

ACTS OF 2023 LEGISLATURE

Acts 120-184

ACT No. 120

HOUSE BILL NO. 331

BY REPRESENTATIVES CARRIER, BRYANT, FREIBERG, GAROFALO,
GOUDEAU, HARRIS, MIKE JOHNSON, TRAVIS JOHNSON, KNOX,
MARINO, PIERRE, SELDERS, VILLIO, AND WRIGHT
AN ACT

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 definitions; to provide for penalties and exceptions relative to the manufacture, transfer, or possession of automatic weapons; and 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 sub-machine 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, disks, 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.~~

§1752. ~~Handling Manufacture, transfer, or possession of machine guns unlawful; exceptions~~

~~No person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machine gun within this state, except that:~~

~~(1) All duly appointed peace officers may purchase, possess, carry, and transport machine guns.~~

~~(2) This Part does not apply to the Army, Navy, or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machine guns from the United States or from this state. The members of such Corps, National Guard, and organizations may possess, carry, and transport machine guns while on duty.~~

~~(3) Persons possessing war relics may purchase and possess machine guns which are relics of any war in which the United States was involved, may exhibit and carry the machine guns in the parades of any military organization, and may sell, offer to sell, loan, or give the machine guns to other persons possessing war relics.~~

~~(4) Guards or messengers employed by common carriers, banks, and trust companies, and pay-roll guards or messengers may possess and carry machine guns while actually employed in and about the shipment, transportation, or delivery, or in the guarding of any money, treasure, bullion, bonds, or other thing of value. Their employers may purchase or receive machine guns and keep them in their possession when the guns are not being used by their guards or messengers.~~

~~(5) Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess, and transport machine guns in the same manner as other merchandise except as otherwise provided in this Part. Common carriers may possess and transport unloaded machine guns as other merchandise.~~

~~A. No person shall manufacture, transfer, or possess a machine gun within this state.~~

~~B. This Section shall not apply to any of the following:~~

~~(1) A transfer to or from, or possession by or under the authority of, the United States or any department or agency thereof.~~

~~(2) A transfer to or from, or possession by or under the authority of, any state of the United States or a department, agency, or political subdivision thereof.~~

~~(3) Any machine gun that is lawfully manufactured, transferred, or possessed under federal law.~~

* * *

§1755. Penalty

THE ADVOCATE
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* As it appears in the enrolled bill

A. Any manufacturer who:

~~(1) Passes possession of or delivers a machine gun to any person in violation of R.S. 40:1753; or~~

~~(2) Fails to keep an accurate register, 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. 40:1753, 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.B. Whoever, having been convicted of murder, armed or simple robbery, aggravated or simple burglary, or aggravated battery, Any person who has been convicted of, or found not 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:

* * *

(3) “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, ~~flame thrower, 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 Paragraph as firearms from which serial numbers or marks of identification have not been obliterated are specifically exempt from this definition.

* * *

(5) “Machine gun” means any weapon, ~~including a submachine gun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger. 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.~~

* * *

Section 2. R.S. 40:1753 and 1754 are hereby repealed in their entirety.

Approved by the Governor, June 6, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 121

HOUSE BILL NO. 347
BY REPRESENTATIVE HARRIS
AN ACT

To amend and reenact R.S. 13:1875(12)(c) and 1899(B), relative to the City Court of Alexandria; to provide relative to the use of civil filing fees and court costs in criminal matters; to provide relative to the general fund of the city of Alexandria; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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

* * *

(12)

* * *

(c) One-half of civil fees assessed and collected shall be ~~transmitted, on a monthly basis, by the clerk of the city court for deposit to the general fund of the city of Alexandria used for the operational expenses 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.(1) 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.

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

(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 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

(12)

~~(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 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.(4) 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 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)

(j) 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, BEAULLIEU, BRASS, BUTLER,
WILFORD CARTER, COX, DEVILLIER, ECHOLS, EDMONDS, EMERSON,
FIRMONT, FREIBERG, GADBERRY, GREEN, MIKE JOHNSON, LANDRY,
MIGUEZ, MOORE, NEWELL, ROBERT 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

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* As it appears in the enrolled bill

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 commissioner of insurance under certain circumstances; 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 insurer 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 prefund the services required to initiate a data transfer.

(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. 22:1983(J).

(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. 22:1983(J), 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

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

follows:

§4.1. Exceptions

* * *

B. The legislature further recognizes that there exist exceptions, exemptions, and limitations to the laws pertaining to public records throughout the revised statutes and codes of this state. Therefore, the following exceptions, exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(11) R.S. 22:2, 14, 31, 42.1, 88, 244, 263, 265, 461, 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, 691.10, 691.38, 691.56, 732, 752, 753, 771, 834, 972(D), 976, 1008, 1019.2, 1203, 1460, 1464, 1466, 1488, 1546, 1559, 1566(D), 1644, 1656, 1657.1, 1660.7, 1723, 1796, 1801, 1808.3, 1927, 1929, 1983, 1984, 2036, 2045, 2056, 2085, 2091, 2293, 2303, 2508

* * *

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

HOUSE BILL NO. 403
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 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:

§1053. Requirement for coverage of step therapy or fail first protocols

A.

* * *

(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

HOUSE BILL NO. 488
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. 27:44.2 and R.S. 40:1563(O), relative to riverboat gaming; to provide relative to the definition of riverboat; to provide relative to inspections by third-party inspectors; to provide relative to inspections of riverboat landside facilities by the state fire marshal; to provide relative to fees for inspections of the riverboat landside facilities; to provide relative to the Louisiana Fire Marshal Fund; to provide relative to the powers and duties of the state fire marshal; and to provide for related matters.

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:

(e) (i) Has a minimum length of one hundred fifty feet.

(f) (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:

(f) (aa) Steam-propelled or maintain overnight facilities for its passengers.

(f) (bb) Paddlewheel-driven or have an operable paddlewheel.

(e) (c) ~~A landside facility that is approved by the board and a portion of its designated gaming area 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. 27:44.1(D)(1)(b) R.S. 27:44.2.~~

* * *

§44.1. 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.

* * *

§44.2. 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 division and the Louisiana Gaming Control Board who may impose sanctions, including 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 state fire marshal. Such fees are nonrefundable.

(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.

(3) 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:

§1563. Powers and duties generally; use of deputies; responsibilities of local governing authorities with fire prevention bureaus; open structures and process structures; fees

* * *

M. The state fire marshal, or his designee, shall, as an approved third-party inspector by the Louisiana Gaming Control Board, have the authority to conduct inspections of a riverboat landside facility licensed or seeking licensure or certificates of compliance by the Louisiana Gaming Control Board pursuant to R.S. 27:44.2.

M. N.(1) The fire marshal, or his designee, shall have the authority to require the owner or lessee of a structure that was in existence as of August 1, 2014, and is utilized as a hotel to install a carbon monoxide alarm system

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 threat of carbon monoxide poisoning. 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 terms mean:

(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.

~~N. O.~~ 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, 911.28, 911.32, and 911.44.

Approved by the Governor, June 6, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 127

HOUSE BILL NO. 524

**BY REPRESENTATIVES LACOMBE, ADAMS, FISHER, GAINES,
LARVADAIN, AND ROMERO
AN ACT**

To amend and reenact R.S. 26:142 and to enact R.S. 26:2(35), (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. 26:2(35), (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 have the respective meanings ascribed to them in this Section, unless a different meaning clearly appears from the context:

* * *

(35) "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.

(36) "Manufacturing distillery" or "manufacturing distiller" means any person who personally or through any agent whatever 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.(37) "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)

* * *

(c) Manufacturing distillers engaged in self-distribution - one thousand five hundred dollars.

* * *

§82.1. Self-distribution

A. Notwithstanding any provision of law to the contrary, a manufacturing distiller who operates a manufacturing distillery located entirely in the state of Louisiana that produces less than four thousand gallons of distilled alcoholic liquors annually at the manufacturing distillery and holds both an in-state manufacturing distillery permit and a distillery self-distribution permit issued pursuant to R.S. 26:71 may self-distribute 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, a Class C permit issued pursuant to R.S. 26:71.2.

B. If a manufacturing distiller self-distributes to retailers the following shall apply:

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* As it appears in the enrolled bill

(1) No more than four thousand gallons of distilled alcoholic liquors may be self-distributed to all retailers annually.

(2) The distilled product shall be offered at a standard price to all retailers.

C. A manufacturing distillery meeting the qualifications in R.S. 26:82.1(A) may obtain a permit to self-distribute alcoholic liquors distilled at its manufacturing distillery under the following conditions:

(1) The manufacturing distiller does not have an existing distribution agreement with a permitted wholesale dealer.

(2) The manufacturing distiller owns or leases warehouse space that shall be maintained in a separate area from the distillation equipment.

(3) The manufacturing distiller owns or leases delivery equipment dedicated for the primary use of distribution and delivery of only those products distilled at the manufacturing distillery.

(4) The manufacturing distiller shall remit all excise and other applicable taxes on all alcoholic liquors distilled at its manufacturing distillery that are self-distributed.

(5) The manufacturing distiller shall provide a monthly report of all sales from the manufacturing distillery and all sales from self-distribution to the office of alcohol and tobacco control.

D. A manufacturing distiller may enter into a distribution agreement with a permitted wholesale dealer or make application for a self-distribution permit. However, no manufacturing distillery shall distribute through the permitted wholesale dealer and self-distribution.

E. Any manufacturing distillery that engages in self-distribution shall be subject to LAC Title 55, Part VII.

* * *

§90.1. Licensed manufacturing distillers; contracted private events

A. Notwithstanding any provision of law to the contrary, a manufacturing distillery as defined in R.S. 26:2 may lease its facility to a person not licensed pursuant to this Chapter for no more than twelve contracted private events per year during which food and alcoholic beverages not distilled at that licensed facility may be served to guests of the contracted private event by a caterer holding a permit issued pursuant to this Title if a copy of the lease is provided to the commissioner at least ten days prior to the event.

B. The manufacturing distiller may charge a reasonable rental fee to the person not licensed pursuant to this Chapter for the contracted private event.

C. The manufacturing distillery may serve to guests alcoholic beverages distilled at that licensed facility. The manufacturing distillery shall not charge the person not licensed pursuant to this Chapter more than its standard prices for such products.

* * *

§142. Distribution through wholesalers only

Except as provided for in R.S. 26:71.3, 71.4, 82.1, 85, 271.1, 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 as 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

HOUSE BILL NO. 644 (Substitute for House Bill No. 381 by Representative LaFleur)

**BY REPRESENTATIVES LAFLEUR, BOYD, BRASS, CARRIER,
WILFORD CARTER, FISHER, GEYMANN, GLOVER, GREEN, HUGHES,
JEFFERSON, JENKINS, 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 develop and implement pilot programs to provide open and no-cost digital textbooks, study tools, online homework, and open educational resources 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.

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

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 of 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 be made available in the statewide digital platform of 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 resource materials.

C.(1) 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) Resources 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 2024 fall semester.

(2) The provisions of this Section shall terminate September 2, 2026.

(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 on the program.

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

AN ACT

To amend and reenact R.S. 26:85(introductory paragraph) and (6) and to enact R.S. 26:2(35), (36), and 85(7), relative to alcoholic beverages; to provide relative to the definitions of distilling, manufacturing distiller, and manufacturing distillery; to authorize manufacturing distillers to sell or serve to the public from any facility; to provide for applicability to manufacturing distillers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:85(introductory paragraph) and (6) are hereby amended and reenacted and R.S. 26:2(35), (36), and 85(7) are hereby enacted to read as follows:

§2. Definitions

For purposes of this Chapter, the following terms have the respective meanings ascribed to them in this Section, unless a different meaning clearly appears from the context:

* * *

(35) “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.

(36) “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 this state, or engages in the business of supplying distilled alcoholic beverages to licensed wholesale dealers in Louisiana.

* * *

§85. Combination of manufacturer, wholesale, and retail business prohibited; exceptions

Except as provided in Paragraphs (1) through (6) (7) of this Section, no person shall, at the same time, engage in business as a manufacturer, manufacturing distiller, or wine producer and as a wholesaler, as a wholesaler and as a manufacturer, manufacturing distiller, or wine producer, as a manufacturer, manufacturing distiller, or wine producer and as a retailer, as a retailer and as a manufacturer, manufacturing distiller, or wine producer, as a wholesaler and as a retailer, or as a retailer and as a wholesaler of any regulated beverage. However:

* * *

(6) Provided that manufacturing distillers comply with the provisions of R.S. 26:90, manufacturing distillers who own and operate one or more manufacturing distilleries may sell or serve their finished products at retail directly to consumers at farmers’ markets and similar venues defined by the commissioner pursuant to rules and regulations promulgated in accordance with the Administrative Procedure Act.

(6)(7) Notwithstanding any other provision of law to the contrary, wine producers who operate one or more wineries may sell and ship directly to a consumer in Louisiana provided that the total amount of sparkling wine or still wine shipped to any single household address does not exceed twelve cases of wine per adult person per household address per calendar year. The packing in which the sparkling wine or still wine is shipped shall be received by a person twenty-one years of age or older. A person receiving a package of sparkling wine or still wine shall present proof of age as provided in R.S. 26:90 at the time of delivery.

Approved by the Governor, June 6, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 130

HOUSE BILL NO. 651

(Substitute for House Bill No. 517 by Representative Illg)
BY REPRESENTATIVE ILLG

AN ACT

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 of 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:

* * *

(c) 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:

* * *

(c) 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 MUSCARELLO

AN ACT

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

follows:

§1951. Creation of South Tangipahoa Parish Port Commission

B.

(2) Upon the expiration of the term of each member whose term expires as provided in Paragraph (1) of this Subsection or the creation of a vacancy in the seat of any such member, whichever occurs first, the governor shall appoint the successor to such member, subject to Senate confirmation, as follows and in the following order:

(e) Fifth, one member from a list of three nominees submitted by the ~~Hammond~~ Tangipahoa Chamber of Commerce.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 132

HOUSE BILL NO. 18
BY REPRESENTATIVE TARVER
AN ACT

To designate a portion of Louisiana Highway 384 in Calcasieu Parish as the "Captain Brian Bourgeois Memorial Roundabout"; to designate a portion of Louisiana Highway 40 in Folsom, Louisiana, as the "Deputy Hilery Mayo Memorial Highway"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 384, at the roundabout intersection of Graywood Parkway and Big Lake Road, in Calcasieu Parish shall be known and is hereby designated as the "Captain Brian Bourgeois Memorial Roundabout".

Section 2. The portion of Louisiana Highway 40 between Lee Road and Magee Road in Folsom, Louisiana, shall be known and is hereby designated as the "Deputy Hilery Mayo Memorial Highway".

Section 3. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting these designations provided local or private monies are received by the department equal to the department's actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, June 7, 2023.

A true copy:

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) 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) and 1206.2(A)(1) and (2)(c) and (d) and (E)(1)(a) are hereby amended and reenacted and R.S. 17:500.2(A)(2)(e) and 1206.2(A)(2)(e) 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.

* * *

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) ~~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 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 an employee or an immediate family member.

(e) "Parent" means the biological parent of an employee or an individual who stood in loco parentis to the employee.

* * *

E.(1)(a) On every occasion when an employee 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 employee to be absent for at least ten consecutive work days shall be presented prior to the extension of such leave.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 134

HOUSE BILL NO. 37
BY REPRESENTATIVE EMERSON
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)(introductory paragraph) and (b) are hereby amended and reenacted to read as follows:

§2260. Administration

A. Board of trustees:

* * *

(2) The board shall consist of ~~ten~~ eleven trustees 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.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 135

HOUSE BILL NO. 44
BY REPRESENTATIVES HORTON, ADAMS, CREWS, EMERSON,
FIRMINT, MCCORMICK, CHARLES OWEN, SEABAUGH, AND STAGNI

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

ACT No. 136

HOUSE BILL NO. 59
BY REPRESENTATIVE 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 relative 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

ACT No. 137

HOUSE BILL NO. 92
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

ACT No. 138

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 for that term has been made, then in case of vacancy or delay in appointment, the appointment shall be a member in good standing of the same fire fighters firefighter'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 8, 2024.

Approved by the Governor, June 7, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 139

HOUSE BILL NO. 105
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 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)

* * *

* * *

* * *

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

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided 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

ACT No. 140

HOUSE BILL NO. 114
BY REPRESENTATIVE ORGERON
AN ACT

To amend and reenact R.S. 56:1684(D)(1), relative to state parks; to provide an exception to state park size requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:1684(D)(1) is hereby amended and reenacted to read as follows:

§1684. Categories of classification

Each office of state parks holding will be identified and operated according to the basic purpose for which it is established and will be selected, operated, and identified according to the following classification categories and the criteria thereof:

* * *

D. "State parks" are natural areas which, when evaluated on a statewide basis, possess outstanding potential for recreation utilization. The natural area must possess outstanding scenic and natural qualities to provide a recreation opportunity of high quality in a natural setting.

