining the “gas tax rate” is adopted by the legislature.

$1506. Confidentiality of tax records

B. Nothing herein contained shall be construed to prevent:

(9) The furnishing, in the discretion of the secretary, of severance tax information to the Department of Energy and Natural Resources for the purposes of collecting and auditing other wells for the remainder of that fiscal year. Such certifications may begin again after the beginning of the next fiscal year.

(d)(2) The gas tax rate provided in Subparagraph (a) of this Paragraph shall be adjusted annually on July first for the ensuing twelve calendar months as hereinafter set forth but shall never be less than seven cents per thousand cubic feet. On or before April 30, 1991, and annually thereafter, the secretary shall determine, using the “gas base rate adjustment” as hereinafter provided, the new gas tax rate for the twelve thousand months ending July 1, 1991, and respectively for each twelve-month period beginning annually thereafter.

* * *

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* As it appears in the enrolled bill

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Nothing in this Subparagraph shall be construed to limit any of the following otherwise admissible data, guides, and resources that are publicly accessible:

§6035. Tax credit for investments in qualified clean-burning motor vehicle fuel property.

D. The secretary of the Department of Revenue in consultation with the secretary of the Department of Energy and Natural Resources shall promulgate rules and regulations in accordance with the Administrative Procedure Act as are necessary to implement the provisions of this Section.

Section 19. R.S. 48:224(C) is hereby amended and reenacted to read as follows:

§224. Abandonment of highway; sale by department; acquisition by governing authority; ratification.

C. If the governing authority or authorities are unwilling to accept and maintain the highway or highway section to be abandoned, or in the event of the abandonment of any property acquired and used for right-of-way purposes, the realignment of which has been changed so as to make the right-of-way no longer needed for the original purpose, the secretary may at his discretion dispose of the property at either public or private sale. Private sale shall be limited to the original vendor of the property or his successors in title. If the sale is to the original vendor of the property, the consideration for the private sale shall be the original cost to the department or its appraised market value, whichever is greater. If the sale is to the successors in title to the original vendor, the consideration for the private sale shall be the present appraised value. If sold, notice of abandonment of the roadway shall be posted in accordance with Subsection E of this Section. If the property cannot be sold at either public or private sale, then abandonment may be accomplished as provided in Subsection E of this Section or transferred to the Department of Energy and Natural Resources, state lands section.

Section 20. R.S. 49:74(A)(5)(b)(ii)(a)(a), 19:12(c), 214.5.1(B)(2), 214.6.2(C)(1) and (D)(8), 214.8.6(B)(4), 214.23(D), 214.25(C), 214.26(A)(1), 214.31(B), 214.35(B)(6), 214.36(J)(1)(a), 259(A) and (D), 330(A)(4), 966(B)(11), and 1053(C)(11) are hereby amended and reenacted to read as follows:

§74. Registration of lobbyists with the ethics board; compilation of information.

A. Each lobbyist shall register with the ethics board as soon as possible after employment as a lobbyist or after the first action requiring his registration as a lobbyist, whichever occurs first, and in any event not later than five days after employment as a lobbyist or after the first five days after the first action requiring his registration as a lobbyist, whichever occurs first. He shall electronically file with the ethics board, using forms provided by it, the following information:

(5)(a) (b) For the purposes of this Paragraph, the following terms shall have the following meanings:

(1) “Executive branch department head” means:

(aa) The secretary of each of the following departments of state government:

(VI) The Department of Energy and Natural Resources.

§191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates.

Notwithstanding any termination dates set by any previous Act of the legislature, the statutory entities set forth in this Section shall begin to terminate their operations on July first of each of the following years, and all legislative authority for the existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:

(12) July 1, 2024:

(c) The Department of Energy and Natural Resources and all statutory entities made a part of the department by law.

§214.5.1. Coastal Protection and Restoration Authority Board.

B. The Coastal Protection and Restoration Authority Board shall consist of the following members:

(2) Secretary of the Department of Energy and Natural Resources or his designee.

§214.6.2. Functions and responsibilities; coastal activities.

C. The authority shall:

(1) Receive all monies appropriated from the Coastal Protection and Restoration Fund to the Coastal Protection and Restoration Authority for implementation of all programs and projects contained in an annual plan developed by the Coastal Protection and Restoration Authority Board and approved by the legislature, except that the Department of Energy and Natural Resources, office of coastal management, shall receive any funds allocated in the annual plan for the coastal zone management program.

D. The authority may:

(8) Utilize the services of the Department of Energy and Natural Resources, office of management and finance, for accounting and budgetary control, procurement and contractual management, data processing, management and program analysis, and personnel management and grants management, provided that the secretary of the Department of Energy and Natural Resources shall exercise no authority over the provision of these services.

§214.6.6. Annual basin plan.

B. As a part of the procedures to be followed by the director in the development of an annual basin plan, the chair of the board shall appoint a technical advisory group to review, evaluate, and approve all water management and water quality projects proposed for inclusion in an annual plan. The technical advisory group shall consist of the following appointments:

(4) One member from the Department of Energy and Natural Resources.

§214.23. Definitions.

(12) “Secretary” shall mean the secretary of the Department of Energy and Natural Resources or his designee.

§214.24. Coastal zone boundary.

D. The secretary shall adopt a fully delineated inland boundary in accordance with the provisions of Subsection C of this Section, which boundary shall not depart appreciably from the boundary delineated therein. The secretary shall be authorized to amend the boundary as may be appropriate to follow the corporate limits of any municipality divided by the boundary. The boundary, as adopted, shall be clearly marked on large scale maps or charts, official copies of which shall be available for public inspection in the office of management and finance, for accounting and budgetary control, data processing, management and program analysis, and personnel management and grants management.

§214.25. Types of uses.

C. The secretaries of the Departments of Energy and Natural Resources and Wildlife and Fisheries are authorized to jointly develop for adoption by the secretary, after notice and public hearing, rules for the further delineation of the types of uses that have a direct and significant impact on coastal waters and that demonstrate a need for coastal management, the classification of uses not listed herein, and for the modification and change of the classifications of uses, provided that no changes shall be made in the classifications of the uses listed in Subsection A.

§214.26. Coastal management program; administration.

A.(1) A coastal management program is hereby established within the Department of Energy and Natural Resources. The secretary or his designee shall administer the coastal management program.

§214.31. Existing authority of certain state departments and local governments retained.

B. Permits issued pursuant to existing statutory authority of the office of conservation in the Department of Energy and Natural Resources for the location, drilling, exploration and production of oil, gas, sulphur or other minerals shall be issued in lieu of coastal use permits, provided that the office of conservation shall coordinate such permitting actions pursuant to R.S. 49:214.32(B) and (D) and shall ensure that all activities so permitted are consistent with the guidelines, the state program and any affected local program.

§214.33. Coordinated coastal permitting process.

B. To implement this intent, within one year of the effective date of this Subpart, the secretary, local governments, and all other relevant governmental bodies having such other regulatory jurisdiction or authority over uses of the coastal zone shall be included in the coordinator establish a coordinated coastal permitting process by means of binding interagency agreements wherein:

(6) The coordinated coastal permitting process shall not affect the powers, duties, or functions of any governmental body particularly the Department of Wildlife and Fisheries and the Office of Conservation in the Department of Energy and Natural Resources.
J. The monies collected by the state under the provisions of this Section shall be deposited as follows:

(1) The monies collected by the secretary for violations relating to use of state concern shall be used for the following purposes only in the proportions stated:

(a) After deducting the costs to reimburse the Department of Energy and Natural Resources for the expenses incurred enforcing the provisions of this Section, seventy percent (70%) thereof shall be placed in the Coastal Protection and Restoration Fund established in Article VII, Section 10.2 of the Constitution of Louisiana and used for projects that are consistent with Paragraph (O)(2) of this Section.

§250. Department of Justice Legal Support Fund
A. There is hereby established in the state treasury a special fund to be known as the Department of Justice Legal Support Fund, hereinafter referred to as the “fund”. The fund shall be comprised of proceeds recovered by the attorney general on behalf of the state from court judgments, settlements, fines, fees, forfeitures and penalties, from the recovery or award of any attorney fees as provided in R.S. 42:262, or from proceeds recovered by the attorney general from any other source which revenues are received by the attorney general for deposit into the fund, except those judgments and recoveries made on or pertaining to any office of risk management litigation, litigation involving the Department of Energy and Natural Resources or the Department of Environmental Quality, or to the settlement funds, judgments, or final disposition of the claims asserted in State of Louisiana v. BP Exploration & Production, et al., consolidated with In re Oil Spill by the Oil Rig “Deepwater Horizon” in the Gulf of Mexico, on April 20, 2010, MDL No. 2179 (E.D. La.) (hereinafter “DWH litigation”), as provided in Subsection D of this Section.

D. Notwithstanding the provisions of Subsection A of this Section, no proceeds shall be deposited into the fund from court-awarded judgments and settlements involving the Department of Energy and Natural Resources as specified in Paragraph (O)(1) or (2), nor any judgments, settlements, or recoveries which are designated for credit to the Hazardous Waste Site Cleanup Fund, the Environmental Trust Dedicated Fund Account, or any other funds administered by the Department of Environmental Quality under the Environmental Quality Act. Notwithstanding the provisions of Subsection A of this Section, no proceeds shall be deposited into the fund from court-awarded judgments and settlements involving the Department of Transportation and Development. Notwithstanding the provisions of Subsection A of this Section, no proceeds shall be deposited into the fund from judgments, settlements, or recoveries arising from the DWH litigation, including but not limited to litigation expenses, assessment costs, court costs or attorney fees.

§330. Mineral Income Advisory Committee; mineral revenue contracts by state treasurer
A.(1) The Mineral Income Advisory Committee is hereby created. The committee shall be composed of the following members:

(4) The secretary of the Department of Energy and Natural Resources, the secretary of the Department of Revenue, the commissioner of administration, and the state treasurer shall be available to the committee for the research relative to mineral revenue contracts as provided for in this Section.

§966. Review of agency rules; fees

B. *

(11) The Department of Energy and Natural Resources and all of the agencies made a part of it shall submit the report to the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources. However, for exercises of the commissioner of conservation's rulemaking authority pursuant to Chapter 13-A-1 of Title 38 of the Louisiana Revised Statutes of 1950, the department may contract with this Chapter or other third parties; issue licenses to persons to construct, operate, and own support facilities; coordinate such state plan with the federal government and its jurisdictional agencies; grant exemptions to conversion requirements under conditions stated in rules and regulations promulgated by the Department of Energy and Natural Resources in accordance with the Powerplant and Industrial Fuel Use Act of 1978 and other applicable federal law and regulation; issue bonds; and do such other things as are necessary to establish the state plan within the intent and purposes of this Chapter.

§1603. Bonds; procedure for issuance

B. *

(12) Limited liability of the state. The revenue bonds shall be limited obligations of the state. The principal of and interest on the revenue bonds shall not be payable by the secretary personally or from funds of the Department of Energy and Natural Resources nor shall they constitute, charge, lien, or encumbrance upon any revenues except the revenues, agreements, and funds paid pledged under the resolution or trust agreement authorizing such bonds. Neither the credit nor the taxing power of the state shall be pledged for the benefit of such principal or interest and no holder of revenue bonds shall have any personal right of action against the state, or any state officers, employees, or officials, nor shall the state be liable for the payment of any claim against the state for the forfeiture of its property in connection with any default thereon. Every revenue bond shall recite in substance that the principal of and interest on such bond is payable solely from the revenues pledged to its payment and that the Department of Energy and Natural Resources is not obligated to pay such principal or interest except from such revenues. The face of each interest coupon shall bear a statement to the effect that such coupon is payable solely from certain revenues as set forth in the bond to which such coupon pertains. The revenue bonds issued under the provisions of this Section shall not be deemed to be a lien or charge upon any state property or any revenues of the state, or any state officers, employees, or officials.
constitute a debt of this state or of the Department of Energy and Natural Resources and the state shall not be liable thereon.

(13) Proceeds and revenues to be deposited in separate funds. Subject to agreements with the holders of revenue bonds, all proceeds of revenue bonds and all revenue pledged under a resolution or trust agreement securing such bonds shall be set aside as received and shall be deposited and held in trust by a trustee appointed by the secretary of natural resources in a fund or funds separate and apart from all other funds of the Department of Energy and Natural Resources. Subject to the resolution or trust agreement, the trustee shall hold the same for the benefit of the holders of the bonds for the application and disposition thereof solely to the respective uses and purposes provided in such resolution or trust agreement.

(14) Agreement required prior to delivery of revenue bonds. Prior to the delivery of revenue bonds under this Section the secretary of natural resources may enter into an agreement or agreements with one or more licensees of the state who have the capacity to construct, operate, and maintain revenue bond projects, any such agreement shall set forth the rights, duties, and obligations of the parties thereto; provide for the completion of the revenue bond project or projects from bond proceeds or other sources; provide that neither the state nor the Department of Energy and Natural Resources shall have any liability or responsibility whatsoever for any loss or damage arising out of the acquisition, construction, operation, and maintenance of such project or projects, and also shall provide for the payment to the Department of Energy and Natural Resources of such rentals, installment payments, or other moneys as will be sufficient to pay the principal of and interest on the revenue bonds issued to finance the revenue bond project or projects and build up and maintain any reserves deemed suitable in connection therewith. This agreement shall be made upon such other terms and conditions and for such time as may be determined by the secretary of natural resources and may contain provisions authorizing the sale, resale, lease, sublease, operation, usage, or other work or activities necessary for the completion of any revenue bond project, or any portion thereof, for such consideration and upon such terms and conditions as the secretary of natural resources may determine.

(15) Construction of Section. The powers and rights conferred by this Section shall be in addition and supplemental to the powers and rights conferred by any other general or special law. This Section does and shall be construed to provide a complete method for doing the things authorized thereby. Neither the making of contracts nor the issuance of revenue bonds or refunding revenue bonds or other obligations pursuant to the provisions of this Section shall be considered as either a contemplated exercise of any constitutional power applicable to the making of contracts and the issuance of the revenue bonds or other obligations for the financing of any revenue bond project or projects undertaken pursuant to this Section, except herein provided. The provisions of this Section shall be liberally construed for the accomplishment of its purposes.

Section 22. R.S. 56:4, 301.10(E)(2) and (3), 421(B)(3) and (E)(4), 432.1(C)(2), 494(E)(2) and (3), 700.11(A) and (7), 700.13(A), 796(B)(1)(p), 1431(E), 1808(A), 1932(A)(6), 1933(A)(1)(g), and 2011(E) are hereby amended and renumbered to read:

$4. Authority of Department of Energy and Natural Resources over navigable water bottoms

Nothing in this Title and particularly in Section 3 of this Part affects in any way the authority of the Louisiana Department of Energy and Natural Resources to lease or otherwise administer the beds and bottomlands of navigable rivers, streams, bayous, lagoons, lakes, bays, sounds, and inlets bordering on or connecting with the Gulf of Mexico within the territory or jurisdiction of the state, as established by law and regulations promulgated thereunder.

§301.10. Louisiana Finfish Task Force

E. The task force is hereby charged with responsibility to do the following:

(2) Provide for the study of the decline in finfish marketability and market price, provide for the study of the impacts of imported finfish on the domestic market, assist in the development of a state finfish inspection program, assist in the development of a Louisiana finfish certification and branding program, and make recommendations to the Department of Wildlife and Fisheries, the Department of Energy and Natural Resources, the Department of Agriculture and Forestry, and the Louisiana Department of Health for implementation of policies to help enhance the domestic finfish industry.

(3) Make recommendations with respect to issues pertaining to the finfish industry and finfish production to the various state agencies charged with responsibility for differing elements of the finfish industry in this state, including the Department of Wildlife and Fisheries, the Department of Energy and Natural Resources, the Coastal Protection and Restoration Authority, the Louisiana Department of Health, the Department of Agriculture and Forestry, and the legislature.

$421. Oyster Task Force

B. The task force shall be composed as follows:

(3) One member appointed by the secretary of the Department of Energy and Natural Resources.

E. The task force is hereby charged with responsibility to do the following:

(4) Make recommendations with respect to issues pertaining to the oyster industry and oyster production to the various state agencies charged with responsibility for differing elements of the oyster industry including the Department of Wildlife and Fisheries, the Department of Energy and Natural Resources, the Department of Agriculture and Forestry, and the Coastal Protection and Restoration Authority Board, the Coastal Protection and Restoration Authority, the Louisiana Department of Health, the governor's executive assistant for coastal activities, and the legislature.

$432.1. Oyster Lease Acquisition and Compensation Program

C. A leaseholder whose lease is acquired in whole or in part may seek an administrative hearing through the Coastal Protection and Restoration Authority as to whether the acquisition due to the impact of dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection is proper or whether the compensation issued by the Coastal Protection and Restoration Authority satisfies the rules or regulations of that department. A leaseholder whose lease is not acquired but which was impacted by dredging, direct placement of dredged or other materials, or other work or activities necessary for the construction or maintenance of a project for integrated coastal protection has occurred, may also seek an administrative hearing through the Coastal Protection and Restoration Authority to determine if acquisition of such acreage would be proper.

