

ACTS OF 2022

LEGISLATURE

Acts 373-471

ACT No. 373

HOUSE BILL NO. 131

BY REPRESENTATIVES COUSSAN, ADAMS, AMEDEE, BACALA, BEAULLIEU, BRASS, BROWN, BUTLER, ROBBY CARTER, CORMIER, COX, EDMONDS, EMERSON, FREIBERG, GAINES, GAROFALO, GREEN, HORTON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JORDAN, LARVADAIN, MARCELLE, MIGUEZ, MOORE, NELSON, NEWELL, CHARLES OWEN, ROBERT OWEN, PIERRE, RISER, STAGNI, THOMPSON, AND WHITE AND SENATORS ABRAHAM, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CONNICK, CORTEZ, FESI, FOIL, HENRY, HEWITT, JACKSON, LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, STINE, TALBOT, TARVER, WARD, WHITE, AND WOMACK

AN ACT

To enact R.S. 17:423.1, relative to teacher salaries; to provide for the compensation of teachers whose employment is interrupted by military service; to provide for application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:423.1 is hereby enacted to read as follows:
§423.1. Teacher employment interrupted by military service; salary schedule A. An individual whose employment as a teacher is interrupted by induction into military service subsequent to the events provided in R.S. 17:423 shall be placed, upon return to employment as a teacher, on the step of the salary schedule provided for in R.S. 17:418 that he would have been on if his employment had not been interrupted.

B. For purposes of this Section:
(1) “Military service” means service as a member of the United States Armed Forces during a war declared by the United States Congress or in a peacetime campaign or expedition for which campaign badges are authorized.

(2) “Teacher” has the meaning provided in R.S. 17:441.
Section 2.(A) R.S. 17:423.1 as enacted by this Act shall have a prospective application only; however, a teacher whose service was interrupted by military service between the end of the Vietnam Era as specified in R.S. 29:251.2 and the effective date of this Act and who is still employed as a teacher on such effective date shall have his experience increased on the steps of the salary schedule according to the duration of his military service. Thereafter, his salary shall be calculated based on this increase.

(B) The provisions of this Act shall have no effect on the benefits of a retired teacher.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 374

HOUSE BILL NO. 133

BY REPRESENTATIVE HARRIS

AN ACT

To amend and reenact R.S. 17:7(2)(d) and (f)(ii), (6)(a)(ii) and (b)(i)(bb) and (ii), and (8), 7.2(C), 7.5(A), 10.7.1(E)(1) and (H)(4)(b), 24.1(B) and (D)(1), 24.9(B)(8), 25.1(A)(1) and (2), (B)(1) and (2), (C), and (E)(1), 64(A)(3), 105.1(D), 151.3(C)(3), 203(introductory paragraph), 221(A)(1)(b) and (B)(1)(b), 222(C)(1), 372(introductory paragraph), 391.2(introductory paragraph), 392.1(C)(3), 395(A), 396(introductory paragraph) and (1), 407.1(introductory paragraph), 407.33, 407.62(introductory paragraph), 407.82(introductory paragraph), 407.91(introductory paragraph), 409.2(introductory paragraph), 416(A)(1)(c)(iii)(1), (B)(1)(a), (C)(1) and (2)(d)(ii), (H)(1), and (K), 419.2(D), 434(A), 441(introductory paragraph), 540(introductory paragraph), 1233(introductory paragraph), 1519.1(introductory paragraph), 1672, 1673, 1942, 1943(A) and (C), 1944(D), 1945.2(B), 1946(A), 1947(C), 1962(introductory paragraph) and (1), 1970.2(introductory paragraph), 1970.22(introductory paragraph), 1970.24(B)(1), 1972(introductory paragraph), 1982(introductory paragraph), 1987(C), 1989.2(introductory paragraph), 1990(B)(1)(b) and (C)(1)(a) and (2)(a)(i)(introductory paragraph) and (ii), 1991(A)(introductory paragraph), 2803(introductory paragraph) and (1), 2925(A)(6), 2942, 2990.2, 3002, 3005(G), 3047.6(A)(1)(c), 3047.7(C), 3050.11(C)(1)(b) and (c), 3052, 3082(introductory paragraph), 3092(introductory paragraph), 3100.2(introductory paragraph), 3102(introductory paragraph), 3129.9(A)(introductory paragraph), 3140.1(introductory paragraph), 3162(C)(8), 3165.2(B), 3202(introductory paragraph), 3394.2(introductory paragraph), 3399.12(introductory paragraph), 3399.15(A), 3399.21(introductory paragraph), 3602(introductory paragraph), 3702(introductory paragraph), 3772(introductory paragraph) and (2), 3801(D), 3822(introductory paragraph), 3831(introductory paragraph), 3873(introductory paragraph), 3882(introductory paragraph), 3973(introductory paragraph), 4002.3(introductory paragraph), 4013(introductory paragraph), 4036.1(D)(1), and 4041(introductory paragraph), to enact R.S. 17:2351(introductory paragraph), and to repeal R.S. 17:7(2)(b) and (32), 7.5(B), 10.7.1(H)(6), 24.4(F)(5), 393, 407.23(C)(3), and 1970.24(E)(1)(o)(ii), relative to providing technical corrections for Title 17 of the Louisiana Revised Statutes of 1950; to provide for technical corrections; to provide for standardization of language; to remove obsolete reporting requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:7(2)(d) and (f)(ii), (6)(a)(ii) and (b)(i)(bb) and (ii), and (8), 7.2(C), 7.5(A), 10.7.1(E)(1) and (H)(4)(b), 24.1(B) and (D)(1), 24.9(B)(8), 25.1(A)(1) and (2), (B)(1) and (2), (C), and (E)(1), 64(A)(3), 105.1(D), 151.3(C)(3), 203(introductory paragraph), 221(A)(1)(b) and (B)(1)(b), 222(C)(1), 372(introductory paragraph), 391.2(introductory paragraph), 392.1(C)(3), 395(A), 396(introductory paragraph) and (1), 407.1(introductory paragraph), 407.33, 407.62(introductory paragraph), 407.82(introductory paragraph), 407.91(introductory paragraph), 409.2(introductory paragraph), 416(A)(1)(c)(iii)(1), (B)(1)(a), (C)(1) and (2)(d)(ii), (H)(1), and (K), 419.2(D), 434(A), 441(introductory paragraph), 540(introductory paragraph), 1233(introductory paragraph), 1519.1(introductory paragraph), 1672, 1673, 1942, 1943(A) and (C), 1944(D), 1945.2(B), 1946(A), 1947(C), 1962(introductory paragraph) and (1), 1970.2(introductory paragraph), 1970.22(introductory paragraph), 1970.24(B)(1), 1972(introductory paragraph), 1982(introductory paragraph), 1987(C), 1989.2(introductory paragraph), 1990(B)(1)(b) and (C)(1)(a) and (2)(a)(i)(introductory paragraph) and (ii), 1991(A)(introductory paragraph), 2803(introductory paragraph) and (1), 2925(A)(6), 2942, 2990.2, 3002, 3005(G), 3047.6(A)(1)(c), 3047.7(C), 3050.11(C)(1)(b) and (c), 3052, 3082(introductory paragraph), 3092(introductory paragraph), 3100.2(introductory paragraph), 3102(introductory paragraph), 3129.9(A)(introductory paragraph), 3140.1(introductory paragraph), 3162(C)(8), 3165.2(B), 3202(introductory paragraph), 3394.2(introductory paragraph), 3399.12(introductory paragraph), 3399.15(A), 3399.21(introductory paragraph), 3399.31(introductory paragraph), 3602(introductory paragraph), 3702(introductory paragraph), 3772(introductory paragraph) and (2), 3801(D), 3822(introductory paragraph), 3831(introductory paragraph), 3873(introductory paragraph), 3882(introductory paragraph), 3973(introductory paragraph), 4002.3(introductory paragraph), 4013(introductory paragraph), 4036.1(D)(1), and 4041(introductory paragraph) are hereby amended and reenacted and R.S. 17:2351(introductory paragraph) is hereby enacted to read as follows:

§7. Duties, functions, and responsibilities of board
In addition to the authorities granted by R.S. 17:6 and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

(2)

(d) The State Board of Elementary and Secondary Education shall establish within the Department of Education, office of management and finance, a program of fiscal accountability for purposes of providing an audit, evaluation, and a computerization of the data submitted by local school systems and used in the determination of the cost of the ~~Minimum Foundation Program~~ minimum foundation program for public elementary and secondary education and in the equitable distribution of funds provided for the ~~Minimum Foundation Program~~ minimum foundation program for public elementary and secondary education. The board shall annually report, not later than March fifteenth, the findings of the audit and evaluation, with recommendations for improvement, to the committees on education of the House of Representatives and the Senate. The audit and evaluation shall consider the minimum performance standards established by the legislature, the State Board of Elementary and Secondary Education, and the state Department of Education.

(f)

(ii) ~~Beginning with the 2009-2010 school year and continuing thereafter,~~ the The State Board of Elementary and Secondary Education shall offer guidance and technical assistance to each city, parish, or other local public school board in making strategic fiscal decisions that promote improved student achievement. Such guidance and technical assistance shall include but not be limited to the identification of best practices in school finance that promote efficiency, economies of scale, and the use of comparative data to improve spending and educational outcomes.

(6)(a)

(ii) Additionally, whenever there is a qualification or condition established by law or board policy, or both, that a teacher holding a regular teacher certificate which is valid for three years ~~must~~ shall comply with, in order for the teacher to be issued a permanent regular teacher certificate, and it is not possible for a teacher at a nonpublic school to comply with such qualification or condition due to the teacher being employed at a nonpublic school, the board shall establish, ~~effective for the 1998-1999 school year and thereafter,~~ an alternative method or process by which the nonpublic school teacher may

meet such qualification or condition. A teacher employed in a nonpublic school who meets the qualifications or conditions pursuant to the alternative method or process established pursuant to this Item shall be issued a permanent regular teacher certificate which shall be valid for all purposes in this state and under all the same conditions as if it had been issued to a teacher who complied with the qualifications or conditions as otherwise established by law or board policy. Prior to establishing an alternative method or process, the board shall direct the nonpublic school commission to formulate, develop, and recommend to the board the alternative method or process by which the nonpublic school teacher may meet the qualification or condition and the method or process established by the board shall be consistent with the recommendations of the nonpublic school commission.

(b)(i) * * *

(bb) ~~On and after September 15, 1981, any~~ Any person certified to teach in another state who applies for certification to teach in the public schools of Louisiana shall be required to pass satisfactorily the examination which is administered in accordance with the provisions of this Paragraph as a prerequisite to the granting of such certification. However, a teacher certified in another state who meets all other requirements for a Louisiana certificate granted to out-of-state graduates except for the provisions of this Item shall be granted a three-year nonrenewable provisional certificate to be used while ~~said~~ the teacher completes the requirements set forth in this Paragraph.

(ii) The state superintendent of education shall administer the aforementioned policy of the board. In such administration of the policy, the superintendent shall choose the appropriate testing instrument, shall conduct all necessary research to validate the applicability of the instrument to teacher education programs within the state of Louisiana, and shall conduct all necessary research to determine the level at which the examination is satisfactorily completed. During the conduct of the research and in the preparation of the testing instrument, the superintendent shall meet with and consider the suggestions of individual classroom teachers, representatives of teacher organizations, deans of education of the public colleges and universities of the state, and representatives of each of the governing boards for higher education.

(8) Except as otherwise provided by law, approve ~~non-public~~ nonpublic schools in accordance with the provisions of R.S. 17:11 and any other applicable law.