The criteria for the selection of areas to be designated as state parks shall be:

(1) Size: A state park shall be of sufficient size to ensure efficient operation and maintenance of its recreation facilities and have sufficient buffer to preserve the natural integrity of the area.

All state parks, except those currently within the system, ~~and those in Caddo and Bossier Parishes, and those within Township 23 South - Range 22 East and Township 23 South - Range 23 East, Lafourche Parish,~~ must adhere to an absolute minimum size standard of two hundred fifty acres and preferred minimum size standard of four hundred acres. The secretary of the Department of Culture, Recreation and Tourism will determine in each case which minimum standard will be applicable.

Approved by the Governor, June 7, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 141

HOUSE BILL NO. 185
BY REPRESENTATIVE HILFERTY
AN ACT

To amend and reenact R.S. 33:9091.4(B) and (E)(1) and (3)(c) and to repeal R.S. 33:9091.4(E)(3)(b), relative to Orleans Parish; to provide relative to the Lake Terrace Crime Prevention District; to provide relative to the boundaries and funding of the district; to provide relative to the parcel fee imposed and collected in the district; to provide relative to the renewal of such fee; 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. 33:9091.4(B) and (E)(1) and (3)(c) are hereby amended and reenacted to read as follows:

§9091.4. Lake Terrace Crime Prevention District

* * *

B. Boundaries. The boundaries of the district shall be the center line of ~~Robert E. Lee Boulevard, Pratt Drive, St. Bernard Avenue, the shoreline of Lake Pontchartrain and Lakeshore Drive~~ Allen Toussaint Boulevard, center line of London Avenue Canal, center line of Bayou St. John, and the south shoreline of Lake Pontchartrain.

* * *

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

(1)(a) ~~The fee shall be a flat fee per improved parcel of land and the amount of the fee shall be three hundred not exceed five hundred fifty dollars per year for each improved parcel, except that the fee shall be seven hundred dollars per year for each improved parcel with three or more family units. The amount of the fee may be changed by duly adopted resolution of the board, not to exceed the maximum amount authorized by this Subparagraph. No election shall be required for such change in the amount of the fee.~~

(b) ~~Notwithstanding the provisions of Subparagraph (a) of this Paragraph, the fee shall be seven hundred dollars per year for each improved parcel with three or more family units.~~

(c) ~~Notwithstanding the provisions of Subparagraphs (a) and (b) of this Paragraph, the fee shall be a flat fee not to exceed seventeen hundred fifty dollars per year for each improved parcel of land used as a short-term rental. The amount of the fee may be changed by duly adopted resolution of the board, not to exceed the maximum amount authorized by this Subparagraph. No election shall be required for such change in the amount of the fee.~~

* * *

(3)

* * *

(c) ~~The fee shall expire at the time provided in the proposition authorizing~~

~~the fee, not to exceed eight years from its initial imposition, but the fee may be renewed as provided in Subparagraph (a) of this Paragraph. Any election to authorize renewal or increase of the fee shall be held only at the same time as the mayoral primary election. Any such election may be called at the request of the board of commissioners. If renewed or increased, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal or increase, not to exceed eight years. 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

ACT No. 142

HOUSE BILL NO. 301
BY REPRESENTATIVES ROMERO AND GAROFALO
AN ACT

To amend and reenact R.S. 32:1519(A) and (C)(1) and to enact R.S. 32:1519(D)(5)(o), relative to motor carrier reimbursement of remedial costs; to provide for authorization for wrecker service companies to sue the responsible party for reimbursement regarding working a hazardous material accident; and provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1519(A) and (C)(1) are hereby amended and reenacted and R.S. 32:1519(D)(5)(o) is hereby enacted to read as follows:

§1519. Reimbursement of remedial costs

A. Any person who has transported a hazardous material as defined in this Chapter, a hazardous substance as defined in R.S. 30:2272(4), ~~or a hazardous waste as defined in R.S. 30:2173, or a transporter who has worked a hazardous material accident~~ shall be liable to the state for undertaking remedial action or for all costs of remedial actions taken in cleaning up any discharge or disposal at a pollution source or facility if it can be shown that the hazardous material, hazardous substance or hazardous waste was discharged or disposed of directly by the transporter and the transporter directly caused the discharge or disposal for which remedial action must be undertaken.

* * *

C.(1) When the secretary orders one transporter to undertake remedial action and other transporters or persons have caused or contributed to the discharge or disposal, the transporter ~~or wrecker service company~~ undertaking remedial action may sue for reimbursement from any other transporter or person responsible for the costs of remedial actions attributable to that transporter or person.

* * *

D. As used in this Section, the following terms shall have the following meanings:

* * *

(5) "Remedial cost" means, after the discharge or disposal of a hazardous substance, the cost of:

* * *

(o) Wrecker service companies undertaking remedial action involving hazardous material accidents.

Approved by the Governor, June 7, 2023.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 143

HOUSE BILL NO. 343
BY REPRESENTATIVES BAGLEY, CORMIER, FIRMENT, FREIBERG,
GADBERRY, HORTON, MOORE, SCHAMERHORN, AND WRIGHT AND
SENATORS BERNARD, CARTER, MCMATH, MILLIGAN, PEACOCK,
POPE, AND SMITH
AN ACT

To redesignate a portion of Louisiana Highway 171 in DeSoto Parish as the "Chris Gray Memorial Highway"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 171 in DeSoto Parish, approximately 130.9 or 2.329 miles north of the Sabine Parish line, shall be known and is hereby redesignated as the "Chris Gray Memorial Highway".

Section 2. The Department of Transportation and Development or its contractor are hereby directed to erect and maintain appropriate signage reflecting this designation.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 144

HOUSE BILL NO. 345
BY REPRESENTATIVE LACOMBE
AN ACT

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 monies 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:

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

A. There is hereby created the Pointe Coupee Parish Sheriff Retired Employees Insurance Fund, hereinafter referred to as the "PCREIF", to help offset the payment by the sheriff's office of Pointe Coupee Parish of the premium costs for eligible retired sheriffs and retired deputy sheriffs as provided in R.S. 13:5554(G).

B. The sheriff of Pointe Coupee Parish may contribute to the PCREIF at his discretion.

C. Upon recommendations of the board established in Subsection F of this Section, the sheriff of Pointe Coupee Parish shall invest at least twenty-five percent in fixed income investments into the PCREIF, provided that at least seventy-five percent is rated as investment grade by a nationally recognized rating agency.

D.(1) The monies deposited pursuant to Subsection B of this Section and the monies invested pursuant to Subsection C of this Section and the accumulated earnings shall be available for the sheriff to withdraw for the purpose of paying the insurance costs, claims, or premiums for retired sheriffs and retired deputy sheriffs of Pointe Coupee Parish, or for legal representation costs for the PCREIF Board.

(2) In the event that the total amount of monies deposited pursuant to Subsection B of this Section and the monies invested pursuant to Subsection C of this Section fall below the sum of two million dollars, no earnings shall be withdrawn, and any balance owed for the payment of insurance premium costs or legal representation costs for the PCREIF Board shall be paid in full from the sheriff's general fund.

E. Any financial audit conducted of the sheriff's office of Pointe Coupee Parish shall specifically address compliance with the provisions of this Section.

F.(1) To provide recommendations concerning the investment of funds as provided in Subsection C of this Section, the sheriff shall establish an investment advisory board consisting of three members as follows:

(a) The sheriff or his designee.

(b) One retired sheriff or retired deputy sheriff of the department, appointed by the sheriff.

(c) One active deputy sheriff of the department, appointed by the sheriff.

(2) The members of the board shall elect a chairperson at its first board meeting, which shall be held within thirty days after the appointment of board members.

(3) The initial term of the investment advisory board shall begin July 1, 2023, and shall end June 30, 2024, and the terms thereafter shall be for four-year terms to run contemporaneous with the sheriff's term.

G.(1) Notwithstanding the provisions of this Section, and in accordance with R.S. 13:5554(T), in order for any sheriff, deputy sheriff, or other employee to be eligible to qualify for payment from the PCREIF, he must have completed the requisite years of service required and retired directly from either the Pointe Coupee Parish Sheriff's Office, the Sheriffs' Pension and Relief Fund, or the Louisiana Sheriffs' Association.

(2) Notwithstanding the provisions of any Subsection contained in this Section, and in accordance with R.S. 13:5554(G)(10)(a), the sheriff of Pointe Coupee Parish may utilize the PCREIF to help offset the premium costs of

group hospital, surgical, medical expense, and dental insurance and the life insurance premium costs for coverage in the amount of one and one-half times the salary at time of retirement, for any sheriff or deputy sheriff, hired prior to July 1, 2019, with at least fifteen years of service who is at least fifty-five years of age or retired with at least thirty years of service at any age.

(3) Notwithstanding the provisions of any Subsection contained in this Section, and in accordance with R.S. 13:5554(G)(10)(b), the sheriff of Pointe Coupee Parish may utilize the PCREIF to help offset the premium costs of group hospital, surgical, medical expense, and dental insurance and the life insurance premium costs for coverage in the amount of one and one-half times the salary at time of retirement, for any sheriff or full-time deputy sheriff, hired on and after July 1, 2019, who retires directly from active service with the Pointe Coupee Parish Sheriff's Office and who meets the criteria in all of the following:

(a) Is entitled to receive benefits from the Sheriffs' Pension and Relief Fund.

(b) Has at least fifteen years of full-time service with the Pointe Coupee Parish Sheriff's Office.

(c) Is at least fifty-five years of age.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 145

HOUSE BILL NO. 359
BY REPRESENTATIVE GREGORY MILLER
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 1109.6, relative to the creation of a juvenile justice district for certain parishes; to create and provide with respect to the River Parishes Juvenile Justice District; to establish and provide with respect to the purposes and functions; to provide for a board of commissioners of the district and for the composition, administration, powers, and duties of the board, including the power to incur debt, issue bonds, and levy taxes; to provide for the assessment and collection of court costs in certain criminal, traffic, and juvenile proceedings; to provide for the distribution of the monies to the board of commissioners of the River Parishes Juvenile Justice 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. 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.

§1109.1. 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 composed of a board of fourteen commissioners, who shall be qualified electors domiciled and residing in the district. Five commissioners 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 sheriff of St. Charles Parish; one commissioner shall be appointed, for a term of four years, by the sheriff of St. John 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 district attorney of the Fortieth Judicial District; one commissioner shall be appointed, for a term of four years, by the chief judge of the Twenty-Third 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. All appointments shall be confirmed by the Senate.

B. The members of the board of commissioners 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

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.

§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 provided by this Subpart shall 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 quorum shall be required to transact business and any action of the board shall require approval by a majority of the quorum present.

§1109.4. Board; general authority

A.(1) 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, dormitories, and other residential facilities for delinquent, neglected, or abused children or children in need of care or supervision, as well as for employees, patrons, visitors, and relatives of children who may 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 otherwise, any property, immovable or movable, tangible or intangible, from any person, firm, or corporation, including the state and its agencies and political subdivisions.

(2) The diagnostic facilities, dormitories, and other residential facilities may also be used to operate post-adjudication programming, including treatment and rehabilitation.

B. The board may also authorize and approve, upon such terms as it may deem advisable, contracts of employment for a superintendent or administrator and other necessary personnel and contracts for legal, financial, engineering, and other professional services necessary or expedient for the conduct of its affairs.

§1109.5. Board; domicile; power to levy taxes, incur debt, issue bonds

A. The board of commissioners shall be domiciled in the parish of St. James and shall have the power to sue and be sued. In the exercise of its powers to control, administer, and manage the affairs of the district, the board may incur debt and issue bonds and may levy taxes in the manner provided in this Subpart and pursuant to Article VI, Sections 30 and 32 of the Constitution of Louisiana or any other constitutional or statutory authority. The board generally may perform any function and exercise any power necessary, requisite, or proper for the administration and management of the affairs of the commission and, specifically, may cooperate with juvenile courts and other courts and public agencies within the Twenty-Third, Twenty-Ninth, and Fortieth Judicial Districts to aid and assist in all ways authorized by law for the purposes and responsibilities for which the commission is established.

B. In addition to the general powers conferred by this Section, 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 and programs throughout the River Parishes Juvenile Justice District, the commission may incur debt and issue general obligation bonds within the limitations prescribed by Article VI, Section 33 of the Constitution of Louisiana and other applicable constitutional or statutory authority, but only when authorized by a majority of the electors in the district who vote thereon in an election held for that purpose in accordance with laws governing such elections.

§1109.6. Funding for the commission; criminal court costs

A. In the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist, in all felony and misdemeanor prosecutions, including traffic offenses, under state law or parish or municipal ordinance, in any district, parish, city, or mayor's court, special costs in an amount not to exceed five dollars shall be levied against every defendant who is convicted after trial, enters a plea of guilty or nolo contendere, or forfeits bond. However, in lieu of imposing the special costs, the court may direct that a like amount be deducted from any fine imposed prior to disposition of the fine in accordance with other laws, but in either event any amounts so collected shall be remitted, by the tenth of the month following the month in which collected, by the proper officer of the court to the board of the River Parishes Juvenile Justice Commission to be used for the expenses of its operations as provided in this Subpart.

B. In the parishes of Ascension, Assumption, St. Charles, St. James, and St. John the Baptist, in all courts exercising juvenile jurisdiction, special costs in an amount not to exceed five dollars shall be levied against every juvenile who is found to have committed a traffic violation, under state law or parish or municipal ordinance, and special costs in an amount not to exceed twenty-five dollars shall be levied against every juvenile who is adjudicated a delinquent. All or part of the costs may be suspended, but any amounts collected shall be remitted, by the tenth of the month following the month in

which collected, by the proper officer of the court in which the matter was heard to the board of the River Parishes Juvenile Justice Commission to be used for the expenses of its operations pursuant to this Subpart.

Section 2. In accordance with the provisions of R.S. 13:62, the special court costs or fees as provided by this Act shall become effective if and when the Judicial Council provides a recommendation that such court costs or fees meet the applicable guidelines in its report to the Louisiana Legislature. No fees shall be imposed or collected without Judicial Council approval.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

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.

AN ACT

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. * * *

(2) 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 address where the subject of the hearing was served with the charges pending before the board or an address provided by the respondent or the respondent's attorney of record after service was made.**

* * *

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 147

SENATE BILL NO. 40

BY SENATOR FOIL

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

AN ACT

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 as to a 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 may exclude incompetent, irrelevant, immaterial, or 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.

E.(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.

G. 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.

H. The Ethics Adjudicatory Board may render or affirm a summary judgment only as to those issues set forth in the motion under consideration by the board at that time.

I. 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 file 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.

J. 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. 42:1142(A).

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 148

SENATE BILL NO. 49

BY SENATORS HEWITT, ABRAHAM, BERNARD, CLOUD, CONNICK, CORTEZ, FESI, HENRY, HENSGENS, KLEINPETER, MILLIGAN, MIZELL, MORRIS, PEACOCK, SMITH, STINE, WHITE AND WOMACK AND REPRESENTATIVES EDMONDS, EDMONSTON, GAROFALO, GOUDEAU, HORTON, LAFLEUR AND VILLIO Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact R.S. 40:983(C) and (D), relative to penalties for the creation or operation of a clandestine laboratory; to provide relative to the creation or operation of a clandestine laboratory which manufactures fentanyl; to provide relative to the creation or operation of a clandestine laboratory which manufactures carfentanil; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:983(C) and (D) are hereby amended and reenacted to read as follows:

§983. Creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance; definition; penalties

* * *

C. (1) Except as provided in Paragraph (2) of this Subsection, whoever Whoever commits the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of a controlled dangerous substance shall be sentenced to imprisonment at hard labor for not less than five years nor more than fifteen years; and may, in addition, be sentenced to pay a fine of not more than twenty-five thousand dollars.

(2) Whoever commits the crime of creation or operation of a clandestine laboratory for the unlawful manufacture of fentanyl or a mixture or substance containing a detectable amount of fentanyl or its analogues, or carfentanil or a mixture or substance containing a detectable amount of carfentanil or its analogues, shall be sentenced as follows:

(a) On a first conviction, imprisonment at hard labor for not less than ten years nor more than forty years, at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence and may, in addition, be required to pay a fine of not more than fifty thousand dollars.

(b) On a second conviction, imprisonment at hard labor for not less than thirty years nor more than forty years, at least ten years of which shall be served without benefit of parole, probation, or suspension of sentence and may, in addition, be required to pay a fine of not more than five hundred thousand dollars.