Adjudication under this Section shall be conducted in accordance with the following:

(2) Adjudication under this Section shall be conducted in accordance with Chapter 13-B of Title 49 of the Louisiana Revised Statutes of 1950, and pursuant to the rules and regulations promulgated by the Department of Energy and Natural Resources after consideration of recommendations by the Louisiana Oyster Task Force. The administrative law judge shall consider any reasonably confusable data or information provided to that department by the leaseholder or any other person on or before the date of the administrative review.

$494. Louisiana Shrimp Task Force

E. The task force is hereby charged with responsibility to do the following:

(2) Provide for the study of the decline in shrimp marketability and market price, provide for the study of the impacts of imported shrimp on the domestic market, assist in the development of a state shrimp inspection program, assist in the development of a Louisiana shrimp certification and branding program, and make recommendations to the Department of Wildlife and Fisheries, the Department of Agriculture and Forestry, and the Louisiana Department of Health for implementation of policies to help enhance the domestic shrimp industry.

(3) Make recommendations with respect to issues pertaining to the shrimp industry and shrimp production to the various state agencies charged with responsibility for differing elements of the shrimp industry in this state, including the Department of Wildlife and Fisheries, the Department of Energy and Natural Resources, the Coastal Protection and Restoration Authority, the Louisiana Department of Health, the Department of Agriculture and Forestry, and the legislature.

$700.11. Definitions

As used in this Part, unless the context requires otherwise, the terms set forth below shall have the following meanings:

(4) “Department” means the Department of Energy and Natural Resources.

(7) “Secretary” means the secretary of the Department of Energy and Natural Resources, or his designee.

$700.13. Establishment of the board

A. There is hereby established within the office of the secretary of the Department of Energy and Natural Resources the Oyster Lease Damage Evaluation Board, hereinafter known as the board.

$706. Lake Fausse Point, Lake Dauterive, and Grand Avolle Cove Advisory Board

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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.(1) The commission is comprised as follows:

(p) The lieutenant governor, the secretary of the Department of Wildlife and Fisheries, and the secretary of the Department of Energy and Natural Resources may each designate an individual to serve as a nonvoting member of the board.

§1431. Bayou Liberty; clearing; expropriation prohibited

E. Subject to conditions stated herein, the Department of Energy and Natural Resources is hereby authorized to acquire for conservation easements the property for conservation easements shall only be authorized if and when funding for such purchase is appropriated for that purpose by the legislature.

§1808. Functions and duties of state agencies
A. The Department of Wildlife and Fisheries, the office of tourism and promotion, the Department of Transportation and Development, the Department of Energy and Natural Resources, the Department of Agriculture, the State Soil and Water Conservation Commission, and the Louisiana Cooperative Extension Service or their successor agencies shall furnish assistance to the state liaison officer for the implementation of the Chapter in compliance with the provisions of R.S. 49:861 and 663.

§1932. Project selection board
A. The program shall be governed by a project selection board composed of the following members:

(6) The secretary of the Department of Energy and Natural Resources or his designee.

§1933. Technical advisory board
A. The project selection board shall be advised by a technical advisory board composed of the following members:

(1) Subject matter representatives from the following:

(g) The Department of Energy and Natural Resources.

§2011. License to dredge; royalties; exemptions
E. Any private landowner, state agency, political subdivision, or associated consultant or contractor engaged in a coastal protection, conservation, or restoration activity consistent with an annual plan or the comprehensive master plan established pursuant to R.S. 49:214.5.3 or engaged in an activity to remove sediment buildup to preserve or restore the natural habitat of a water body of the state or to enhance navigation and recreation activities on a water body of the state shall be exempt from payment of the royalties and bond requirements of this Section. However, any such private landowner, state agency, political subdivision, or associated consultant or contractor shall be required to apply for and receive the appropriate license required by this Section. To be eligible for exemption from the royalty payment and bond requirements of this Section, a private landowner shall obtain a letter of no-objection from either the governing authority of the political subdivision within which the activity will occur or the local coastal management program under which the activity is authorized, and the approval, in writing, of the secretary of the Department of Energy and Natural Resources, the secretary of the Department of Transportation and Development, and the executive director of the Coastal Protection and Restoration Authority.

Section 23. The introductory paragraph of Code of Civil Procedure Art. 1552 and 1563(A)(2) and (B) are hereby amended and reenacted to read as follows:

Art. 1552. Environmental management orders
Upon the request of any party in any civil action alleging environmental damage pursuant to R.S. 30:29, or the Department of Energy and Natural Resources, office of conservation, the court shall direct the attorneys for the parties to appear before the court to develop an environmental management order. The environmental management order shall authorize all parties to access the property allegedly impacted to perform inspections and environmental testing. The order shall require that all test results be submitted to all parties and the Department of Energy and Natural Resources, office of conservation, within thirty days of receipt thereof. Failure by a party to provide the results of testing to the other parties shall preclude that party from admitting those results into evidence in the civil action. The environmental management order shall include reasonable terms for all of the following:

Art. 1563. Limited admission of liability in environmental damage lawsuits; effect
A.(1) * * *

(2) Upon the expiration of the delay in which a party may file a limited admission under Subparagraph (5) of this Paragraph, and if one or more of the defendants have made a timely limited admission, the court shall refer the matter to the Department of Energy and Natural Resources, office of conservation, hereinafter referred to as the “department”, to conduct a public hearing to approve or structure a plan which the department determines to be the most feasible plan to evaluate or remediate the environmental damage under the applicable regulatory standards pursuant to the provisions of R.S. 30:29. There shall be a rebuttable presumption that the plan approved or structured by the department, after consultation with the Department of Environmental Quality as appropriate, shall be the most feasible plan to evaluate or remediate the environmental damage under the applicable regulatory standards pursuant to the provisions of R.S. 30:29. For cases tried by a jury, the court shall instruct the jury regarding this presumption if requested by a party.

B. The provisions of this Article shall not establish primary jurisdiction with the Department of Energy and Natural Resources.

Section 24. The Louisiana State Law Institute is hereby directed to change all references to the “Department of Resources” to the “Department of Energy and Natural Resources” throughout the Louisiana Revised Statutes of 1950 and the Code of Civil Procedure.

Section 25. This Act shall become effective on January 10, 2024.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 151

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SENATE BILL NO. 182

BY SENATOR CONNICK AND REPRESENTATIVES

KNOX AND GAROFALO

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

AS AN ACT

To amend and reenact R.S. 37:1606A(A) and (B), 1870, 1974(A), and 1975(A), relative to penalties; to provide relative to secondhand dealers and scrap metal recyclers; to increase penalties for secondhand dealers and scrap metal recyclers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1606A(A) and (B), 1870, 1974(A), and 1975(A), are hereby amended and reenacted to read as follows:

§1869. Violations; penalty
A. Any licensed secondhand dealer who violates, neglects, or refuses to comply with any provision of this Part shall be fined not less than two thousand five hundred dollars or be imprisoned for not less than thirty days nor more than sixty days, or both.
B. For a second offense, his occupational license shall be suspended for a thirty-day period, and he shall be fined not less than two thousand five hundred dollars or more than five thousand dollars or be imprisoned with or without hard labor for not less than two years nor more than five years, or both. For a third offense, his occupational license shall be revoked and he shall not thereafter be permitted to engage in the business of secondhand dealer in the state of Louisiana.

§1870. Failure to comply; penalty
A. Anyone acting as an unlicensed secondhand dealer without complying with the provisions of this Part shall be fined not less than two thousand five hundred dollars or more than five thousand dollars or be imprisoned for not less than thirty days nor more than sixty days, with or without hard labor for not more than two years, or both.
B. For a second offense, the offender shall be fined not more than two thousand five hundred dollars or more than five thousand dollars or be imprisoned with or without hard labor for not more than five years nor more than five years, or both. For a third or subsequent offense, the offender shall be fined not more than five thousand dollars or more than ten thousand dollars, or be imprisoned with or without hard labor for not more than five years nor more than five years, or both.
C. For a third or subsequent offense, the offender shall be fined not more than five thousand dollars or more than ten thousand dollars, or be imprisoned with or without hard labor for not more than five years nor more than five years, or both.

§1974. Violations; penalty
A. Any licensed operator who violates, neglects, or refuses to comply with any provision of this Chapter, shall be fined not less than one thousand five hundred dollars, nor more than ten thousand dollars, or be imprisoned with or without hard labor for not less than thirty days nor more than sixty days, or both.

§1975. Failure to comply; penalty
A. Anyone acting as an unlicensed operator without complying with the provisions of this Chapter shall be fined not less than one thousand five hundred dollars or more than five thousand dollars, or be imprisoned with or without hard labor for not less than thirty days nor more than sixty days, or both.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

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To amend and reenact the introductory paragraph of R.S. 37:1361(B) and 1361(B)(1), (1361(B)(2), (1367(A)(2)), (1367(A)(3)), (1377(C), and 1390(A)) and (B)(3), relative to plumbers; to provide relative to the licensure of journeyman and master plumbers; to provide relative to the membership and qualifications of the State Plumbing Board; to remove certain duties of the board; to provide relative to comprehensive and property damage insurance limits for certain licenses; to provide relative to definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section I. The introductory paragraph of R.S. 37:1361(B) and 1361(B)(1), (1367(A)(2), (1367(A)(3)), (1377(C), and 1390(A)) and (B)(3) are hereby amended and reenacted to read as follows:

§1361. State Plumbing Board, appointments; qualifications; legislative intent; authority

* * *

B. The State Plumbing Board is created. The board, which shall be appointed by the governor, shall consist of one registered engineer who is also licensed by the State Plumbing Board, one plumbing inspector who is also licensed by the State Plumbing Board, three master plumbers, three journeyman plumbers, and one tradesman plumber. Each appointment shall be made from a list of three names for each appointment submitted by the following:

1. The registered engineer and the plumbing inspector by the president of the Louisiana State Board of Health.

2. The Louisiana Department of Health.

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§1366. Duties of the board

* * *

C. The board shall recognize the system of qualification or registration of apprentices, nonregistered apprentices, and other workers as provided in Title 45. The board may adopt rules and regulations necessary to carry out the purpose and provisions of this Chapter, including, in addition to all other powers granted by other provisions of this Chapter, the powers:

(1) To accept, administer, and expend donations of movable or immovable property from any source, and receive, administer, and expend appropriations from the legislature and financial assistance, guarantees, insurance, or subsidies from the federal or state government or any agency or instrumentality and in the employ of an employing entity.

(2) To approve gas fitters. An “apprentice gas fitter” is a natural person engaged in learning the plumbing trade by working under the direct on-the-job supervision of a supervising journeyman and in the employ of an employing entity. Apprentice plumbers shall be indentured in an apprenticeship program approved by the Louisiana Workforce Commission or unindentured and in the employ of an employing entity:

§1380. Insurance requirements for master plumbers and master natural gas fitters

A. No master plumber license or master natural gas fitter license shall be issued, renewed, or revived until the applicant has provided proof acceptable to the board that insurance has been issued to the employing entity which is designated in accordance with R.S. 37:1367 by an insurer authorized to do business in this state.

B. The employing entity shall maintain:

* * *

(3) Comprehensive general liability and property damage insurance in a minimum aggregate amount of one hundred thousand dollars, except on plumbing work done in parish under thirty thousand persons in population on buildings, residences, or structures being no more than six thousand square feet of interior space, the minimum aggregate amount shall be fifty thousand dollars.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

* * *

ACT No. 153

HOUSE BILL NO. 137

BY REPRESENTATIVE FISHER

To enact R.S. 33:2476.7, relative to the city of Monroe; to provide relative to the municipal fire and police civil service board; to provide relative to the office of board secretary; to provide relative to the employment, salary, and duties of the secretary; 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. 33:2476.7 is hereby enacted to read as follows:

§2476.7. Municipal fire and police civil service board; board secretary; city of Monroe

A. Notwithstanding the provisions of R.S. 33:2476.1(c), in the city of Monroe, the board may fill the office of secretary for the municipal fire and police civil service board by employing on a part-time basis any person the board deems qualified. The board may pay any such person a salary not to exceed sixteen hundred dollars per month which salary shall be approved by the municipal governing authority.

B. The duties of the secretary shall be assigned by the board.

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 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

* * *

ACT No. 154

HOUSE BILL NO. 210

BY REPRESENTATIVE BUTLER

To amend and reenact R.S. 33:4548.5(A)(6), (12), and (20) and to enact R.S. 33:4548.5(C), relative to the Louisiana Local Government Environmental Facilities and Community Development Authority; to provide relative to the powers and duties of the authority; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4548.5(A)(6), (12), and (20) are hereby amended and reenacted and R.S. 33:4548.5(C) is hereby enacted to read as follows:

§4548.5. Powers of the authority

A. The authority shall have all the powers necessary to give effect to and carry out the purpose and provisions of this Chapter, including, in addition to all other powers granted by other provisions of this Chapter, the powers:

(6) To accept, administer, and expend donations of movable or immovable property from any source, and receive, administer, and expend appropriations from the legislature and financial assistance, guarantees, insurance, or subsidies from the federal or state government or any agency or instrumentality

(12) To accept any gifts or grants or loans of funds or financial or other aid in any form from the federal government or any agency or instrumentality

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THE ADVOCATE

* As it appears in the enrolled bill
A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 155

HOUSE BILL NO. 215
BY REPRESENTATIVE ECHOLS

To amend and reenact R.S. 40:1322(D), relative to methods of payment within the Department of Public Safety and Corrections; to provide for methods of payment within the office of motor vehicles; and to provide for related matters.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 156

HOUSE BILL NO. 223
BY REPRESENTATIVE BROWN

To amend and reenact R.S. 33:4569.1(B)(2), relative to Iberville Parish: to provide relative to the Iberville Parish Parks and Recreation District; to provide relative to the employees of the district; and to provide for related matters.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 157

HOUSE BILL NO. 225
BY REPRESENTATIVES HILFERTY, BOYD, CARRIER, FREEMAN, GAROFALO, GREEN, HUGHES, KNOX, AND WILLARD

To amend and reenact R.S. 33:4071(F)(1) and (2), relative to the city of New Orleans; to provide relative to the sewerage and water board; to provide relative to the powers and duties of the board; to provide relative to billing for sewerage and water services; 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. 33:4071(F)(1) and (2) are hereby amended and reenacted to read as follows:

§4071. Creation and organization of sewerage and water board

F. Notwithstanding any provisions of law to the contrary, the board may adopt rules and procedures authorizing the adjusting, releasing, or distinguishing of any indebtedness from a customer's sewerage and water bill. The rule shall limit the board's compromising authority to appropriate instances in which any of the following occur:

(1) Instances of error on the part of the district such as equipment failure or process failure, including instances in which the board generates inaccurate invoices, and in such instances, only to the extent the failure increased the customer's indebtedness.

(2) Instances in which an employee of the board, or a person acting on behalf of the board, fails to properly read a customer's water meter regardless of whether the board has submitted an invoice to the customer for an amount owed during any such period or fails to submit an invoice to the customer for two or more consecutive months.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

THE ADVOCATE
(b) The salary increases required by Paragraph (1) of this Subsection shall also apply to each member of the fire department with more than twenty years of service.

Approved by the Governor, June 7, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 159

BY HOUSE BILL NO. 270

AN ACT

To enact R.S. 33:5062.2, relative to Orleans Parish; to provide relative to the growth and accumulation of grass, weeds, and other deleterious matter; to provide relative to the powers granted to the parish governing authority with respect to the removal of any such deleterious matter; to provide relative to costs incurred by the parish governing authority relative to removal; 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. 33:5062.2 is hereby enacted to read as follows:

§5062.2. Weed cutting in Orleans Parish; abutting owner’s liability; notice; waiver of notice

A. The governing authority of Orleans Parish may enact ordinances regulating or prohibiting the growth or accumulation of grass, noxious weeds, or other deleterious or unhealthful growths, trash, debris, refuse, graffiti, or discarded or noxious matter on any sidewalks or barriques and on any lot, place, or area within the parish, except railroad rights-of-way. The charges, costs, and expenses incurred by the parish governing authority in enforcing such ordinances shall, to the extent of the actual cost thereof to the parish governing authority, be a charge, cost, or expense of the property abutting the sidewalk or barriquet or of the lot, place, or area, and the owner thereof.

B. No such work shall be undertaken by the parish governing authority pursuant to this Section until the abutting property owner and the owner of the abutting property, as shown on the last assessment roll of the parish, has an opportunity of doing the work himself within at least five days after notice has been given to him by advertisement in the official journal of the parish for two consecutive days or after notice has been given to him by registered or certified mail, addressed in accordance with the tax rolls of the parish.

C. However, the parish governing authority may undertake the cutting, destruction, or removal of grass, noxious weeds, or other deleterious or unhealthful growths, trash, debris, refuse, graffiti, or discarded or noxious matter without the notice required in Subsection B of this Section if the property owner liable has been notified pursuant to Subsection B of this Section at any time during the immediately preceding twenty-four months and has failed to do the work himself after opportunity to do so.

D. The parish shall furnish the owner an invoice for the cost of the work performed. If the cost or expense thereof has not been paid within one month, the parish may furnish the owner, by registered or certified mail or by domiciliary or personal service, a written statement showing the outstanding cost or expense incurred for the work. If the statement is not paid within one month thereafter, the amount thereof shall be included in and form part of the taxes due by the owner of the property and when collected shall be credited to the general fund of the parish.