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§7.2. Approved teacher education programs

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C. In adopting requirements for approval of teacher education programs pursuant to this Section the board shall provide that such requirements shall not be applicable to students enrolled in an approved teacher education program in Louisiana on the effective date of this Section, unless the board finds that any such requirement can be made applicable without undue hardship to the student. The board shall provide that requirements adopted pursuant to Paragraphs ~~(4) and (5) of (A)(4) and (5)~~ Subsection A of this Section shall not be applicable to students enrolled in an approved teacher education program in Louisiana on the effective date of such Paragraphs, unless the board finds that any such requirement can be made applicable without undue hardship to the student.

* * *

§7.5. Alternative educational programs of instruction; submission of plans; board approval; program monitoring

A. The state Department of Education, in collaboration with other appropriate state agencies, shall establish guidelines, with the approval of the State Board of Elementary and Secondary Education, for alternative educational programs of instruction for at-risk public middle and high school students in grades six through twelve. The state Department of Education shall provide for the definition of ~~said~~ at-risk students with the approval of the board.

* * *

§10.7.1. Return of certain schools from the Recovery School District to the transferring school system; timeline; conditions; funding

* * *

E. Notwithstanding any law to the contrary, in order to support and protect the interests and rights of the children it serves, the local school board:

(1) Shall adopt a policy that establishes a process to determine the district-level funding allocation to be effective beginning July 1, 2017, and as revised in subsequent years as appropriate, based upon student characteristics or needs, as determined by the local school board, to distribute the total amount of minimum foundation program formula funds allocated to the local school board and to Type 1, ~~1B~~, 3, 3B, 4, and 5 charter schools that are located within the geographic boundaries of the local school system.

* * *

H.

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(4) The local school superintendent shall submit the plan to the local school board for approval by September 1, 2016. The plan shall include:

* * *

(b) An implementation ~~time line~~ timeline that shall include a detailed list of tasks and benchmarks that are appropriately sequenced to efficiently facilitate the transfer of such functions and related funding from the Recovery

School District with respect to the return of schools to the local school system.

* * *

§24.1. State Department of Education; in-service training programs

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B. The purpose of such program shall be to establish guidelines for in-service teacher educational programs for all teachers in the public schools and to provide technical assistance to local school systems in developing such programs. The plans for these in-service programs shall be such as to provide effective and sequential training in professional or subject matter areas appropriate to each level of teaching. The state Department of Education shall prepare, with the advice of a representative group of classroom teachers, suggested guidelines for the administration and content of the in-service training programs of professional improvement. These guidelines shall be revised from time to time as the ~~Superintendent of Education for Public Elementary and Secondary Education~~ state superintendent of education considers necessary or desirable, and shall be made available to each parish or city school board. The department shall also have authority to approve or disapprove programs as provided in this Section. The purpose of the in-service educational programs developed and approved under the provisions of this Section shall be to improve the instructional skills of all teachers in the public schools, their ability to communicate with and foster learning among students of differing backgrounds, their knowledge of the subject matter they teach, and innovative techniques in teaching such subject matter.

* * *

D. The department shall establish guidelines for such in-service programs. Such guidelines shall include but not be limited to provisions for:

(1) Requirement for frequent conduct of programs and time of programs, including guidelines for programs within and outside of the minimum school session and regular school days. When such programs are conducted outside the minimum school session as ~~defined by R.S. 17:225~~ or on a day other than regular school days, the teachers participating shall be compensated at a rate of no less than the average daily salary of a ~~first year~~ first-year teacher with a bachelor's degree in that parish or city school system.

* * *

§24.9. Quality early literacy initiative; legislative findings; development; criteria; implementation; limitations

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B. The state Department of Education shall develop a comprehensive and evidence-based early literacy initiative for students in kindergarten through third grade. The department shall:

* * *

(8) Report the data for each school, ~~for each~~ school system, and for the state as a whole, in the school progress profiles provided pursuant to R.S. 17:3911 and 3912.

* * *

§25.1. Minimum foundation program; date for payments

A. As used in this Section, the following words and phrases shall have the following meanings unless the context otherwise requires:

(1) "Department" means the state Department of Education acting through the superintendent or his designee.

(2) "Schedule notice" means a notice sent by the department by registered or certified mail to each affected parish and city school board describing a disbursement schedule for the amounts payable annually to the board under the ~~Minimum Foundation Program~~ minimum foundation program pursuant to this Section.

* * *

B.(1) The department shall transmit to each parish and city school board not later than the twenty-fifth day of each month, one-twelfth of the amount payable annually to the board under the ~~Minimum Foundation Program~~ minimum foundation program, unless the department mails a schedule notice to each parish and city school board on or before May ~~1~~ first of each year which contains such information as is required to inform such boards that a disbursement schedule of the amount payable annually to the board under the ~~Minimum Foundation Program~~ minimum foundation program will be implemented pursuant to this Section. ~~However, for fiscal year 1988-1989, the schedule notice shall be mailed on or before the end of the regular legislative session from a schedule provided by the Division of Administration, Appropriation's Control or the state treasurer.~~

(2) Notice and implementation of a disbursement schedule pursuant to this Section shall by its terms in no way reduce the aggregate annual ~~Minimum Foundation Program~~ minimum foundation program funds payable to all parish and city school boards and the annual ~~Minimum Foundation Program~~ minimum foundation program funds payable to an individual parish or city school board in accordance with Article VIII, Section 13(B) of the Constitution of Louisiana.

C. The schedule notice shall set forth the fraction or percentage of annual ~~Minimum Foundation Program~~ minimum foundation program disbursements, if any, to be transmitted each month, the latest day on which the disbursements, if any, will be transmitted, which date shall not be later than the twenty-fifth day of any month during which disbursements are scheduled to be transmitted, and such other information as the department deems necessary or convenient.

* * *

E.(1) A disbursement schedule for which the schedule notice has been given shall not be effective during the fiscal year described therein unless and until an amount in addition to the aggregate ~~Minimum Foundation~~

~~Program minimum foundation program~~ formula amount shall have been included in the general appropriations act for such fiscal year sufficient to reimburse each parish and city school board for the interest expense and costs, if any, incurred as a direct result of an alternative borrowing caused by the implementation of a disbursement schedule pursuant to this Section. The aggregate interest expense and costs, if any, projected to be incurred by parish and city school boards and included in the general appropriations act shall be projected and calculated by the department and such calculation shall be conclusive.

* * *

§64. Zachary Community School Board and school system; creation; membership; qualifications; apportionment; election; powers, duties, and functions; system operation

A.

* * *

(3) No appropriation of state funds shall be provided to provide assistance or support with the initial establishment of the Zachary community school system. Nothing in this Paragraph shall limit the participation of the Zachary community school system in the ~~Minimum Foundation Program~~ minimum foundation program or any other appropriation applicable to other public school systems in the state.

* * *

§105.1. Transfer to schools in an adjoining school system; conditions; exceptions; funding

* * *

D. In the case of the transfer of any student pursuant to this Section, the adjoining school system shall notify the state Department of Education. The state Department of Education shall adjust the allocation of money through the ~~Minimum Foundation Program~~ minimum foundation program formula or any other monies appropriated and allocated among school systems based in any way on the number of students enrolled so as to account for the transfer of the student.

* * *

§151.3. Kindergarten; establishment; entrance age; prerequisites

C.

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(3) A child not able to meet the kindergarten attendance requirements as provided in Paragraph (1) of this Subsection due to illness or extraordinary, extenuating circumstances as determined by the city, parish, or other local public school board shall be required to satisfactorily pass an academic readiness screening administered by the city, parish, or other local public school board prior to the time of enrollment for in the first grade.

* * *

§203. Definitions

As used in this Subpart, the following terms ~~words~~ have the following meanings ~~ascribed to them~~ unless the context requires otherwise:

* * *

§221. School attendance; compulsory ages; duty of parents; excessive absences; condition for driving privileges

A.(1)

* * *

(b) Beginning with the 2022-2023 school year, the parent or legal guardian of a child who resides in Louisiana and who is age five, by September thirtieth of the calendar year in which the school year begins, through eighteen shall send the child to a public or nonpublic school, as defined by R.S. 17:236, unless the child’s parent or legal guardian opted to defer enrollment of his child in kindergarten pursuant to R.S. 17:151.3(D) or the child graduates from high school prior to his eighteenth birthday. A child below the age of five who legally enrolls in school shall also be subject to the provisions of this Subpart.

* * *

B.(1) A city, parish, or other local public school board shall grant admission or readmission to school to any person who meets all of the following criteria:

* * *

(b) Meets the eligibility requirements for school entrance pursuant to R.S. ~~17:222(A).~~ 17:221.

* * *

§222. School entrance; proof of age, race, and parentage required; exceptions

* * *

C.(1) Notwithstanding the provisions of Subsections A and B of this Section, the parish school boards in Jefferson and Orleans parishes may adopt, by rule, and enforce ages for entrance into first grade in the schools in their systems which vary from the provisions of this Section. All children admitted into school as a result of a rule adopted pursuant to this Subsection shall be counted in reports submitted for funding under the ~~Minimum Foundation Program~~ minimum foundation program and money allocated pursuant to such program shall be based on the report which includes such children.

* * *

§372. Definitions

As used in this Part, the following terms ~~shall~~ have the ~~meaning ascribed to them in this Section; following meanings except when~~ unless the context clearly indicates ~~a different meaning otherwise:~~

* * *

§391.2. Definitions

As used in this Part, the following ~~words; terms; and phrases~~ shall have the ~~meaning ascribed to them in this Section; following meanings except when~~

unless the context clearly indicates ~~a different meaning otherwise:~~

* * *

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

* * *

C. Screenings as required by this Section shall have one or more of the following results:

* * *

(3) Indication of need for assistance to ameliorate the effect of a possible ~~at-risk~~ risk factor.

* * *

§395. Statement of purpose

A. The purpose of this Part is to provide supplemental funds for the delivery of supplemental remedial instruction adapted for those eligible students in the elementary and secondary schools of this state as set forth in the city and parish school board pupil progression plans approved by the State Board of Elementary and Secondary Education. A program of remedial education shall be put into place by local parish and city parish school systems following regulations adopted by the state Department of Education and approved by the state board pursuant to R.S. 17:24.4. All eligible students shall be provided with appropriate remedial instruction.

* * *

§396. Definitions

As used in this Part, the following ~~words; terms; and phrases~~ shall have the ~~meaning ascribed to them in this Section; following meanings except when~~ unless the context clearly indicates ~~a different meaning otherwise:~~

(1) “Department” means the state Department of Education.

* * *

§407.1. Definitions

As used in this Part, the following ~~words; terms; and phrases~~ shall have the ~~meanings ascribed to them in this Section as follows~~ following meanings:

* * *

§407.33. Definitions

~~A.~~ As used in this Part, the following ~~definitions shall apply~~ terms have the following meanings unless the context clearly ~~states~~ indicates otherwise:

(1) “Camp” means any place or facility operated by any institution, society, agency, corporation, person or persons, or any other group which serves only children five years of age or older and operates only when school is not in session during the summer months or school holidays.

(2) “Child” means a person who has not reached age eighteen or otherwise been legally emancipated.

(3) “Child day care center” means any place or facility operated by any institution, political subdivision, society, agency, corporation, person or persons, or any other group for the purpose of providing care, supervision, and guidance of seven or more children, not including those related to the caregiver, unaccompanied by parent or legal custodian, on a regular basis for at least twelve and one-half hours in a continuous seven-day week. If a child day care center provides transportation or arranges for transportation to and from the center, either directly or by contract with third parties, all hours during which a child is being transported shall be included in calculating the hours of operation. A child day care center that remains open for more than twelve and one-half hours in a continuous seven-day week, and in which no individual child remains for more than twenty-four hours in one continuous stay shall be known as a full-time child day care center. A child day care center that remains open after 9:00 p.m. shall meet the regulations established for nighttime care.