(c) On a third or subsequent conviction, imprisonment at hard labor for not less than ninety-nine years, which shall be served without benefit of parole, probation, or suspension of sentence and may, in addition, be required to pay a fine of not more than five hundred thousand dollars.

D. In addition to the ~~penalties~~ penalty provided in Subsection C of this Section, a person convicted under the provisions of this Section may be ordered to make restitution for the actual governmental cost incurred in the cleanup of any hazardous waste resulting from the operation of a laboratory for the unlawful manufacture of a controlled dangerous substance. The court may order that such amount be paid directly to the governmental agency or agencies that actually incurred the cleanup expense.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 149

SENATE BILL NO. 51

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

AN ACT

To amend and reenact R.S. 45:1272(9)(b) and to enact R.S. 45:1281(C), relative to utilities; to provide relative to securitization of energy transition costs; to provide for definitions, terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 45:1272(9)(b) is hereby amended and reenacted and R.S. 45:1281(C) is hereby enacted to read as follows:

§1272. Definitions

As used in this Part:

* * *

(9) "Energy transition costs" means, if requested by the electric utility, and as may be approved by the commission, costs incurred or to be incurred by an electric utility consisting of any of the following:

* * *

~~(b)(i) Costs not previously collected from the electric utility's customers for previously mined coal or lignite or for the closure and reclamation of an eligible mine, including land remediation and liabilities. These costs may include the following:~~

~~(aa) Costs not previously collected from the electric utility's customers.~~

~~(bb) Costs previously collected from the electric utility's customers but subsequently ordered by the commission to be refunded to customers. These costs, including any interest component, ordered to be refunded may be included in the energy transition costs being financed by the energy transition bonds regardless of whether the refund credits are given before or after the date the energy transition bonds are issued.~~

~~(ii) Energy transition costs shall not include any monetary penalty, fine, or forfeiture assessed against an electric utility or its affiliate by a government agency or a court under a federal or state environmental statute, rule, or regulation.~~

* * *

§1281. No impairment of commission jurisdiction

* * *

C. A utility may finance energy transition costs that were previously collected from the utility's customers but were subsequently ordered by the commission to be refunded to customers regardless of the date the costs were collected or the date the commission issued the refund order.

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 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 150

SENATE BILL NO. 103
BY SENATOR LAMBERT

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

AN ACT

To amend and reenact R.S. 3:304(B), 1221(C), 3302(2), 3366(C), and 3712(E) and (H), R.S. 9:1152(B), and 2800.14, R.S. 13:5107(C), the introductory paragraph of R.S. 17:202(A)(2) and 218(2), the introductory paragraph of R.S. 30:4(D), the introductory paragraph of 4(D)(1), 30:4(D)(1)(d), (2), and (3)(a)(ii), (G), (M)(6)(b), (N)(1) and (5), the introductory paragraph of 4.1(B), 21.2, 23(D)(1), 25(A)(2), (3), and (7), 26(A), 29(A), (B)(1), and (C)(3)(b)(i), 73(1), 81(B), 82(1), (4), and (13), 83(A), (B)(1), (F)(5), and (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), 126(B)(3), 132, 135, 136(A)(1)(a), 136.3(D), 142(E)(1)(a), 143(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), 206, 209(4)(b), 212(A), 215(A), 216(C)(2), 401, 503(1), 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(2), 963(A), 1103(7), 1105(B), 1109(F), the introductory paragraph of 1152(A), the introductory paragraph of 1154(A), the introductory paragraph of 1154(A)(9)(a), 1202(8), 1354(6), 1401(B) and (C), 1402(B) and (D), 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), R.S. 31:149(A), R.S. 32:1511 and 1513.1(A), 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), R.S. 34:3116(B) and 3304(B), R.S. 36:4(A)(7), 8.1(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(B)(1) and (2), and (C), 629(J)(2) through (8), and 957(A), R.S. 37:711.4(E), 1377(K)(1), and 3151(1), R.S. 38:25(A), 327(F), 3087.134(E)(5), 3092(7), 3097.3(B), the heading of 3098.2, the introductory paragraph of 3098.6(A), and 3098.6(A)(2), R.S. 39:99.29(A), 253(A)

(2), 2007(D)(1), and 2177(D), R.S. 40:1730.22(F), 1730.28.4(B)(1), 1892, 1893, and 1894, 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), R.S. 42:1113(D)(1)(a)(ii)(hh) and (6)(f), 1124(A)(2)(f), and 1266(C)(1)(f), R.S. 44:4(10), R.S. 47:301(10)(gg) and (18)(p), 633(7)(c)(iii)(bb), (iv)(aa), (bb), and (cc), and (d), (9)(d)(i) and (iii), the introductory paragraph of 633.4(B)(1), 633.5(A), the introductory paragraph of 648.2(1), 648.3, 1508(B)(9), 1515.2, 1989(C)(2) (a)(vi)(cc), and 6035(D), R.S. 48:224(C), R.S. 49:74(A)(5)(b)(i)(aa)(VI), 191(12) (c), 214.5.1(B)(2), 214.6.2(C)(1) and (D)(8), 214.8.6(B)(4), 214.23(12), 214.24(D), 214.25(C), 214.26(A)(1), 214.31(B), 214.33(B)(6), 214.36(J)(1)(a), 259(A) and (D), 330(A)(4), 966(B)(11), and 1053(C)(11), R.S. 51:1601(H), 1602(3), (5), (8), (13), and (15), the introductory paragraph of 1603, 1603(7)(c), and 1605(B)(12) through (15), 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(4) and (7), 700.13(A), 796(B)(1)(p), 1431(E), 1808(A), 1932(A)(6), 1933(A)(1)(g), and 2011(E), and the introductory paragraph of Code of Civil Procedure Art. 1552 and 1563(A)(2) and (B), relative to the renaming of the Department of Natural Resources; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:304(B), 1221(C), 3302(2), 3366(C), and 3712(E) and (H) are hereby amended and reenacted to read as follows:

§304. Master farmer certification

* * *

B. The commissioner may adopt rules and regulations setting out the requirements for obtaining a certification. The curriculum shall be established by the Louisiana State University AgCenter. The Louisiana State University AgCenter may consult with other agencies and organizations as needed, including but not limited to the Louisiana Department of Environmental Quality, Louisiana Department of **Energy and** Natural Resources, Louisiana Farm Bureau, the United States Department of Agriculture, Natural Resources and Conservation Service, and the State Soil and Water Conservation Commission. The curriculum shall include but is not limited to the instruction on environmental issues in agriculture, nonpoint source pollution, best management and conservation practices, soil and water quality monitoring demonstrations, and development and implementation of an individual comprehensive soil and water conservation plan.

* * *

§1221. Carbon sequestration; emissions reduction of carbon dioxide and other greenhouse gases

* * *

C. The provisions of this Section do not affect the authority of the Louisiana Department of **Energy and** Natural Resources or benefits, credits, or offsets derived from projects approved and undertaken by the Coastal Protection and Restoration Authority in the coastal area.

* * *

§3302. Definitions

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

* * *

(2) "Appropriate governmental agency" means any federal, state, or local agency which has jurisdiction over or expertise in the subject matter affected by this Part, and includes but is not limited to, the United States Department of Agriculture, the United States Environmental Protection Agency, the United States Geological Survey, the Department of Environmental Quality, the Louisiana Department of Health, the Department of **Energy and** Natural Resources, the Department of Wildlife and Fisheries, and the Department of Transportation and Development.

* * *

§3366. Administrative rules

* * *

C. Persons engaged in structural pest control work shall be governed exclusively by the rules and regulations adopted by the commission. If the rules and regulations adopted by the commission conflict with any rules or regulations adopted by any other agency, including but not limited to the Department of **Energy and** Natural Resources, the Department of Environmental Quality, or the Department of Public Safety and Corrections the rules and regulations adopted by the commission shall prevail.

* * *

§3712. Purchase of feedstock by operators of renewable fuel manufacturing facilities; notice requirements; annual report

* * *

E. To improve dissemination of information regarding supply needs of renewable fuel manufacturing facilities operating in Louisiana and to assure that Louisiana farmers are adequately and timely informed about the feedstock needs of these facilities, the operators of all renewable fuel manufacturing facilities shall, at least one hundred eighty days prior to the start of commercial operation of such facilities, provide notice to the commissioner of agriculture and forestry, the secretary of the Department of **Energy and** Natural Resources and the secretary of the Department of Economic Development.

* * *

H. Each renewable fuels manufacturing facility operating in Louisiana shall provide an annual report to the commissioner of agriculture and forestry, the secretary of the Department of **Energy and** Natural Resources and the secretary of the Department of Economic Development certifying that it has

purchased all of the competitively priced Louisiana feedstock available during its operations. The report shall also list the production levels for the previous twelve months, the amount and type 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 shall 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 sufficient showing of the boundaries of the servitude area, the secretary shall indicate his assent thereto on said plat and on his certificate evidencing the boundaries of such servitude.

(2) The office of mineral resources of the Department of **Energy and** Natural Resources and the agency or political subdivision holding such servitude may fix the boundaries of such servitudes or otherwise fix their respective interest with respect to such servitude by written agreement.

(3) In the event the boundaries cannot be fixed in either manner provided for above, then the secretary of the Department of **Energy and** Natural Resources, the office of mineral resources of the Department of **Energy and** Natural Resources, or the agency or political subdivision holding such servitude may institute an action in the parish where the property is located to fix the boundaries of such servitude in accordance with applicable law.

(4) A 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 or damage to oyster leases from exploration, excavation, construction, 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, or production, storage, and pumping facilities within a designated water route or navigable waters approved by the Department of **Energy and** Natural Resources shall only 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:

§5107. 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, boundary disputes, trespass actions, actions involving alleged acquisitive 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 shall also 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)

* * *

(2) The commission shall consist of the secretary of the Department of Wildlife and Fisheries or his designee, the state superintendent of education or his designee, the secretary of the Department of Environmental Quality or his designee, the secretary of the Department of **Energy and** Natural Resources or his designee, the secretary of the Louisiana Department of Health or his designee, the commissioner of the Department of Agriculture and Forestry or his designee, the chancellor of the Louisiana State University Agricultural Center or his designee, the chancellor of Southern University Agricultural and Mechanical College or his designee, the governor's executive assistant for coastal activities or his designee, and the following members appointed by the governor:

* * *

§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 4(D)(1), 30:4(D)(1)(d), (2), and (3)(a)(ii), (G), (M)(6)(b), (N)(1) and (5), the introductory paragraph of 4.1(B), 21.2, 23(D)(1), 25(A)(2), (3), and (7), 26(A), 29(A), (B)(1), and (C)(3)(b)(i), 73(1), 81(B), 82(1), (4), and (13), 83(A), (B)(1), (F) (5), and (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), 126(B)(3), 132, 135, 136(A)(1)(a), 136.3(D), 142(E)(1)(a), 143(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), 206, 209(4)(b), 212(A), 215(A), 216(C)(2), 401, 503(1), 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(2), 963(A), 1103(7), 1105(B), 1109(F), the introductory paragraph of 1152(A), the introductory paragraph of 1154(A), the introductory paragraph of 1154(A) (9)(a), 1202(8), 1354(6), 1401(B) and (C), 1402(B) and (D), 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 to read as follows:

§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 fittings, tie-overs, 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 meet all requirements of the United States Army Corps of Engineers for burial and shall be located, installed, marked, and maintained in a proper manner, to be approved by the assistant secretary, so as to minimize undue interference with persons making other uses of state waters or water bottoms, including mariners and fishermen.

(3) To require that all equipment, machinery, and materials associated with the construction, operation, maintenance, or abandonment of all pipelines, including field transmission, flow, and gathering lines; all wells; and all associated structures, 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:

(a)(i)

* * *

(ii) If the inspection reveals any equipment, 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 permittee 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 control

* * *

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, any reasonable 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 secretary shall condemn one or more of the parties to the claim to pay the actual cost of administering the claim and may apportion such cost among the parties. The funds received pursuant to this Section shall 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 not otherwise prohibited by law. Such determination shall include consideration of the techniques, costs, quantities of oil and gas, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gas not otherwise prohibited by law available for such purpose and priorities for allocation in time of emergency.

* * *

§25. Closure of production pits in the wetlands

A.(1)

* * *

(2) Each production pit located within the inland tidal waters, lakes bounded by the Gulf of Mexico, and saltwater marshes 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 bounded by the Gulf of Mexico, and saltwater marshes provided for by 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 bounded by the Gulf of Mexico, and saltwater marshes.

* * *

(7) No permit or approval from any agency, department, or authority other than the Department of **Energy and** Natural Resources office of conservation

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 of 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 remediation obligations 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 review and 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 review of 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 from the injection and mining division of that office.

* * *

§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, site-specific trust accounts established prior to the adoption of a standard for evaluation by the office of conservation, 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, 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 Paragraphs (D)(9), (10), and (11) of this Section 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 38 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 such property interest resulting from oil or gas exploration, development, or production activities on an oilfield site, including 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, or by actual 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, 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, 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. Whenever four or more claims are reported after a site has been certified as clear, the site shall be revisited and the new or leftover obstruction shall be located and, if the department determines it is feasible, removed.

§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, geothermal 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 advertise for bids for a lease in 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, supervisory, and other activities and the assistant secretary thereof shall serve as secretary to the board.

§136. Funds, disposition and appropriation of; penalties

A.(1)(a) 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 office as previously required, 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 payment is fifty 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 a contract with the board authorized by Subsection C of this Section concerning the acquisition and use of available in-kind natural gas royalties and after publication of its intent to do so in the official journal of the state, 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 assuring that the applicant will use the in-kind royalties to satisfy and meet bona fide human needs, as defined herein. Under any such contract, the price at 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 the state receives 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 a full factual record. The seller, assignor, or sublessor 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 proceedings 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 perform all of the 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, the State Mineral and Energy Board shall issue a written decision granting or denying the application in whole or in part or upon such conditions as it may deem appropriate.

(6) Anything herein to the contrary notwithstanding, the secretary of the Department of **Energy and Natural Resources** may transmit a recommended decision to the State Mineral and Energy Board without first conducting an investigation or holding a hearing if (i) all necessary parties to the hearing file affidavits with the secretary of the Department of **Energy and Natural Resources** attesting their belief that there are no substantial issues requiring an investigation or hearing and (ii) the secretary independently determines that there are no substantial issues requiring an investigation or hearing.

E. The secretary of the Department of **Energy and Natural Resources** shall have authority to issue all necessary or appropriate regulations to implement this Section.

F. Whenever it appears to the State Mineral and Energy Board or the secretary of the Department of **Energy and Natural Resources** that any person has engaged or is about to engage in any act or practice constituting a violation of any provision of this Section, 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 an 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 implementation a regulatory program 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:

§150. Louisiana Royalty Relief Dry Hole Credit Program; requirements; conditions; limitations; expiration

A. Notwithstanding any other provision of law to the contrary, the Department of **Energy and Natural Resources** may by rule provide a dry hole credit program as set forth in this Section for certain drilling in mineral leases on state-owned lands or state-owned water bottoms in the coastal zone, as defined in R.S. 49:214.24.

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**.

D. If a dry hole credit is offered as provided in this Section, the Department of **Energy and Natural Resources**, office of mineral resources, shall certify qualification for the royalty relief dry hole credit, and provide forms and procedures relative to such certification. Application and obtaining certification as a well qualified to receive the royalty relief dry hole credit must be completed prior to drilling of the qualifying well.

F. To utilize the royalty relief dry hole credit:

(2) The applicant shall agree to fully compensate for the adverse impacts to coastal wetlands in an amount equal to at least one hundred twenty-five percent of the habitat value of the affected wetlands, calculated in accordance with an evaluation method adopted 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:

(4)(a)

(b) The office of mineral resources, on behalf of the mineral board, shall administer all operating agreements. After deposit 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 Operation 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 grant exclusive and nonexclusive permits to conduct geophysical and 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 year 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 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

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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 for a permit 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 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, a process 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.

* * *
§905.1. 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 plans, annual 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

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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. Except as 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 where 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 administration 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.

* * *
§1103. 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.

* * *
§1105. Hearings; notice; rules of procedures; emergency; service of process; public records; request for hearings; orders and compliance orders

* * *
B. All rules, regulations, and orders made by the commissioner under this Chapter shall be in writing and shall be entered in full by him in a book kept for that purpose. This book shall be a public record and shall be open for inspection at all times during reasonable office hours and shall be available on the Department of **Energy and** Natural Resources website. A copy of a rule, regulation, or order, certified by the commissioner, shall be received in evidence in all courts of this state with the same effect as the original.

* * *
§1109. Cessation of storage operations; liability release

* * *

F. No party contracting with the Department of Energy and Natural Resources, office of conservation, or the commissioner under the provisions of this Chapter 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.