E. The tax collector shall maintain a record of such charges prior to the filing of the tax rolls, which record shall be open to inspection at all times and which shall constitute legal notice to the purchasers of the property or parties lending money thereon of the assessment.

Approved by the Governor, June 7, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 160

BY HOUSE BILL NO. 274

AN ACT

To enact R.S. 33:1236.31, relative to Lincoln Parish; to provide relative to the investment of certain parish funds; 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. 33:1236.31 is hereby enacted to read as follows:

§1236.31. Lincoln Parish hospital proceeds; investments

The governing authority of Lincoln Parish may invest funds that it received from the sale of a hospital and that it placed in a permanent trust in the same manner as post-employment benefits trusts may be invested pursuant to R.S. 33:5162.

Approved by the Governor, June 7, 2023.
A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 161

BY HOUSE BILL NO. 279

AN ACT

To amend and reenact R.S. 47:1387.1(A)(2), (F), and (G) and to enact R.S. 47:1387.1(A)(3), relative to the Louisiana Tax Commission; to provide relative to ad valorem tax assessment information collected and maintained by the commission; to limit a prohibition on conveying of certain information by the commission for use in a business; to authorize the commission to convey information for such use; to require the commission to convey to any taxpayer certain historical information upon request; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1387.1(A)(2), (F), and (G) are hereby amended and reenacted and R.S. 47:1387.1(A)(3) is hereby enacted to read as follows:

$1387.1. Program for a statewide ad valorem tax assessment database; creation
A. (1) 

(2) The database shall be comprised of information from assessment rolls of parishes participating in the program as provided for in this Section, utilizing the assessment rolls submitted to the tax commission under R.S. 47:1993(A). Such parishes participating in the program—Assessors shall submit their assessment rolls to the Louisiana Tax Commission in electronic form or in a format designated by the Louisiana Tax Commission for viewing and inspection. The database with the assessment information from such parishes shall be published on the Internet for public inspection by December first. The ad valorem tax assessment database shall not include any assessment information which is deemed confidential or designated as confidential by an assessor under any other provision of law.

(3) The Louisiana Tax Commission shall promulgate rules for the submission of assessment rolls and for the designation of confidential information in an assessment roll submitted to the Louisiana Tax Commission by an assessor pursuant to this Section.

F(1a) The for purposes of any assessment information submitted to the tax commission prior to January 1, 2024, the Louisiana Tax Commission shall not sell, lease, rent, or otherwise convey or transfer to any individual or other entity for use in a business any current-year current-year information received by it pursuant to the provisions of this Section.

(2) For purposes of any assessment information submitted to the Louisiana Tax Commission on or after January 1, 2024, the Louisiana Tax Commission may convey or transfer to any individual or other entity for use in a business any current-year information received by it pursuant to the provisions of this Section.

(3) The Louisiana Tax Commission shall not sell, lease, rent, or otherwise convey or transfer to any individual or other entity for use in a business any current-year information concerning public service properties, as defined in R.S. 47:1561, received by it pursuant to the provisions of this Section.

(4) The Louisiana Tax Commission shall not sell, lease, rent, or otherwise convey or transfer to any individual or other entity any information which is deemed confidential or which has been designated as confidential by an assessor under any provision of law.

(5) The Louisiana Tax Commission shall convey or transfer to any taxpayer, in electronic form, historical information held by the commission pursuant to the provisions of this Section and viewable from the commission’s website, which information is at least one year old at the time of the request.

(6) For purposes of any assessment information submitted to the Louisiana Tax Commission on or after January 1, 2024, and upon request, the Louisiana Tax Commission may convey or transfer to any taxpayer, in electronic form, historical information held by the commission pursuant to the provisions of this Section and viewable from the commission’s website, which information is at least one year old at the time of the request.

(7) For purposes of any assessment information submitted to the Louisiana Tax Commission on or after January 1, 2024, and upon request, the Louisiana Tax Commission shall convey or transfer to any taxpayer, in electronic form, historical information held by the commission pursuant to the provisions of this Section and viewable from the commission’s website.

(8) For purposes of any assessment information submitted to the Louisiana Tax Commission, the Louisiana Tax Commission shall provide relative to the Mid-City Security District; to provide relative to district funding; to provide relative to the parcel fee imposed and collected
in the district; 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. 33:9091.14(F)(1), (2)(introductory paragraph), (3)(c), and (4) are hereby amended and reenacted to read as follows:


F. Parcel fee. The governing authority of the city of New Orleans may impose and collect a parcel fee within the district subject to and in accordance with the provisions of this Subsection.

(1) The amount of the fee shall be as requested by duly adopted resolution of the board. For improved residential parcels, the fee shall be a flat fee per parcel of land not to exceed two hundred fifty dollars per year for each improved residential parcel which contains sixty or more rental units, or contains a single-family dwelling, condominium, townhouse, or two-family dwellings, the fee shall be a flat fee not to exceed two hundred fifty dollars per year. For each residential parcel which contains thirty or fewer rental units, the fee shall be a flat fee not to exceed six hundred dollars per year. For each residential parcel which contains ten to nineteen rental units, the fee shall be a flat fee not to exceed one thousand dollars per year. For each residential parcel which contains twenty to thirty-nine rental units, the fee shall be a flat fee not to exceed two thousand dollars per year. For each residential parcel which contains forty or more rental units, the fee shall be a flat fee not to exceed two hundred fifty dollars per year.

The fee for each improved commercial parcel consisting of both commercial and residential uses shall be considered commercial for purposes of this Section. For purposes of this Section, any parcel used for both commercial and residential purposes shall be considered commercial. For improved commercial parcels, the fee shall be a flat fee per parcel of land not to exceed three hundred seventy-five dollars per year.

(2) The fee shall be imposed on each improved parcel located within the district.

(3) * * *

(c) If approved, the fee shall expire on December 31, 2014, at the end of the term provided for in the provision authorizing the fee, not to exceed eight years, but the fee may be renewed if approved by a majority of the district’s registered voters voting on the proposition at an election as provided in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the fee shall be held at the same time as a regularly scheduled municipal, state, or federal election. Any election to authorize the renewal of the fee shall be held for that purpose in accordance with the Louisiana Election Code. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

(4)(a) The fee shall be collected at the same time and in the same manner as ad valorem taxes on property subject to taxation by the city are collected, except that properties exempt from ad valorem taxation pursuant to Article VII, Section 21 of the Constitution of Louisiana shall not be exempt from the provisions of this Act. The fee shall be paid to the city for the purpose of submitting the question of the imposition of the fee authorized in this Act to the voters prior to December 31, 2024. If the imposition of the fee is approved by a majority of the district’s registered voters voting on the proposition at any such election, the governing authority of the city shall then begin to levy the fee as provided in the proposition approved in the election held on November 16, 2019.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, no parcel fee shall be imposed on property exempt from ad valorem taxation pursuant to Article VII, Section 21(A) or (B) of the Constitution of Louisiana.

Section 2. R.S. 33:9091.14(F)(3)(b) is hereby repealed in its entirety.

Section 3. (A) The provisions of this Act shall not affect the parcel fee levied within the Mid-City Security District on the effective date of this Act. The governing authority of the city of New Orleans shall continue to levy the fee until it expires, as provided in the proposition approved by a majority of the district’s registered voters voting on the proposition at an election held on November 16, 2019. (B) Notwithstanding the provisions of Subsection A of this Section, the board of directors of the Mid-City Security District may call an election for the purpose of submitting the question of the imposition of the fee authorized in this Act to the voters prior to December 31, 2024. If the imposition of the fee is approved by a majority of the district’s registered voters voting on the proposition at any such election, the governing authority of the city shall then begin to levy the fee as provided in the proposition approved in the election held on November 16, 2019.

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(G) 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 7, 2023.

R. Kyle Ardoin
Secretary of State

ACT No. 163

HOUSE BILL NO. 323

BY REPRESENTATIVES PIERRE, BOYD, BRASS, BRYANT, CARPENTER, WILFORD CARTER, CORMIER, COX, FREIBERG, GADBERRY, GLOVER, GREEN, JEFFERSON, JENKINS, LARVADAIN, LYONS, MAGEE, DUSTIN MILLER, MOORE, NEWELL, SELDERS, THOMPSON, WHITE, WILSON, AND WRIGHT

AN ACT

To enact R.S. 47:463.225 and 463.226, relative to motor vehicle special prestige license plates; to establish the “Juneteenth” specialty license plate; to establish the “2023 NCAA Women’s National Championship” specialty license plate; to provide for the creation, issuance, design, fees, implementation, distribution, and rule promulgation applicable to such specialty license plate; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.225 and 463.226 are hereby enacted to read as follows:

§463.225. Special prestige license plate; “Juneteenth”.

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the “Juneteenth” plate, provided there is a minimum of one thousand applicants for such plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

B. The secretary shall work in conjunction with the Southwestern Louisiana (SWLA) Juneteenth Committee, Inc. to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The design shall include the word “Juneteenth”.

C. The special prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section.

E. The department shall collect the annual fee required by Subsection D of this Section and forward the fees to the SWLA Juneteenth Committee, Inc. The monies received from the royalty fees shall be used to assist the SWLA Juneteenth Committee, Inc.

F. The secretary shall promulgate and adopt rules and regulations as are necessary to implement the provisions of this Section.

§463.226. Special prestige license plates; Louisiana State University 2023 NCAA Women’s National Championship.

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the Louisiana State University 2023 NCAA Women’s National Championship plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

B. The department shall consult with the Louisiana State University Board of Supervisors to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The design shall include the year “2023”.

C.(1) The special prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

D. An annual fee of fifty-one dollars shall be paid to Louisiana State University for each license plate issued as provided in this Section.

E. The tax for the plate shall be the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

F. The monies received by Louisiana State University shall be used solely for academic or financial need-based scholarships.

G. The secretary shall establish such rules and regulations as are necessary to implement the provisions of this Section, including but not limited to rules and regulations governing the collection and disbursement of fees, the transfer and disposition of such license plates, the colors available, and the design criteria.

H. The monies received by Louisiana State University shall be used solely for academic or financial need-based scholarships.

I. Upon the signing of a contract authorizing the use of the logo of Louisiana State University, the secretary of the Department of Public Safety and Corrections shall establish the “Louisiana State University 2023 NCAA Women’s National Championship” in accordance with the provisions of this Section.

J. The special license plate authorized by this Section shall not be subject to the design requirements provided by R.S. 47:463(A)(2).

Section 2. The Department of Public Safety and Corrections, office of motor

THE ADVOCATE

(2) The fee shall be imposed on each improved parcel located within the district.

* * *

(c) If approved, the fee shall expire on December 31, 2014, at the end of the term provided for in the provision authorizing the fee, not to exceed eight years, but the fee may be renewed if approved by a majority of the registered voters of the district voting on the proposition as provided in Subparagraph (a) of this Paragraph. Any election to authorize the renewal of the fee shall be held at the same time as a regularly scheduled municipal, state, or federal election. Any election to authorize the renewal of the fee shall be held for that purpose in accordance with the Louisiana Election Code. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed eight years.

(d)(a) The fee shall be collected at the same time and in the same manner as ad valorem taxes on property subject to taxation by the city are collected, except that properties exempt from ad valorem taxation pursuant to Article VII, Section 21 of the Constitution of Louisiana shall not be exempt from the provisions of this Act.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, no parcel fee shall be imposed on property exempt from ad valorem taxation pursuant to Article VII, Section 21(A) or (B) of the Constitution of Louisiana.

* * *

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vehicles, is hereby directed to create the special prestige license plate when the applicable statutory provisions are met and its system is updated to accommodate the creation of the new plates.

Approved by the Governor, June 7, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 164

BY REPRESENTATIVES JENKINS, BACALA, BOYD, BRASS, BUTLER, CORMIER, EDMONDS, FISHER, GLOVER, HARRIS, JEFFERSON, JORDAN, KNOX, LACOMBE, LAFLURE, LARVADIN, LYONS, MCFARLAND, MOORE, NELSON, PHILLIPS, AND WILLARD

ACT

To amend and reenact R.S. 17:409.2, 409.3, 409.4(A)(2) and (B)(1), and 409.5(A)(1)(a) and (B)(1), and to enact R.S. 17:409.5(C), relative to school safety; to revise procedures for the reporting and investigation of threats of terrorism and violence; to revise definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:409.2, 409.3, 409.4(A)(2) and (B)(1), and 409.5(A)(1)(a) and (B) are hereby amended and reenacted and R.S. 17:409.5(C) is hereby enacted to read as follows:

§409.2. Definitions

(1) “Risk is imminent” means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that the event stated in the threat is about to happen.
(2) “School” shall have the meaning ascribed to it by R.S. 17:236.
(3) “Student” means any person registered or enrolled at a school.
(4) “Threat is credible and imminent” means that the available facts, when viewed in light of surrounding circumstances, would cause a reasonable person to believe that the person communicating the threat actually intends to carry out the threat in the near future or has the apparent ability to carry out the threat in the near future.
(5) “Threat of terrorism” means communication, whether oral, visual, or written, including but not limited to electronic mail, letters, notes, social media posts, text messages, blogs, or posts on any social networking website, of any intent to kill, maim, or cause great bodily harm to a student, teacher, principal, or school employee to be in sustained fear for his safety, cause the evacuation of a building, or cause other serious disruption to the operation of a school.
(6) “Threat of violence” means communication, whether oral, visual, or written, including but not limited to electronic mail, letters, notes, social media posts, text messages, blogs, or posts on any social networking website, of any intent to kill, maim, or cause great bodily harm to a student, teacher, principal, or school employee on school property or at any school function.

§409.3. Mandatory reporting

A. Any administrator, teacher, counselor, bus operator, or other school employee, whether full-time or part-time, who learns of a threat of violence or threat of terrorism, whether through oral communication, written communication, or electronic communication, shall:
(1) Immediately report the threat to a local law enforcement agency if the threat is credible and imminent and, if the employee is not the school administrator, to the school administrator.
(2) Immediately report the threat to school administrators for further investigation, in compliance with the policy adopted pursuant to R.S. 17:409.4, if the threat does not meet the standard provided for in Paragraph (1) of this Subsection.

B. Upon being informed of the threat, the school administrator shall make reasonable efforts to attempt to inform all persons who are targets of the threat and shall take all necessary measures to protect their lives and safety.

(2) The school administrator next shall make reasonable efforts to attempt to notify the appropriate personnel within the school district administration.
(3) The school administrator and the school district administrator then shall determine whether the threat is credible and imminent.
(4) If the threat is determined not to be credible and imminent, the school administrator and the school district administrator shall notify parents of the students at the school.

§409.4. Investigation of threats of violence or threats of terrorism

A.*

(1) If the investigation results in evidence or information that supports that a threat is credible and imminent, the threat shall be immediately reported to a local law enforcement agency. School and school district shall implement measures to provide for ongoing protection of the safety and lives of all students and staff at the school.

B. Any law enforcement agency receiving notification of an alleged threat of violence or threat of terrorism under this Subpart shall:
(1) Begin immediately begin an investigation not later than the first day that the threat is in session after the report is received and endeavor to complete the investigation not later than three school days after the report is received.

§409.5. Restrictions and examination

A. 1(xa) If a law enforcement agency, based on its investigation as required by R.S. 17:409.4(B)(1), determines that a student’s threat is credible and imminent, it shall report it to the district attorney, who may file a petition no later than seven days after receiving such report with the appropriate judicial district court for medical, psychological, and psychiatric examination as outlined in this Subsection. Where the district attorney, in his discretion, decides not to file the petition or does not file such petition during the requisite period, the student or the subject of the complaint and investigation may file a petition for a hearing. The student shall be permitted to return to school unless the student is charged with assault on a teacher as provided in R.S. 14:38.3 or battery on a teacher as provided in R.S. 14:38.3.3. The school administrator shall notify any person who was a target of the threat at least two school days prior to the student’s return. The school administrator or his designee may conduct a search of the student’s personal property for weapons upon the student’s return.

B. If the person who is reported to a local law enforcement agency pursuant to R.S. 17:409.3(A) is not a student, he shall not be permitted to be within five hundred feet of any school until he has undergone a formal medical or mental health evaluation and has been deemed by a health care professional to not be a danger to himself or others. After such a determination, the person shall not be permitted in a school unless he has notified the school administrator of his intent to visit the school and he is notified that the administrator has provided at least two school days’ notice regarding the visit to anyone in the school who was directly threatened by the person. The school administrator may deny such person the right to visit the school.

C. No person shall have a cause of action against any person for any action taken or statement made in accordance with this Section unless based on a malicious, willful, and deliberately intended to cause harm or harm.

Approved by the Governor, June 7, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 165

BY REPRESENTATIVE GEYMANN

ACT

To authorize and provide for the transfer of certain state property; to authorize the exchange of certain property in Calcasieu Parish; to authorize the transfer of certain state property in St. Tammany Parish; to provide property descriptions; to provide for the reservation of mineral rights; to provide terms and conditions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration and the president of McNeese State University, notwithstanding any other provision of law to the contrary, are hereby authorized to exchange certain property described in Section 2 of this Act.