(4) “Department” means the state Department of Education.

(5) “Early learning center” means any child day care center, Early Head Start Center, Head Start Center, or stand-alone prekindergarten program not attached to a school.

(6) “Head Start and Early Head Start Programs” mean the ~~federally-funded~~ federally funded early childhood care and education programs that promote and teach school readiness to children ages birth to five from low-income families and provide services in the areas of education, social services for families, nutrition, family engagement, health and mental health, as well as providing the physical plant and instructional staff members for such purposes.

(7) “License type” means the type of license applied for or held, which shall include Type I, Type II, and Type III.

(8) “Related” or “relative” means a natural or adopted child or grandchild of the caregiver or a child in the legal custody of the caregiver.

* * *

§407.62. Definitions

As used in this Part, the following ~~definitions shall apply~~ terms have the following meanings unless the context clearly ~~states~~ indicates otherwise:;

* * *

§407.82. Definitions.

As used in this Part, the following ~~definitions shall apply~~ terms have the following meanings:

* * *

§407.91. Definitions

As used in this Part, the following ~~definitions shall apply~~ terms have the following meanings:

* * *

§409.2. Definitions

~~For the purposes of~~ As used in this Subpart, the following terms have the

following meanings:

§416. Discipline of students; suspension; expulsion
A.(1)

(c)

(iii) A student in kindergarten through grade five removed from a class pursuant to this Subparagraph shall not be permitted to return to the class for at least thirty minutes unless agreed to by the teacher initiating the disciplinary action. A student in grades six through twelve removed from a class pursuant to this Subparagraph shall not be permitted to return to the class during the same class period unless agreed to by the teacher initiating the disciplinary action. Additionally, the student shall not be readmitted to the class until the principal has implemented at least one of the following disciplinary measures:

(ll) Requiring the completion of all assigned school work and homework that would have been assigned and completed by the student during the period of out-of-school suspension.

B.(1)(a) Any student after being suspended for committing any of the offenses enumerated in this Section may be expelled, upon recommendation by the principal of the public school in which ~~said~~ the student is enrolled, which recommended expulsion shall be subject to the provisions of Subsection C of this Section.

C.(1) Upon the recommendation by a principal for the expulsion of any student as authorized by Subsection B of this Section or a school board's code of conduct, a hearing shall be conducted by the superintendent or his designee within fifteen school days to determine the facts of the case and make a finding of whether or not the student is guilty of conduct warranting a recommendation of expulsion. The school board ~~must~~ shall provide written notice of the hearing to the student and his parent or legal guardian, and such notice shall advise the student and his parent or legal guardian of their rights. Upon the conclusion of the hearing and upon a finding that the student is guilty of conduct warranting expulsion, the superintendent or his designee shall determine whether such student shall be expelled from the school system or if other corrective or disciplinary action shall be taken. At the hearing the principal or teacher concerned may be represented by any person appointed by the superintendent. The concerned teacher shall be permitted to attend such hearing and shall be permitted to present information the teacher believes relevant. Until such hearing takes place the student shall remain suspended from the school with access to classwork and the opportunity to earn academic credit. At such hearing the student may be represented by any person of his choice. A student who is expelled or suspended for longer than ten days shall be provided with academic instruction at an alternative setting in accordance with R.S. 17:416.2.

(2)

(d)

(ii) Any student expelled pursuant to the provisions of this Subsection or Subsection B of this Section seeking readmission on a probationary basis prior to the end of the specified period of expulsion ~~must~~ shall also comply with the provisions of Subparagraph (B)(3)(d) of this Section.

H.(1) No student shall be disciplined in any manner by the governing authority of a public elementary or secondary school or by any public elementary or secondary school administrator, teacher, or other school employee for the use of force upon another person when it can be reasonably concluded that the use of such force more probably than not was committed solely for the purpose of preventing a forcible offense against the student or a forcible offense provided that the force used ~~must~~ shall be reasonable and apparently necessary to prevent such offense.

K. For the purposes of this Section, "virtual instruction" means instruction provided to a student through an electronic delivery medium including but not limited to electronic learning platforms that connect to a student in a remote location to classroom instruction. A city, parish, or other local public school board discipline policy shall clearly define the rules of conduct and expectations of students engaged in virtual instruction, shall provide for notice of such rules and expectations to the parents and guardians of students, shall include clearly defined consequences of conduct, shall be narrowly tailored to address compelling government interests, and shall take into consideration the students' and their families' rights to privacy and other constitutional rights while at home or in a location that is not school property. The provisions of this Section ~~herein~~ related to mandatory recommendation for expulsion shall not be applied to virtual instruction received by a student in the student's home.

§419.2. Extra compensation for school support personnel

D. In any year in which the ~~Minimum Foundation Program~~ minimum foundation program formula adopted by the legislature contains the extra compensation paid by the state for support personnel employed by city,

parish, or other local public school systems, extra compensation for such personnel as provided in this Section shall not be in force and effect for such year and for any succeeding year in which such formula remains in effect.

§434. Planning time for teachers; required

A. The State Board of Elementary and Secondary Education shall adopt necessary rules and regulations requiring each city and parish school board to provide a minimum of forty-five minutes daily uninterrupted planning time, or its weekly equivalent for every teacher actively engaged in the instruction and supervision of students in the public schools. Implementation of planning time as required in this Section for teachers shall not result in a lengthened school day or a reduction in student daily instructional time.

§441. Definitions

~~For purposes of As used in this Subpart, the following terms have the following meanings:~~

§540. Definitions

~~For the purposes of As used in this Subpart, the following terms and phrases are used as defined by this Section have the following meanings:~~

§1233. Definitions

~~As used in this Part, The the following words, terms, and phrases shall have the meaning ascribed to them in this Section, following meanings unless the context clearly indicates otherwise:~~

§1519.1. Definitions

~~As used in this Subpart, the following terms defined in this Section shall have the following meanings herein given to them, except where unless the context clearly indicates otherwise.~~

§1672. Definitions

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

~~A. (1) The term "department" "Department" shall mean the State state Department of Education.~~

~~B. (2) The term "approved "Approved institutions of higher education" shall mean Centenary College, Dillard University, St. Mary's Dominican College, Holy Cross College, Louisiana College, Loyola University, Tulane University, and Xavier University, all in Louisiana, and all other institutions of higher education in the state, public or private, approved by the department.~~

~~C. (3) The terms "scholarship" "Scholarship" or "scholarship program" shall mean a scholarship or the scholarship program authorized and established by the provisions of this subpart Subpart.~~

~~§1673. Scholarship program to be administered by state department of education Department of Education~~

~~The scholarship program established and authorized by this subpart Subpart shall be administered by the state department of education Department of Education.~~

§1942. Definitions

A. For purposes of this Chapter, the definitions in the Individuals with Disabilities Education Improvement Act of 2004 are hereby adopted unless otherwise provided by this Chapter or duly adopted regulations or policies.

B. ~~As used in this Part, the following terms have the following meanings:~~

~~(1) A "student with an exceptionality", including a student with a disability, is any student who is evaluated according to state and federal regulation or policy and is deemed to have a mental disability, hearing loss (including deafness), multiple disabilities, deaf-blindness, speech or language impairment, visual impairment (including blindness), emotional disturbance, orthopedic impairment, other health impairment, specific learning disability, traumatic brain injury, autism, or is deemed to be gifted or talented, and as a result requires special education and related services. A student with an exceptionality may include, as determined by the local education agency, a student experiencing developmental delay ages three through eight.~~

~~E. (2) "Education service agency" means a regional public multiservice administrative agency authorized by state law to develop, manage, and provide services or programs to local education agencies and includes any other public institution or agency having administrative control and direction over a public elementary or secondary school.~~

~~D. (3) "Local education agency" means a public board of education or other public authority legally constituted within Louisiana for administrative control and direction of or to perform a service function for public elementary or secondary schools in a city, parish, or other local public school district or other political subdivision. The term includes an education service agency and special schools and school districts as that term is used in R.S. 17:1945 and any other public institution or agency having administrative control and direction of a public elementary or secondary school.~~

~~E. (4) "Resident" as it applies to a student with an exceptionality for purposes of this Chapter shall mean any one of the following:~~

~~(4) (a) The student is a resident within the geographical boundaries of the local education agency in which the student's parent or parents have their legal residence, unless the parent or parents have relinquished custody of the student. In such case, the student is a resident within the geographical boundaries of the local education agency in which the student's legal custodian or custodians have their legal residence.~~

~~(2) (b) If a student's parents are divorced, the student is a resident of the~~

local education agency in which the student’s domiciliary or custodial parent or parents have their legal residence.

~~Ⓒ~~ (c) If a student is in foster care, the student is a resident of the local education agency in which the parent or parents with whom the student lived immediately prior to being placed into foster care have their legal residence.

§1943. Administration and supervision
A.(1) Except as otherwise provided in Paragraph (2) of this Subsection, the provisions of this Chapter shall be administered at the state level by the state Department of Education, with the approval of the State Board of Elementary and Secondary Education, and on the city or parish level by local education agencies.

(2) The state Department of Education, with the approval of the State Board of Elementary and Secondary Education, shall provide only general supervision and monitoring when the provisions of this Chapter are administered through or in other state agencies.

* * *
C. The state Department of Education shall establish pupil-teacher ratios and class sizes taking into account the chronological age of the student with an exceptionality, the severity of the disability, and the type of exceptionality.

§1944. Local education agency; responsibilities
* * *
D. Whenever adequate education results can best be obtained by providing cooperative special education and related services, the local education agencies shall establish and maintain such facilities and programs according to procedures established by the state Department of Education with the approval of the State Board of Elementary and Secondary Education. Adjacent and nearby local education agencies shall pool their resources for this purpose. The local education agency within whose boundaries ~~said~~ the facility is located shall be designated as the coordinating fiscal agency.

* * *
§1945.2. Funding; inclusion in the minimum foundation program formula; other appropriated state funds

* * *
B. The Special School District shall be considered a public school and, as such, shall be included by the State Board of Elementary and Secondary Education in the formula required by Article VIII, Section 13 of the Constitution of Louisiana used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools. Funding shall be provided through appropriations made directly to the district from the state general fund and through funds appropriated for the minimum foundation program and allocated to the district by the state Department of Education.

* * *
§1946. Procedural safeguards
A. The state Department of Education, the Special School District, and the local education agencies shall establish and maintain regulations and procedures in accordance with this Section and the Individuals with Disabilities Education Improvement Act of 2004 to ensure that students with exceptionalities and their parents are provided procedural safeguards with respect to the provision of free appropriate public education by such agencies.

* * *
§1947. Funding

* * *
C. The state Department of Education and local education authorities may, under policies established by the State Board of Elementary and Secondary Education, enter into purchase of service agreements or contracts with other public or nonpublic agencies to provide special education and related services.

* * *
§1962. Definitions
As used in this Part, the following ~~words, terms and phrases shall have the meanings ascribed to them in this Section, following meanings except when~~ unless the context clearly indicates a different meaning otherwise:

(1) “Department” means the state ~~department of education~~ Department of Education.