* * *

§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 program of research and development in solar energy supply, consumption, and conservation and the technology of siting facilities and shall give priority to those forms of research and development which are of particular importance to the state, including, but not limited to, all of the following:

* * *

§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 and after one or more public hearings, 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 to provide maximum information to the public concerning solar devices and solar power generation facilities. The regulations may include all of the following:

* * *

(9)(a) 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 permit fees pursuant to Paragraph (D)(3) of this Section. Any bond or other instrument shall ensure the following:

* * *

§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 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 on federal oil overcharge monies

* * *

B. The Joint Committee on Federal Oil Overcharge Monies shall review the oil overcharge refund program as a whole and provide legislative guidance to the Department of Energy and Natural Resources relative to the development of state plans to expend 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, cellar 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

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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. 30:29(D)(4).

* * *

§2035. Environmental Emergency Response Training Program

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B.(1)

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(2) In order to encourage training programs to further the purposes of the Louisiana Environmental Quality Act, as provided in R.S. 30:2011(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

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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 activities onto the ground and into the surface waters in the 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 from 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 veterinarians and hospitals. 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.

* * *

§2248. 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 because of an order by 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 Redemption 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 Resources Trust Dedicated 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 habitats on which they depend under its jurisdiction. The executive director of the Coastal Protection and Restoration Authority, in cooperation with the coordinator, shall recommend provisions of the plan for providing for the protection and restoration of the coastal areas of the state. The Department of **Energy and Natural Resources**, in cooperation with the coordinator, shall recommend provisions of the plan providing for protection and rehabilitation of appropriate resources under its jurisdiction. 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.

* * *

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 **Energy and 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 for public inspection in the Coastal Protection and Restoration Authority, the office of coastal management in the Department of **Energy and Natural Resources**, in each agency comprising the interagency council, and in the parish seat of each parish located within the boundary.

§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 integrated coastal 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 Section, and he shall seek reimbursement for the fund as provided elsewhere in 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 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 consultation 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 thereof imprescriptible; 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 with authority to expropriate or condemn, 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:

§1511. Illegal discharge of hazardous materials

No person shall intentionally discharge or cause to be discharged the contents of any transport vehicle containing hazardous material between the points of origin and the points of billed destination, except as authorized by representatives of the Department of Public Safety or the Department of **Energy and Natural Resources**.

* * *

§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 or his designee, 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:

§1236. 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 federal assistance under 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.

(3) Relative to the Alternative Fuel Vehicle Revolving Loan Fund Program, the Department of **Energy and** Natural Resources shall have the authority to establish assistance priorities and perform oversight and other related activities.

§1419.2. Definitions

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

(1) "Administrative costs" means costs incurred by the Department of **Energy and** Natural Resources in the administration of the program, including but not limited to:

(6) "Department" means 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, in accordance with the Administrative Procedure Act, subject to oversight by the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment.

§1419.4. Alternative Fuel Vehicle Revolving Loan Fund

A. There is hereby established the Alternative Fuel Vehicle Revolving Loan Fund, hereinafter referred to in this Subpart as the "alternative fuels loan fund", which shall be maintained, operated, and administered by the Department of **Energy and** Natural Resources.

D.(1) The money in the Alternative Fuel Vehicle Revolving Loan Fund shall be appropriated by the legislature and shall be used by the Department of **Energy and** Natural Resources solely for administrative costs of and the purposes of the Alternative Fuel Vehicle Revolving Loan Fund Program as provided for in this Subpart.

§1419.5. Use of the Alternative Fuel Vehicle Revolving Loan Fund

Money from the Alternative Fuel Vehicle Revolving Loan Fund may be used:

(1) To provide loans at or below market interest rates for a period not to exceed ten years from the completion date of the conversion of all or a portion of local governing authorities' fleets of motor vehicles to qualified clean fuel vehicles propelled by alternative fuels which are financed by such loans. All such loans shall be subject to approval by the Department of **Energy and** Natural Resources.

(4) To provide a source of revenue or security for the payment of principal, interest, or premium on revenue or general obligation bonds or other

evidences of indebtedness issued by the Department of **Energy and** Natural Resources, or any political subdivision, governmental agency, public corporation, 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 provide 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 may 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 Health, the Department of Environmental Quality, the Department of Transportation and Development, 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 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 Health, the Department of Environmental Quality, and the Department of **Energy and** Natural Resources.

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

§4522. 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).

§4523. Method of use and containers and equipment regulated

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.

§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. 30:501 et seq.; however, the provisions of R.S. 30:544 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 district or parish court 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. 38:2211 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 Iberia, 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), 8.1(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(B)(1) 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 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 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:

* * *

(13) 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, economic, and 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 residents, 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, or the environment, upon mutually agreeable terms and 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 budget control, procurement and contract management, data processing, 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, assign, and promote 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 of the department, all subject to budgetary control and applicable laws. The undersecretary shall exercise all powers and authority granted to him in this Title subject to the overall direction and control of the secretary.

* * *

§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 offices 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 retain the authority to lease for development and production of minerals, oil, and gas, any lands belonging to the state, or the title to which is in the public, including road beds, water bottoms, and land adjudicated to the state at tax sale. The State Mineral and Energy Board shall retain supervision of all mineral leases granted by the state, and it shall retain general authority to take action for and on behalf of and to protect the interests of the state in accordance with the provisions of Title 30 of the 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 or the office of forestry within the Department of **Energy and Natural Resources** shall be deemed to be appropriated to those entities within the Department of Agriculture and Forestry.

(6) All 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 fleet of airplanes operated by the Louisiana Forestry Commission and the office of forestry of the Department of **Energy and Natural Resources** is specifically transferred to 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.

(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 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.

* * *

§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 Part: 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 Revenue, the Department of Transportation and Development, and the Department of Wildlife and Fisheries.

* * *

Section 11. R.S. 37:711.4(E), 1377(K)(1), and 3151(1) are hereby amended and reenacted to read as follows:

§711.4. Board; appointments; terms

* * *

E. On or after January 1, 2013, no employee of the Department of **Energy and Natural Resources**, including but not limited to the office of conservation, or the Department of Environmental Quality shall be appointed to the board.

* * *

§1377. Definitions; exceptions

* * *

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 does not include 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**.

* * *

§3151. Definitions

As used in this Chapter, the following words shall have the meaning ascribed to them in this Section unless the context clearly indicates otherwise:

(1) "Assistant Secretary" means the assistant secretary of the office of environmental affairs of the Department of **Energy and Natural Resources**.

* * *

Section 12. R.S. 38:25(A), 327(F), 3087.134(E)(5), 3092(7), 3097.3(B), the heading of 3098.2, the introductory paragraph of 3098.6(A), and 3098.6(A)(2) are hereby amended and reenacted to read as follows:

§25. Exemptions for other programs; additional requirements

A. Where the impoundment of liquid substances or hazardous wastes and materials by dikes, dams, or barriers is permitted or regulated under

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.

* * *

§3087.134. 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 be subject to Senate confirmation and 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.

* * *

§253. 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

* * *

F.(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 in collaboration with the council, as provided for in Subsection C of this Section.

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

* * *

§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) The 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).

§1893. Method of use and containers and equipment regulated

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 office of conservation of the Department of **Energy and** Natural Resources.

§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 this subject necessary to carry out the purposes 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 of 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 be credited to the account of the current school fund of the parish in which such sixteenth section 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 the 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 be ex officio voting members 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 Culture, Recreation and Tourism, the Department of **Energy and** Natural Resources, the Office of Coastal Protection and Restoration, the Department of Wildlife and Fisheries, 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 for review and comment not less than sixty days prior to the issuance of such permit. 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 under R.S. 49:214.1 et seq. or other applicable law or projects 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)(i) 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 State Land Office, may enter into agreements with owners of land contiguous to and abutting navigable water bottoms belonging to the state who have the right to reclaim or recover such land, including all oil and gas mineral rights, as provided in Subsection B of this Section, which agreements may establish in such owner the perpetual, transferrable ownership of all subsurface mineral rights to the then-existing coast or shore line. Such agreements may also provide for a limited or perpetual alienation or transfer, in whole or in part, to such owner of subsurface mineral rights owned by the state relating to the emergent lands that emerge from waterbottoms that are subject to such owner's right of reclamation in exchange for the owner's compromise of his ownership and reclamation rights within such area and for such time as the executive director deems appropriate and in further exchange for the owner's agreement to allow his existing property to be utilized in connection with the project to the extent deemed necessary by the executive director.

(ii) 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, 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 and the State Land 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. In addition, such agreement shall, at a minimum, specify:

* * *

H. No reclamation by a riparian landowner shall be permitted if, in the determination of the Department of **Energy and** Natural Resources, the State Land Office, the Coastal Protection and Restoration Authority, or the attorney general, such activity would unreasonably obstruct or hinder the navigability of any waters of the state or impose undue or unreasonable restraints on the state rights which have vested in such areas pursuant to Louisiana law, and to that extent the land area sought to be reclaimed may be limited.

I. Any person aggrieved either by a substantive agency decision made pursuant to the provisions of this Section, including interlocutory decisions relating to boundaries and determinations of areas reclaimed, or by a failure of the agency to render such decisions timely, may seek immediate judicial review of the agency action. Proceedings for review of decisions by the Department of **Energy and** Natural Resources, the Coastal Protection and Restoration Authority, or the State Land Office may be instituted by filing a petition in the Nineteenth Judicial District Court within thirty days after mailing of notice of the final decision by the administrator or secretary. Any party may request and be granted a trial de novo.

* * *

§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, collecting of fees or revenues for all manner of encroachments, and shall create an overall and comprehensive plan for the orderly development and preservation of state lands so as to ensure maximum benefit and use, all in accordance with the law. The office shall maintain a current inventory of state lands and a depository in which shall be recorded and preserved all records, surveys, plats, applications, permits, leases, licenses, and other evidence pertaining to the trust lands, their description, disposition, and encroachments thereon.

* * *

§1712. Leases and permits, grant or denial; title

* * *

D. When permit or lease applications involve projects over which the United States Army Corps of Engineers, the Department of **Energy and** Natural Resources, or 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 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 receipt of objections in writing by 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 generated 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 and may consult any other state agency or governmental entity 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 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)(ii)(hh) and (6)(f), 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)(i)

* * *

(ii) The provisions of this Subparagraph and other provisions which reference this Item shall apply to the following persons:

* * *

(hh) The secretary, deputy secretary, undersecretary, and each assistant

secretary, or the equivalent position of the Department of **Energy and Natural Resources**.

* * *

(6) The provisions of R.S. 42:1113(D)(1)(a)(i), R.S. 42:1113(D)(1)(b), and other provisions which reference these provisions of law shall not apply to the spouses and immediate family members of the deputy secretaries, undersecretaries, assistant secretaries, or equivalent positions in the following agencies:

* * *

(f) Department of **Energy and Natural Resources**.

* * *

§1124. Financial disclosure; statewide elected officials; certain public servants

A. The following persons shall annually file a financial statement as provided in this Section:

* * *

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

* * *

(f) The Department of **Energy and Natural Resources**.

* * *

§1266. Required education; certain unclassified officials and employees

* * *

C.(1) This Section shall apply to each person serving in the state unclassified service in one of the following positions:

* * *

(f) The secretary, deputy secretary, undersecretary, and each assistant secretary, or an equivalent position of the Department of **Energy and Natural Resources**.

* * *

Section 17. R.S. 44:4(10) is hereby amended and reenacted to read as follows:

§4. Applicability

This Chapter shall not apply:

* * *

(10) To any records, data, writings, accounts, reports, letters, exhibits, pictures, photographs, drawings, charts, maps, or copies or memoranda thereof, whether written or oral, filed by or received from the Energy Information Administration of the United States Department of Energy by the secretary of the Department of **Energy and Natural Resources** or any official or employee in the Department of **Energy and Natural Resources** if nondisclosure to any other person or public body was a requirement for obtaining same and the information could not otherwise be obtained by law from that agency; and to any records or information filed with or received by the secretary of the Department of **Energy and Natural Resources** or any official or employee in the Department of **Energy and Natural Resources** from any person who is required by federal law to supply same to the state which information is not available to the public under federal law. Statistical reports which do not reveal, directly or by inference, the identity of the individual sources of the information compiled by the Department of **Energy and Natural Resources**.

* * *

Section 18. R.S. 47:301(10)(gg) and (18)(p), 633(7)(c)(iii)(bb), (iv)(aa), (bb), and (cc) and (d), (9)(d)(i) and (iii), the introductory paragraph of 633.4(B)(1), 633.5(A), the introductory paragraph of 648.2(1), 648.3, 1508(B)(9), 1515.2, 1989(C)(2)(a)(vi) (cc), and 6035(D) are hereby amended and reenacted to read as follows:

§301. 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:

* * *

(10)(a)(i)

* * *

* * *

(gg) For purposes of sales and use 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.

* * *

(18)(a)(i)

* * *

* * *

(p) Solely for purposes of sales and use tax imposed by the state under R.S. 47:302, 321, and 331 or any political subdivision of the state, the term "use" shall not mean or include the purchase, importation, storage, distribution or exercise of any right or power over anthropogenic carbon dioxide used 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 Item, 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 special rate as provided in this Item from the date production begins or ninety days from the date of the application, whichever occurs first. If, in any one fiscal year, the secretary of the Department of Revenue estimates that the severance tax paid under the provisions of this Item will be in excess of fifteen million dollars, the secretary shall notify the commissioner of conservation who shall not certify inactive or orphan well status for any other wells for the remainder of that fiscal year. Such certifications may begin again after the beginning of the next fiscal year.

(bb) If the severance tax is paid at the full rate provided by this Section before the Department of **Energy and** Natural Resources approves an application for inactive or orphan well status, the operator is entitled to a credit against taxes imposed by this Section in an amount equal to the tax paid. To receive a credit, the operator must apply to the secretary of the Department of Revenue for the credit not later than the first anniversary after the date the Department of **Energy and** Natural Resources certifies that the well is an inactive or orphan well.

(cc) Notwithstanding any provision of law to the contrary, oil production from any orphan well as defined by R.S. 30:88.2(A) that is undergoing or has undergone well enhancements that required a Department of **Energy and** Natural Resources permit, including but not limited to re-entries, workovers, or plugbacks, from which production commences on or after October 1, 2021, and before June 30, 2031, shall be exempt from the severance tax. To qualify for the exemption, an application for certification shall be made to the Department of **Energy and** Natural Resources. Upon certification that a well qualifies for the exemption, the operator shall retain an amount equal to the severance tax otherwise due for the initial three months of the exemption. Beginning in the fourth month following certification, the operator shall report, on forms prescribed by the secretary, and remit to the Department of Revenue an amount equal to the severance tax applicable to the well pursuant to this Paragraph, which shall be credited to the associated site-specific trust account provided for in R.S. 30:88.2 and shall be subject to all due date, interest, and penalty provisions applicable to the oil severance tax.

(d) There shall be an exemption from severance tax as provided in this Subparagraph for production from any horizontally drilled well, or, on any horizontally drilled recompletion well, from which production occurs on or after July 1, 2015. The exemption shall last for a period of twenty-four months or until payout of the well cost is achieved, whichever comes first. For the purposes of this Section "horizontal drilling" shall mean high angle directional drilling of bore holes with fifty to three thousand plus feet of lateral penetration through productive reservoirs and "horizontal recompletion" shall mean horizontal drilling in an existing well bore. 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.

(9)(a)(i)

* * *

* * *

(d)(i) 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 calendar months beginning July 1, 1991, and respectively for each twelve-month period beginning annually thereafter. The new gas tax rate shall be the rate provided in Subparagraph (a) of this Paragraph multiplied by the gas base rate adjustment. The "gas base rate adjustment" shall be determined by the secretary of the Department of **Energy and** Natural Resources. The "gas base rate adjustment" for the applicable twelve-month period is a fraction, the numerator of which shall be the average of the New York Mercantile Exchange (NYMEX) Henry Hub settled price on the last trading day for the month, as reported in the Wall Street Journal for the previous twelve-month period ending on March thirty-first, and the denominator of which shall be the average of the monthly average spot market prices of gas fuels delivered into the pipelines in Louisiana as reported by the Natural Gas Clearing House 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 numerator of the "gas base rate adjustment", the average gas prices for the months April, 2002 through September, 2002 shall be the monthly average spot market price of gas fuels delivered into the pipelines into Louisiana as reported in the Natural Gas Clearing House, and the average gas prices for the months October, 2002 through March, 2003 shall be the New York

Mercantile Exchange (NYMEX) Henry Hub settled price on the last trading day for the month, as reported in the Wall Street Journal. The secretary of the Department of Revenue shall publish the "gas base rate adjustment" and the "gas tax rate", as determined under this Subparagraph in the official journal of the state of Louisiana by May first of each year and shall provide the "gas base rate adjustment" and the "gas tax rate" to affected producers by written notice mailed sixty days prior to the effective date thereof, but failure to make such publication or to give such notice shall not be a condition for the new gas tax rate which shall nevertheless be effective.