The Northeast quarter, the East half of the East half of the Northwest quarter, and the North half of the Southwest quarter of Section 22, Township 10 South, Range 8 West, Calcasieu Parish

Section 2. In exchange for the property described in Section 1 of this Act, the commissioner of administration and the president of McNeese State University are hereby authorized to accept from the City of Lake Charles title to all or any portion of the following described property in Calcasieu Parish to the City of Lake Charles in exchange for the property described in Section 2 of this Act:

\[
\text{City of Lake Charles Fire Station, Lots 1, 2 and 3 of Block 1 of Gulfate Subdivision, less and except Highway Parcel 25-1, City of Lake Charles, Parish of Calcasieu}
\]

Section 3. The commissioner of administration and the president of McNeese State University are hereby authorized to enter into such contracts, conditions, and stipulations as may be necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, of the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed in this Act.

CODING: Words in *italics* are additions to existing law; words underlined are deletions from existing law; words underscored and type are deletions from existing law; words underlined and boldfaced (Senate Bills) are additions.
by and between the parties, provided that the state receives consideration proportionate to the appraised value of any state property exchanged.

Section 4. The commissioner of administration and the secretary of the Department of Transportation and Development, notwithstanding any other provision of law to the contrary, are hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have in and to all or any portion of the following described property in St. Tammany Parish to the St. Tammany Parish Government:

That certain parcel of land owned by Louisiana Department of Transportation & Development (LADOTD) Two certain pieces or portions of ground, together with all rights, ways, privileges, servitudes, advantages and appurtenances thereunto belonging, situated in Section No. 42, Township 6 South, Range 11 East, Greensburg District, St. Tammany Parish, Louisiana, being fractional Lot No. 69 and Lot No. 70 of the Town of New Claiborne, which pieces or portions of ground are more particularly described as follows:

Beginning at the northwest corner of aforesaid Lot No. 69, as shown on plan of survey made by C.R. Schutz, Surveyor, dated April 6th, 1939, part hereof, which corner marks the intersection of the south line of the Covington - Abita Springs Highway with the east line of an unnamed street, sometimes referred to as Thirteenth Street; run thence southerly along the west line of said Lots Nos. 69 and 70, a distance of 488.5 feet to the southwest corner of said Lot No. 70; thence westerly along the south line of said Lot No. 70, a distance of 240 feet to the southeast corner thereof; thence northerly along the east line of said Lot Nos. 69 and 69, a distance of 376.5 feet to the southeast corner of that certain lot or parcel of ground conveyed by the vendor herein to Josephine Henley by Act of Sale, dated June 7, 1902, recorded in Book “Y”, Folio 533, of the Conveyance Records of St. Tammany Parish; run thence westerly along the south line of the said lot conveyed to Josephine Henley, a distance of 121.1 feet to the south line of said Covington - Abita Springs Highway, thence westerly along the south line of said Covington - Abita Springs Highway, a distance of 180.3 feet to the place of beginning.

Being a portion of that same property acquired by the Covington & St. Tammany Parish Government from the estate of Stephen Henry, President of the Acadiana Regional Juvenile Justice District Commission, by Act of Sale passed before Andrew Hero, Jr., Notary Public in and for the Parish of Orleans, dated December 9th 1887, and recorded in Book “M”, Folio 559 of the Conveyance Records of St. Tammany Parish.

Section 5. The commissioner of administration and the secretary of the Department of Transportation and Development are hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as may be necessary for properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, the state may have in and to the property described in Section 4 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration, and the St. Tammany Parish Government, in exchange for consideration proportionate to the appraised value of the property.

Section 6. The secretory of the Louisiana Department of Health and the commissioner of administration, notwithstanding any other provision of law to the contrary, are hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to the City of New Orleans, and the State of Louisiana, described as part of Lot No. One (1), Square Fifty-nine (59) of said Town of Mandeville, measuring sixty (60) feet from the place of beginning, a distance of 180.3 feet to the place of beginning.

Section 7. The secretary of the Louisiana Department of Health and the commissioner of administration are hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as may be necessary for properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, the state may have in and to the property described in Section 6 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the secretary of the Louisiana Department of Health and the commissioner of administration and to the Town of New Claiborne, in exchange of consideration proportionate to the appraised value of the property.

Section 8. 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, whichever shall first occur. The approval of the governor shall be given within 45 days of introduction into the legislature. 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 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill

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

ACT No. 166

HOUSE BILL NO. 357

BY REPRESENTATIVES HUVAL, AMEDEE, BEAULIEU, BOURRIQUE, BRYANT, BUTLER, CARRIER, COX, DAVIS, DEVILIER, EMERSON, FISHER, FONTENOT, GOUDEAU, GREEN, HUGHES, LARVADAIN, LYONS, ROMERO, ST. BLANC, TEFERSKI, WHITE, AND WILLARD

AN ACT

To enact Subpart M of Part XI of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 15:1109 through 1109.7, relative to juvenile justice districts and provide with respect to the Acadiana Regional Juvenile Justice District for certain parishes; to provide for a board of commissioners for the district; to provide for the composition, administration, powers, and duties of the board, including the power to incur debt, levy taxes; to provide relative to juvenile services and facilities; to provide for definitions; 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. Subpart M of Part XI of Chapter 7 of Title 15 of the Louisiana Revised Statutes of 1950, comprised of R.S. 15:1109 through 1109.7, is hereby enacted to read as follows:

SUBPART M. ACADEIANA REGIONAL JUVENILE JUSTICE DISTRICT

§1109.1. Acadiana Regional Juvenile Justice District; creation; definitions; domicile

A. The Acadiana Regional Juvenile Justice District is hereby created as a political subdivision of the state, having a territorial jurisdiction throughout the political subdivision of the state, having a territorial jurisdiction throughout the

B. As used in this Subpart the following words and terms shall have the following meanings, unless the context clearly indicates otherwise:

1. “Board” means the board of commissioners of the Acadiana Regional Juvenile Justice District.

2. “Commission” means the Acadiana Regional Juvenile Justice District Commission.


4. “Facility” means any juvenile detention facility, shelter care facility, or any other similar juvenile justice facility.

5. “Governing authority” means the governing authority of a parish.

6. “Lease-purchase contract” means the financing and acquisition of property by a person pursuant to an arrangement under which such person acquires title to property, constructs a facility on the property, and enters into a lease-purchase contract with the commission providing for the leasing of the property, including a facility on the property to the commission and the acquisition of title to the property by the commission at the end of the lease period.

7. “Participating parish” means any parish which has entered into a participation agreement with the commission by which certain space is subleased to house juveniles from the participating parish.

8. “Policies” means any policy, regulation, or other form of precedent adopted by the board of commissioners.

9. “Polices” means any policy, regulation, or other form of precedent adopted by the board of commissioners.

10. “Property” means any real or personal property relative to juvenile justice districts; to create and provide with respect to the Acadiana Regional Juvenile Justice District.

1109.1. Board of commissioners; appointments; terms

A. The Acadiana Regional Juvenile Justice District Commission is hereby created to control, administer, and manage the affairs of the district. The commission shall be composed of a board of eleven commissioners who shall be appointed as follows:

1. One commissioner, who shall be a qualified elector domiciled and residing within Acadia Parish, who shall be jointly appointed by the chief judge of the Thirteenth Judicial District and the sheriff of Acadia Parish for an initial term of four years.

2. One commissioner, who shall be a qualified elector domiciled and residing within Allen Parish, who shall be jointly appointed by the chief judge of the Thirteenth Judicial District and the sheriff of Allen Parish for an initial term of four years.

3. One commissioner, who shall be a qualified elector domiciled and residing within Evangeline Parish, who shall be jointly appointed by the chief judge of the Thirteenth Judicial District and the sheriff of Evangeline Parish for an initial term of four years.

4. One commissioner, who shall be a qualified elector domiciled and residing within Iberia Parish, who shall be jointly appointed by the chief judge of the Thirteenth Judicial District and the sheriff of Iberia Parish for an initial term of four years.

5. One commissioner, who shall be a qualified elector domiciled and residing in Jefferson Davis Parish, who shall be jointly appointed by the chief judge and district attorney for the Thirty-First Judicial District and the sheriff of Jefferson Davis Parish for an initial term of four years.

6. One commissioner, who shall be a qualified elector domiciled and residing within Lafayette Parish, who shall be jointly appointed by the chief judge and district attorney for the Forty-Fourth Judicial District and the sheriff of Lafayette Parish for an initial term of four years.

7. One commissioner, who shall be a qualified elector domiciled and residing within Jefferson Parish, who shall be jointly appointed by the chief judge and district attorney for the Fourteenth Judicial District and the sheriff of Jefferson Parish for an initial term of four years.

8. One commissioner, who shall be a qualified elector domiciled and residing within St. John Parish, who shall be jointly appointed by the chief judge and district attorney for the Eighth Judicial District and the sheriff of St. John Parish for an initial term of four years.

9. One commissioner, who shall be a qualified elector domiciled and residing within St. Martin Parish, who shall be jointly appointed by the chief judge and district attorney for the Twenty-First Judicial District and the sheriff of St. Martin Parish for an initial term of four years.

10. One commissioner, who shall be a qualified elector domiciled and residing within St. Mary Parish, who shall be jointly appointed by the chief judge and district attorney for the Thirteenth Judicial District and the sheriff of St. Mary Parish for an initial term of four years.

11. One commissioner, who shall be a qualified elector domiciled and residing within Vermilion Parish, who shall be jointly appointed by the chief judge and district attorney for the Twenty-Second Judicial District and the sheriff of Vermilion Parish for an initial term of four years.

The commission shall be subject to the provisions of the political subdivision of the state, having a territorial jurisdiction throughout the political subdivision of the state, having a territorial jurisdiction throughout the Revised Statutes of 1950, comprised of R.S. 15:1109 through 1109.7, as hereby enacted.
(6) One commissioner, who shall be a qualified elector domiciled and residing in St. Landry Parish, shall be jointly appointed by the chief judge and district attorney for the Fifteenth Judicial District and the sheriff of St. Landry Parish for an initial term of four years.

(7) One commissioner, who shall be a qualified elector domiciled and residing within St. Martin Parish, shall be jointly appointed by the chief judge and district attorney for the Sixteenth Judicial District and the sheriff of St. Martin Parish for an initial term of four years.

(8) One commissioner, who shall be a qualified elector domiciled and residing in St. Mary Parish, shall be jointly appointed by the chief judge and district attorney for the Sixteenth Judicial District and the sheriff of St. Mary Parish for an initial term of four years.

(9) One commissioner, who shall be a qualified elector domiciled and residing within Vermilion Parish, shall be jointly appointed by the chief judge and district attorney for the Fifteenth Judicial District and the sheriff of Vermilion Parish for an initial term of four years.

(10) One commissioner, who shall be a qualified elector domiciled and residing within the district shall be jointly appointed by the parish presidents of the parishes included within the district and the presidents of the police juries in those parishes without home rule charters or parish presidents for an initial term of four years.

(11) One commissioner, who shall be a qualified elector domiciled and residing within the district, shall be jointly appointed by the judges of the city courts within the district exercising juvenile jurisdiction for an initial term of four years.

B. Following the expiration of the initial term of each commissioner, all subsequent appointments shall be for terms of four years. The members of the board shall serve without salary or per diem, but the board may authorize a reasonable travel allowance for its members in the performance of their official duties.

§1109.2. Purpose
A. The purpose of the commission shall be to assist and afford opportunities to pre-adjudicatory and post-adjudicatory children who enter the juvenile justice system, or who are children in need of care or supervision, to become productive, law-abiding citizens of the community, parish, and state by the establishment of rehabilitative programs within a structured environment and to provide physical facilities and related services including the housing, care, and treatment of juveniles under the age of eighteen years, and for individuals who were under eighteen years of age when they committed an alleged offense, throughout the district and in other participating parishes.

B. In addition to any other authority and power granted by law, the board is authorized to enter into intergovernmental agreements or cooperative endeavor agreements with any other state, parish, or local agency, entity, or individual to provide for the establishment and maintenance of evidence-based or best practices juvenile services and programs, including but not limited to a district attorney’s early intervention program.

C. In association with any such evidence-based, or best practices services and programs, and other such qualified programs, the board is specifically authorized to expend any and all funds collected and to pay any and all negotiated costs and expenses for juvenile services and programs provided within the district or to other participating parishes.

§1109.3. Board of commissioners; officers; meetings
A. The board of commissioners shall elect a chairman, a vice chairman, and a treasurer from among its members whose duties, in addition to those specified in this Subpart, shall be established by the board. The treasurer shall furnish bond in an amount and in accordance with the terms and conditions fixed by the board. The board of commissioners may also appoint a person who may, but is not required to be, a member of the board to serve as secretary.

B. The board shall fix a time and place for the holding of its regular meetings at least every other calendar month. Additional regular or special meetings may be held upon the call of the chairman or of three of the commissioners.

C. A majority of the members of the board shall constitute a quorum. A quorum shall be required to transact business and all actions and resolutions of the board shall be approved by a majority of the quorum present.

§1109.4. Board of commissioners; charges
A. The board may purchase or otherwise acquire, construct, reconstruct, rehabilitate, improve, repair, operate, lease as lessor or lessee, manage, and administer or enter into contracts for the management, administration, and operation of a juvenile detention facility or facilities, shelter care facility or facilities, or such other juvenile justice facilities as are useful, necessary, expedient, or convenient to carry out the plans and purposes of the commission and for the orderly conduct of its business. Such facilities may include but are not limited to office facilities, parking facilities, diagnostic facilities, diagnostic facilities, diagnostic facilities, diagnostic facilities, educational facilities, residential facilities, and any other facilities for delinquent, neglected, or abused children or children in need of care or supervision, as well as for employees, patrons, visitors, and any other persons who enter the juvenile justice system, or who are in need of care or supervision. In addition, the commission may lease, purchase, or acquire by donation or exchange any property, immovable or movable, tangible or intangible from any person, firm, or corporation, including the state and its agencies and political subdivisions.

B. The district may enter into a lease or lease-purchase contract with any state, parish, or local agency or person, firm or corporation, public or private, for the construction, maintenance, or operation of a juvenile facility with a term not to exceed thirty years and such terms and conditions as the board shall deem proper. Any such lease or lease-purchase contract need not be advertised and bid, and to that extent the district shall be exempt from the provisions of Chapter 10 of Title 41 of the Louisiana Revised Statutes of 1950. The obligation to make payments under a lease or lease-purchase contract for an initial term of thirty years or less shall not constitute an indebtedness within the meaning of any constitutional, statutory, or home rule charter debt limitation. However, any such contract shall contain the following annual appropriation dependency clause:

(1) Authorize and approve upon such terms as may be deemed advisable, contracts of employment for a superintendent or administrator and other necessary personnel for operating the facility and contracts for legal, financial, architectural engineering, and other professional services necessary or expedient for the conduct of its affairs.

(2) Adopt rules and regulations for the operation and maintenance of the facility.

(3) Accept federal, state, or other public or private funds allocated for the purpose of establishing, improving, operating, or maintaining the facility.

(4) Cooperate with juvenile or other courts and public agencies within the district or in other participating parishes.

(5) Cooperate with the district attorney to provide temporary, custodial care, supervision, and education of juveniles.

(6) Perform any function and exercise any power necessary, proper, or requisite for the administration and management of its affairs.

§1109.5. Power to levy taxes, incur debt and issue bonds
A. In the exercise of its powers to administer, control, and manage the affairs of the district, the board may incur debt and issue bonds, and it may levy taxes in the manner provided in this Subpart and pursuant to Article VI, Sections 30 and 31 of the Constitution of Louisiana and any other constitutional or statutory authority.

B. In order to obtain the necessary funds to carry out its purposes, duties and responsibilities, and in order to acquire, construct, maintain and operate a juvenile facility or facilities and related services throughout the district, the commission may incur debt and issue general obligation bonds within the limits prescribed in Article VI, Section 33 of the Constitution of Louisiana and any other applicable constitutional or statutory authority, but only when authorized by a majority of the voters in the district who vote thereon in an election held for that purpose in accordance with laws governing such elections.

§1109.6. Use of facilities
The facility shall be used for the temporary detention of children under the age of eighteen years and for individuals eighteen years of age or older who were under eighteen years of age when they committed the alleged offense from the parishes within the district while awaiting trial or other disposition of their cases, runaways from parishes within the district, those awaiting transfer to the Department of Public Safety and Corrections or any other penal institution, and any other person or persons in accordance with the provisions of §1109.2 or any other constitutional or statutory law. The facility may also be used to operate post-adjudication programming, including treatment and rehabilitation. Subject to the approval of the commission, juveniles from parishes outside of the district may be accepted for housing and care in accordance with rules and regulations adopted by the board and pursuant to a participation agreement between the district and the governing authority of the participating parishes, but only upon agreement of the participating parish to pay the charges established for the sublease of space in the facility and in accordance with said agreement.

§1109.7. Immunity from civil liability
A. The members of the board of commissioners of the Acadiana Regional Juvenile Justice District shall be immune from suit and liability, either personal or in their official capacity, for any claim or cause of action for the loss of property or personal injury or other civil liability caused, connected to, or arising out of any actual or alleged act, error, or omission that occurred within the course and scope of their actions, duties, or responsibilities for or on behalf of the district or commission. However, nothing in this Section shall be construed to bar any claim for damage, injury, liability, or loss caused by the intentional or willful and wanton misconduct of any such person.