* * *
§1970.2. Definitions
As used in this Part, the following ~~words, terms, and phrases shall have the meanings ascribed to them in this Section, following meanings except when~~ unless the context clearly indicates a different meaning otherwise:

* * *
§1970.22. Definitions
As used in this Part, the following ~~words, terms, and phrases shall have the meanings ascribed to them in this Section, following meanings except when~~ unless the context clearly indicates a different meaning otherwise:

* * *
§1970.24. Board of directors; creation; membership; terms; powers and duties; voting; compensation

* * *
B.(1) The board of directors shall be composed of thirteen persons as follows:

(a)(i) ~~Effective until June 30, 2012, two members appointed by the Orleans Parish School Board, whose terms shall expire on June 30, 2012.~~

(ii) ~~Effective July 1, 2012, and thereafter, two~~ Two members as follows:
(~~aa~~) (i) One member appointed by the Orleans Parish School Board. He may be replaced by resolution of the school board.

~~(bb)~~ (ii) An employee of the state Department of Education appointed by the state superintendent of education.

~~(b)(i) Effective until June 30, 2010, two members appointed by the governor, neither of whom is serving as the vice president of the board on June 24, 2010, and at least one of whom shall be a member of a minority racial group in the state, whose terms shall expire on June 30, 2010.~~

(ii) ~~Effective July 1, 2010, and thereafter, two~~ Two members appointed by the governor, at least one of whom shall be a member of a minority racial group in the state.

(iii)(~~aa~~) ~~Effective until June 30, 2012, one person appointed by the governor and serving as the vice president of the board upon June 24, 2010, whose term shall expire on June 30, 2012.~~

~~(bb)~~ ~~Effective July 1, 2012, and thereafter, one~~ (c) One person appointed by the governor who shall be from outside the greater New Orleans region.

(e) (d) Six persons shall be appointed by the governor from among nominees as follows:

(i)(~~aa~~) ~~Effective until June 30, 2010, one member from among nominees submitted by the mayor of the city of New Orleans and identified by him as a professional creative artist, whose term shall expire on June 30, 2010.~~

~~(bb)~~ ~~Effective July 1, 2010, and thereafter, one~~ One member from among nominees submitted by the mayor of the city of New Orleans.

(ii)(~~aa~~) ~~Effective until June 30, 2012, one member from among nominees submitted either by the presidents of Dillard University, Xavier University, and Southern University at New Orleans, acting jointly either personally or by a person designated from among their most senior university colleagues, or by one such president or his designee for one term alternated with the other presidents or their designees for subsequent terms, as decided by them jointly, whose term shall expire on June 30, 2012.~~

~~(bb)~~ ~~Effective July 1, 2012, and thereafter, one~~ One member from among nominees submitted either by the presidents of Dillard University, Xavier University, and Southern University at New Orleans, acting jointly either personally or by a person designated from among their most senior university colleagues, or by one such president or his designee for one term alternated with the other presidents or their designees for subsequent terms, as decided by them jointly.

(iii)(~~aa~~) ~~Effective until June 30, 2012, two members from among nominees submitted by the New Orleans Center for the Creative Arts Institute, whose terms shall expire on June 30, 2012.~~

~~(bb)~~ ~~Effective July 1, 2012, and thereafter, two~~ Two members from among nominees submitted by the New Orleans Center for Creative Arts Institute.

(iv)(~~aa~~) ~~Effective until June 30, 2010, two members from among nominees submitted by the parents association or the faculty or the alumni association of the New Orleans Center for Creative Arts as decided by such organizations, whose terms shall expire on June 30, 2010.~~

~~(bb)~~ ~~Effective July 1, 2010, and thereafter, two~~ Two members as follows:

(~~A~~) (~~aa~~) One member from among nominees submitted by the center faculty and employed as at least a half-time faculty member.

(~~H~~) (~~bb~~) One member who is an alumnus or alumna of the center selected from among nominees submitted by the president/chief executive officer of the center.

(~~A~~) (e) The member of the Louisiana House of Representatives in whose election district the center's main campus is located or his designee.

(e) (f) The member of the Louisiana Senate in whose election district the center's main campus is located or his designee.

* * *
§1972. Definitions
As used in this Part, the following ~~words, terms, and phrases shall have the meanings ascribed to them in this Section, following meanings except when~~ unless the context clearly indicates a different meaning otherwise:

* * *
§1982. Definitions
As used in this Part, the following ~~words, terms, and phrases shall have the meanings ascribed to them in this Section as follows~~ following meanings:

* * *
§1987. School district for certain correctional centers for youth

* * *
C. The state shall annually appropriate sufficient monies to fund any school in the district created in this Part in an amount equal to not less than the per pupil amount allocated pursuant to the ~~Minimum Foundation Program~~ minimum foundation program formula to the city or parish school district in which each such correctional center for youth is located. The appropriation shall be made to the administering agency for the district which may be expended by the agency for the provision of educational services in the same manner as such money may be expended by intermediate educational units in providing educational services to students subject to the limitations in Paragraph (A)(2) of this Section.

* * *
§1989.2. Definitions
As used in this Part, the following ~~words, terms, and phrases shall have the meanings ascribed to them in this Section, following meanings except where~~ unless the context clearly indicates a different meaning otherwise:

* * *
§1990. Recovery School District; creation; governance; operation

B.(1)
* * *

(b) The expenditure of funds shall be subject to the requirements of the approved ~~Minimum Foundation Program~~ minimum foundation program formula that apply to a city, parish, or other local public school system and shall be subject to audit in the same manner.

* * *

C.(1)(a) The state shall annually appropriate sufficient monies to fund any school in the school district created in this Part in an amount equal to but not less than the school’s student membership count times one hundred percent of the state share per student as provided in the ~~Minimum Foundation Program~~ minimum foundation program approved formula for the city, parish, or other local public school system in which each school placed under the jurisdiction of the district is located as contained in the ~~Minimum Foundation Program~~ minimum foundation program budget letter approved by the State Board of Elementary and Secondary Education. The appropriation shall be made to the administering agency for the district and may be expended by the agency for the provision of services to students in the district.

* * *

(2)(a)(i) In addition to the appropriation required in Paragraph (1) of this Subsection, any city, parish, or other local public school board which had jurisdiction of a school prior to its transfer to this district annually shall allocate and transfer to the school district an amount of money equal to the number of students enrolled in such a school times the local per pupil amount received by the school system from all of the following sources as provided in the ~~Minimum Foundation Program~~ minimum foundation program approved formula, excluding any portion which has been specifically dedicated by the legislature or by voter approval to capital outlay or debt service or which was actually expended by the school board for facilities acquisition and construction as reported to the state Department of Education:

* * *

(ii)(aa) Such allocation and transfer shall be accomplished by a reduction in the amount of state funds otherwise to be allocated to the city, parish, or other local public school system as contained in the ~~Minimum Foundation Program~~ minimum foundation program budget letter approved by the State Board of Elementary and Secondary Education equal to the amount provided in this Paragraph which reduction shall be allocated to the school district.

(bb) In the case that there are insufficient funds available to provide the total due the school district under this Paragraph if all state funds are reduced and allocated to the school district, the prior system shall transfer a sufficient amount of money remaining from the sources provided in Item (i) of this Subparagraph to the school district. In the case that the prior system’s local revenues are insufficient to allow for the allocation to the school district and to allow the prior system to maintain a minimum balance of ten percent of state ~~Minimum Foundation Program~~ minimum foundation program funding and ten percent of the local revenues listed in Item (i) of this Subparagraph, local revenues otherwise required to be allocated to the school district shall be reduced to an amount necessary to allow the prior system to maintain such balances. Such maintained minimum balances shall be applied firstly to the prior system’s retiree health insurance costs and secondly to the prior system’s board administrative costs.

* * *

§1991. Definitions
A. As used in this Part, ~~unless otherwise clearly indicated,~~ the following terms have the following meanings ascribed below unless the context clearly indicates otherwise:

* * *

§2351. Definitions
As used in this Part, the following terms have the following meanings:

* * *

§2803. Definitions
As used in this ~~chapter~~ Chapter, the following terms have the following meanings:

(1) “Cooperative” means a corporation organized under this Chapter and a corporation which becomes subject to this Chapter in the manner ~~hereinafter~~ provided in this Chapter.

* * *

§2925. Individual graduation plans
A.

* * *

(6) Upon completion of the review, the plan shall be signed by the student, his parent or ~~other~~ legal guardian, and the school counselor.

* * *

§2942. Definitions
As used in this Chapter, the following terms have the following meanings:

A. (1) “Courses” means one of the following:
(4) (a) Academic courses that the successful completion of which would result in earned credit that may be transferred to a public postsecondary education institution and applied toward an undergraduate degree.

(2) (b) Career and technical education courses aligned with the career major option, pursuant to R.S. 17:183.1 et seq., that may be transferred for credit to a public postsecondary education institution and applied toward a credential from such institution.

B. (2) “Dual enrollment” means the enrollment of a secondary school student in a postsecondary course for which both secondary school and postsecondary credit may be earned.

* * *

§2990.2. Definitions

As used ~~herein in this Chapter~~, the following terms ~~shall~~ have the following meanings, unless the context clearly indicates otherwise:

(1) “~~child~~” “Child”, “children”, or “student” means any child or children between the ages of six and fifteen whose attendance at a public or private day school is required by ~~Louisiana Revised Statutes R.S.~~ 17:221 who attends a nonpublic school and all such children beyond the age of fifteen up to the age of eighteen actually enrolled in a nonpublic school as defined herein.

(2) “~~parent~~” “Parent” or “low income parent” means the parent, tutor or other person residing within the state of Louisiana having control or charge of any child herein defined whose total annual income for the previous year did not exceed \$7,500.00 or, who meets the requirements of R.S. 17:2990.3(2).

(3) “~~nonpublic~~” “Nonpublic school” means any nonprofit elementary or secondary school within the state of Louisiana or which may hereafter be established within the state of Louisiana, offering education to the children of this state in any grades from grades one through twelve, wherein a pupil may fulfill the requirements of the Compulsory School Attendance Law and is in compliance with the Civil Rights Acts of 1964.

(4) “~~total~~” “Total annual income” means the total amount actually earned in the tax year as reflected in the federal or state income tax return. If both parents earn income, both shall be considered in determining the total.

* * *

§3002. ~~Definition of terms~~ Definitions
A. ~~The terms “school counselor”, “counseling director”, and “practice of school counseling” for the purposes of~~ As used in this Chapter, the following terms shall have the meaning respectively ascribed to them in this Section: following meanings:

B. (1) “Counseling director” is a member of the school faculty who functions as a school counselor but has the following additional responsibilities in the school system:

(4) (a) The director aids teachers by gathering and interpreting facts which will enable the student to take advantage of the educational opportunities available and to maximize personal growth and development.

(2) (b) The director fosters a greater understanding between teachers and parents of the emotional, social, and academic problems of the individual student as well as the potentialities and limitations of the student.

C. ~~(4)~~ (2)(a) “Practice of school counseling” means the rendering, offering to render, or supervising those who render to individuals or groups of pupils within the elementary, secondary, and postsecondary schools, services involving the application of counseling procedures for learning how to solve problems and make decisions.

(2) (b) In the practice of counseling:
(a) (i) The counselor serves as an advocate for children within the adult structure of the school and community and has as his or her prime responsibility, services to and for the pupil, and

(b) (ii) The counselor does not include among his or her responsibilities the administration of disciplinary action, substitute teaching, or administrative clerical duties.

(3) (c) A school counselor shall devote not less than two-thirds of each academic school year to the practice of school counseling.

D. (3) “School counselor” is a member of the school faculty who by training and background is qualified to engage in educational and vocational counseling and advisement. The purpose of a school counselor is to help students to arrive at their full potential through a process involving direct contact between the counselor and a student, parents, teachers, school administrators, ~~and/or~~ or others.