* * *

(iii) If the base data of the NYMEX Henry Hub average monthly gas price is substantially revised, the secretary of the Department of **Energy and** Natural Resources shall make appropriate adjustment to insure that the "gas base rate adjustment" is reasonably consistent with the result which would have been attained had such substantial revision not been made. If the secretary 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.

* * *

§633.4. 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 conservation of the Department of **Energy and** Natural Resources until such project has reached payout from total production of:

* * *

§633.5. 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 onto the ground and into the surface waters in 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 twenty-four months or until recovery of payout of the well cost, whichever comes first. Payout of the well cost shall be determined by the Department of **Energy and** Natural Resources.

* * *

§1508. 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 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.

* * *

§1515.2. Authority to collect fees; office of conservation

A. The secretary of the Department of Revenue is hereby authorized to enter into an agreement with the Department of **Energy and** Natural Resources, office of conservation, at the request of the commissioner of conservation, to collect fees assessed by the office of conservation.

B. The agreement between the Department of Revenue and the Department of **Energy and** Natural Resources, office of conservation shall be executed by the secretary of the Department of Revenue and the commissioner of conservation. The agreement shall provide the manner of collection, the fees to be collected, and the costs of collection, if any, to be paid by the office of conservation, and such other terms and conditions necessary to effectuate the agreement.

* * *

§1989. Review of appeals by tax commission

* * *

C.(1)

* * *

(2)(a)(i)

* * *

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

* * *

(cc) Public records of the Department of **Energy and** Natural Resources including but not limited to data from the Strategic Online Natural Resource Information System (SONRIS).

* * *

§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)(i)(aa)(VI), 191(12)(c), 214.5.1(B)(2), 214.6.2(C)(1) and (D)(8), 214.8.6(B)(4), 214.23(12), 214.24(D), 214.25(C), 214.26(A)(1), 214.31(B), 214.33(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 not later than 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:

(i) "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.

* * *

§214.8.6. 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 coastal management of the Department of **Energy and** Natural Resources and each local government in the coastal zone. The boundary shall also be available in an electronic format map available for viewing or download from the office of coastal management website.

* * *

§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 in cooperation with one another and under the direction of the governor 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.

* * *

§214.36. Enforcement; injunction; penalties and fines

* * *

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 Subpart, seventy-five percent of the monies collected 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.

* * *

§259. 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 R.S. 30:136.3(B)(1), 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 shall submit the report to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality.

* * *

§1053. Louisiana Geographic Information Systems Council; creation; membership; quorum; domicile

* * *

C. The council shall be composed of the following members:

* * *

(11) A representative of the Department of **Energy and** Natural Resources, appointed by the secretary.

* * *

Section 21. R.S. 51:1601(H), 1602(3), (5), (8), (13), and (15), the introductory paragraph of 1603, 1603(7)(c), and 1605(B)(12) through (15) are hereby amended and reenacted to read as follows:

§1601. Findings, policy and procedure

The legislature finds and declares that:

* * *

H. The public interest of the state in avoiding or ameliorating the effects of the conversion of the state's industrial and powerplant fuel requirements from natural gas and petroleum to coal or other alternate fuels can best be served by granting to the Department of **Energy and** Natural Resources primary state governmental responsibility for intervening on behalf of the state with the United States Department of Energy in the implementation and administration of the Powerplant and Industrial Fuel Use Act of 1978, and authorizing the department to implement such measures within the state as may postpone untimely implementation of federal laws and regulations and further, where use of or conversion to coal or other alternate fuel is mandated, to take such measures as may be required to insure that mandated future use and conversion proceeds in an orderly fashion and with a minimum of adverse economic effect upon the state and to the maximum extent possible take measures to insure that natural gas affected by this conversion be retained within the state of Louisiana.

§1602. Definitions

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

* * *

(3) "Department of **Energy and** Natural Resources" or "Department" means the Department of **Energy and** Natural Resources of the state of Louisiana.

* * *

(5) "Exemptions" as used in this Chapter shall mean those criteria established through rules and regulations of the Department of **Energy and** Natural Resources, in accordance with federal law and in coordination with the rules of applicable federal agencies to permit a powerplant or industry, when feasible or in the best interest of the state, to postpone or avoid untimely use of coal or other alternate fuel or conversion of its fuel base from natural gas or petroleum to coal or other alternate fuel.

* * *

(8) "Revenues" include fees, proceeds, moneys, receipts, and income derived for the account of the Department of **Energy and** Natural Resources in connection with any revenue bond project or arising from such project.

* * *

(13) "Secretary of Natural Resources" or "Secretary" means the secretary of the Department of **Energy and** Natural Resources of the state of Louisiana or such persons as he may authorize to act for him as provided in R.S. 51:1603.

* * *

(15) "State Plan" means a program or plan of the state of Louisiana planned, prepared, established, and administered by the Department of **Energy and** Natural Resources to implement the intent and purposes of this Chapter.

* * *

§1603. Jurisdiction, powers, and responsibilities

The Department of **Energy and** Natural Resources, acting through the secretary, shall administer this Chapter. The secretary may authorize officers or employees of the department to administer the provisions of this Chapter, subject to the overall direction and supervision of the secretary. The secretary shall have the following duties and powers and is authorized, empowered, and, as applicable, required to:

* * *

(7)(a)

* * *

(c) In establishing and implementing such state plan, the secretary may make rules and regulations; construct and operate support facilities, whether through the department or by contract with licensees under 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.

* * *

§1605. 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 a pledge, charge, lien, or encumbrance upon any revenues except the revenues, agreements, and funds 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 payment of such principal or interest, and no holder of revenue bonds shall have the right to compel the exercise of the taxing power by the state or 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

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 authorizing or 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 to lease, sublease, operate, construct, or otherwise utilize the support facilities which constitute the revenue project or enter into a loan or other financing agreement with one or more licensees providing that the licensee will construct, operate, and maintain the revenue bond project or 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 advisable 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 purchase of the entire 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 need comply with the requirements of any other state law 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 secretary of natural resources acting through the State Bond Commission and in accordance with R.S. 39:1403 is vested with and is hereby granted the right, power, and authority to do, perform, and exercise for the behalf of the Department of **Energy and** Natural Resources all acts and things required to be done and performed in connection with the authorization and issuance of revenue bonds under this Section. No proceedings, notice, or approval shall be required for the issuance of any revenue bonds or any instrument as security therefor, except as provided in this Section. 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(4) 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 reenacted to read as follows:

§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 bottoms 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 Wildlife and Fisheries Commission, 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 in this state, including the Department of Wildlife and Fisheries, the Department of **Energy and** Natural Resources, 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 confirmable 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 Wildlife and Fisheries Commission and 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 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, and 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.

§796. Lake Fausse Point, Lake Dauterive, and Grand Avoille Cove Advisory Board

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 purchase property along that portion of Bayou Liberty from its headwaters to U.S. Hwy. 190 to be used as conservation easements. The purchase of 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. 49:661 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 Natural 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

ACT No. 151

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.

AN ACT

To amend and reenact R.S. 37:1869(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. 37:1869(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 ~~five~~ dollars; nor more than five ~~hundred~~ **thousand** dollars or be imprisoned for not less than thirty days nor more than sixty days, or both.

B. For the 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 nor 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 **this state.**

§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 ~~five~~ dollars **nor more than five thousand dollars** or be imprisoned ~~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~~ **less** than two thousand **five hundred** dollars **nor more than five thousand dollars** or be imprisoned with or without hard labor for not ~~more~~ **less** than two years **nor more than five years**, or both.

C. For a third or subsequent offense, the offender shall be fined not ~~more~~ **less** than **five thousand dollars nor more than** ten thousand dollars; or be imprisoned with or without hard labor for not ~~more~~ **less** than five years **nor more than ten 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~~ **two** thousand **five hundred** dollars, nor more than ten thousand dollars, or be imprisoned 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~~ **two** thousand **five hundred** dollars, **nor more than five thousand dollars**, or be imprisoned ~~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

ACT No. 152

SENATE BILL NO. 218

BY SENATOR WOMACK AND REPRESENTATIVES BOYD, BROWN, BUTLER, ROBBY CARTER, COX, GREEN, HUGHES, MIKE JOHNSON, TRAVIS JOHNSON, JORDAN, KNOX, LACOMBE, LYONS, CHARLES OWEN, SELDERS, STAGNI, WILLARD AND ZERINGUE
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact the introductory paragraph of R.S. 37:1361(B) and 1361(B)(1), 1366(C), 1367(A)(2), 1368(A)(1)(b), 1377(C), and 1380(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 1. The introductory paragraph of R.S. 37:1361(B) and 1361(B)(1), 1366(C), 1367(A)(2), 1368(A)(1)(b), 1377(C), and 1380(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~~ the Louisiana Department of Health.

* * *

§1366. Duties of the board

* * *

C. The board shall recognize the system of qualification or registration of apprentices as administered by joint and nonjoint apprenticeship committees approved by ~~the state of Louisiana~~ the director of apprenticeship and nonregistered apprentices in the employ of an employing entity. ~~However, the board may accept an affidavit from an individual certifying his work experience in the field of plumbing, and such individual may be certified as a journeyman plumber provided he passes the written examination and pays the fees established by the board under R.S. 37:1368(B).~~

* * *

§1367. License required; tradesman, journeyman, and master plumber; medical gas piping installer; medical gas and vacuum systems verifier; water supply protection specialist endorsement; gas fitter and master gas fitter; local examination preempted

A.

* * *

(2) No natural person shall engage in doing the work of a journeyman plumber unless he possesses a license or renewal thereof issued by the board. A journeyman plumber may engage in the art of plumbing only when he is under the supervision employment of a master plumber licensed by this board. ~~Notwithstanding any other provision to the contrary, a journeyman plumber may repair existing plumbing independently and without the supervision of a master plumber. Any journeyman plumber that repaired plumbing independently and without the supervision of a master plumber prior to January 1, 2024, may continue to operate in such a manner for a period of five years, and shall within that five-year period pass the master plumber examination to obtain a master plumber license.~~ Apprentices may engage in the art of plumbing only when they are under the direct, constant, on-the-job supervision of a licensed journeyman plumber. Direct, constant, on-the-job supervision means that a licensed journeyman plumber will supervise apprentices as governed by the Louisiana Workforce Commission.

* * *

§1368. Issuance of tradesman, journeyman, and master plumber's license; medical gas piping and installation license; medical gas and vacuum systems verifier license; water supply protection specialist endorsement; exemption; gas fitter

A.(1) The board shall issue a tradesman plumber limited license to any person who meets the following qualifications:

* * *

(b) Has worked at least four thousand hours as an unindentured apprentice or at least three thousand hours as an indentured apprentice at the manual labor of plumbing under the direct, constant, on-the-job supervision of a journeyman or master plumber licensed by the board.

* * *

§1377. Definitions; exceptions

* * *

C.(1) Apprentice plumber. An "apprentice plumber" is a natural person engaged in learning the plumbing trade by working under the direct on-the-job supervision of a journeyman plumber 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.

(2) Apprentice gas fitter. An "apprentice gas fitter" is a natural person engaged in learning the gas fitting trade by working under the direct, on-the-job supervision of a gas fitter and in the employ of an employing entity. Apprentice gas fitters shall be indentured in an apprenticeship program approved by the Louisiana Workforce Commission or may be 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 five~~ five hundred thousand dollars, ~~except on plumbing work done in parishes 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
AN ACT

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(L)(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
AN ACT

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 a private source.

* * *

(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

thereof or from the state or from any other source and to comply, subject to the provisions of this Chapter, with the terms and conditions thereof.

* * *

(20) To loan money to any political subdivision, state agency, or other eligible entity under any loan guaranty program of any department or agency of the United States, including the United States Department of Agriculture Rural Utility Services Water and Waste Disposal Guaranteed Loan Program and Community Program Guaranteed Loan Program or any such successor guaranty program.

* * *

C. Notwithstanding any other provision of law to the contrary, the powers of the authority pursuant to this Section shall extend to all parishes of the state. The authority may exercise these powers directly or through the establishment of a joint commission by entering into a local services agreement with a parish or municipality pursuant to R.S. 33:1321 et seq. The service area of the authority or a joint commission established in this manner shall be the state unless otherwise limited pursuant to the terms of the local services agreement.

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 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 155

HOUSE BILL NO. 215
BY REPRESENTATIVE ECHOLS
AN ACT

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.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1322(D) is hereby amended and reenacted to read as follows:

§1322. Credit card, charge card, and debit card transactions with the Department of Public Safety and Corrections; procedures for acceptance; administrative action

* * *

D.(1) The department may determine that only specific programs or specific offices or locations will accept credit cards, charge cards, or debit cards as payment for fees, fines, taxes, penalties, and interest.

(2)(a) Notwithstanding the provisions of Paragraph (1) of this Subsection, the office of motor vehicles within the department shall accept credit cards, charge cards, and debit cards as payment for fees, fines, taxes, penalties, and interest as a form of payment along with all other payment methods currently used.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, the office of motor vehicles within the department shall not be required to accept credit cards, charge cards, and debit cards for the International Registration Plan (IRP) authorized pursuant to R.S. 47:511(B).

* * *

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
AN ACT

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; to provide relative to the powers granted to the governing authority of Iberville Parish with respect to such employees; 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. 33:4569.1(B)(2) is hereby amended and reenacted to read as follows:

§4569.1. Board of commissioners; membership; officers; compensation; personnel

* * *

B.

* * *

(2)(a) The board may appoint, employ, and fix the salary of a full-time director

of parks and recreation who shall have such duties and responsibilities as may be determined by the board, and may also employ and fix the salaries, duties, and responsibilities of an assistant director and such additional staff as necessary to operate park and recreational facilities and programs.

(b)(i) Notwithstanding any other provision of law to the contrary, the employees of the district shall become employees of the parish of Iberville upon the adoption of an ordinance by the governing authority of the parish of Iberville. The ordinance shall provide that any such employee shall be subject to the same administrative rules and regulations as other parish employees and shall be eligible to receive compensation and benefits as provided for other parish employees.

(ii) The provisions of Item (i) of this Subparagraph shall not be construed to require the parish of Iberville to reduce the compensation or benefits of any employee who was formerly employed by the district.

(iii) Any parish employee may provide services to, or on behalf of, the district pursuant to an intergovernmental agreement between the parish of Iberville and the district.

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
AN ACT

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 extinguishing 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

ACT No. 158

HOUSE BILL NO. 268
BY REPRESENTATIVE FARNUM
AN ACT

To amend and reenact R.S. 33:1992(B), relative to required salary increases for members of the Sulphur fire department; to require salary increases for certain additional members; to provide relative to the computation of all such increases; 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. 33:1992(B) is hereby amended and reenacted to read as follows:

§1992. Minimum salaries

* * *

B.(1) From and after the first day of August, 1962, each member of the fire department who has had three years continuous service shall receive an increase in salary of two percent and shall thereafter receive an increase in salary of two percent for each year of additional service up to and including twenty years. Both the base pay and accrued longevity shall be used in computing such longevity pay.

(2) In the city of Sulphur:

(a) The base pay, the accrued longevity pay, and state supplemental pay shall be used in computing salary increases required by this Subsection.

(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

ACT No. 159

HOUSE BILL NO. 270
BY REPRESENTATIVE WILLARD
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 banquettes 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 banquette 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 owner of the lot, place, or area or 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

ACT No. 160

HOUSE BILL NO. 274
BY REPRESENTATIVE JEFFERSON
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:

THE ADVOCATE
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* As it appears in the enrolled bill

R. Kyle Ardoin
Secretary of State

ACT No. 161

HOUSE BILL NO. 279
BY REPRESENTATIVES ADAMS, BOYD, BRYANT, FISHER, HUGHES,
IVEY, LARVADAIN, NEWELL, AND WHITE
AN ACT

To amend and reenact R.S. 47:1837.1(A)(2), (F), and (G) and to enact R.S. 47:1837.1(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. 47:1837.1(A)(2), (F), and (G) are hereby amended and reenacted and R.S. 47:1837.1(A)(3) is hereby enacted to read as follows:

§1837.1. 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 tax 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 tax 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 tax 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.(1)(a) The For purposes of any assessment information submitted to the Louisiana 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.

(b) 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.

(2) 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. 47:1851, 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 any information which is deemed confidential or which has been designated as confidential by an assessor under any provision of law.

G.(1) For purposes of any assessment information submitted to the Louisiana Tax Commission prior to January 1, 2024, and upon 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 web-site website, which information is at least one year old at the time of the request.

(2) 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.