B. The immunity provided by this Section is in addition to any other immunities provided by law.
subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

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**ACT No. 167**

**HOUSE BILL NO. 394**

BY REPRESENTATIVES HILPERTY, WILFORD CARTER, COUSSAN, FISHER, FRIEMAN, GAROFALO, GREEN, JEFFERSON, JENKINS, LARVADAIN, MAGEE, MINECY, NEWELL, SCHLEGEL, STAGNI, THOMAS, WILLARD, AND WRIGHT

AN ACT

To amend and reenact R.S. 47:463.73(G), relative to special prestige license plates; to provide for the “St. Mary’s Dominican High School”, “St. Paul’s School”, “St. Scholastica Academy”, and “St. Mary’s Academy” special prestige license plates; to provide for creation and application of existing issuance, design, fees, distribution, and rule promulgation applicable to license plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.73(G) is hereby amended and reenacted to read as follows:

§463.73. Special prestige license plate; Louisiana parochial, public, and private high schools

* * * G. The secretary shall establish special prestige license plates for Archbishop Hannan High School, Jesuit High School, Mount Carmel Academy, the Academy of the Sacred Heart, Saint Katharine Drexel Preparatory School, Acadia High School, Glen Oaks High School, Neville High School, Carroll High School, Brusly High School, Port Allen High School, Covington High School, Scotlandville Magnet High School, St. Michael the Archangel High School, St. Mary’s Dominican High School, St. Paul’s School, St. Scholastica Academy, St. Mary’s Academy, and any other parochial, public, or private Louisiana high school in accordance with the provisions of this Section as it was enacted.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

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**ACT No. 168**

**HOUSE BILL NO. 407**

BY REPRESENTATIVES ROMERO, ADAMS, AMEDEE, BACALA, BAGLEY, BOYD, BROWN, BRYANT, BUTLER, CARRIER, ROBBY CARTER, CORMIER, COX, CREWS, DAVIS, DESHOTEL, DUBUSSON, ECHOLS, EDMONDS, EDMONSTON, EMERSON, FISHER, FREEMAN, FREIBERG, GEYMAN, GOUDEAU, GREEN, HARRIS, HILPERTY, HORTON, IVEY, JENKINS, TRAVIS JOHNSON, JORDAN, KERNER, KNOX, LAPLUEUR, LARVADAIN, LYONS, MCKNIGHT, MOORE, NEWELL, ORGERON, CHARLES OWEN, ROBERT OWEN, PIERRE, PRESSLY, SCHAMERHORN, SCHENK, STANGE, SIEG, SIEGEL, SIEPERS, ST. BLANC, STEFANSKI, TAYLOR, VILLLO, WHITE, WILLARD, WRIGHT, AND ZERINGUE

AN ACT

To amend and reenact R.S. 40:1486.2(D), (E), and (F) to require each person being transported offshore by aircraft wear a life jacket equipped with a personal locator beacon; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1486.2(D), (E), and (F) are hereby amended and reenacted and R.S. 40:1486.2(G) is hereby enacted to read as follows:

§1486.2. State participation in and promotion of transportation of oil and gas workers over water

* * *

D. Notwithstanding any provision of law to the contrary, any aircraft used to transport offshore platform workers to and from the platform shall require each person being transported to wear a life jacket equipped with a personal locator beacon, as described in Paragraph (C)(1) of this Section.

E. The DA or his designated representative shall maintain familiarity with all Part 91, Part 133 and Part 135 regulations promulgated by the FAA pertaining to over water helicopter operations, and may obtain and review all advisory circulars of the FAA that relate to such over water helicopter operations in the state or adjacent to its shores; issued under those parts of the FAA Aviation Regulations ("FAR"), where appropriate, the DA or his designated representative shall promote the adherence to the regulations and adoption of the HSAC recommended practices.

F. The DA shall facilitate, as he deems necessary, information to the director of operations of operators who provide over water flight services in the state or adjacent to its shores, through publication on the Internet through an identifiable link on the DOTD website, summaries or text of relevant new FAR and Advisory Circulars published by the FAA or Recommended Practices published by HSAC.

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**ACT No. 170**

**HOUSE BILL NO. 438**

BY REPRESENTATIVES ROBERT OWEN AND GAROFALO

AN ACT

To amend and reenact R.S. 56:433.1(A)(1), relative to oyster seed ground vessel permits; to change the terminology of Public Oyster Seed Ground gear license to Public Oyster Seed Ground gear permit; to change the requirements for a permitted vessel to harvest oysters from public grounds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:433.1(A)(1) is hereby amended and reenacted to read as follows:

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THE ADVOCATE

* As it appears in the enrolled bill

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§433.1. Oyster seed ground vessel permit

A. (1)(a) Any oysters taken for commercial purposes from the public natural reefs or oyster seed grounds are considered oyster seed oysters, except those in Calcasieu Lake or Sabine Lake, shall be placed only on a vessel which has an oyster seed ground vessel permit issued exclusively by the department pursuant to rules and regulations promulgated by the commission. The commission may establish a limit on the number of permits that may be issued each year after consultation with the Louisiana Oyster Task Force. Such permit shall be in the name of the vessel owner and shall identify the vessel permitted by including the state registration number or the United States Coast Guard documented number. The permit shall identify the vessel that may possess and harvest oysters taken from public natural reefs and oyster seed grounds. The permit does not grant any rights to the oyster resource or any rights to harvest oysters from the waters of the state and shall not be sold, exchanged, or otherwise transferred. The permit is valid for one year, beginning January first of each calendar year and expiring on December thirty-first of the same calendar year, and permit holders who hold a valid permit during the prior year may renew the permit at any time of the year for the current license year and from November fifteenth for the immediately following license year. The cost of the permit shall be fifty dollars per year for a resident and two hundred dollars per year for a nonresident.

(b) In addition to the vessel permit fee, in order to harvest oysters from the public grounds, a person onboard the permitted vessel shall be in possession of a Public Oyster Seed Ground gear license permit. The Public Oyster Seed Ground gear license permit is an extension of the vessel permit and allows harvest of oysters from the public seed grounds using a single scraper, tongs, or by hand. The fee for the gear license permit is two hundred dollars per year for a resident and eight hundred dollars per year for a nonresident. A second scraper may be used but requires an additional gear license permit. No vessel shall possess more than two scrapers while harvesting on the public seed grounds.

C. After having been credited to the Bond Security and Redemption Fund as required by Article VII, Section 9(B) of the Constitution of Louisiana, all revenues and the proceeds from the sale of Oyster Seed gear permits provided for in this Subsection shall be deposited in the Oyster Resource Management Account, R.S. 56:10(B)(4).

* * *

Approved by the Governor, June 7, 2023.

R. Kyle Ardoin
Secretary of State

ACT No. 171

HOUSE BILL NO. 493

BY REPRESENTATIVE DUSTIN MILLER

AN ACT

To amend and reenact R.S. 46:2626(A), (F), (G), (H)(1), and (I)(2), (6), and (7) and to repeal R.S. 46:2626(B), relative to emergency ambulance providers and the disposition of fees; to impose fees for healthcare services provided by the Medicaid program; to require State Plan Amendment approval from the Centers for Medicare and Medicaid Services; to revise existing definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:2626(A), (F), (G), (H)(1), and (I)(2), (6), and (7) are hereby amended and reenacted to read as follows:

§2626. Fees on emergency ground ambulance service providers; disposition of fees.

A. The Louisiana Department of Health may adopt and impose fees on for healthcare services provided by the Medicaid program on emergency ground ambulance service providers for healthcare services allowed under 42 CFR 433.56 provided by emergency ground ambulance providers. The amount of any fee shall not exceed the total cost to the state of providing the healthcare service subject to the fee.

F. Notwithstanding any provision of this Section to the contrary, the department shall adopt and promulgate, pursuant to the Administrative Procedure Act and in compliance with Article VII, Section 10.14 of the Constitution of Louisiana, a fee to be imposed pursuant to Subsection G of this Section in accordance with all of the following:

(1) The department shall calculate, levy, and collect a fee from every emergency ground ambulance service provider on each emergency and nonemergency ground ambulance transport service allowed under 42 CFR 433.56 provided by an emergency ground ambulance provider upon the occurrence of all of the following:

(a) Implementation of the reimbursement enhancements as provided for in Subsection G of this Section.

(b) Approval from the Centers for Medicare and Medicaid Services.

(ii) The department shall submit all required documentation necessary for approval and implementation of the reimbursement enhancements set forth in this Subsection and Section 9 of this Act on or before August 21, 2016.

(2) The total assessment for the initial state fiscal year in which the assessment is charged shall not exceed the lesser of the following:

(a) The state portion of the cost, excluding any federal financial participation, of the reimbursement enhancements provided for in this Section that are directly attributable to payments to emergency ground ambulance service providers.

(b) One and one-half percent of the net operating revenue of all emergency ground ambulance service providers assessed relative to the provision of emergency ground ambulance transportation.

(3) The department shall uniformly impose and shall allocate the assessment to each emergency ground ambulance service provider on a consistent basis across this state for emergency ground ambulance transport services. The amount of the assessment assessed on each emergency ground ambulance service provider in installations as prescribed by the secretary in conjunction with the written consent of emergency ground ambulance service providers, and shall be due from the provider within thirty days of the notice of assessment.

(4) For the initial year of the assessment, the department shall assess each emergency ground transport provider in accordance with Paragraph (2) of this Subsection an amount necessary to fund the reimbursement enhancements provided for installation as prescribed by the secretary in conjunction with the written consent of emergency ground ambulance service providers, those providers subject to the fee which provide a minimum of sixty-five percent of all emergency ground ambulance transports services in the state of Louisiana. The maximum fee allowable pursuant to this Section in any year, shall not exceed the percentage of net patient service revenues permitted by federal regulation pursuant to 42 CFR 433.68 as determined by the department, as reported by the provider and subject to audit for the previous fiscal year of the provider. The total amount of the assessment shall be paid by the emergency ground ambulance service provider in installments as prescribed by the secretary in conjunction with the written consent of emergency ground ambulance service providers.

G. For each year in which the assessment is in effect, the department shall provide for reimbursement enhancements in accordance with all of the following:

(1) Reimbursement or payment to emergency ground ambulance service providers by any state or state-sponsored program, including but not limited to the Bayou Health Plans or their successors, at or above the base rates at the level which were in effect on July 1, 2013, for emergency ground ambulance transport and related services provided pursuant to Paragraph (1) of this Subsection as provided for in this Subsection Paragraph (4) of this Subsection as provided in this Subsection Paragraph (4) of this Subsection.

(2) The legislature shall annually appropriate from the state general fund and not from the Emergency Ground Ambulance Service Provider Trust Fund Account an amount necessary to fund the state share of the base reimbursement to emergency ground ambulance service providers pursuant to Paragraph (1) of this Subsection.

(3) Monies collected from the fees shall be appropriated by the state in accordance with Article VII, Section 10.14 of the Constitution of Louisiana as necessary for the state to maximize federal matching funds and all proceeds, including interest from the fees collected, shall be deposited in the Emergency Ground Ambulance Service Provider Trust Fund Account for application in accordance with this Subsection and any applicable State Plan Amendment LA 11-28 and any amendments thereto to the extent of the availability of funds in Emergency Ground Ambulance Service Trust Fund pertaining to emergency ground ambulance service provider reimbursement or payment approved by the Centers for Medicare and Medicaid Services. The enhancement payment level shall be determined by the difference between the reimbursement levels provided for in Paragraph (1) of this Subsection and the average commercial rate levels as described in any applicable State Plan Amendment pertaining to emergency ground ambulance service provider reimbursement or payment approved by the Centers for Medicare and Medicaid Services.

(4) Funds from the Emergency Ground Ambulance Service Provider Trust Fund Account shall be used to achieve the maximum reimbursement under federal requirements. Any payment made to or accepted by an emergency ground ambulance service provider representing a minimum of sixty-five percent of all emergency ground ambulance transports shall be paid to the provider in accordance with Paragraph (2) of this Subsection.

H. (1) No additional assessment shall be collected and any assessment shall be terminated for the remainder of the fiscal year from the date on which any of the following occur:

(a) The assessment provided to emergency ground ambulance service providers representing a minimum of sixty-five percent of all emergency ground ambulance transports fail to reach an agreement on any proposed changes to the formula for the next fiscal year. The reimbursements set forth in Subsection G of this Section are reduced below the base reimbursement.

THE ADVOCATE PAGE 39
The department, or its successor or contractors, reduces or does not pay reimbursement enhancements established in the current formula as adopted by the legislature. The amount of the reimbursement for ground ambulance services payable by any Medicaid Managed Care Organization falls below one hundred percent of the Medicaid rate in effect at the time the service is rendered.

The amount of the reimbursement for emergency and nonemergency ground ambulance services payable by any Medicaid managed care organization falls below one hundred percent of the Medicaid rate in effect at the time the service is rendered.

I. For purposes of this Section, the following definitions apply:

(2) “Average commercial rate” means the average amount payable by commercial payors for the same services and as further defined in State Plan Amendment LA 11 23 and any amendments thereto in effect on the effective date of this Section, as defined by any applicable State Plan Amendment pertaining to any emergency ground ambulance service payment or reimbursement.

(6) “Emergency Ground Ambulance Service Provider Trust Fund Account” or “the fund” means the fund provided for in Article VII, Section 10.14 of the Constitution of Louisiana upon the payment of fees by emergency ground ambulance service providers pursuant to this Section and to which all fees shall be paid into and utilized solely for the reimbursement enhancements to be provided to emergency ground ambulance service providers.

(2) “Net operating revenue” means the gross revenues of the emergency ground ambulance service providers for the provision of emergency and nonemergency ground ambulance transportation services, excluding any Medicaid reimbursements rendered and allowed under 42 CFR 433.56 less any deducted amounts for bad debts, charity care, and payer discounts.

Section 2. R.S. 46:2626(B) is hereby repealed in its 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 7, 2023.

R. Kyle Ardoin
Secretary of State

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ACT No. 172

BY REPRESENTATIVES KERNER, BAEULLIEU, WILFORD CARTER, CORMIER, DESHOTEL, EDMONSTON, FRELIEG, GADBERRY, GLOVER, HORTON, MIKE JOHNSON, KNOX, LACOMBE, LARVADAINE, LYONS, MOORE, NEWELL, PIERRE, SELDERS, STEFANSKI, THOMAS, WHITE, AND WRIGHT AND SENATORS CARTER, MCMATH, PEACOCK, POINDEXTER, AND SMITH

AN ACT

To amend and reenact R.S. 32:403.3 and R.S. 44:4.1(B)(19), relative to special identification decals; to provide for the creation of an autism spectrum disorder or a mental, physical, or developmental disability or their guardians or their caregivers to provide for the creation of an autism spectrum disorder or a mental, physical, or developmental disability designation sticker or decal for placement on the rear window of a vehicle; to provide awareness to officers that there is a person with autism spectrum disorder or a person with a mental, physical, or developmental disability in the vehicle; to provide for proof of disability for the deaf and hard of hearing; to provide for the issuance of a driver’s license or a registration which shall indicate that the driver of the vehicle has an autism spectrum disorder or is the parent, legal guardian, or other caregiver of a person with an autism spectrum disorder.

The secretary shall adopt rules and regulations in accordance with the Louisiana Administrative Procedure Act as are necessary to implement the provisions of this Subsection.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:403.3 is hereby amended and reenacted to read as follows:

§403.3. Identification stickers and decals; for the deaf and hard of hearing: Mental, physical, or developmental disability

A. (1) The office of motor vehicles of the Department of Public Safety and Corrections is hereby authorized to issue an identification sticker or decal, which shall be the international symbol of deafness, at no cost for use by deaf and hard of hearing persons who are granted a driver’s license, for use by a person with a mental, physical, or developmental disability, or for use by a parent, legal guardian, or other caregiver of such a person. A person with autism spectrum disorder applying for a driver’s license or registration who wants an autism spectrum disorder sticker or decal shall attach to the application proof as provided in Subsection C of this Section. A parent, legal guardian, or other caregiver of a person with autism spectrum disorder applying for a driver’s license or registration who wants an autism spectrum disorder sticker or decal shall attach to the application proof as provided in Subsection C of this Section.

(2) (a) The office of motor vehicles of the Department of Public Safety and Corrections is hereby authorized to issue an identification sticker or decal, which shall be “an orange square” at no cost, for use by persons with autism spectrum disorder who have obtained the autism spectrum disorder designation in accordance with R.S. 24:1421(F) or a parent, legal guardian, or other caregiver of such a person. A person with autism spectrum disorder applying for a driver’s license or registration who wants an autism spectrum disorder sticker or decal shall attach to the application proof as provided in Subsection C of this Section. A parent, legal guardian, or other caregiver of a person with autism spectrum disorder applying for a driver’s license or registration who wants an autism spectrum disorder sticker or decal shall attach to the application proof as provided in Subsection C of this Section.

(b) The office of motor vehicles of the Department of Public Safety and Corrections shall create a flag code to be placed on the registration of a motor vehicle which shall indicate that the driver of the vehicle has an autism spectrum disorder or is the parent, legal guardian, or other caregiver of a person with an autism spectrum disorder. Upon the initial application for or renewal of the registration of a motor vehicle, the flag shall be placed on the registration at the driver’s request at no additional cost, provided he produces proof as required by this Subsection.