* * *

§3005. Elementary school counselors; availability; guidelines; requirements; counseling services; work time; exceptions; reporting; funding

* * *

G. The provisions of this Section shall become effective upon the provision of funds for this purpose in the ~~Minimum Foundation Program~~ minimum foundation program.

* * *

§3047.6. Coordination with other agencies
A.(1) The office of student financial assistance shall establish a working group composed of an appointee from each of the following:

* * *

(c) The ~~Louisiana~~ state Department of Education.

* * *

§3047.7. Reporting system; implementation; requirements; applicability; participation by eligible institutions

* * *

C. The administering agency shall, with the cooperation and assistance of the state’s public two-year ~~institutions of postsecondary education~~ institutions and proprietary schools, annually query each first-time award recipient to determine the extent receiving the award influenced the recipient’s decision to enroll in postsecondary education.

* * *

§3050.11. Health Care Employment Reinvestment Opportunity (H.E.R.O.) Fund

* * *

C.(1) Subject to legislative appropriation and the approval of the Board of Regents, the Louisiana Health Works Commission is hereby authorized and directed to determine how monies in the fund are allocated and expended through a multi-year plan, solely and exclusively for the following purposes and in the following priorities:

* * *

(b) Support the nursing and allied health professions by providing incentives that financially support student financial stipends and tuition forgiveness contingent upon employment in Louisiana ~~health-care~~ healthcare facilities or nursing or allied health schools.

(c) Provide incentives for nursing and allied ~~health-care~~ healthcare professionals to practice in Louisiana with an emphasis on medically underserved areas of the state.

* * *

§3052. Definitions
~~As used in this Chapter, the~~ the following terms ~~shall~~ have the following meanings, unless the context clearly indicates otherwise:

(2) (1) “Authority” shall mean the Health Education Authority of Louisiana, and when used in connection with action authorized to be taken by the authority, shall mean the authority acting by and through its board of trustees.

(3) (2) “Board” shall mean the board of trustees of the Health Education Authority of Louisiana.

(5) (3) “Executive director” shall mean the executive director of the Health Education Authority of Louisiana.

(6) (4) “Participating institutions” shall mean those institutions which apply to and are designated by the authority, other than primary institutions, and consisting of public or private hospitals and medical or health corporations, or institutions which deliver medical or health services or provide facilities within the primary service area.

(7) (5) “Primary institutions” shall mean University Medical Center at New Orleans, Louisiana State University and Agricultural and Mechanical College, and Tulane University of Louisiana.

(8) (6) “Primary service area” means communities in Louisiana where graduate medical education is offered.

(9) (7) “Project” shall mean any specific facility, work or improvement undertaken or to be financed by the authority under the provisions of the Act.

* * *

§3082. Definitions
As used in this Chapter, the following terms have the following meanings ~~ascribed in this Section:~~

* * *

§3092. Definitions
~~For the purposes of As used in~~ this Chapter, the following ~~words, terms, and phrases shall~~ have the following meanings; unless the context clearly ~~requires~~ indicates otherwise:

* * *

§3100.2. Definitions
~~For the purposes of As used in~~ this Chapter, the following ~~words, terms, and phrases shall~~ have the following meanings unless the context clearly ~~requires~~ indicates otherwise:

* * *

§3102. Definitions
~~For the purposes of As used in~~ this Chapter the following ~~definitions shall~~ apply ~~terms~~ have the following meanings:

* * *

§3129.9. Affordable textbooks and open educational resources
A. ~~Definitions:~~ As used in Subsection B of this Section, the following terms have the following meanings:

* * *

§3140.1. Definitions
~~For the purposes of As used in~~ this Chapter, the following ~~terms~~ have the following meanings:

* * *

§3162. Statewide Articulation and Transfer Council; creation; purpose; membership; duties and responsibilities

* * *

C. The council shall, with appropriate faculty consultation:

* * *

(8) Develop policies to align articulation and transfer policies established by ~~educational~~ education institutions including but not limited to admissions criteria, student counseling, and grade forgiveness.

* * *

§3165.2. College credit for military service; spouses of veterans

* * *

B. Each public postsecondary education institution shall assist veterans of the United States Armed Forces and their spouses in pursuing their educational goals by providing expedited transcript analysis, prior learning assessment, portfolio analysis, advising, and testing. Upon the disclosure of military status on the application for enrollment or at the request of an entering student who is a veteran or the spouse of a veteran, each public postsecondary education institution shall evaluate any transcript of prior earned postsecondary academic or workforce credit and accept the transfer of any credit earned from a regionally accredited postsecondary education institution, or military education, training, or experience provided that the credit aligns with the course and program requirements of the receiving institution.

* * *

§3202. Definitions
~~Unless the context otherwise clearly indicates, As used in this Chapter, the following words terms shall have the meaning hereinafter ascribed to each following meanings unless the context clearly indicates otherwise:~~

* * *

§3394.2. Definitions
As used in this Part, the following ~~words and terms shall~~ have the following meanings; unless the context clearly indicates otherwise:

* * *

§3399.12. Definitions
~~For the purposes of As used in~~ this Part, the following ~~terms and phrases shall~~ have the following meanings unless the context clearly indicates otherwise:

* * *

§3399.15. Campus security policy
A. The Board of Regents shall establish uniform policies and best practices to implement measures to address the reporting of power-based violence on institution campuses, the prevention of such violence, communication between institutions regarding incidents of power-based violence, and the provision of medical and mental health care needed for ~~these~~ alleged victims.

* * *

§3399.21. Definitions
As used in this Part, the following terms ~~shall be defined as follows~~ have the following meanings:

* * *

§3399.31. Definitions
~~For the purposes of As used in~~ this Part, the following ~~words, terms, and phrases shall~~ have the following meanings; unless the context clearly ~~requires~~ indicates otherwise:

* * *

§3602. Definitions
As used in this Chapter, ~~unless otherwise clearly indicated, these the~~ following terms have the following meanings unless the context clearly indicates otherwise:

* * *

§3702. Definitions
As used in this Chapter, the following terms ~~and phrases shall~~ have the following ~~meaning;~~ meanings unless the context clearly indicates otherwise:

* * *

§3772. Definitions
~~In As used in~~ this Chapter, ~~these words shall the~~ following terms have the following meanings; unless the context clearly ~~requires~~ indicates otherwise:

* * *

(2) “Department” means the ~~State~~ state Department of Education.

* * *

§3801. Louisiana Education Quality Trust Fund, hereinafter referred to in this Part as the “Kevin P. Reilly, Sr. Louisiana Education Quality Trust Fund”

* * *

D. The monies appropriated by the legislature and disbursed from the Support Fund shall not displace, replace, or supplant appropriations from the general fund for the purposes of implementing the ~~Minimum Foundation Program~~ minimum foundation program or displace, replace, or supplant funding for higher education. For higher education, this Subsection shall mean that no appropriation for any fiscal year from the Support Fund shall be made for any higher education purpose for which a general fund appropriation was made the previous year unless the total appropriations for that fiscal year from the state general fund for higher education exceed general fund appropriations for higher education for the previous year. This Subsection shall in no way limit general fund appropriations in excess of the minimum amounts herein established.

* * *

§3822. Definitions
As used in this Chapter, the following ~~words and phrases shall~~ terms have the following meanings ~~provided in this Section;~~ unless the context clearly ~~requires~~ indicates otherwise:

* * *

§3831. Definitions
As used in this Chapter, the following ~~words and phrases shall~~ terms have the following meanings ~~provided in this Section;~~ unless the context clearly ~~requires~~ indicates otherwise:

* * *

§3873. Definitions
~~Unless the context clearly requires otherwise, As used in this Chapter, the following words or phrases shall~~ terms have the following meanings unless the context clearly indicates otherwise:

* * *

§3882. Definitions:
~~For the purposes of As used in~~ this Part, the following ~~definitions shall~~ apply ~~terms~~ have the following meanings:

* * *

§3973. Definitions
As used in this Chapter, the following ~~words, terms, and phrases shall~~ have the meanings ~~ascribed to them in this Section except when following meanings unless the context clearly indicates a different meaning otherwise:~~

* * *

§4002.3. Definitions
As used in this Part, ~~unless otherwise clearly indicated,~~ the following terms ~~mean~~ have the following meanings unless the context clearly indicates otherwise:

§4013. Definitions
As used in this Part, ~~unless otherwise clearly indicated~~, the following terms ~~mean~~ have the following meanings unless the context clearly indicates otherwise:

* * *

§4036.1. Learning pods

* * *

D. Students assigned to a learning pod shall be:
(1) Counted among the enrollment of the public school governing authority for purposes of full funding through the ~~Minimum Foundation Program~~ minimum foundation program formula.

* * *

§4041. Definitions
As used in this Chapter, ~~unless otherwise clearly indicated~~, the following terms ~~mean~~ have the following meanings unless the context clearly indicates otherwise:

* * *

Section 2. R.S. 17:7(2)(b) and (32), 7.5(B), 10.7.1(H)(6), 24.4(F)(5), 393, 407.23(C) (3), and 1970.24(E)(1)(o)(ii) are hereby repealed in their entirety.

Section 3. The provisions of this Act are intended to be technical in nature, and the Louisiana State Law Institute is hereby authorized to update any citation references in Louisiana Law to conform with the changes made by this Act.

Approved by the Governor, June 10, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 375

HOUSE BILL NO. 149
BY REPRESENTATIVE ILLG
AN ACT

To repeal R.S. 28:913.1(D), relative to the Jefferson Parish Human Services Authority; to repeal provisions requiring that the Jefferson Parish attorney be the legal advisor for the authority; to provide for effectiveness; 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. 28:913.1(D) is hereby repealed in its entirety.

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 10, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 376

HOUSE BILL NO. 150
BY REPRESENTATIVE ST. BLANC
AN ACT

To amend and reenact R.S. 34:322.1(C) and (E) and 2472(B), relative to the Morgan City Harbor and Terminal District and certain port commissions; to extend the length of the term of commissioners; to provide for the domicile and regular meeting place of certain port commissions; 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. 34:322.1(C) and (E) and 2472(B) are hereby amended and reenacted to read as follows:

§322.1. Board of commissioners; members; vacancy; compensation; officers, agents, and employees

* * *

C. The terms of the initial appointees shall be concurrent with the terms of the appointing authority. Thereafter, the terms shall be for ~~four~~ seven years.

* * *

E. No board member shall serve more than two consecutive ~~four-year~~ seven-year terms; however, if an initial appointee's term is one year or less he may be reappointed for two ~~four-year~~ seven-year terms. A member who has served two consecutive ~~four-year~~ seven-year terms may apply for appointment to the board, provided four years have elapsed since the end of his last term.

* * *

§2472. Officers of the board; meetings

* * *

B.~~(4)~~ The domicile and regular meeting place of the commission shall be ~~LaPlace Reserve~~, Louisiana.

~~(2) However, such domicile and regular meeting place may be changed~~

~~to Reserve, Louisiana, upon a vote of two-thirds of the members of the commission in favor of a resolution authorizing the change and if the bylaws are amended to provide for such change. Such vote shall occur no sooner than twenty-four hours after a public meeting specifically held to debate such matters and to receive public comment thereon.~~

* * *

Approved by the Governor, June 10, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 377

HOUSE BILL NO. 155
BY REPRESENTATIVE FISHER
AN ACT

To enact R.S. 47:2238.9, relative to property adjudicated to the city of Monroe; to provide relative to the city's authority and procedures relating to the acquisition and disposition of such property; 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. 47:2238.9 is hereby enacted to read as follows:

§2238.9. Additional powers relating to adjudicated property
In addition to the authority granted to and procedures set forth for the city of Monroe by this Subpart, the city may exercise any authority granted by this Chapter using the procedures set forth in this Subpart or in this Chapter as it deems appropriate.