Section 2. This Act shall become effective on January 1, 2024.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 162

HOUSE BILL NO. 296
BY REPRESENTATIVES HILFERTY AND LANDRY
AN ACT

To amend and reenact R.S. 33:9091.14(F)(1), (2)(introductory paragraph), (3) (c), and (4) and to repeal R.S. 33:9091.14(F)(3)(b), relative to Orleans Parish; to provide relative to the Mid-City Security District; to provide relative to district funding; to provide relative to the parcel fee imposed and collected

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

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:

§9091.14. Mid-City Security District

* * *

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. For each residential parcel which is unimproved, 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 three- or four-family dwellings, the fee shall be a flat fee not to exceed three hundred dollars per year. For each residential parcel which contains five to nine 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 four thousand dollars per year. For improved residential parcels subject to a special assessment level pursuant to La. Const. Article VII, Section 18(G) Article VII, Section 18(G) of the Constitution of Louisiana, the fee shall be a flat fee per parcel of land not to exceed one hundred and fifty dollars per year. For commercial parcels, the fee shall be a flat fee per parcel of land not to exceed three hundred seventy-five dollars for each improved commercial parcel five hundred dollars per year. Any improved parcel consisting of both commercial and residential uses shall be considered commercial for purposes of this Section. For the purposes of this Section, any parcel used for both commercial and residential purposes shall be considered commercial if it is comprised of fewer than four residential units and residential if it is comprised of four or more residential units.~~

(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 proposition 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 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 parcel imposed pursuant to this Section.

(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 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 16, 2019.

(B) Notwithstanding the provisions of Subsection A of this Section, the board of commissioners 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 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

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, WILLARD, 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 "Louisiana State University 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 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 Southwest 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. This royalty 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.

E. The annual royalty fee shall be collected by the department and forwarded to the treasurer of 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 secretary shall work in conjunction 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.

F. The department shall collect the annual fee required by Subsection D of this Section for each license plate. The department shall retain one dollar from each annual fee to offset administrative costs. The remainder of the fee shall be forwarded to Louisiana State University. The amount forwarded to the institution shall be considered to be a charitable donation to Louisiana State University by the applicant.

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 for by R.S. 47:463(A)(3).

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

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

ACT No. 164

HOUSE BILL NO. 348

BY REPRESENTATIVES JENKINS, BACALA, BOYD, BRASS, BUTLER,
CORMIER, EDMONDS, FISHER, GLOVER, HARRIS, JEFFERSON,
JORDAN, KNOX, LACOMBE, LAFLEUR, LARVADAIN, LYONS,
MCFARLAND, MOORE, NEWELL, PHELPS, AND WILLARD
AN 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) 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

As used in this Subpart, the following terms have the following meanings:

(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 crime of violence that would reasonably cause any 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.(1) 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 if risk is imminent for any other persons because of the threat, and if so, notify them and make reasonable efforts to attempt to take measures to protect their lives and safety.

(4) The school administrator and the school district administrator then shall determine whether to notify parents of the students at the school.

B. C. No person shall have a cause of action against any person for any action taken or statement made in adherence with the requirement for reporting as provided in this Subpart. However, the immunity from liability provided in this Subsection shall not apply to any action or statement if the action or statement was maliciously, willfully, and deliberately intended to cause harm to, harass, or otherwise deceive law enforcement or school officials.

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

A.

* * *

(2) 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 school 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)(a) 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 who is the subject of a complaint and investigation shall be permitted to return to school unless the student is charged with assault on a teacher as provided in R.S. 14:38.2 or battery on a teacher as provided in R.S. 14:34.3. The school administration shall permit a student who is the subject of a complaint and investigation to return to school if at any point prior to a hearing the threat is determined not to be credible after an investigation by the school administration, a law enforcement agency, or the district attorney or by order of the court after a hearing unless the student is charged with assault on a teacher as provided in R.S. 14:38.2 or battery on a teacher as provided in R.S. 14:34.3. 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 or his 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 healthcare professional to not be dangerous 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 an action taken or statement made in adherence with this Section unless based on conduct that is maliciously, willfully, and deliberately intended to cause harm or harass.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 165

HOUSE BILL NO. 350
BY REPRESENTATIVE GEYMANN
AN 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 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 Calcasieu Parish to the City of Lake Charles in exchange for the 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 and empowered to accept from the City of Lake Charles title to all or any portion of the following described property:

City of Lake Charles Fire Station, Lots 1, 2 and 3 of Block 1 of Gulfgate Subdivision, less and except Highway Parcel 23-1, 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 agreements, covenants, conditions, and stipulations and to execute such documents 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

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 appertenances thereunto belonging or in anywise appertaining, 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 easterly 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. 70 and 69, a distance of 376.5 feet to the southeast corner of that certain lot or portion 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 a point in the south line of the 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 Land & Improvement Company from James McFarland Thomson 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 to properly effectuate any conveyance, transfer, assignment, lease or delivery of title, excluding mineral rights, 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, the secretary of the Department of Transportation and Development, and the St. Tammany Parish Government, in exchange for consideration proportionate to the appraised value of the property.

Section 6. The secretary 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 St. Tammany Parish School Board:

All the certain lot or parcel of land situated in the Town of Mandeville in the Parish of St. Tammany, State of Louisiana, described as part of Lot No. One (1), Square Fifty-nine (59) of said Town of Mandeville, measuring sixty two and one-half (62 1/2) feet fronting on Livingston Street by a depth of one hundred and twenty (120) feet, being a portion of the same lands acquired by William B. Lancaster from Mrs. Maggie Prieto, wife of lawful age of John Cuni, as per deed recorded in Conveyance Book 55, Page 299 of the official records of the Parish of St. Tammany; and the same parcel of land as was identified in the Amended Proces Verbal of Tax Sale dated February 7, 2023, and filed as Instrument No. 2361929 in the official records of the St. Tammany Parish Clerk of Court.

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 necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, 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 St. Tammany Parish School Board, 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 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

ACT No. 166

HOUSE BILL NO. 357

BY REPRESENTATIVES HUVAL, AMEDEE, BEAULLIEU, BOURRIAQUE, BRYANT, BUTLER, CARRIER, COX, DAVIS, DEVILLIER, EMERSON, FISHER, FONTENOT, GOUDEAU, GREEN, HUGHES, LARVADAIN, LYONS, ROMERO, ST. BLANC, STEFANSKI, 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; to create 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, issue bonds, and 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. ACADIANA REGIONAL JUVENILE JUSTICE DISTRICT
§1109. 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 parishes of Acadia, Allen, Evangeline, Iberia, Jefferson Davis, St. Landry, St. Martin, St. Mary, and Vermilion.

B. As used in this Subpart the following words and terms shall have the following meanings, unless the context clearly indicates and requires another or different meaning or intent:

(1) "Board" means the board of commissioners of the Acadiana Regional Juvenile Justice District.

(2) "Commission" means the Acadiana Regional Juvenile Justice District Commission.

(3) "District" means the Acadiana Regional Juvenile Justice District.

(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. For the purposes of this Subpart, the term "lease-purchase contract" also means any agreement between a person and the commission providing for the acquisition, lease, custody of juveniles, or other form of operation of a newly constructed facility as may be provided in such agreement, provided that all policies, procedures, and matters related to management shall be determined by the commission.

(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.

C. The domicile of the Acadiana Regional Juvenile District shall be the parish seat of the parish in which the juvenile justice facility is located unless changed by two-thirds vote of the membership of the board of commissioners of the Acadiana Regional Juvenile Justice District.

§1109.L. 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, shall be jointly appointed by the chief judge and district attorney for the Fifteenth 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 in Allen Parish, shall be jointly appointed by the chief judge and district attorney for the Thirty-Third 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, shall be jointly appointed by the chief judge and district attorney for 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, shall be jointly appointed by the chief judge and district attorney of the Sixteenth 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, 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 in St. Landry Parish, shall be jointly appointed by the chief judge and district attorney for the Twenty-Seventh 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, supervision, maintenance, and education of children 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 provided by 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 the secretary.

B. The board shall fix a time and place for the holding of its regular meetings in 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. All meetings of the board may be conducted at any location approved by the board and shall be governed by the provisions of R.S. 42:11 et seq.

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; general authority

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, dormitories, residential units, administration and social service buildings, cafeteria buildings, gymnasium, educational and recreational buildings, and other similar facilities for delinquent, neglected, or abused children or children in need of care or supervision, as well as for employees, patrons, visitors, and relatives of children who may 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 acquisition of a facility with a term not to exceed thirty years upon 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 shall not constitute, give rise to, or be construed as 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:

"The continuation of this contract is contingent upon the continued appropriation of funds by the board to fulfill the requirements of the contract. If the board fails to appropriate sufficient monies, to provide for the continuation of the contract, or if such appropriation is reduced by any means provided in the appropriation resolution to prevent the total appropriations for the year from exceeding revenues for that year or for any other lawful purpose and the effect of such reduction is to provide insufficient funds for the continuation of the contract, the contract shall terminate on the date of the beginning of the first fiscal year for which funds are not appropriated."

C. The board may also take any of the following actions:

(1) Authorize and approve upon such terms as it may deem 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 available 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) Generally, do all things lawful and proper 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 32 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 limitations 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 electors in the district who vote thereon in an elections 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 and older who were under eighteen years of age when they committed an 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 the office of juvenile justice, and any other purpose or use provided in R.S. 15:1109.2 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 for the care and maintenance of each such juvenile.

§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 personally or in their official capacity, for any claim for damage to or 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 protect any such person from suit or liability for any 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 immunity provided by law.

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 proved 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

ACT No. 167

HOUSE BILL NO. 394

BY REPRESENTATIVES HILFERTY, WILFORD CARTER, COUSSAN,
FISHER, FRIEMAN, GAROFALO, GREEN, JEFFERSON, JENKINS,
LARVADAIN, MAGEE, MINCEY, 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, Acadiana 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

ACT No. 168

HOUSE BILL NO. 398

BY REPRESENTATIVES ROMERO, ADAMS, AMEDEE, BACALA, BAGLEY,
BOYD, BROWN, BRYANT, BUTLER, CARRIER, ROBBY CARTER,
CORMIER, COX, CREWS, DAVIS, DESHOTEL, DUBUISSON, ECHOLS,
EDMONDS, EDMONSTON, EMERSON, FISHER, FREEMAN, FREIBERG,
GEYMANN, GOUDEAU, GREEN, HARRIS, HILFERTY, HORTON, IVEY,
JENKINS, TRAVIS JOHNSON, JORDAN, KERNER, KNOX, LAFLEUR,
LARVADAIN, LYONS, MCKNIGHT, MOORE, NEWELL, ORGERON,
CHARLES OWEN, ROBERT OWEN, PIERRE, PRESSLY, SCHAMERHORN,
SCHEXNAYDER, SCHLEGEL, SELDERS, ST. BLANC, STEFANSKI,
TARVER, VILLIO, WHITE, WILLARD, WRIGHT, AND ZERINGUE

AN ACT

To amend and reenact R.S. 40:1486.2(D), (E), and (F) and to enact R.S. 40:1486.2(G), relative to aircraft; 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 Federal 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.

E. E. 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.

F. (1) The DA shall publish a report to the legislature, directed to the chairs of the House and Senate committees on transportation, highways and public works, wherein the DA shall summarize and comment upon all of the following:

(a) The previous year's developments in safe practices for operators who provide over water flight services in the state or adjacent to its shores, as such safe practices have evolved over the previous twelve months, through the federal and industry organizations referenced in this Part.

(b) Efforts made by the DA to ensure knowledge of all such practices by operators within the industry.

(2) The report shall be delivered to the committees no later than the first of September, annually. A copy of the report shall also be sent to the director of operations of each helicopter operator known by the DA to be engaged in providing over water flight services in the offshore oil and gas industry.

Section 2. This Act shall become effective on January 1, 2024.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 169

HOUSE BILL NO. 407

BY REPRESENTATIVE ROBERT OWEN

AN ACT

To amend and reenact R.S. 2:2.1(A), (B)(1), (C), (D), and (F), relative to the Louisiana Drone Advisory Committee; to extend the existence of the Louisiana Drone Advisory Committee; to change the name of the Louisiana Drone Advisory Committee to the Louisiana Advanced Aviation and Drone Advisory Committee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 2:2.1(A), (B)(1), (C), (D), and (F) are hereby amended and reenacted to read as follows:

§2.1. Louisiana Advanced Aviation and Drone Advisory Committee

A. There is hereby created within the Louisiana Department of Transportation and Development the Louisiana Advanced Aviation and Drone Advisory Committee.

B.(1) The secretary of the Department of Transportation and Development shall create the Louisiana Advanced Aviation and Drone Advisory Committee and it shall be comprised of fifteen members. The members shall be selected by the following individuals as a means of representing a diverse set of stakeholders involved in the deployment and advancement of drone technologies in the state. The committee shall provide recommendations to the secretary of the Department of Transportation and Development as well as both the House Committee on Transportation, Highways and Public Works and the Senate Committee on Transportation, Highways and Public Works on policy and regulatory issues related to the adoption of drone technologies.

* * *

C. The Louisiana Advanced Aviation and Drone Advisory Committee shall meet at least four times a year starting in August of 2021. Appointments to the committee shall be made no later than July 31, 2021. The term of the appointments shall cease at the end of the 2022 Regular Session of the Louisiana Legislature, at which time new appointments shall be made and end after the ~~next two regular sessions~~ 2026 Regular Session of the Legislature. If a member resigns from the committee, the member shall be replaced by the individual responsible for their nomination.

D. The members of the Louisiana Advanced Aviation and Drone Advisory Committee shall serve without compensation. The department shall provide support and resources to the committee solely for the preparation of committee agendas and minutes.

* * *

F. The Louisiana Advanced Aviation and Drone Advisory Committee shall by majority vote of a quorum of members present at a meeting appoint one member of the committee to serve as a liaison with the Federal Aviation Administration to address any issues with federal, state, and local laws governing unmanned aircraft systems and unmanned aerial systems.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

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:

§433.1. Oyster seed ground vessel permit

A.(1)(a) Any oysters taken for commercial purposes from the public natural reefs or the oyster seed grounds or reservations, 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 issued 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 transport oysters taken from the 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 on 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 use or 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 received from purchase of the permit 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.

A true copy:
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 A 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)(i) 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 Subsection G of this Section on or before August 31, 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 relating 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 and the assessment formula shall be the same for every emergency ground ambulance service provider.~~

~~(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. 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, and shall be due from the provider within thirty days of the notification of assessment owed.~~

~~(5) After the initial year, the The department shall assess on each emergency ground ambulance service provider a percentage fee, determined at the discretion of the secretary subject to the provisions of Paragraph (3) of this Subsection in collaboration and with the express and written mutual agreement of the emergency ground ambulance service providers subject to the assessment and which make up 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 agreement of emergency ground ambulance service providers, those providers subject to the fee which provide a minimum of sixty-five percent of the emergency ground ambulance transports and shall be due from the provider within thirty days of the notification of the fee amount owed.~~

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, ~~2015~~ 2022, for emergency and nonemergency ground ambulance transport and related services provided pursuant to the Louisiana medical assistance program provided that funds are appropriated in the budget plus an enhancement.

(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-11-23 and any amendments thereto pertaining to emergency ground ambulance service provider reimbursement or payment.

(4) The enhancement payment level shall be determined in a manner to bring the payments for these services up to ~~the average commercial rate level as described in Section C(8) of any level described in any applicable State Plan Amendment LA-11-23 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 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.

(5) Funds from the Emergency Ground Ambulance Service Provider Trust Fund Account shall be used to achieve the maximum reimbursement under federal law and appropriated solely to fund the reimbursement enhancements provided for in this Subsection Paragraph (4) of this Subsection as provided in the most recent formula adopted by the legislature or the secretary as applicable and distributed exclusively among emergency ground ambulance service provider for emergency and nonemergency ambulance transportation services provided.

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 secretary and the emergency ground ambulance service provider representing a minimum of sixty-five percent of all emergency ground 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.~~

(b) ~~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.~~

~~(c) The appropriations provided for in Subsection D of this Section are reduced.~~

~~(d) 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.

(7) "Net operating revenue" means the gross revenues of the emergency ground ambulance service provider 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.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 172

HOUSE BILL NO. 516

BY REPRESENTATIVES KERNER, BEAULLIEU, WILFORD CARTER,
CORMIER, DESHOTEL, EDMONSTON, FREIBERG, GADBERRY,
GLOVER, HORTON, MIKE JOHNSON, KNOX, LACOMBE, LARVADAIN,
LYONS, MOORE, NEWELL, PIERRE, SELDERS, STEFANSKI, THOMAS,
WHITE, AND WRIGHT AND SENATORS CARTER, MCMATH, PEACOCK,
POPE, 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 persons with autism spectrum disorder or any mental, physical, or developmental disability or their guardian; to provide for the creation of an autism spectrum disorder and 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 and persons with autism spectrum disorder or a mental, physical, or developmental disability; to provide for an exception to the public records law; and to provide for related matters.