(2a) The office of motor vehicles of the Department of Public Safety and Corrections is hereby authorized to issue an identification sticker or decal which shall be “an orange square” at no cost, for use by persons with a mental, physical, or developmental disability or their guardians or their caregivers to provide for the creation of an autism spectrum disorder or a mental, physical, or developmental disability designation sticker or decal for placement on the rear window of a vehicle; to provide awareness to officers that there is a person with autism spectrum disorder or a person with a mental, physical, or developmental disability in the vehicle; to provide for proof of disability for the deaf and hard of hearing; to provide for the issuance of a driver’s license or a registration which shall indicate that the driver of the vehicle has an autism spectrum disorder or is the parent, legal guardian, or other caregiver of a person with a mental, physical, or developmental disability.

(b) In addition to the identification sticker or decal provided for in this Subsection, the office of motor vehicles of the Department of Public Safety and Corrections shall create a flag code to be placed on the registration of a motor vehicle which shall indicate that the driver of the vehicle has a mental, physical, or developmental disability or is the parent, legal guardian, or other caregiver of a person with a mental, physical, or developmental disability. A person with a mental, physical, or developmental disability applying for a driver’s license or registration who wants a sticker or decal shall attach to the application proof as provided in Subsection C of this Section.

(2) In order to receive the appropriate sticker or decal or to have a flag or code placed on the registration record, the applicant shall attach to his application a statement which contains proof indicating the applicant’s disability as attested to by one of the following: a physician, audiologist, speech pathologist, occupational therapist, or professional or occupational therapist.

Section 2. R.S. 44:4.1(B)(19) 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,
No fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

F. The annual royalty fee shall be collected by the department and forwarded to the Louisiana Community and Technical College System Certified Line Worker programs to assist students in purchasing required climbing tools.

E. The special prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section. This fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

C. The special prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

B. The special prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the "Utility Line Worker" plate, provided there is a minimum of one thousand applicants for the plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

§463.226. Special prestige license plate; "Louisiana Soccer Association" plate

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the "Louisiana Soccer Association" plate, provided there is a minimum of one thousand applicants for the plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

B. The secretary shall work in conjunction with the president of the Louisiana Soccer Association or his designee to select the color and design of the plate, provided the design is in compliance with R.S. 47:463(A)(3). The fee shall be charged for military honor license plates authorized by this Section, and such plates shall not be subject to the renewal requirements applicable to standard plates.

§463.227. Special prestige license plate; "Louisiana Respiratory Therapist "RT STRONG" plate

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the "Louisiana Respiratory Therapist RT STRONG" plate, provided there is a minimum of one thousand applicants for the plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

B. The secretary shall work in conjunction with the president of the Louisiana Society for Respiratory Care or his designee to select the color and design of the plate, provided the design is in compliance with R.S. 47:463(A)(3).
§505. Number plates

B.

(2) Any dealer of motor vehicles who receives a lease return or a previously owned vehicle with the intention of reselling such vehicle shall remove the license or number plate from such vehicle before resale and destroy the plate. After the dealer so removes the plate, he shall submit electronic notification to the Department of Public Safety and Corrections, which states he has removed the vehicle, removed the license or number plate from such vehicle, and intends to resell the vehicle. The dealer shall attach the title and registration to the electronic notification. He shall electronically notify the secretary within twenty-four hours after the removal monthly of all plates removed and destroyed. The Department of Public Safety and Corrections, upon receipt of the electronic notification of a transfer on such vehicle, shall issue a new plate to the new owner in the same manner as if the vehicle had no plate issued to it. The knowing submission of a false electronic notification shall be false swearing under R.S. 14:123.

ACT No. 175

HOUSE BILL NO. 565

BY REPRESENTATIVES FREIBERG, CARRIER, ECHOLS, FONTENOT, LAPLEUR, MARCELLE, SELDERS, AND THOMPSON

AN ACT

To enact R.S. 33:9097.37, relative to the creation of the Baton Rouge Parish, to create the University Security 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; to provide for an effective date; and to provide for related matters.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

* * *
(2a) The initial amount of the fee shall be as provided in a duly adopted resolution of the governing authority of the district. The initial fee shall not exceed one hundred fifty dollars per parcel per year.

(b) The fee shall be imposed only after the question of 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.

(4) The parcel fee shall expire at the end of the term provided for in the proposition authorizing the fee, not to exceed fifteen years, but the fee may be renewed if approved by a majority of the registered voters of the district voting on the proposition at an election as provided in Subparagraph (2b) of this Subsection. Any election to authorize the renewal of the fee shall be held for that purpose in accordance with the Louisiana Election Code. If the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed fifteen years.

(5) The fee shall be collected at the same time and in the same manner as ad valorem taxes are collected by the sheriff, as ex officio tax collector, of the parish of East Baton Rouge. The sheriff shall collect and remit to the district all amounts collected. The district may enter into an agreement with the sheriff to authorize the sheriff to retain a collection fee not to exceed one percent of the amount collected.

(6) 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.

(7) No fee shall be imposed on any parcel owned by the East Baton Rouge Parish School Board, any publicly owned or controlled by the city or any subsidiary or parent entity, including parcels subject to a ground lease by the East Baton Rouge Parish Housing Authority.

(8) The district is authorized to solicit and accept additional voluntary contributions; any such parcel fee shall be supplemental to any parcel fee authorized in this Subsection.

H. The board of commissioners shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act, R.S. 39:1301 et seq.

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

J. It is the purpose and intent of this Section that the additional law enforcement personnel and their services provided for through the fees authorized in this Section shall be supplemental to and not in lieu of personnel and services provided in the district by the city of Baton Rouge.

(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.

K. 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.

L. No board member or officer of the district 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 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.
(c) A transaction in which he is acting in a fiduciary capacity.
(d) A 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 or to the performance of his duties as a member or officer of the district.

M. Any person who violates 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 7, 2023.

R. Kyle Ardoin
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill

AN ACT
§1461. Requirements for private training and driving instructor schools

The Department of Public Safety and Corrections, public safety services, shall establish rules and regulations to administer and define the requirements of the course. Oversight review of these rules shall be conducted by the House and Senate committees on transportation, highways and public works in accordance with the Administrative Procedure Act. The rules shall provide for:

A. No application for a license for the operation of a motor vehicle shall be received from any person eighteen years or older if a driver education course is not completed. The prelicensing training course shall consist of a minimum of six hours of classroom instruction and a minimum of eight hours of actual driving instruction, including the administering of the skills test. A person shall not be deemed to have completed the required course if that person received more than four hours of actual driving instruction on any single calendar day. A properly licensed third-party examiner may, at his discretion, administer the skills test to the student prior to the conclusion of the eight hours of actual driving instruction. Upon successful completion of the prelicensing training course, the third-party examiner shall provide the student with a department approved certificate of successful completion in a sealed envelope to be delivered to the department. If the student fails to successfully complete the skills test, the third-party examiner shall issue a department approved certificate indicating completion of the driver education course but failure of the skills test.

The Department of Public Safety and Corrections, public safety services, shall establish rules and regulations to administer and define the requirements of the course. Oversight review of these rules shall be conducted by the House and Senate committees on transportation, highways and public works in accordance with the Administrative Procedure Act. The rules shall provide for:

§401. Application of minors; revocation; applications of persons less than twenty-one years of age

G. In accordance with R.S. 9:2618, the department may develop a web-based application by which a minor’s parent or legal guardian has the option to provide a signature electronically for all approvals, consents, or attestations required in connection with application of a minor for any credential authorized in this Chapter which allows the operation of a motor vehicle. The provisions of this Subsection shall not apply to a first or initial issuance of any license or permit under this Chapter. The first time or initial issuance shall be deemed to be ineligibility to operate a motor vehicle. The provisions of this Subsection shall not apply to a first or initial issuance of any license or permit under this Chapter.

§1461. Requirements for private training and driving instructor schools

F. Every person licensed or contracted pursuant to this Section to operate a private training driving instructor school or agency, or providing driving courses, shall also be or become licensed or contracted on or before June 30, 2012, as a third-party tester pursuant to R.S. 40:1461(G). Any currently licensed or contracted driving school or instructor who fails to become licensed as a third-party tester on or before June 30, 2012, shall be deemed to be ineligible to engage in the business of operating a private driving school, or instructing in a driving course in any manner until such school or instructor obtains such license and meets the requirements thereunder.

G. Every person properly licensed pursuant to this Section on or after June 30, 2012, shall administer in accordance with law and administrative rules promulgated by the Department of Public Safety and Corrections, as a third-party examiner, both the knowledge and on-road driving skills tests required for the issuance of a Class “D” or “E” license in Louisiana.

Section 3. R.S. 40:1461(G) is hereby repealed in its entirety.

Section 4. The administering of the road skills test prior to the conclusion of the eight hour behind the wheel training shall begin no later than January 1, 2024. The department shall document the office hours of motor vehicles conducting specialty rule making, policy changes, and system changes prior to January 1, 2024, the administered road skills test prior to the conclusion of the eight hour behind the wheel training may commence at that time. Section 5. 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 upon the day following such approval.

Approved by the Governor, June 7, 2023.

R. Kyle Ardoin
Secretary of State

ACT No. 177

HOUSE BILL NO. 643
(Substitute for House Bill No. 122 by Representative Horton)

AN ACT

To enact Subpart F of Part VI of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1086.21, relative to point of care testing for newborn; to require testing for the cytomegalovirus (CMV); to provide for the payment of healthcare providers; to establish provisions for payment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1086.21 is hereby enacted to read as follows:

§1086.21. Cytomegalovirus; point of care testing; reporting

A. Healthcare provider attending a newborn child shall administer appropriate testing for cytomegalovirus if the newborn fails the newborn hearing screen and, in the exercise of professional judgment, the healthcare provider believes that the testing would be in the best interest of the newborn. Any testing for cytomegalovirus provided in accordance with the provisions of this Section shall be considered medically necessary and shall not be denied on the basis for failing to meet any applicable medically necessary standards or requirements by any health insurance issuer which otherwise provides coverage for the testing. The Louisiana Department of Health shall provide payment to all Medicaid providers for the costs incurred as a result of the administration of testing pursuant to the provisions of this Section. Payment shall be made by the department within thirty days of receiving a claim for payment from a healthcare provider.

Section 2. This Act shall be known and may be cited as “Journie’s Law”.

Approved by the Governor, June 7, 2023.

R. Kyle Ardoin
Secretary of State

ACT No. 178

HOUSE BILL NO. 650
(Substitute for House Bill No. 507 by Representative Edmonds)

AN ACT

To amend and reenact R.S. 43:1403(introductory paragraph) and 147(A) and (B), to enact R.S. 43:141.1, 143.1, 147.1, and 147.2, and to repeal R.S. 43:147 and 147.2, relative to official journals of parishes, municipalities, and school boards; to provide relative to the publication of public notices and proceedings of such political subdivisions; to provide with respect to compensation for printing; to require relative to billing and verification with respect to publication; to require that official journals have websites and post proceedings and public notices on those websites; to require publication of proceedings and notices on a collective website; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 43:1403(introductory paragraph) and 147(A) and (B) and hereby amended and reenacted and R.S. 43:141.1, 143.1, 147.1, and 147.2 are hereby enacted to read as follows:

§140. Definitions

As used in this Chapter, the following terms shall have the meanings ascribed to them in this Section:

(3) “Newspaper” shall mean a publication that complies with the requirements of R.S. 43:141.1(A) and during each year of the five-year period prior to the first publication of any legal or official notice therein:

§141.1 Requirement for website

A. Every official journal selected pursuant to this Part shall have a website and shall post all official proceedings and public notices that it publishes on that website and on a collective website in which a majority of the state’s official journals participate.

Parish and municipal governing authorities and school boards may publish on their respective websites a copy of the official proceedings and public notices that they are required to publish in their official journals.

§143.1. Publications; errors and omissions; billing; retention period

A. Except where constitutionally infirm, any fault in the publication of any official proceeding or public notice to be published in the official journal that is not due to the negligence of the public body shall not affect the validity of the publication of the proceeding or notice.
B.(1) An official journal that publishes official proceedings and public notices shall, within thirty days after such a publication, submit a bill for the payment of any additional charges for official proceedings or notice and a verified statement that does both of the following:
(a) States the rate charged to the political subdivision for the publication.
(b) Certifies the number and dates of publication.
(2) No compensation for such publishing is payable unless the bill is accompanied by the verified statement required in this Subsection.
C.(1) Official proceedings and public notices shall be retained by the Louisiana Public Notice program promulgated by the Louisiana Press Association for a minimum period of three years.
(2) Official proceedings and public notices shall be retained by the political subdivision in accordance with R.S. 44:36.

§ 147. Compensation for printing.
A. The parish and municipal governing authorities and school boards throughout the state may, at their option, have their official proceedings and public notices published by contract, which contract may not provide for a cost in excess of the maximum amounts hereinafter provided for. Payment may be made monthly or quarterly at the option of the police jury, municipal corporation, or school board, unless otherwise provided in any contract entered into for the publication of official proceedings. The parish and municipal governing authorities and school boards of this state may have their official proceedings and public notices published by contract, compensation for which shall not exceed the amounts provided by this Section unless agreed by both parties in writing. Payment may be made monthly or quarterly at the option of the governing authority or school board.
B. When the publication of proceedings is not done by contract providing for a lesser amount, the cost of advertisement in all parishes which do not contain a city with a population of more than one hundred thousand is computed in accordance with Paragraph (3) of this Subsection, unless the governing body requests otherwise.

(3) For purposes of this Subsection, “character” means an alphanumeric character, and any punctuation character or other character or symbol which have been requested by the public body, and shall not include leading, kerning, or spacing unless additional leading, kerning, or spacing is ordered by the public body at a cost agreed to in writing.
C. Compensation for printing: January 1, 2024, through December 31, 2026.

A. Notwithstanding the provisions of R.S. 43:147.1, from January 1, 2024, through December 31, 2026, any qualified newspaper may submit a bill using the provisions of R.S. 43:147 or the provisions of R.S. 43:147.1, or both, at the newspaper’s option, and any such bill may be accepted by the governing authority.
B. Notwithstanding any other provision to the contrary, beginning January 1, 2027, qualified newspapers shall submit to parish and municipal governing authorities and school boards requests for bids for official proceedings and public notice by official publication pursuant to R.S. 43:147.1, unless the governing body requests otherwise.
C. Any online publication pursuant to this Section shall include, at no additional charge unless agreed by the parties, a printed advertisement that describes the subject matter of the publication by the parish or municipal governing authority or school board and directs readers to the location of the official online publication copy of the official journal or on a public notice internet website in which a majority of the state’s official journals participate.

Section 2. R.S. 43:147 and 147.2 are hereby repealed in their entirety.

Section 3. The provisions of R.S. 43:141.1 as enacted by this Act shall be implemented not later than January 1, 2024.

Section 4.(A) Sections 1 and 3 and this Section of this Act shall become effective on August 1, 2023.
(B) Section 2 of this Act shall become effective on July 1, 2027.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

*   *   *

ACT No. 179

SENATE BILL NO. 127
BY SENATOR DUPLESSIS
A JOINT RESOLUTION

Proposing to add Article VII, Section 21(O) of the Constitution of Louisiana, relative to ad valorem tax exemptions; to provide for an ad valorem tax exemption for certain first responders; to require the parish governing authority to approve the ad valorem tax exemption; to provide for exemption amounts; to require the tax assessor to establish a procedure to apply for the exemption; to provide for eligibility; to require taxing authorities to absorb the loss of revenue as a result of the exemptions; to provide relative to reimbursement; to require the tax assessor to provide for applicability; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. (1) Official proceedings and public notices shall not exceed the rate of one and one-half cents per character.

(2) No compensation for such publishing is payable unless the bill is submitted prebuilt, the rate will be computed at two dollars seventy-six cents per square inch based on six-point type and six-point font. If the notice is set in larger type or font, the rate shall be prorated. Regardless of the size of type the notice is set in, the rates specified in this Paragraph are based on a printable space of one-inch-high and one-inch-wide column. If the page width is either wider or narrower for a single column, the rate per column shall be prorated.

(3) The exemption provided for in this Paragraph shall only apply in a parish if it is approved by the parish governing authority.

(4) Each tax assessor shall establish a procedure whereby a person may annually apply for the exemption which shall include the production of documents by the first responder. In the application for the exemption, the first responder shall provide documentation issued by his employer evidencing employment for the taxable period for which the exemption is being requested.

(5) Notwithstanding the provisions of this Act, any decrease in the amount of ad valorem tax collected by the taxing authority as a result of an ad valorem tax exemption granted pursuant to this Paragraph shall be absorbed by the taxing authority and shall not create any additional tax liability for other taxpayers in the taxing district as a result of any subsequent reappraisal or millage adjustment. Implementation of the exemption authorized in this Paragraph shall neither trigger nor be cause for a reappraisal of property or an adjustment of millages.

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 this proposed amendment, if approved by the electors, shall become effective on January 1, 2024, and shall apply to ad valorem taxes due beginning in tax year 2024 and thereafter.

THE ADVOCATE
As it appears in the enrolled bill

CODING: Words in italics are deletions from existing law; words underlined (House Bills) and underscored (Senate Bills) are additions.
Section 4. Be it further resolved that on the official ballot to be used at said 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 the local governing authority of a parish to provide an ad valorem tax exemption for qualified first responders?