Approved by the Governor, June 10, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 378

HOUSE BILL NO. 319
BY REPRESENTATIVE CREWS
AN ACT

To amend and reenact R.S. 2:602(A)(1) and to enact R.S. 2:602(A)(3) and (4), relative to the appointment and qualifications of the Shreveport Airport Authority commissioners; to require the appointment of at least one commissioner with aviation experience after a certain date; to require documentation evidencing the requisite experience; 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. 2:602(A)(1) is hereby amended and reenacted and R.S. 2:602(A)(3) and (4) are hereby enacted to read as follows:

§602. Creation of airport authority

A.(1) Any governing body of a subdivision may, by resolution, create a public body to be known as an airport authority which shall be authorized to exercise its functions upon the appointment and qualification of the first commissioners thereof. Upon the adoption of a resolution creating an airport authority, the governing body of the subdivision shall, pursuant to the resolution, appoint not less than five persons but not more than nine persons as commissioners of the authority. The commissioners shall be appointed to serve staggered terms of no less than one year, but not more than five years, except that vacancies occurring otherwise than by the expiration of term shall be filled for the unexpired term in the same manner as the original appointment. ~~Where the governing body of a subdivision creates an airport authority by resolution, such authority shall be perpetually in existence until revoked by resolution of said governing body. Any airport district created by special act of the legislature shall be able to adopt a resolution or ordinance or take other action by vote of a majority of the quorum.~~

* * *

(3) At the expiration of a term occurring after August 1, 2022, the Shreveport Airport Authority shall appoint at least one commissioner who has a Federal Aviation Administration private pilot's license or has served as a required aviation crew member in the United States. Documentation shall be provided to comply with this requirement. Thereafter, the Shreveport Airport Authority shall make appointments in a manner to ensure that at least one member who either has a Federal Aviation Administration private pilot's license or has served as a required aviation crew member in the United States is always seated.

(4) Where the governing body of a subdivision creates an airport authority by resolution, such authority shall be perpetually in existence until revoked by resolution of the governing body. Any airport district created by a special act of the legislature shall be able to adopt a resolution or ordinance or take other action by vote of a majority of the quorum.

* * *

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 379

HOUSE BILL NO. 323

BY REPRESENTATIVES NELSON, BRYANT, DUPLESSIS, EDMONDS,
EDMONSTON, FONTENOT, GREEN, HUGHES, JEFFERSON, JENKINS,
LARVADAIN, MARCELLE, MCKNIGHT, DUSTIN MILLER, MOORE,
NEWELL, PIERRE, SELTERS, AND THOMPSON
AN ACT

To enact R.S. 15:745.4, relative to the confinement of inmates; to provide relative to persons committed to the custody of the Department of Public Safety and Corrections who are confined in a parish jail; to create the Back on Track Louisiana Pilot Program; to provide relative to participation in the program; to provide relative to payments to local jails; to provide relative to funding; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:745.4 is hereby enacted to read as follows:

§745.4. Back on Track Louisiana Pilot Program; establishment

A. Subject to the availability of funds and appropriate resources, the sheriff of each parish is hereby authorized to establish and administer a Back on Track Louisiana Pilot Program for inmates of any jail or prison under the jurisdiction of the sheriff.

B. The legislature recognizes that an essential component of reducing recidivism is providing an individual with the necessary skills to afford the individual with the opportunity to earn a living, support his family, and contribute to his community.

C. For purposes of this Section, “individual” shall mean an inmate sentenced to the Department of Public Safety and Corrections who is in the custody of the sheriff.D. The Department of Public Safety and Corrections shall promulgate rules in accordance with the Administrative Procedure Act to assign a percentage value to each of the following criteria that an inmate satisfied while being confined in a parish jail:

- (1) Attained a tenth grade reading level.
- (2) Obtained a high school diploma or GED credential.
- (3) Obtained an industry-based certificate.
- (4) Established a bank account with at least two months of living expenses.
- (5) Obtained a valid driver's license.
- (6) Established a verified permanent address prior to release.
- (7) Obtained a release or extinguishment of any prior wage garnishments or debts.
- (8) Secured an employment opportunity prior to release.

E.(1) The Department of Public Safety and Corrections shall calculate one-half of the average number of days of incarceration of an inmate times the amount the department pays the sheriff each day for the housing of inmates in parish jails as provided by R.S. 15:824(B)(1)(a).

(2) The sheriff shall report to the department the criteria, as established pursuant to Subsection D of this Section, accomplished by each inmate.

(3) The department shall multiply the total percentage value of the criteria accomplished by each inmate times the value established by Paragraph (1) of this Subsection, and the department shall pay that amount to the sheriff for each inmate.

(4) The amount paid for each inmate pursuant to Paragraph (3) of this Subsection shall be in addition to the amount paid pursuant to R.S. 15:824(B)(1)(a).

F. The department shall be responsible for the tracking and collection of recidivism rates of inmates relative to the criteria in Subsection D of this Section and may adjust the criteria from time to time to reflect reduced recidivism.

G. The secretary of the Department of Public Safety and Corrections is hereby authorized to provide inmates housed in parish jails with access to as many support services as possible to increase the likelihood of successful reentry into society and to reduce recidivism. If any inmate violates the conditions prescribed by the sheriff or the Department of Public Safety and Corrections, the inmate's program privileges may be withdrawn.

H. The provisions of this Section shall be implemented only to the extent that funds are appropriated for this purpose and to the extent that is consistent with available resources. If any funding for the program is not adequate to cover the costs of payments provided to the sheriff in Subsection E of this Section, payments may be reduced proportionately relative to available funding and the secretary may limit the number of participating parishes to serve as pilot locations for the program.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 380

HOUSE BILL NO. 324

BY REPRESENTATIVE ORGERON

AN ACT

To amend and reenact R.S. 56:421(B)(5), (8), (13), and (14) and 421(C) and to

THE ADVOCATE
PAGE 9

* As it appears in the enrolled bill

enact R.S. 56:421(B)(15), relative to the composition of the Oyster Task Force; to provide for members appointed by the Louisiana Oyster Dealers and Growers Association; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:421(B)(5), (8), (13), and (14) and 421(C) are hereby amended and reenacted and R.S. 56:421(B)(15) is hereby enacted to read as follows:

§421. Oyster Task Force

* * *

B. The task force shall be composed as follows:

* * *

(5) Four members appointed by the Louisiana Oyster Dealers and Growers Association. ~~One member appointed under the provisions of this Paragraph shall be from Lafourche Parish and one member shall be from Jefferson Parish.~~ Two members appointed under the provisions of this Paragraph shall be selected at-large. Of the other two members, one shall be from Jefferson Parish and one shall be selected from either Lafourche or Terrebonne Parish.

* * *

(8) One member appointed by the Calcasieu Lake Oyster Task Force Cameron Parish police jury who is a properly licensed oyster harvester with documented commercial landings of oysters from Calcasieu Lake, or a properly licensed seafood dealer with documented commercial purchases of oysters from Calcasieu Lake during the current or preceding license year of appointment as per records of the Louisiana Department of Wildlife and Fisheries.

* * *

(13) One member appointed by the Louisiana Oyster Aquaculture Association.

(14) ~~(13)~~ One member appointed by the executive director of the Coastal Protection and Restoration Authority.

(15)~~(14)~~ One member appointed by the Louisiana Oystermen Association.

C. The members appointed under the provisions of Paragraphs (B)(1) through (4) and ~~(13)~~ (14) of this Section shall be nonvoting members. However, they shall be considered members of the task force for determination of the number of members necessary for a quorum and for establishing the presence of a quorum.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 381

HOUSE BILL NO. 326

BY REPRESENTATIVE STEFANSKI

AN ACT

To enact R.S. 4:218.1, relative to horse racing; to provide relative to historical horse racing; to provide relative to license fees; to authorize the Louisiana State Racing Commission to collect a license fee on historical horse racing; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:218.1 is hereby enacted to read as follows:

§218.1. Historical horse racing fee authorization

The commission may collect a license fee not to exceed four percent of the total amount wagered at each offtrack wagering facility on historical horse racing to cover administrative costs.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 382

HOUSE BILL NO. 335

BY REPRESENTATIVE DUPLESSIS

AN ACT

To amend and reenact R.S. 28:2(13) and 69(B)(2), to enact R.S. 28:2(40), and to repeal R.S. 28:68(C), relative to behavioral health; to provide for a definition of the term “psychiatric deterioration”; to amend the definition of “gravely disabled”; to provide for certain regulations regarding a Physician's Report to Court or an affidavit from certain mental health professionals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:2(13) and 69(B)(2) are hereby amended and reenacted and R.S. 28:2(40) is hereby enacted to read as follows:

§2. Definitions

Whenever used in this Title, the masculine shall include the feminine, the singular shall include the plural, and the following definitions shall apply:

* * *

(13) “Gravely disabled” means the condition of a person who is unable to provide for his own basic physical needs, such as essential food, clothing, medical care, and or shelter, as a result of serious mental illness or a substance-related or addictive disorder and is unable to survive safely in freedom or protect himself from serious physical harm or significant psychiatric deterioration. The term also includes incapacitation by alcohol,

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which means the condition of a person who, as a result of the use of alcohol, is unconscious or whose judgment is otherwise so impaired that he is incapable of realizing and making a rational decision with respect to his need for treatment.

(40) “Psychiatric deterioration” means a decline in mental functioning, which diminishes the person’s capacity to reason or exercise judgment.

§69. Procedure

B.

(2) If the court determines that probable cause exists, the court shall appoint a physician, psychiatric mental health nurse practitioner, or psychologist to examine the respondent and to provide a written Physician’s Report to Court and testify at the hearing. The Physician’s Report to Court shall be completed on the form provided by the office of behavioral health of the Louisiana Department of Health and provided to the court, the respondent’s counsel, and the petitioner’s counsel at least three days before the hearing. Nothing in this Paragraph shall prevent the court from appointing a willing and available physician, psychiatric mental health nurse practitioner, or psychologist who has been put forth by the petitioner or from accepting a Physician’s Report to Court that has been completed pursuant to an examination of the respondent conducted within ten days prior to the filing of the petition.

Section 2. R.S. 28:68(C) is hereby repealed in its entirety.
Approved by the Governor, June 10, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 383

HOUSE BILL NO. 345
BY REPRESENTATIVE ORGERON
AN ACT

To amend and reenact R.S. 17:426(A), relative to toll exemptions for certain school personnel; to provide an exemption from tolls on the Louisiana Highway 1 Bridge for teachers, school bus operators, and other school employees; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:426(A) is hereby amended and reenacted to read as follows:
§426. Free and unhampered passage on the Louisiana Highway 1 Bridge; teachers, school bus ~~drivers~~ operators, and other school employees

A. Notwithstanding any other provision of law to the contrary, every teacher, school bus ~~driver~~ operator, and other school employee employed by Grand Isle School System under the jurisdiction of the Lafourche Jefferson Parish School Board shall have free and unhampered passage crossing the Louisiana Highway 1 Bridge, also known as the Tomey J. Doucet Bridge, when traveling to and from their workplace on a scheduled work day, as prescribed by the school board, not to exceed two toll-free crossings in one day.

Section 2. The provisions of Section 1 of this Act shall supersede the provisions of Section 2 of Act No. 392 of the 2021 Regular Session of the Legislature that amend and reenact R.S. 17:426(A).