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; license label autism spectrum disorder; mental, physical, or developmental disability

A.(1)(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 the international symbol of deafness, at no cost for use by deaf and hard of hearing persons who are granted a driver's license. ~~Every A~~ deaf or hard of hearing person applying for a driver's license with or registration who wants an identification decal or sticker shall attach to the application a statement indicating a hearing loss attested by one of the following: a medical physician, audiologist, or speech pathologist proof as provided in Subsection C of this Section.

(b) The sticker or decal is to shall be offered at the time the driver's license or a registration in compliance with R.S. 47:505 is issued and shall be prepared so that it may at the option of the user be applied to the windshield

and viewed from the outside of the vehicle or on the license plate, or both in a space that does not interfere with the visibility of the operator of the motor vehicle. The same sticker or decal identifying the licensee as deaf or hard of hearing shall be offered and imprinted on the back of the driver's license under the lamination.

B. (2) In addition to the identification sticker or decal provided for in Subsection A of this Section 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 is deaf or hard of hearing. Upon the initial application for or renewal of the registration of a motor vehicle, the flag will shall be placed on the registration at the driver's request at no additional cost, provided he produces a statement indicating a hearing loss attested by one of the following: a medical physician, audiologist, or speech pathologist proof as provided in Subsection C of this Section.

B.(1)(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 the awareness symbol for autism spectrum disorder at no cost for use by persons with autism spectrum disorder who have obtained the autism spectrum disorder designation in accordance with R.S. 32:412(P) 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.(i) 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 of the diagnosis of the person in his care as provided in Subsection C of this Section and sufficient documentation of the relationship to the person.

(ii) The sticker or decal shall be offered at the time the driver's license or a registration is issued and shall be prepared so that it may at the option of the user be applied to the rear window of the vehicle and viewed from the outside of the vehicle in a space that does not interfere with the visibility of the operator of the motor vehicle.

(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 an autism spectrum disorder or is the parent, legal guardian, or 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.

(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 a mental, physical, or developmental disability or a 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 of the disability pursuant to Subsection C of this Section. The sticker or decal shall be offered at the time of application of the driver's license or a registration is issued and shall be prepared so that it may at the option of the user be applied to the rear window of the vehicle in a space that does not interfere with the visibility of the operator of the motor vehicle.

(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 caregiver of a person with a mental, physical, or developmental disability. 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.

C.(1) 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 attested by one of the following: a physician, audiologist, speech pathologist, mental health professional, or occupational therapist.

(2) The office of motor vehicles shall deny the application if the person fails to provide the requisite documentation at the time of application.

D. All documentation submitted pursuant to this Section by an applicant shall be confidential and not subject to disclosure pursuant to the Public Records Law, R.S. 44:1 et seq. Any person seeking the documentation submitted pursuant to this Section shall obtain a court order after a contradictory hearing against the applicant.

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

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,

exemptions, and limitations are hereby continued in effect by incorporation into this Chapter by citation:

* * *

(19) R.S. 32:398, 403.3, 707.2, 1254.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 173

HOUSE BILL NO. 520
BY REPRESENTATIVES CARRIER, LARVADAIN, SCHAMERHORN,
SELDERS, AND WRIGHT
AN ACT

To enact R.S. 47:463.225, 463.226, and 463.227, relative to motor vehicle special prestige license plates; to provide for the establishment of the "Utility Line Worker", the "Louisiana Soccer Association", and the Louisiana Respiratory Therapist "RT STRONG" special prestige license plates; to provide for creation, issuance, design, fees, and rule promulgation applicable to such license plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.225, 463.226, and 463.227 are hereby enacted to read as follows:

§463.225. Special prestige license plate: "Utility Line Worker"

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.

B. The secretary shall work in conjunction with a designee from Entergy, Cleco, Southwestern Electric Power Company, the Association of Electric Cooperatives, the Louisiana Electric Power Authority, AT&T, and the Louisiana Internet Association 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 words "Utility Line Worker".

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. The royalty 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.

E. 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.

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

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

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 are 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).

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. 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.

E. The annual royalty fee shall be collected by the department and forwarded to the Louisiana Soccer Association to be used in support of its mission of growing, promoting, and enhancing the culture of soccer across Louisiana.

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

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

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 are 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).

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. 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.

E. The annual royalty fee shall be collected by the department and forwarded to the Louisiana Society for Respiratory Care to be used in support of its mission which raises public awareness of respiratory care, pulmonary promotion, and disease prevention. Additionally, the monies shall be used to encourage, develop and provide, on a regional basis, educational programs in respiratory therapy and diagnostics.

Section 2. The Department of Public Safety and Corrections, office of motor vehicles, is hereby directed to create these special prestige license plates when the applicable statutory provisions are met and its system is updated to accommodate the creation of new plates.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 174

HOUSE BILL NO. 532

BY REPRESENTATIVES CHARLES OWEN, AMEDEE, BRYANT, BUTLER,
COX, CREWS, EDMONSTON, EMERSON, FIRMENT, FRIEMAN,
GOUDEAU, HARRIS, HILFERTY, HORTON, JENKINS, MIKE JOHNSON,
KNOX, LARVADAIN, MARCELLE, GREGORY MILLER, MOORE, RISER,
SCHAMERHORN, SEABAUGH, SELDERS, THOMPSON, WHITE, AND
WRIGHT
AN ACT

To amend and reenact R.S. 47:490.9(B), 490.11(B), 490.13(B), 490.14(B), and 505(B)(2), relative to the office of motor vehicles; to remove fees and renewal requirements for certain military honor plates; to require notification of plate removals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:490.9(B), 490.11(B), 490.13(B), 490.14(B), and 505(B)(2) are hereby amended and reenacted to read as follows:

§490.9. Military honor license plates; World War II veterans

* * *

B. The charge for this license plate shall be the regular motor vehicle registration license fee as provided for under the provisions of R.S. 47:463. No fee shall be charged for the military honor license plates authorized by this Section, and such plates shall not be subject to the renewal requirements applicable to standard plates.

* * *

§490.11. Military honor license plates for Laos War veterans

* * *

B. The license plates shall be issued in the same manner as other motor vehicle license plates. Veterans applying for the plates shall present to the issuing official a certified copy of their discharge from active service with one of the armed forces of the United States. The charge for the license plate shall be the regular motor vehicle registration license fee. No 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.

* * *

§490.13. Military honor license plates for veterans of the Vietnamese Conflict

* * *

B. The license plates shall be issued in the same manner as other motor vehicle license plates. Retired members of the armed services of the United States applying for the plates shall present to the issuing official a copy of their active duty retirement orders or other proof of retirement from active service with one of the armed forces of the United States. Veterans of the armed services of the United States who are not retired shall present to the issuing official a copy of their discharge from active service with one of the armed forces of the United States. The charge for the military honor license plate shall be the regular motor vehicle registration license fee. No 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.

* * *

§490.14. Military honor license plates for veterans of the Korean War

* * *

B. The license plates shall be issued in the same manner as other motor vehicle license plates. Retired members of the armed services of the United States applying for the plates shall present to the issuing official a copy of their active duty retirement orders or other proof of retirement from active service with one of the armed forces of the United States. Veterans of the armed services of the United States who are not retired shall present to the

issuing official a copy of their discharge from active service with one of the armed forces of the United States. ~~The charge for this license plate shall be the same as for regular license plates. No 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.~~

§505. Number plates

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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 received 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 of all plates so 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. 14:125.

* * *

Section 2. The Department of Public Safety and Corrections, office of motor vehicles shall promulgate and adopt, in accordance with the Administrative Procedure Act, any rules and regulations necessary to bring existing rules in conformity with the provisions of this Act.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 175

HOUSE BILL NO. 565

**BY REPRESENTATIVES FREIBERG, CARRIER, ECHOLS, FONTENOT,
LAFLEUR, MARCELLE, SELDERS, AND THOMPSON
AN ACT**

To enact R.S. 33:9097.37, relative to East 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. 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. 33:9097.37 is hereby enacted to read as follows:

§9097.37. University Security District

A. There is hereby created within the parish of East Baton Rouge, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the University Security District, referred to in this Section as the "district". The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

B. The district shall encompass an area within the city of Baton Rouge, generally bounded on the north by Roosevelt Street, on the east by University Lake, Parker Blvd. and Burbank Drive, on the south by River Road, Laurel Lakes Sub. and Farr Park, and on the west by River Road, exclusive of the Riverbend Crime Prevention and Improvement District, and being more fully described as follows:

Commence at a point which is the intersection of the west right of way line of River Road with the extension of the north right of way line of West Roosevelt St.;

Thence proceed in an easterly direction along the north right of way line of West Roosevelt St., across Highland Rd to East Roosevelt St., and continuing easterly across Thomas Delpit Dr., then southerly and easterly along the north right of way line of East Roosevelt St. to its intersection with the southwest property line of McKinley High School property;

Thence proceed in a southeasterly then easterly direction along the south boundary of McKinley High School to a point which is the intersection of the southeast boundary of McKinley High School with the edge of water of a body of water commonly referred to as Lake Crest;

Thence proceed in a southerly and easterly direction along the westerly and southerly edge of Lake Crest to a point which is the intersection of the extension of the southern edge of Lake Crest with the east right of way line of Dalrymple Dr.;

Thence proceed in a southerly direction along the east right of way line of Dalrymple Drive to the southwest corner of Lot 3 of the division of a portion of Lot 27, Richland Plantation;

Thence proceed easterly along the south line of Lot 3 of the division of a portion of Lot 27, Richland Plantation the water's edge of University Lake;

Thence proceed in a general southeasterly direction following along the various meanders of the water's edge of University Lake as it existed in April of 2023, continuing along the water's edge along the south side of West

Lakeshore Dr. to a point which is the intersection of the extension of the existing water's edge of University Lake with the center of Corporation Canal, at a point which is 30 feet south of the centerline of West Lakeshore Dr.;

Thence proceed southerly along a line that is parallel to and 30 feet south and east of the centerline of West Lakeshore Dr. to a point which is the intersection of a line that is 30 feet east of the centerline of the East Parker Blvd roadway;

Thence proceed in a southwesterly direction along a line that is 30 feet southeast of the centerline of East Parker Blvd. to a point which is the northwest corner of Lot 1-A, Lehavre Subdivision, which point is also on the south right of way line of East Parker Blvd.;

Thence proceed along the south right of way line of East Parker Blvd. to the intersection of the north right of way line of Highland Rd.;

Thence proceed in a southeast direction along the north right of way line of Highland Rd. to a point which is the intersection of the northeasterly extension of the easterly line of Lot A-2 of the former Hazel L. Kelley property with the north right of way line of Highland Rd.;

Thence proceed across Highland Rd along the southeast line of Lot A-2 of the former Hazel L. Kelley property to the north line of Highland Estates, aka, Highland Hideaway Townhomes;

Thence proceed in an westerly and southerly direction along the southeast line of said Highland Estates, aka, Highland Hideaway Townhomes, across the east branch of Bayou Fountain, and along the southeast line of Lot 4-A of the J.T. Williams Subdivision to the north right of way line of Burbank Dr.;

Thence proceed in a southeasterly direction along the north right of way line of Burbank Dr. to the intersection of the west right of way line of West Lee Dr.;

Thence proceed in a northeasterly direction along the west right of way line of West Lee Dr. to a point which is on the extension of the north line of Parcel 7, Circle N Ranch property;

Thence proceed in a southeasterly direction along the north line of Parcel 7, Circle N Ranch property, crossing Ben Hur Rd., and along the north and east line of Tract D-1-A of the Nelson Property to a point of the north right of way line of Burbank Dr.;

Thence proceed in a southeasterly direction along the north right of way line of Burbank Dr to a point which is 600 feet south of the southeast corner of Lot 8-A, University Acres Subdivision;

Thence proceed in a southwesterly direction, across Burbank dr., to a point which is the most northerly corner of Tract C-2-A-1-A-1 of the Nelson Property;

Thence proceed in a southerly direction along the east line of Tract C-2-A-1-A-1 of the Nelson Property to the southeast corner of Tract C-2-A-1-A-1 of the Nelson Property;

Thence proceed in a southeasterly and easterly direction along the east property lines of Tracts C-2-A-1-A-1, C-2-A-2-A and C-2-A-3-A of the Nelson Property to a point on the north right of way line of Nicholson Dr.;

Thence proceed in a southeasterly direction along the north right of way line of Nicholson Dr. to a point which is the intersection of the east property line of the LSU Ag Center site, said line being the west line of Section 79, Township 8 South, Range 1 East and Section 73, Township 8 South, Range 1 West;

Thence proceed in a southerly direction along said Section line to a point which is the intersection of said Section line with the southerly right of way line of River Rd.;

Thence proceed in a westerly direction along the south right of way line of River Rd. to the intersection of the west property line of the LSU Ag Center Site, said line being the west line of Section 65, Township 8 South, Range 1 West;

Thence proceed northerly along the west property line of the LSU Ag center Site, said line being the west line of Section 65, Township 8 South, Range 1 East to the northwest corner of said Section 65;

Thence proceed in an easterly direction along the north line of said Section 65 to the northeast corner of Section 65, said corner being the southwest corner of Section 41, Township 8 South, Range 1 West;

Thence proceed northerly along the west line of said Section 41 to the south property line of Laurel Lakes Estates Subdivision;

Thence proceed along the property line of Laurel Lakes Estates Subdivision in an easterly, then northerly, then westerly direction to a point on the eastern line of Riverbend Subdivision Third filing;

Thence proceed in a northerly direction along the east line of Riverbend Subdivision, Third and First Filings to a point at the northeast corner of Lot 65 of Riverbend Subdivision, First Filing;

Thence proceed in a easterly, then northerly, then northwesterly direction along the property line of Tract X, Riverbend Subdivision, First filing to the east line of Riverbend Subdivision, Fifth Filing, said point being the southeast corner of Lot 314 of said Riverbend Subdivision Fifth filing;

Thence proceed in a northerly direction along the east line of Riverbend Subdivision Fifth Filing to the south right of way line of Brightside Lane;

Thence proceed in a westerly direction along the south right of way line of Brightside Lane to a point which is on the west line of Riverbend Subdivision, Eighth Filing;

Thence proceed in a westerly and southerly direction along the west line of Riverbend Subdivision Eighth Filing to the southwest corner of Lot 810, said point being the southeast corner of Riverbend Landing Subdivision, Third Filing, Part 3;

Thence proceed in a westerly direction along the south line of Riverbend Landing Subdivision, Third Filing, Parts 3, 4 and Second Filings to the

southwest corner of Lot 658-A, Riverbend Landing Subdivision, Second Filing, said point being on the east line of Lake Beau Pre' Subdivision;

Thence proceed in a southerly then westerly direction along the east and south line of Lake Beau Pre' Subdivision and Lake Beau Pre' Townhomes, said south line of Lake Beau Pre' and Lake Beau Pre' Townhomes also being the north line of Tracts A, B and M-1-A of the BREC Farr Park, to the west right of way line of River Road;

Thence proceed in a northerly direction along the west right of way line of River Road to the point of beginning.

C. The purpose of the district shall be to aid in crime prevention and to add to the security of district residents by providing for an increase in the presence of law enforcement personnel in the district and to serve the needs of the residents of the district by funding beautification and improvements for the overall betterment of the district.

D.(1) The district shall be governed by an eleven-member board of commissioners, referred to in this Section as the "board". The board shall be composed as follows:

(a) The president of Louisiana State University and Agricultural and Mechanical College shall appoint four members.

(b) The board of directors of the Northgate Merchants Association shall appoint one member.

(c) The board of directors of the Southgate Merchants Association shall appoint one member.

(d) The member of the Louisiana House of Representatives whose district encompasses all or the greater number of property owners in the area of the district shall appoint one member.

(e) The member of the Louisiana Senate whose district encompasses all or the greater number of property owners in the area of the district shall appoint one member.

(f) A person appointed by each councilperson of the East Baton Rouge Metropolitan Council whose district, either wholly or in part, is included in the boundaries of the district.

(2) Except for those members appointed by the president of Louisiana State University and Agricultural and Mechanical College, all members of the board shall own property and reside within the district and shall be qualified voters of the district.

(3)(a) Members shall serve four-year terms after initial terms as provided in this Subparagraph. Three members shall serve an initial term of one year; three shall serve two years; three shall serve three years, and two shall serve four years, as determined by lot at the first meeting of the board.

(b) Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment. Board members shall be eligible for reappointment.

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

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

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

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

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

(1) To sue and be sued.

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

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

(4) To enter into contracts with individuals or entities, private or public.