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 180

BY REPRESENTATIVES IVEY, ADAMS, CARRIER, ROBBY CARTER, COX, DAVIS, DEVILLIER, FIRMENT, GABBERY, GLOVER, MCKNIGHT, SCHEXNAYDER, STAGNI, THOMAS, THOMPSON, AND WHITE

AN ACT

To enact R.S. 17:280.2 and 3996/B(75), relative to school curricula; to require public schools to incorporate organ donation instruction into existing curricula; 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 "Alyie’s Law".

Section 2. The legislature finds and declares the following:

(1) Many people lack knowledge about organ, eye, and tissue donation. Due to the significant lifesaving impact that increased awareness and participation in Louisiana's organ donation program can have in our state, there is a growing need to educate potential donors to ensure they have the information needed to make informed decisions.

(2) Nearly two thousand people are waiting on an organ transplant in the state of Louisiana.

(3) One organ donor can save up to eight lives, and one tissue donor can enhance the lives of more than seventy-five people.

(4) A corneal donor can restore sight to two people.

(5) When obtaining a driver’s license, people can choose to register as an organ donor.

(6) People of all ages and medical histories are potential donors.

Section 3. R.S. 17:280.2 and 3996/B(75) are hereby enacted to read as follows:

§280.2. Organ donation; required instruction
A. Each public high school shall provide instruction relative to organ donation to its students. Such instruction shall be integrated into the curriculum of an existing required course such as health education or another required course deemed appropriate by the public school governing authority.

B. In order to satisfy the requirements of this Section, each public school governing authority shall use free resources from a Louisiana organ procurement organization or other free resources that are available from similar authoritative sources.

§3996. Charter schools; exemptions; requirements

A. 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:

§7236. Organ donation instruction, R.S. 17:280.2

Approved by the Governor, June 8, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 181

BY REPRESENTATIVES WHITE, AMEDEE, BRASS, EMERSON, FREIBERG, GAROFALO, JEFFERSON, AND PHELPS

AN ACT

To enact R.S. 17:2508, relative to early childhood literacy; to establish an early childhood literacy program; to provide for program purposes; to provide for program administration by the Louisiana Educational Television Authority; to create a special fund in the state treasury for the purpose of funding the program; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2508 is hereby enacted to read as follows:

§2508. Imagination Library of Louisiana and fund: creation; administration
A. The Imagination Library of Louisiana is hereby established under the administration of the Louisiana Educational Television Authority, referred to in this Section as the "authority", for the purpose of developing, implementing, promoting, and fostering a comprehensive statewide initiative for encouraging children from birth to five years of age to develop a love of reading and learning.

B. (1) Subject to appropriation of funds by the legislature as provided in Subsection C of this Section, the authority shall:
(a) Promote the statewide development of local Dolly Parton's Imagination Library programs.
(b) Advise and strengthen local Dolly Parton's Imagination Library programs with the goal of increasing enrollment.
(c) Develop community engagement.
(d) Develop, promote, and coordinate a public awareness campaign to make the public aware of the opportunity to register children to receive books through the program.
(e) Receive monies appropriated to it for administration of the program.
(f) Administer any local match requirements and coordinate the collection and remittance of local program costs. The authority may waive match requirements on a case-by-case basis to prevent undue financial hardship.
(g) Provide an annual report to the governor and the legislature that includes all monies received by and expenditures made from the fund established in Subsection C of this Section; whether any local match requirements were waived; the number of local programs participating annually, including which entity serves as the local partner; how many children are enrolled in the program; and the number of books sent to enrolled children.

(2) The authority may work collaboratively with an organization that provides age-appropriate books to children ages birth to five years old on a monthly basis in the implementation of the program.

C. (1) The Imagination Library of Louisiana Fund, referred to in this Section as the "fund", is hereby created within the state treasury for the purpose of providing funding for the program.

(2) Monies in the fund are subject to appropriation by the legislature and available exclusively for use by the authority for purposes of the program.

(3) All monies appropriated by the legislature or designated to the fund through donation, gift, grant, or any other revenue shall be deposited in the fund. Monies in the fund shall be invested in the same manner as monies are invested in the state general fund. Interest earned on investment of monies in the fund shall be credited to the fund.

(4) All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund and be available for appropriation in the next fiscal year. The monies shall be invested by the treasurer in the same manner as monies in the state general fund, and all interest earned shall be credited to the fund following compliance with the requirements of Article VII, Section (B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund.

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

Approved by the Governor, June 8, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State
This Chapter shall be known and may be cited as the “Louisiana Community Health Worker Workforce Act.”

§3722. Definitions
As used in this Chapter, except where the context clearly requires otherwise, the following words and phrases shall have the following meanings:

(1) “Community health worker” means an individual who serves as a liaison for community members to facilitate access to health and social services and to improve quality and cultural competence of service delivery through outreach, education, support, and advocacy. “Community health worker” does not include an individual who provides clinical services.

(2) “Department” means the Louisiana Department of Health.

§3723. Louisiana Community Health Worker Workforce Board
There hereby created a Louisiana Community Health Worker Workforce Board, hereafter referred to in this Chapter as the “board”, within the Louisiana Department of Health. It shall consist of eleven members to include a majority of community health workers. The board shall consist of the following members:

(1) The director of the Community Health Worker Institute at Louisiana State University Health Sciences Center at New Orleans or his designee.

(2) A member of the board of directors of the Louisiana Public Health Institute or his designee.

(3) The secretary of the Louisiana Department of Health or his designee.

(4) The Medicaid executive director in this state or his designee.

(5) The chair of the Louisiana Community Health Outreach Network or his designee.

(6) Six community health workers representing community-based organizations. The six community health workers shall be appointed by the governor from a list of community health worker applicants recommended by the ten human services districts and authorities provided in R.S. 29:112 and developed in consultation with the Louisiana Community Health Outreach Network. The community health workers shall represent all areas of the state, including rural areas.

§3724. Board powers and duties
A. The board shall meet twice a year. Members of the board shall serve without compensation.

B. The Louisiana State University Health Science Center, Center for Healthcare Value and Equity, shall provide staffing for the board.

C. The board shall develop all of the following:

(1) A recommended program to enhance employer readiness in hiring community health workers.

(2) Recommendations for core skills, roles, and competencies for community health workers in Louisiana.

(3) Recommended standards and requirements for community health worker education and training programs, including recommended standards for community health worker educators.

(4) Recommendations for sustainable methods of financing for community health worker services.

D. The board may do all of the following:

(1) Review community health worker training programs.

(2) Make recommendations to community health worker training programs.

(3) Track employment of community health workers in Louisiana from information provided voluntarily to the board by entities such as employers or community-based organizations.

§3725. Department powers and duties
The department, in consultation with the board, may adopt rules pursuant to the Administrative Procedure Act to implement core skills, roles, and competencies for community health workers; to implement standards and requirements for community health worker education and training programs; and to implement standards for community health worker education.

§3726. Termination
The Board shall terminate operations on December 31, 2028.

Section 2. Notwithstanding any provision of law to the contrary, the Louisiana Community Health Worker Workforce Board shall elect a chair at its first meeting.

Approved by the Governor, June 8, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 183

HOUSE BILL NO. 645
(Substitute for House Bill No. 106 by Representative Dustin Miller)
BY REPRESENTATIVES DUSTIN MILLER AND WHEAT
AN ACT
To enact R.S. 40:989.4, relative to Xylazine; to provide for an effective date; and to provide for related matters.

§40:989.4 Unlawful production, manufacturing, distribution, or possession of Xylazine
A. (1) It shall be unlawful for any person to knowingly or intentionally produce, manufacture, distribute, or possess with intent to produce, manufacture, or distribute Xylazine.

(2) Whoever violates the provisions of this Subsection shall be imprisoned, with or without hard labor, for not less than one year nor more than ten years and, in addition, may be required to pay a fine of not more than fifteen thousand dollars.

B. (1) It shall be unlawful for any person to knowingly or intentionally purchase or possess any Xylazine bulk chemical for use in the course of a legitimate veterinary practice.

(2) Whoever violates the provisions of this Subsection shall be imprisoned for not more than six months and, in addition, may be required to pay a fine of not more than five hundred dollars.

C. As used in this Section, “Xylazine” means Xylazine and any salt, isomer, homologue, analogue, or other preparation of Xylazine, and any salt, isomer, compound, derivative, precursor, homologue, analogue, or other preparation thereof that is substantially chemically equivalent or identical to Xylazine.

Approved by the Governor, June 8, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 184

SENATE BILL NO. 18
BY SENATORS PRICE, BARROW, BERNARD, BOUDREAU, BOUGIE, CARTER, CATHEY, CONNICK, CORPET, DUPLESSIS, FIELDS, FOIL, HARRIS, JACKSON, LAMBERT, POPE, SMITH, TARVER AND WOMACK
AND REPRESENTATIVES ADAMS, ANTHONY, ALEXANDER, BUTLER, BRICK, BROWN, CARPENTER, ROBBY CARTER, WILFORD CARTER, CHERNOVITZ, CHABERT, COLE, COOPER, GLOVER, HUGHES, ILLO, LORON, LEROY, LEVY, LEVY, JEFFERSON, JENKINS, TRAVIS JOHNSON, LACOMBE, LARVADAIN, MARCELLE, DUSTIN MILLER, MOORE, NEWELL, PHELPS, PIERRE, SELDERS, STAGNI, TARVER, WHITE, WILLARD AND ZERINGUE
Prefiled Pursuant to Article III, Section 2A(4)(b)(i) of the Constitution of Louisiana.

AN ACT
To amend and reenact R.S. 11:102(B)(1), (2)(a), and (3)(e) and to enact R.S. 11:102(B)(6)(e), (D)(6)(e), (E)(5), and (F)(4), 542(G), 547, 883.1(G), 883.5, 1145.1(F), 1145.5, 1145.6, 1332(G), 1332.1, relative to the funding mechanism for and payment of benefit increases to persons receiving benefits from the state retirement systems; to provide for the determination of required employer contributions; to provide relative to eligibility to receive an increase; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:102(B)(1), (2)(a), and (3)(e) are hereby amended and reenacted and R.S. 11:102(B)(6)(e), (D)(6)(e), (E)(5), and (F)(4), 542(G), 547, 883.1(G), 883.5, 1145.1(F), 1145.5, 1145.6, 1332(G), 1332.1, and 1332.1 are hereby enacted to read as follows:

§102. Employer contributions; determination; state systems
B.(1)(a) Except as provided in R.S. 11:102.1, 102.2, 102.3, 102.4, and 102.5 and in Paragraph (5) of this Paragraph for each fiscal year, commencing with Fiscal Year 1989-1990, for each of the public retirement systems referenced in Subsection A of this Section, the legislature shall set the required employer contribution rate for each system or plan equal to the sum of the following:

(i) The actuarially required employer contribution, as determined pursuant to the provisions of this Section, divided by the total projected payroll of all active members of each particular system or plan for each fiscal year. When calculated for a system as a whole, without regard for particularized rates for specific plans within the system, this rate shall be known as the “aggregate employer contribution rate”.

(ii) Any account funding contribution rate determined pursuant to the provisions of this Section.

(b) Each entity funding a portion of a member's salary shall also fund the employer's contribution on that portion of the member's salary at the employer contribution rate specified in this Section.

(2)(a) At the end of each fiscal year, the difference between the actuarially required employer contribution for the fiscal year, as determined pursuant to the provisions of this Section, and the amount of employer contributions actually received for the fiscal year, excluding any amounts received for the extraordinary purchase of additional benefits or service and any amount attributable to an account funding contribution rate, shall be determined.

(3) With respect to each state public retirement system, the actuarially required employer contribution for each fiscal year, commencing with Fiscal Year 1989-1990, shall be that dollar amount equal to the sum of:...
(e) Beginning in the first fiscal year in which the projected aggregate employer contribution rate, calculated without regard to any changes in the base-employer net asset value, does not increase, the The projected noninvestment-related administrative expenses for the fiscal year:

C.

(6) For each plan referenced in Paragraph (3) of this Subsection, the legislature shall set the required employer contribution rate equal to the sum of the following:

(e) The cost-of-living adjustment account funding contribution rate.

(i) Effective July 1, 2023, the rate provided for in this Subparagraph, referred to in this Subsection as the “AFC rate”, shall be zero.

(ii) Notwithstanding any other provision of this Section to the contrary, except the provisions of Item (iv) of this Subparagraph, effective for the June 30, 2022 system valuation and beginning in Fiscal Year 2023-2024, for every fiscal year in which the projected aggregate employer contribution rate decreases, the maximum AFC rate shall increase by the lesser of one-half of the amount of the decrease in the projected aggregate employer contribution rate determined under this Section or the amount necessary for the maximum AFC rate to equal two and one-half percent. Any increase in the maximum AFC rate shall be permanent. The maximum AFC rate shall not exceed two and one-half percent.

(iii) Notwithstanding any other provision of this Subparagraph to the contrary, through Fiscal Year 2038-2039, the sum of the AFC rate and the projected aggregate employer contribution rate for any given fiscal year shall not exceed the projected aggregate employer contribution rate determined for Fiscal Year 2023-2024 in the June 30, 2022 system valuation. If the sum of the maximum AFC rate and the projected aggregate employer contribution rate determined for Fiscal Year 2023-2024, the AFC rate to be applied shall be reduced from the maximum for that fiscal year only, by the lesser of the amount by which the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds the maximum for that fiscal year only, by the lesser of one-half of the amount of the decrease in the projected aggregate employer contribution rate determined under this Section or the amount necessary for the maximum AFC rate to equal two and one-half percent. Any increase in the maximum AFC rate shall be permanent. The maximum AFC rate shall not exceed two and one-half percent.

(ii) Notwithstanding any other provision of this Subparagraph to the contrary, for fiscal years 2024-2025 through 2027-2028, if the projected aggregate employer contribution rate for Fiscal Year 2024-2025 is more than three percentage points lower than the projected aggregate employer contribution rate determined for Fiscal Year 2023-2024 in the June 30, 2022 system valuation then the AFC rate to be applied for a particular year will be the lesser of the rate determined under Subparagraph (i) of this Subsection or the corresponding rate for that year in the following table:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
<th>AFC Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>2024-2025</td>
<td>1.50%</td>
</tr>
<tr>
<td>2025-2026</td>
<td>1.75%</td>
</tr>
<tr>
<td>2026-2027</td>
<td>2.00%</td>
</tr>
<tr>
<td>2027-2028</td>
<td>2.25%</td>
</tr>
</tbody>
</table>

(bb) Notwithstanding any other provision of this Subparagraph to the contrary, beginning in Fiscal Year 2039-2040, the sum of the AFC rate and the projected aggregate employer contribution rate for any given fiscal year shall not exceed twenty-two percent. If the sum of the maximum AFC rate and the projected aggregate employer contribution rate determined for Fiscal Year 2023-2024, the AFC rate to be applied shall be reduced from the maximum, for that fiscal year only, by the lesser of the amount by which the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds twenty-two percent or the amount of the maximum AFC rate.

(iv) Notwithstanding any other provision of this Subparagraph to the contrary, if the Original Amortization Base established in R.S. 11:102.1 is liquidated in Fiscal Year 2022-2023, the provisions of this Item shall apply.

(aa) The maximum AFC rate shall equal to the following:

<table>
<thead>
<tr>
<th>Fiscal Year</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2024-2025</td>
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</tr>
<tr>
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<td>1.75%</td>
</tr>
<tr>
<td>2026-2027</td>
<td>2.00%</td>
</tr>
<tr>
<td>2027-2028</td>
<td>2.25%</td>
</tr>
<tr>
<td>2028-2029 and thereafter</td>
<td>2.50%</td>
</tr>
</tbody>
</table>

(bb) Through Fiscal Year 2028-2029, the sum of the AFC rate and the projected aggregate employer contribution rate determined for Fiscal Year 2022-2023 in the June 30, 2021 system valuation. If the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds the projected aggregate employer contribution rate determined for Fiscal Year 2022-2023, the AFC rate to be applied shall be reduced from the maximum, for that fiscal year only, by the lesser of the amount by which the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds the projected aggregate employer contribution rate determined for Fiscal Year 2022-2023 or the amount of the maximum AFC rate.

(cc) Notwithstanding any other provision of this Subparagraph to the contrary, beginning in Fiscal Year 2039-2040, the sum of the AFC rate and the projected aggregate employer contribution rate for any given fiscal year shall not exceed the projected aggregate employer contribution rate determined for Fiscal Year 2022-2023 in the June 30, 2021 system valuation. If the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds the projected aggregate employer contribution rate determined for Fiscal Year 2022-2023, the AFC rate to be applied shall be reduced from the maximum, for that fiscal year only, by the lesser of the amount by which the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds the projected aggregate employer contribution rate determined for Fiscal Year 2022-2023 or the amount of the maximum AFC rate.

(v) Notwithstanding any other provision of law to the contrary, the contributions required to be withheld in the June 30, 2022 system valuation shall be considered actuarially required contributions for the purposes of Paragraph (B)(3) of this Section or Article X, Section 29(E) of the Constitution of Louisiana.

D.

(6) For each plan referenced in Paragraph (3) of this Subsection, the legislature shall set the required employer contribution rate equal to the sum of the following:

(e) The permanent benefit increase account funding contribution rate.

(i) Effective July 1, 2023, the rate provided for in this Subparagraph, referred to in this Subsection as the “AFC rate”, shall be zero.