Section 3.(A) Section 1 of this Act shall become effective when Section 2 of Act No. 392 of the 2021 Regular Session of the Legislature becomes effective. (B) Section 2 and Section 3 of this Act shall become effective on August 1, 2023 or the date of the adoption of final rules by the Department of Transportation and Development, whichever date is sooner.

Approved by the Governor, June 10, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 384

HOUSE BILL NO. 361
BY REPRESENTATIVE MARINO
AN ACT

To amend and reenact Code of Criminal Procedure Articles 161(A)(introductory paragraph) and 163(C) and to enact Code of Criminal Procedure Article 163.2, relative to search warrants; to provide relative to search warrants for medical records; to authorize the issuance of a search warrant for medical records of any person; to provide for procedures for the execution of such warrants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Articles 161(A)(introductory paragraph) and 163(C) are hereby amended and reenacted and Code of Criminal Procedure Article 163.2 is hereby enacted to read as follows:

Art. 161. Property subject to seizure

A. Except as authorized by Article 163.1 or 163.2, a judge may issue a warrant authorizing the search for and seizure of any thing within the territorial jurisdiction of the court which:

Art. 163. Officer to whom directed; time for execution; electronic devices

C. Except as authorized by Article 163.1 or 163.2, or as otherwise provided in this Article, or as otherwise provided by law, a search warrant cannot be lawfully executed after the expiration of the tenth day after its issuance.

Art. 163.2. Search warrant for medical records

A. A judge may issue a search warrant authorizing the search for and seizure of the medical records of any person.

B. The warrant may be issued by a judge of either the court of territorial jurisdiction where the investigation for the medical records is being conducted or the court of territorial jurisdiction where the custodian of the medical records may be found. The warrant may be executed in any place the medical records may be found and shall be directed to any peace officer who shall obtain and distribute the medical records as directed in the warrant.

C. A warrant issued pursuant to this Article remains in effect for one hundred eighty days after its issuance.

D.(1) Any examination of any medical records seized pursuant to the provisions of this Article shall be at the direction of the attorney general, the district attorney, or the investigating agency.

(2) Notwithstanding any other provision of law to the contrary, any examination of the medical records may be conducted at any time before or during the pendency of any criminal proceeding in which the medical records may be used as evidence.

Approved by the Governor, June 10, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 385

HOUSE BILL NO. 400
BY REPRESENTATIVES HODGES, AMEDEE, PHELPS, AND SCHLEGEL
AN ACT

To enact R.S. 17:440.2 and 3996(B)(67), relative to school employees; to require certain school employees and volunteers to complete an annual education program relative to sudden cardiac arrest; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:440.2 and 3996(B)(67) are hereby enacted to read as follows:
§440.2. Sudden cardiac arrest education; employees and volunteers

A. Each public school nurse, coach, athletic trainer, and athletic director, whether employed or serving as a volunteer, shall complete annually a sudden cardiac arrest education program developed by the state Department of Education.

B.(1) In developing the program, the department may use materials and resources created and offered free of charge by nonprofit organizations with missions related to cardiac health.

(2) The department shall make the program available on its website for any school or person to access free of charge.

§3996. Charter schools; exemptions; requirements

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

(67) Sudden cardiac arrest education for certain staff and volunteers, R.S. 17:440.2.

Section 2. This Act shall be known and may be cited as the “Grayson Temple Act”.

Approved by the Governor, June 10, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 386

HOUSE BILL NO. 402
BY REPRESENTATIVE HUGHES
AN ACT

To amend and reenact R.S. 9:2800.9(A)(1), relative to prescription; to provide relative to the prescriptive period for certain civil actions against a person for certain acts committed against a minor; to provide for definitions; to provide for implementation; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

Section 1. R.S. 9:2800.9(A)(1) is hereby amended and reenacted to read as follows:

§2800.9. Action against a person for abuse of a minor

A.(1) An action against a person for sexual abuse of a minor; or for physical abuse of a minor resulting in permanent impairment or permanent physical injury or scarring does not prescribe. “Abuse” has the same meaning as provided in Children’s Code Article 603.

* * *

Section 2. Any person whose cause of action related to sexual abuse of a minor was barred by liberative prescription shall be permitted to file an action under R.S. 9:2800.9 on or before June 14, 2024. It is the express intent of the legislature to revive until June 14, 2024, any cause of action related to sexual abuse of a minor that previously prescribed under any Louisiana prescriptive period.

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 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 387

**HOUSE BILL NO. 620
BY REPRESENTATIVE STEFANSKI
AN ACT**

To amend and reenact R.S. 4:707(D), (E), and (F)(2), relative to charitable raffles, bingo, and keno; to provide relative to licensing and reporting requirements; to authorize private nonprofit elementary or secondary schools and public elementary or secondary schools to conduct certain games of chance; to provide for definitions; to exempt such schools from licensing and reporting requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:707(D), (E), and (F)(2) are hereby amended and reenacted to read as follows:

§707. Authorization to license certain organizations; exemption; requirement for state license

* * *

D.(1) In addition to the authority granted in Subsection A of this Section, the office may license the following organizations, as defined herein, to hold and operate the specific kind of game or games of chance enumerated in Subsection A of this Section without the requirement that any such organization qualify with the Internal Revenue Service for an exemption from federal income tax as specified by R.S. 4:703(1): Mardi Gras carnival organizations, civic or service associations, qualified associations of licensed charitable organizations, volunteer fire companies, booster clubs, parent-teacher associations, private nonprofit elementary or secondary schools, public elementary or secondary schools, and public institutions of higher education.

(2) In addition to the authority granted in Subsection B of this Section, the governing authority of any parish or municipality may license the following organizations, as defined herein, to hold and operate the specific kind of game or games of chance enumerated in Subsection B of this Section without the requirement that any such organization qualify with the Internal Revenue Service for an exemption from federal income tax as specified by R.S. 4:703(1): Mardi Gras carnival organizations, civic or service associations, qualified associations of licensed charitable organizations, volunteer fire companies, booster clubs, parent-teacher associations, private nonprofit elementary or secondary schools, public elementary or secondary schools, and public institutions of higher education.

E. In addition to the provisions of R.S. 4:703, the following definitions shall apply for the purposes of this Section:

(1) “Booster club” shall mean an organization which promotes and supports the activities, functions, or programs of a public or a private nonprofit elementary or secondary school in this state and which has been designated by the school board of the parish or city in which such school is located to collect funds in the name of that school.

(2) “Civic or service association” shall mean an organization domiciled in this state which is operated for the purpose of promoting the social welfare or providing service to the community and which has derived five thousand dollars or less in gross receipts from its charitable games of chance during the prior calendar year.

(3) “Mardi Gras carnival organization” shall mean an organization domiciled in this state which presents pre-Lenten festivities, including street parades, and which has received a permit to parade from a municipal or parish governing authority.

(4) “Parent-teacher association” shall mean an organization which is comprised of teachers and parents of children enrolled in a public or a private nonprofit elementary or secondary school in this state and which has been designated by the school board of the parish or city in which such school is located to collect funds in the name of that school.

(5) “Private nonprofit elementary or secondary school” includes every

nonprofit private elementary or secondary school within the state of Louisiana.

(6) “Public elementary or secondary school” includes every public elementary or secondary school within the state of Louisiana.

~~(5)(7)~~ “Public institution of higher education” includes every in-state public graduate and undergraduate institution, public junior and community college, public technical institute, and each separate school or department of the institution, college, or institute when the entire net proceeds are devoted to support the institution.

~~(6)(8)~~ “Volunteer fire company” shall mean an organization which has been engaged by the governing authority of a parish, municipality, or fire protection district to provide fire protection services to the area of this state under its jurisdiction and which is comprised predominantly of individuals who provide such services voluntarily and without compensation.

F.

* * *

(2)(a) Any club, organization, group, or association which has a membership comprised exclusively of children enrolled in a public or private nonprofit elementary or secondary school in this state and which is approved to conduct activities in such school by the principal of such school in accordance with school board policy shall be exempt from the licensing and reporting procedures enumerated in R.S. 4:708 through 716 of this Chapter in a municipality or parish whose governing authority has decided to permit raffles, bingo, and keno within its limits as provided in R.S. 4:706. Such club, organization, group, or association shall be exempted from licensing and reporting procedures only for the conducting of raffles as a means of fund-raising.

(b) A private nonprofit elementary or secondary school and any public elementary or secondary school in this state shall be exempt from the licensing and reporting procedures enumerated in R.S. 4:708 through 716 of this Chapter in any municipality or parish whose governing authority has decided to permit raffles, bingo, and keno within its limits as provided in R.S. 4:706. Such private nonprofit school or public school shall be exempted from licensing or reporting procedures only for the conducting of raffles as a means of fund-raising.

* * *

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 388

**HOUSE BILL NO. 658
BY REPRESENTATIVE STAGNI
AN ACT**

To amend and reenact R.S. 32:422.2, relative to the Louisiana Advisory Council on Driver Education membership; to modify the rules, regulations, and standards to include driver education providers; to increase the membership of the council; to remove the additional two-year cap on members appointed to the council; to increase the number of unexcused absences; to modify the procedure for council vacancies and appointment of council officers; to provide for council meeting venues; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:422.2 is hereby amended and reenacted to read as follows: §422.2. The Louisiana Advisory Council on Driver Education

A. The Louisiana Advisory Council on Driver Education, referred to in this Section as the “council”, is hereby created to provide input, ~~and guidance,~~ and recommendations to the Department of Public Safety and Corrections on matters pertaining to rules, regulations, and standards for licensure of defensive driving courses and driver education providers as provided in Chapter 29 of Part I of Title 55 of the Louisiana Administrative Code.

B. The council shall be composed of ~~five~~ seven voting members and five non-voting members, and two non-voting ex officio members appointed by the commissioner of the office of motor vehicles. The membership shall consist of:

(1) ~~One current officer~~ Three members of the Driving School Association of Louisiana appointed ~~from a list of three persons nominated~~ by the president of the Driving School Association of Louisiana.

(2) ~~Two members owners of licensed and approved commercial driving schools in Louisiana with current membership in the Driving School Association of Louisiana~~ the Americas appointed ~~from a list of four persons nominated~~ by the president of the Driving School Association of ~~Louisiana~~ the Americas.

(3) Two secondary education professionals from the Department of Education, ~~who are driver’s education instructors,~~ appointed ~~from a list of four persons nominated~~ by the superintendent of the Department of Education.

(4) One representative of the office of motor vehicles, licensing and certification division, appointed ~~from a list of three persons nominated~~ by the commissioner of the office of motor vehicles.

(5) One representative of the Louisiana Highway Safety Commission appointed ~~from a list of three persons nominated~~ by the executive director of the Louisiana Highway Safety Commission.

(6) One member of the Louisiana State Police appointed by the superintendent of the Louisiana State Police.

(7) One member of the Louisiana House of Representatives appointed by the chairman of the House Committee on Transportation, Highways and Public Works.

(8) One member of the Senate appointed by the chairman of the Senate Committee on Transportation, Highways and Public Works.

C. Members listed in Paragraphs ~~(B)~~(1) through (3) of ~~Subsection B~~ of this Section shall be voting members. If a voting member is unable to attend a meeting, he may designate a person to serve as a proxy for voting purposes, if such act is executed in writing, signed by the member, and filed with the secretary at or before the meeting.

D. Members shall be appointed to serve an initial two-year term on the council and may be eligible to be reappointed to serve ~~an additional two-year term~~ terms.