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

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

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

(b) For purposes of this Section, the fee shall be a flat fee per parcel not to exceed four hundred dollars per year for unimproved parcels zoned residential, four hundred dollars per year for unimproved and improved single-family parcels zoned residential, six hundred dollars per year for multiple adjacent residential parcels housing a single family dwelling; five thousand dollars per year for multi-family parcels zoned residential, and five thousand dollars per year for unimproved and improved parcels zoned commercial.

(2)(a) 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.

(3) Not less than three years after approval of the parcel fee by a majority of registered voters of the district as provided in this Subsection, the governing authority of the district may increase the amount of the parcel fee one time without an election. The amount of the increased fee shall be as provided in a duly adopted resolution of the board, not to exceed two hundred fifty dollars per parcel per year. However, the amount of the increased fee shall not exceed the maximum amount provided in Subparagraph(1)(b) of this Subsection.

(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 (2)(b) 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 Housing Authority or its affiliated or subsidiary entities, including parcels subject to a ground lease by the East Baton Rouge Parish Housing Authority.

G. The district is authorized to solicit and accept additional voluntary contributions and grants to further the purposes of the district.

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

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

I.(1) 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, parish of East Baton Rouge.

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

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

(2) No board member or officer 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 board member or officer, provided that this provision shall not eliminate or limit the liability of a board member or officer for any of the following:

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

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

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

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 7, 2023.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 176

HOUSE BILL NO. 592
BY REPRESENTATIVE SCHAMERHORN
AN ACT

To amend and reenact R.S. 32:402.1(A)(2)(introductory paragraph) and R.S.

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

40:1461(F), to enact R.S. 32:407(G), and to repeal R.S. 40:1461(G), relative to driver education; to allow a driving skills test administered by a properly licensed third party examiner to driver education requirements for those eighteen years of age and older; to provide for a skills test for nonparticipants in a driver education course; to remove the requirement that licensed and contracted driving instructor training schools or agencies also become licensed third-party testers; to designate third-party examiner as licensed and contracted administrator of knowledge and driving skills test required for Class "D" or "E" license; to provide the option for a parent or legal guardian to submit a signature electronically for certain credentials which allow the operation of a motor vehicle; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:402.1(A)(2)(introductory paragraph) is hereby amended and reenacted and R.S. 32:407(G) is hereby enacted to read as follows:

§402.1. Driver education; required

A. No application for a license for the operation of a motor vehicle shall be received from any person making application for the first time unless there is also submitted with the application, on a form approved by the secretary of the Department of Public Safety and Corrections, public safety services, written evidence of the successful completion by the applicant of one of the following:

* * *

(2) A "prelicensing training course" administered by a Class "D" and "E" driver education provider licensed and contracted pursuant to RS 40:1461 ~~from for~~ for 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 allowed to receive 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 instruction and skills test, the third-party tester 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:

* * *

§407. 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 an electronic signature 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 an in-person transaction.

Section 2. R.S. 40:1461(F) is hereby amended and reenacted to read as follows:

§1461. Requirements for private training and driving instructor schools

* * *

F. ~~Every person licensed or contracted pursuant to this Section to operate a private driving instructor training 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. 32:408. 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 or contract.~~

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. In the event the office of motor vehicles completes any necessary rule making, policy changes, and system changes prior to January 1, 2024, the administering of the 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 on

the day following such approval.

Approved by the Governor, June 7, 2023.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 177

HOUSE BILL NO. 643

(Substitute for House Bill No. 122 by Representative Horton)
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 newborns; 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. Subpart F of Part VI of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1086.21, is hereby enacted to read as follows:

SUBPART F. CYTOMEGALOVIRUS (CMV) TESTING

§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.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 178

HOUSE BILL NO. 650

(Substitute for House Bill No. 507 by Representative Edmonds)
BY REPRESENTATIVE EDMONDS

AN ACT

To amend and reenact R.S. 43:140(3)(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 provide 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. 43:140(3)(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 requirement 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.

B. 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 publication with a copy of the original published proceeding 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 police juries, municipal corporations, 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 of over one hundred thousand population shall not exceed the rate of six dollars per square of one hundred words or a fraction thereof. When the insertion contains material to be set in tabular form, the tabulated matter shall be computed on the basis of the number of words of straight matter which would occupy identical space.~~

* * *

§147.1. Compensation for printing; per character

~~A. 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 to by both parties in writing. Payment may be made monthly or quarterly at the option of the governing authority or school board.~~

~~B.(1) In all parishes that do not contain a city with a population of more than one hundred thousand, the cost of publishing official proceedings and public notices shall not exceed the rate of one and one-half cents per character. When the insertion contains material to be set in tabular form or 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.~~

~~(2) In all parishes that contain a city with a population of more than one hundred thousand, the cost of publishing official proceedings and public notices shall not exceed the rate of two cents per character. When the insertion contains material to be set in tabular form or is submitted prebuilt, the rate will be computed at three dollars ninety-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) For purposes of this Subsection, "character" means an alphanumeric character and any punctuation or other character, all of which have been requested by the public body, and shall not include letting, kerning, or spacing unless additional letting, kerning, or spacing is ordered by the public body at a cost agreed to in writing.~~

~~C. The charge for publication of official proceedings and public notices on the website of either the official journal or a public notice website in which official journals participate shall be subsumed within the applicable publication rate.~~

§147.2. 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 bid 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 bid 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, upon the request of any such body, bids for official proceeding and public notice by online 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 full online publication on the website 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 reappraisals; to provide an effective date; to provide for applicability; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to add Article VII, Section 21(O) of the Constitution of Louisiana, to read as follows:

§21. Other Property Exemptions

Section 21. In addition to the homestead exemption provided for in Section 20 of this Article, the following property and no other shall be exempt from ad valorem taxation:

* * *

(O)(1) In addition to the homestead exemption authorized pursuant to the provisions of Article VII, Section 20 of this constitution, which applies to the first seven thousand five hundred dollars of the assessed valuation of property, a parish governing authority may approve an ad valorem tax exemption of up to two thousand five hundred dollars of the assessed valuation of property receiving the homestead exemption that is owned and occupied by a qualified first responder.

(2) For the purposes of this Paragraph, "first responder" shall mean a volunteer firefighter who has completed within the tax year no fewer than twenty-four hours of firefighter continuing education and is an active member of the Louisiana State Firemen's Association or is on the departmental personnel roster of the Volunteer Firefighter Insurance Program of the office of state fire marshal. For the purposes of this Paragraph, "first responder" shall also mean a full-time public employee whose duties include responding rapidly to an emergency and who resides in the same parish in which their employer is located. The term includes the following:

(a) Peace officer, which means any sheriff, police officer, or other person deputized by proper authority to serve as a peace officer.

(b) Fire protection personnel.

(c) An individual certified as emergency medical services personnel.

(d) An emergency response operator or emergency services dispatcher who provides communication support services for an agency by responding to requests for assistance in emergencies.

(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 produce documentation issued by his employer evidencing employment for the taxable period for which the exemption is being requested.

(5) Notwithstanding any provision of this constitution to the contrary, any decrease in the total 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 and valuation 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.

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 authorize the local governing authority of a parish to provide an ad valorem tax exemption for qualified first responders? (Adds Article VII, Section 21(O))

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 180

HOUSE BILL NO. 289

BY REPRESENTATIVES IVEY, ADAMS, CARRIER, ROBBY CARTER,
COX, DAVIS, DEVILLIER, FIRMENT, GADBERRY, 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 "Aliye'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. Donated organs, including the heart, pancreas, kidney, liver, lungs, and intestines, restore life.

(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 cornea 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

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

(75) 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

HOUSE BILL NO. 412

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,

THE ADVOCATE
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* As it appears in the enrolled bill

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) Advance 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 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 9(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

ACT No. 182

HOUSE BILL NO. 587
BY REPRESENTATIVE MOORE
AN ACT

To enact R.S. 36:259(B)(19) and Chapter 61 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:3721 through 3726, relative to community health workers; to create the Louisiana Community Health Worker Workforce Board within the Louisiana Department of Health; to provide for the powers and duties of the board; to provide for the board membership; to authorize the board to develop training practices for community health workers; to provide for rulemaking authority; to provide for termination of the board; to provide relative to board governance; to provide relative to the powers and duties of the Louisiana Department of Health with respect to the board and community health workers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:259(B)(19) is hereby enacted to read as follows:

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

* * *

B. The following agencies are placed within the Louisiana Department of Health and shall exercise and perform their powers, duties, functions, and responsibilities as otherwise provided by law:

* * *

(19) The Louisiana Community Health Worker Workforce Board (R.S. 37:3721 et seq.).

* * *

Section 2. Chapter 61 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:3721 through 3726, is hereby enacted to read as follows:
CHAPTER 61. LOUISIANA COMMUNITY HEALTH WORKER WORKFORCE
§3721. Short Title

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

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. Community Health Worker Workforce Board

There is 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 workers recommended by the ten human services districts and authorities provided in R.S. 28:912 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 the Uniform Controlled Dangerous Substances Law; to create the crime of unlawful production, manufacturing, distribution, or possession of Xylazine; to provide relative to criminal penalties; to provide relative to exceptions; to provide for a definition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:989.4 is hereby enacted to read as follows:

§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 possess Xylazine.

(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. The provisions of this Section shall not apply to the following:

(a) The production, manufacturing, distribution, or possession of Xylazine in the course of a legitimate veterinary practice.(b) The production, manufacturing, distribution, or possession of a Xylazine bulk chemical for pharmaceutical compounding by a licensed pharmacist or veterinarian.

(c) The possession of Xylazine pursuant to a valid prescription from a licensed veterinarian.

D. As used in this Section, “Xylazine” means Xylazine and any salt, sulfate, 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, BOUDREAUX, BOUIE, CARTER, CATHEY, CONNICK, CORTEZ, DUPLESSIS, FIELDS, FOIL, HARRIS, JACKSON, LAMBERT, POPE, SMITH, TARVER AND WOMACK AND REPRESENTATIVES ADAMS, BACALA, BOURRIQUE, BOYD, BRASS, BROWN, CARPENTER, ROBBY CARTER, WILFORD CARTER, FISHER, FONTENOT, FREIBERG, GLOVER, HUGHES, ILLG, IVEY, 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 2(A)(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(C)(6)(e), (D)(6)(e), (E)(5), and (F)(4), 542(G), 547, 883.1(G), 883.5, 1145.1(F), 1145.6, 1332(G), and 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(C)(6)(e), (D)(6)(e), (E)(5), and (F)(4), 542(G), 547, 883.1(G), 883.5, 1145.1(F), 1145.6, 1332(G), 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 Subsection, 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 the fiscal year. **When calculated for a system as a whole, without regard for particularized rates for separate 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 board-approved actuarial valuation rate, will not increase, the projected noninvestment-related administrative expenses for the fiscal year.

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C.

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(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, 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)(aa)(I) 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 exceeds 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 projected aggregate employer contribution rate determined for Fiscal Year 2023-2024 or the amount of the maximum AFC rate.

(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 Subsubitem (I) of this Subitem or the corresponding rate for that year in the following table:

Fiscal Year	AFC Rate
2024-2025	1.50%
2025-2026	1.75%
2026-2027	2.00%
2027-2028	2.25%

(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 exceeds twenty-two percent, 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 be equal to the following:

Fiscal Year	Maximum AFC Rate
2024-2025	1.50%
2025-2026	1.75%
2026-2027	2.00%
2027-2028	2.25%
2028-2029 and thereafter	2.50%

(bb) 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 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 twenty-two percent. If the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds twenty-two percent, 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.

(v) Notwithstanding any other provision of law to the contrary, the contributions required by this Subparagraph 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.

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(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 Section 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)(aa)(I) 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 exceeds 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 projected aggregate employer contribution rate determined for Fiscal Year 2023-2024 or the amount of the maximum AFC rate.

(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 Subsubitem (I) of this Subitem or the corresponding rate for that year in the following table:

Fiscal Year	AFC Rate
2024-2025	1.50%
2025-2026	1.75%
2026-2027	2.00%
2027-2028	2.25%

(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 sixteen percent. If the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds sixteen percent, 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 sixteen 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. 11:102.2 is liquidated in Fiscal Year 2022-2023, the provisions of this Item shall apply.

(aa) The maximum AFC rate shall be equal to the following:

Fiscal Year	Maximum AFC Rate
2024-2025	1.50%
2025-2026	1.75%
2026-2027	2.00%
2027-2028	2.25%
2028-2029 and thereafter	2.50%

(bb) 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 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 sixteen percent. If the sum of the maximum AFC rate and the projected aggregate employer contribution rate exceeds sixteen percent, 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 sixteen percent or the amount of the maximum AFC rate.

(y) Notwithstanding any other provision of law to the contrary, the contributions required by this Subparagraph 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.

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(5) 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 "AFC 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 exceeds 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 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.

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(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 "AFC 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 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 AFC rate to equal two and one-half percent. Any increase in the AFC rate shall be permanent. The AFC rate shall not exceed two and one-half percent.

(c) 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.

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§542. Experience account

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G.(1) Effective for the system valuation in which the original amortization base established in R.S. 11:102.1 is liquidated, after the experience account is credited and debited in accordance with Subsection B of this Section, the remaining balance in the experience account shall be allocated to the COLA account established pursuant to R.S. 11:547, 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.

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§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(C)(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 at the end of the prior year.

(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(C)(6)(e) that would cause the account balance to exceed this reserve if deposited in the account shall be applied as provided in R.S. 11:102.1.

(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 granted pursuant to the provisions of this Section.

(c) In no event shall the balance in the COLA account fall below zero.

C. 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. Receipt of future cost-of-living adjustments, as provided for in this Section, shall not be an accrued benefit. Retirees, beneficiaries, and survivors shall have no right to receive a cost-of-living adjustment until the cost-of-living adjustment has been approved by the legislature.

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 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.

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§883.1. Experience account

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G.(1) Effective for the system valuation in which the original amortization base established in R.S. 11:102.2 is liquidated, after the experience account is credited and debited in accordance with Subsection B of this Section, the remaining balance in the experience account shall be allocated to the PBI account established pursuant to R.S. 11:883.5, 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.

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§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.

(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(D)(6)(e) that would cause the account balance to exceed this reserve if deposited in the account shall be applied as provided in R.S. 11:102.2.

(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.

C. 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 permanent benefit increase to retirees, beneficiaries, and survivors when the conditions in this Section are satisfied. The board of trustees shall not grant a permanent benefit increase unless the permanent benefit increase has been approved by the legislature. Receipt of future permanent benefit increases, as provided for in this Section, shall not be an accrued benefit. Retirees, beneficiaries, and

survivors shall have no right to receive a permanent benefit increase until the permanent benefit increase has been approved by the legislature.

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 fully 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.

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§1145.1. Experience account

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F.(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) (b), 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. 11:1145.6, 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.

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§1145.6. 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.

(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.

C. 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 permanent benefit increase to retirees, beneficiaries, and survivors when the conditions in this Section are satisfied. The board of trustees shall not grant a permanent benefit increase unless the permanent benefit increase has been approved by the legislature. Receipt of future permanent benefit increases, as provided for in this Section, shall not be an accrued benefit. Retirees, beneficiaries, and survivors shall have no right to receive a permanent benefit increase until the permanent benefit increase has been approved by the legislature.

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 fully 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.

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§1332. Experience account

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G.(1) Effective for the system valuation in which the account funding contribution rate equals the maximum allowable pursuant to R.S. 11:102(F)(4) (b), 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.

§1332.1. 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. 11:1332.

(b) To the extent permitted by Subparagraph (d) of this Paragraph, all employer contributions paid pursuant to R.S. 11:102(F)(4).

(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 and two supplemental 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(F)(4) that would cause the account balance to exceed this reserve if deposited in the account shall be applied as provided in R.S. 11:102.4.

(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, including a supplemental 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.

C. 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 permanent benefit increase to retirees, beneficiaries, and survivors when the conditions in this Section are satisfied. The board of trustees shall not grant a permanent benefit increase unless the permanent benefit increase has been approved by the legislature. Receipt of future permanent benefit increases, as provided for in this Section, shall not be an accrued benefit. Retirees, beneficiaries, and survivors shall have no right to receive a permanent benefit increase until the permanent benefit increase has been approved by the legislature.

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 fully 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.

F. In addition to the permanent benefit increase provided for in Subsection D of this Section, the board of trustees may grant a supplemental permanent benefit increase to all retirees and beneficiaries who are at least age sixty-five and who retired on or before June 30, 2001. This supplemental increase shall consist of an amount equal to two percent of the benefit being received on the date of the increase. In order to grant the supplemental permanent benefit increase, the board of trustees shall recommend to the president of the Senate and the speaker of the House of Representatives that the system be permitted to grant the supplemental permanent benefit increase to retirees and beneficiaries when the balance in the PBI account is sufficient to fully fund the benefit on

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