(ii) Notwithstanding any other provision of this Subparagraph to the contrary, except the provisions of Item (iv) of this Subparagraph, effective for the June 30, 2023 system valuation and beginning July 1, 2024, for any fiscal year in which the projected aggregate employer contribution rate decreases, the maximum AFC rate shall increase by the lesser of one-half of the amount of the decrease in the projected aggregate employer contribution rate determined under this Section or the amount necessary for the maximum AFC rate to equal two and one-half percent. Any increase in the maximum AFC rate shall be permanent. The maximum AFC rate shall not exceed two and one-half percent.

(iii) Notwithstanding any other provision of this Subparagraph to the contrary, through Fiscal Year 2038-2039, the sum of the AFC rate and the projected aggregate employer contribution rate for any given fiscal year shall not exceed the projected aggregate employer contribution rate determined for Fiscal Year 2023-2024 in the June 30, 2022 system valuation. If the sum of the maximum AFC rate and the projected aggregate employer contribution rate determined for Fiscal Year 2023-2024, the AFC rate to be applied shall be reduced from the maximum, for that fiscal year only, by the lesser of the amount by which the sum of the maximum AFC rate and the projected aggregate employer contribution rate determined for Fiscal Year 2023-2024 or the amount of the maximum AFC rate.

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<tr>
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<tbody>
<tr>
<td>2024-2025</td>
<td>1.50%</td>
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<td>1.75%</td>
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</tr>
<tr>
<td>2027-2028</td>
<td>2.25%</td>
</tr>
</tbody>
</table>

(bb) Notwithstanding any other provision of this Subparagraph to the contrary, beginning in Fiscal Year 2024-2025 through 2027-2028, if the projected aggregate employer contribution rate for Fiscal Year 2024-2025 is more than three percentage points lower than the projected aggregate employer contribution rate determined for Fiscal Year 2023-2024 in the June 30, 2022 system valuation then the AFC rate to be applied for a particular year will be the lesser of the rate determined under Subparagraph (i) of this Subsection or the corresponding rate for that year in the following table:

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<td>2.25%</td>
</tr>
</tbody>
</table>

(bb) Through Fiscal Year 2028-2029, the sum of the AFC rate and the projected aggregate employer contribution rate for any given fiscal year shall not exceed the projected aggregate employer contribution rate determined for Fiscal Year 2022-2023 in the June 30, 2021 system valuation. If the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds the projected aggregate employer contribution rate determined for Fiscal Year 2022-2023, the AFC rate to be applied shall be reduced from the maximum, for that fiscal year only, by the lesser of the amount by which the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds the projected aggregate employer contribution rate determined for Fiscal Year 2022-2023 or the amount of the maximum AFC rate.

(v) Notwithstanding any other provision of this Subparagraph to the contrary, if the Original Amortization Base established in R.S. 11:102.2 is liquidated in Fiscal Year 2022-2023, the provisions of this Item shall apply.

(aa) The maximum AFC rate shall equal to the following:

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</thead>
<tbody>
<tr>
<td>2024-2025</td>
<td>1.50%</td>
</tr>
<tr>
<td>2025-2026</td>
<td>1.75%</td>
</tr>
<tr>
<td>2026-2027</td>
<td>2.00%</td>
</tr>
<tr>
<td>2027-2028</td>
<td>2.25%</td>
</tr>
</tbody>
</table>

(bb) Through Fiscal Year 2028-2029, the sum of the AFC rate and the projected aggregate employer contribution rate for any given fiscal year shall not exceed the projected aggregate employer contribution rate determined for Fiscal Year 2022-2023 in the June 30, 2021 system valuation. If the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds the projected aggregate employer contribution rate determined for Fiscal Year 2022-2023, the AFC rate to be applied shall be reduced from the maximum, for that fiscal year only, by the lesser of the amount by which the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds the projected aggregate employer contribution rate determined for Fiscal Year 2022-2023 or the amount of the maximum AFC rate.
projected aggregate employer contribution rate exceeds sixteen percent or the amount of the maximum AFC rate.

(4) Notwithstanding any other provision of law to the contrary, the contributions required by this Subsection shall not be considered actuarially required contributions for the purposes of Paragraph (B)(3) of this Section or Article X, Section 29(E) of the Constitution of Louisiana.

F.

(4) In addition to the actuarially required employer contribution rate determined pursuant to Subsection B of this Section, the legislature shall set the permanent benefit increase account funding contribution rate as provided in this Paragraph.

(a) Effective July 1, 2023, the rate provided for in this Paragraph, referred to in this Subsection as the “AFR rate”, shall be zero.

(b) Notwithstanding any other provision of this Section to the contrary, effective for the June 30, 2023 system valuation and beginning July 1, 2024, for any fiscal year in which the projected aggregate employer contribution rate decreases, the maximum AFC rate shall increase by the lesser of one-half of the amount of the decrease in the projected aggregate employer contribution rate determined under this Section or the amount necessary for the maximum AFC rate to equal two and one-half percent. Any increase in the maximum AFC rate shall be permanent. The maximum AFC rate shall not exceed two and one-half percent.

(c) Notwithstanding any other provision of this Paragraph to the contrary, the sum of the AFC rate and the projected aggregate employer contribution rate for any given fiscal year shall not exceed the projected aggregate employer contribution rate determined for Fiscal Year 2023-2024 in the June 30, 2022 system valuation. If the sum of the maximum AFC rate and the projected aggregate employer contribution rate determined for Fiscal Year 2023-2024 in the June 30, 2022 system valuation exceeds the projected aggregate employer contribution rate determined for Fiscal Year 2023-2024 or the amount of the maximum AFC rate.

(d) Notwithstanding any other provision of law to the contrary, the contributions required by this Paragraph shall not be considered actuarially required contributions for the purposes of Paragraph (B)(3) of this Section or Article X, Section 29(E) of the Constitution of Louisiana.

§542. Experience account

§547. Cost-of-living adjustment funding account

A. Effective July 1, 2023, the balance in the cost-of-living adjustment funding account, referred to in this Section as the “COLA account”, shall be zero.

B. (1) The COLA account shall be credited as follows:

(a) Any amount allocated to the COLA account in accordance with R.S. 11:542.

(b) To the extent permitted by Subparagraph (d) of this Paragraph, all employer contributions paid pursuant to R.S. 11:102(6)(e).

(c) To the extent permitted by Subparagraph (d) of this Paragraph, an amount not to exceed that portion of the system’s net investment income attributable to the balance in the COLA account established pursuant to R.S. 11:547.

(d) In no event shall a credit be made to the COLA account that would cause the balance in the account to exceed the reserve necessary to grant two cost-of-living adjustments of two percent in accordance with the provisions of this Section. Any contributions received from payment of the account funding contribution rate in compliance with R.S. 11:102(6)(e) that would cause the account balance to exceed this reserve if deposited in the account shall be applied as follows:

(2) The COLA account shall be debited as follows:

(a) An amount equal to that portion of the system’s net investment loss attributable to the balance in the COLA account at the end of the prior year.

(b) An amount sufficient to fund a cost-of-living adjustment pursuant to the provisions of this Section.

(c) In no event shall the balance in the COLA account fall below zero.

D. (1) Any cost-of-living adjustment granted pursuant to the provisions of this Section shall begin on the July first following legislative approval and shall equal up to two percent, unless the legislature provides for a different rate or amount in the legislative instrument approving the cost-of-living adjustment. If the balance in the COLA account is not sufficient to fully fund the cost-of-living adjustment on an actuarial basis as determined by the system actuary in agreement with the legislative auditor’s actuary, no adjustment shall be granted.

(2) The calculation of any cost-of-living adjustment paid under the provisions of this Section shall be based on the benefit being paid to the recipient on the effective date of the adjustment and shall be limited to and shall be payable based only on an amount not to exceed sixty thousand dollars of the recipient’s annual benefit.

E. A benefit recipient shall be eligible to receive a cost-of-living adjustment if the conditions in one of the following:

(1) A regular retiree who has received a benefit for at least two years and is at least age sixty-two.

(2) A disability retiree who has received a benefit for at least two years.

(3) A beneficiary of a deceased retiree who, if the retiree were alive, would meet the eligibility criteria in Paragraph (1) or (2) of this Subsection.

(4) A non-retiree beneficiary who has received a benefit for at least two years and whose benefits are derived from a deceased member who would be at least age sixty-two if the members were alive.

§883.1. Experience account

§883.5. Permanent benefit increase funding account

A. Effective July 1, 2023, the balance in the permanent benefit increase funding account, referred to in this Section as the “PBI account”, shall be zero.

B. (1) The PBI account shall be credited as follows:

(a) Any amount allocated to the PBI account in accordance with R.S. 11:883.1.

(b) To the extent permitted by Subparagraph (d) of this Paragraph, all employer contributions paid pursuant to R.S. 11:102(D)(6)(e).

(c) To the extent permitted by Subparagraph (d) of this Paragraph, an amount not to exceed that portion of the system’s net investment income attributable to the balance in the PBI account at the end of the prior year.

(2) After the allocation of funds provided for in Paragraph (1) of this Subsection, the provisions of this Section shall terminate.

§883.1. Experience account

§883.5. Permanent benefit increase funding account

A. Effective July 1, 2023, the balance in the permanent benefit increase funding account, referred to in this Section as the “PBI account”, shall be zero.

B. (1) The PBI account shall be credited as follows:

(a) Any amount allocated to the PBI account in accordance with R.S. 11:883.1.

(b) To the extent permitted by Subparagraph (d) of this Paragraph, all employer contributions paid pursuant to R.S. 11:102(D)(6)(e).

(c) To the extent permitted by Subparagraph (d) of this Paragraph, an amount not to exceed that portion of the system’s net investment income attributable to the balance in the PBI account at the end of the prior year.

(2) In no event shall a credit be made to the PBI account that would cause the balance in the account to exceed the reserve necessary to grant two permanent benefit increases of two percent in accordance with the provisions of this Section.

(3) If the balance in the PBI account exceeds sixteen percent or the amount necessary for the maximum AFC rate.

(4) In no event shall a credit be made to the PBI account that would cause the account balance to exceed this reserve if deposited in the account shall be applied as follows:

(2) The COLA account shall be debited as follows:

(a) An amount equal to that portion of the system’s net investment loss attributable to the balance in the COLA account at the end of the prior year.

(b) An amount sufficient to fund a cost-of-living adjustment pursuant to the provisions of this Section.

(c) In no event shall the balance in the COLA account fall below zero.

D. In accordance with the provisions of this Section, the board of trustees may recommend to the president of the Senate and the speaker of the House of Representatives that the system be permitted to grant a cost-of-living adjustment to retirees, beneficiaries, and survivors when the conditions in this Section are satisfied. The board of trustees shall not grant a cost-of-living adjustment unless the cost-of-living adjustment has been approved by the legislature.

E. Receipt of future permanent benefit increases, as provided for in this Section, shall not be an accrued benefit. Retirees, beneficiaries, and survivors with respect to these increases are entitled to return on the PBI account balance to exceed this reserve if deposited in the account shall be applied as provided in R.S. 11:102(2).

(2) The PBI account shall be debited as follows:

(a) An amount equal to that portion of the system’s net investment loss attributable to the balance in the PBI account at the end of the prior year.

(b) An amount sufficient to fund a permanent benefit increase granted pursuant to the provisions of this Section.

(c) In no event shall the balance in the PBI account fall below zero.

E. In accordance with the provisions of this Section, the board of trustees may recommend to the president of the Senate and the speaker of the House of Representatives that the system be permitted to grant a cost-of-living adjustment to retirees, beneficiaries, and survivors when the conditions in this Section are satisfied. The board of trustees shall not grant a cost-of-living adjustment unless the cost-of-living adjustment has been approved by the legislature.
survivors shall have no right to receive a permanent benefit increase until the permanent benefit increase has been approved by the legislature.

D. An increase granted pursuant to the provisions of this Section shall begin on the July first following legislative approval and shall equal up to two percent, unless the legislature provides for a different rate or amount in the legislative instrument approving the permanent benefit increase. If the balance in the PBI account is not sufficient to fund the permanent benefit increase on an actuarial basis as determined by the system actuary in agreement with the legislative auditor’s actuary, no increase shall be granted.

(2) The calculation of any permanent benefit increase paid under the provisions of this Section shall be based on the benefit being paid to the recipient on the effective date of the increase and shall be limited to and shall be payable based only on an amount not to exceed sixty thousand dollars of the recipient’s annual benefit.

E. A benefit recipient shall be eligible to receive a permanent benefit increase if the recipient is one of the following:

(1) A regular retiree who has received a benefit for at least two years and is at least age sixty-two.

(2) A disability retiree who has received a benefit for at least two years regardless of age.

(3) A beneficiary of a deceased retiree who, if the retiree were alive, would meet the eligibility criteria in Paragraph (1) or (2) of this Subsection.

(4) A non-retiree beneficiary who has received a benefit for at least two years and whose benefits are derived from the service of a deceased member who would be at least age sixty-two if the member were alive.

§1332. Experience account

E.1 Effective for the system valuation in which the account funding contribution rate equals the maximum allowable pursuant to R.S. 11:102(E)(5), 

(4) The PBI account shall be debited as follows:

(a) Any amount allocated to the PBI account in accordance with R.S. 11:1145.1.

(b) To the extent permitted by Subparagraph (d) of this Paragraph, all employer contributions paid pursuant to R.S. 11:102(F)(4).

(c) In no event shall a credit be made to the PBI account that would cause the balance in the account to exceed the reserve necessary to grant two permanent benefit increases of two percent in accordance with the provisions of this Section. Any contributions received from payment of the account funding contribution rate that would cause the balance in the account to exceed this reserve if deposited in the account shall be applied as provided in R.S. 11:102.3.

§1345.6. Permanent benefit increase funding account

A. Effective July 1, 2023, the balance in the permanent benefit increase funding account, referred to in this Section as the “PBI account”, shall be zero.

B. (1) The PBI account shall be credited as follows:

(a) Any amount allocated to the PBI account in accordance with R.S. 11:1145.1.

(b) To the extent permitted by Subparagraph (d) of this Paragraph, all employer contributions paid pursuant to R.S. 11:102(E)(5).

(c) To the extent permitted by Subparagraph (d) of this Paragraph, an amount not to exceed that portion of the system’s net investment income attributable to the balance in the PBI account at the end of the prior year.

(d) In no event shall a credit be made to the PBI account that would cause the balance in the account to exceed the reserve necessary to grant two permanent benefit increases of two percent in accordance with the provisions of this Section.

Any contributions received from payment of the account funding contribution rate in compliance with R.S. 11:102(E)(5) that would cause the account balance to exceed this reserve if deposited in the account shall be applied as provided in R.S. 11:102.3.

B.1 The PBI account shall be debited as follows:

(a) An amount equal to that portion of the system’s net investment loss attributable to the balance in the PBI account at the end of the prior year.

(b) To the extent permitted by Subparagraph (d) of this Paragraph, all employer contributions paid pursuant to R.S. 11:102(F)(4).

(c) In no event shall a credit be made to the PBI account that would cause the balance in the account to exceed the reserve necessary to grant two permanent benefit increases of two percent in accordance with the provisions of this Section.

D. (1) Any increase granted pursuant to the provisions of this Section shall begin on the July first following legislative approval and shall equal up to two percent, unless the legislature provides for a different rate or amount in the legislative instrument approving the permanent benefit increase. If the balance in the PBI account is not sufficient to fund the permanent benefit increase on an actuarial basis as determined by the system actuary in agreement with the legislative auditor’s actuary, no increase shall be granted.

(2) The calculation of any permanent benefit increase paid under the provisions of this Section shall be based on the benefit being paid to the recipient on the effective date of the increase and shall be limited to and shall be payable based only on an amount not to exceed sixty thousand dollars of the recipient’s annual benefit.

E. A benefit recipient shall be eligible to receive a permanent benefit increase if the recipient is one of the following:

(1) A regular retiree who has received a benefit for at least two years and is at least age sixty-two.

(2) A disability retiree who has received a benefit for at least two years regardless of age.

(3) A beneficiary of a deceased retiree who, if the retiree were alive, would meet the eligibility criteria in Paragraph (1) or (2) of this Subsection.

(4) A non-retiree beneficiary who has received a benefit for at least two years and whose benefits are derived from the service of a deceased member who would be at least age sixty-two if the member were alive.

$1332. Experience account

G.1 Effective for the system valuation in which the account funding contribution rate equals the maximum allowable pursuant to R.S. 11:102(E)(5), 

(2) After the experience account is credited and debited in accordance with Subsection A of this Section, the remaining balance in the experience account shall be allocated to the PBI account established pursuant to R.S. 11:1332.1, and the experience account balance shall be zero.

(2) After the allocation of funds provided for in Paragraph (1) of this Subsection, the provisions of this Section shall terminate.
an actuarial basis, as determined by the system's actuary. If the legislative auditor's actuary disagrees with the determination of the system's actuary, the supplemental permanent benefit increase shall not be granted. The board of trustees shall not grant a supplemental permanent benefit increase unless the supplemental permanent benefit increase has been approved by the legislature. Any supplemental permanent benefit increase shall be limited to and shall be payable based only on an amount not to exceed sixty thousand dollars of the recipient's annual benefit. Any permanent benefit increase granted pursuant to the provisions of this Subsection shall begin on the July first following legislative approval.

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

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

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