E. A member shall be automatically removed from the ~~advisory~~ council if he has more than ~~one~~ two unexcused ~~absence~~ absences during any twelve-month period. An absence is excused for purposes of this Subsection when the cause is one which a reasonably prudent person would deem to take precedence over fulfillment of a solemn public duty or if the absence is known in advance by the member and he notifies the chairman of his absence not less than twenty-four hours in advance of the scheduled meeting. If a member designates a person to serve as a proxy as provided in Subsection C of this Section, he shall still notify the chairman of his absence.

F. A quorum shall consist of a simple majority of the active voting members or their proxies ~~if the bylaws so provide.~~

G. Whenever a vacancy occurs in a council seat, whether by death, resignation, or automatic removal, such vacant seat shall no longer be counted as an active voting member in determining a quorum until a successor has been appointed by the ~~commissioner of the office of motor vehicles~~ appropriate official as provided in Subsection B of this Section in the same manner as the original appointment to fill the unexpired term.

H. Officers of the council shall ~~be appointed at the beginning of each new term and shall~~ include a chairman, vice chairman, ~~and~~ secretary, ~~and two at-large board members.~~

I. All meetings shall be quarterly and conducted in accordance with the requirements of the state's Open Meetings Law. Procedural matters shall be conducted in accordance with the latest edition of Robert's Rules of Order. Meetings shall be held at any of the following venues:

(1) ~~the~~ The office of motor vehicles in Baton Rouge.

(2) A legislative committee room located in the Louisiana state capitol.

(3) Any electronic venue agreed upon by the council officers.

J. Members of the council shall serve without compensation and reimbursement of expenses other than the compensation and reimbursement provided for by their employers.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 389

HOUSE BILL NO. 682

BY REPRESENTATIVE BROWN AND SENATORS SMITH AND STINE

AN ACT

To enact R.S. 22:1679, relative to a claims adjuster database; to require the Department of Insurance to create and maintain a database of claims adjusters working in this state; to provide requirements for each profile in the database; to provide for accessibility by the public; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1679 is hereby enacted to read as follows:

§1679. Claims adjuster database

A. The department shall create and maintain a database of all claims adjusters licensed in this state pursuant to R.S. 22:1671 and all claims adjusters working in this state following a catastrophe pursuant to R.S. 22:1667.

B. The database required pursuant to this Section shall include a profile for each claims adjuster registered in the database that includes the following information:

(1) The full name of the claims adjuster.

(2) The claims adjuster's license number.

(3) The license status of the claims adjuster, relative to this state.

(4) The date the claims adjuster was licensed or registered in this state.

(5) The number of years the claims adjuster has adjusted property claims.

(6) The number of property claims the claims adjuster has adjusted over the past five years.

(7) The information set forth in R.S. 22:43(B) for any complaints filed against the claims adjuster.

(8) Any administrative action taken against the claims adjuster.

C. The department shall prominently display a search tool on the department's website that members of the public can use to find a claims adjuster's profile within the database. The search tool shall have options to allow an individual to search for a claims adjuster's profile by first name, last name, or license number.

D. The commissioner shall promulgate rules and regulations necessary for the implementation and enforcement of this Section.

Section 2. This Act shall become effective on January 1, 2023.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 390

HOUSE BILL NO. 709

BY REPRESENTATIVE SELDERS

AN ACT

To enact R.S. 40:2155(B)(3), relative to behavioral health services; to provide relative to services of behavioral health services providers licensed by the Louisiana Department of Health; to authorize such providers to furnish services to clients and patients regardless of the location of those persons within the state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2155(B)(3) is hereby enacted to read as follows:

§2155. Licensure of behavioral health services providers

* * *

B.

* * *

(3) A licensed mental health professional or a provisionally licensed mental health professional acting within his scope of practice, who is employed by a behavioral health service provider licensed pursuant to this Part, may provide professional outpatient psychiatric services to any established client or patient, regardless of the client's or patient's particular location within the state.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 391

HOUSE BILL NO. 726

BY REPRESENTATIVE LYONS

AN ACT

To enact Code of Criminal Procedure Article 875.1(H), relative to the financial obligations for criminal offenders; to provide relative to incarceration; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 875.1(H) is hereby enacted to read as follows:

Art. 875.1. Determination of substantial financial hardship to the defendant

* * *

H. Notwithstanding any provision of this Article or any other law to the contrary, if the financial obligations imposed upon a defendant would cause substantial financial hardship to the defendant or his dependents, the court shall not order that the defendant be incarcerated for his inability to meet those financial obligations. This provision shall apply to defendants convicted of traffic offenses, misdemeanor offenses, or felonies under applicable law.

Section 2. Notwithstanding Section 5(A) of Act No. 313 of the 2021 Regular Session of the Legislature, Sections 1 and 2 of that Act shall not become effective.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 392

HOUSE BILL NO. 739

BY REPRESENTATIVES LYONS, ADAMS, BOYD, BRYANT, CORMIER, DUPLESSIS, FISHER, FREEMAN, GLOVER, GREEN, HUGHES, JEFFERSON, JENKINS, LAFLEUR, LANDRY, LARVADAIN, MARCELLE, NEWELL, PIERRE, SELDERS, THOMPSON, WHITE, AND WILLARD

AN ACT

To enact R.S. 49:149.65, relative to public buildings and grounds; to provide for an appropriate memorial for Oscar James Dunn within Memorial Hall; to provide for funds for the establishment and maintenance of the memorial; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:149.65 is hereby enacted to read as follows:

§149.65 Oscar James Dunn Memorial

A. There shall be placed within Memorial Hall, a bust or other appropriate memorial of the first African-American lieutenant governor, Oscar James Dunn, who served Louisiana from 1865 until 1871, subject to the available funds for its planning, construction, and maintenance.

B.(1) The chairman of the Legislative Black Caucus, the speaker of the House of Representatives, and the president of the Senate, in consultation with the members of the family of Oscar James Dunn, shall determine the design and related content of the memorial of Oscar James Dunn. The speaker of the House of Representatives and the president of the Senate shall determine

the placement of the memorial within Memorial Hall.

(2) There is hereby created in the state treasury, as a special fund, the Oscar Dunn Memorial Fund, referred to in this Section as the “fund”. Monies in the fund shall be invested in the same manner as monies in the state general fund. Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund. Monies in the fund shall be administered by the presiding officers of the legislature and used solely to provide funding for the Oscar Dunn Memorial pursuant to this Section. The funds shall be used for funding the design, content, construction, and maintenance of the Oscar James Dunn memorial in Memorial Hall.

Section 2. Notwithstanding any provision of law to the contrary, the state treasurer is hereby authorized and directed to transfer seventy-five thousand dollars from the state general fund into the Oscar Dunn Memorial Fund.

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 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 393

HOUSE BILL NO. 825
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To repeal R.S. 32:664(D) and 666(D), relative to chemical tests for intoxication; to provide relative to the authority of certain persons to withdraw blood and administer such tests; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:664(D) and 666(D) are hereby repealed in their entirety.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 394

HOUSE BILL NO. 841
BY REPRESENTATIVE BOYD
AN ACT

To enact R.S. 44:11.1, relative to public records; to provide relative to online access to certain public records; to provide relative to certain occupations; to provide for limited access to domiciliary addresses of judges; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:11.1 is hereby enacted to read as follows:

§11.1. Limited access to domiciliary address information for judges

A. Any judge of a court of record may request to have his name removed from information concerning his domiciliary address on a publicly accessible website containing the property assessment rolls of a parish property tax assessor or collector. The request shall be a written request submitted each year to the parish property tax assessor or collector, and the judge shall provide proof of the current holding of judicial office with the written request.

B. A person wishing to access personal ownership information of property which has been removed pursuant to Subsection A of this Section may request the records at the office of or by submitting a written request by mail or electronic mail to the parish property tax assessor or collector.

C. The provisions of this Section shall not be construed to restrict public access to records concerning immovable property in the parish.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 395

HOUSE BILL NO. 852
BY REPRESENTATIVES SCHLEGEL, AMEDEE, BACALA, BRASS, CARRIER, CREWS, DAVIS, DUBUISSON, ECHOLS, EDMONDS, FIRMENT, FISHER, FONTENOT, FREEMAN, FREIBERG, GAROFALO, GLOVER, GREEN, HARRIS, HORTON, HUGHES, ILLG, IVEY, JEFFERSON, JENKINS, MIKE JOHNSON, LAFLEUR, LYONS, MARCELLE, MCKNIGHT, DUSTIN MILLER, NEWELL, PRESSLY, ROMERO, SCHEXNAYDER, SEABAUGH, SELDERS, STAGNI, TARVER, VILLIO, AND WHITE
AN ACT

To enact Part IV of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4033.1, relative to providing books and reading materials for certain public school students; to establish the Reading Enrichment and Academic Deliverables Program; to provide for student

eligibility, program administration, and funding; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part IV of Chapter 43 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:4033.1, is hereby enacted to read as follows:

PART IV. R.E.A.D. PROGRAM

§4033.1. R.E.A.D. Program; establishment; student eligibility; administration; funding

A. The R.E.A.D. (Reading Enrichment and Academic Deliverables) Program, referred to in this Part as the “program”, is hereby established for the purpose of providing books and other reading materials to eligible students.

B. A public school student who falls into one of the following categories is eligible to participate in the program:

(1) He is in pre-kindergarten and does not score satisfactorily on the literacy section of the Early Childhood Assessment administered by the state Department of Education.

(2) He is in kindergarten or the first, second, or third grade and reads below grade level according to the results of a literacy assessment.

(3) He is in the fourth or fifth grade and scored below mastery in English language arts on the state assessment administered the prior school year.

(4) His eligibility cannot be determined according to the measures provided in Paragraphs (1) through (3) of this Subsection due to the lack of literacy assessment or state assessment results but he is recommended by his English language arts teacher for the participation in the program due to the student's reading difficulties.

C. The department shall administer and provide for the implementation of the program. In administering the program, the department shall:

(1) Require public school governing authorities to establish a schedule for participating students to receive books for the schools under their jurisdiction. The schedule may constitute distribution of three books once a quarter.

(2) Publish on its website information about the program.

(3) Develop online support materials that may assist parents in developing their child's literacy skills.

(4) Develop a list of high-quality, age-appropriate books and other reading materials encompassing diverse subjects and genres for each grade level to be mailed to students in the program, ensuring the books and other reading materials exclude any material harmful to minors as provided for in R.S. 14:91.11.

(5) Support local implementation of the program by providing marketing materials to schools and school districts to assist with public awareness campaigns.

(6) Report by October thirtieth annually on its website the number of students participating in the program from each school or school district.

D. A student shall be excluded from the program upon the written request of his parent or legal guardian.

E.(1) The provisions of this Section shall be implemented to the extent that the legislature appropriates funds for this purpose.

(2) The department may make adjustments to the program as necessary due to the availability of funds.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 396

HOUSE BILL NO. 864
BY REPRESENTATIVES DAVIS, CARRIER, CREWS, DUBUISSON, GREEN, HORTON, KERNER, LANDRY, LARVADAIN, LYONS, MARINO, MCKNIGHT, NEWELL, PIERRE, SCHAMERHORN, SEABAUGH, SELDERS, ST. BLANC, STAGNI, WHEAT, AND WRIGHT AND SENATOR WARD
AN ACT

To amend and reenact R.S. 34:1133(B), (C)(7), and (G), 1134(A), and 1135(B) and to enact R.S. 34:1136(D), relative to the Board of Louisiana River Pilot Review and Oversight; to provide for the membership of the board; to provide for per diem for the judge member; to provide for a procedure regarding review of proposed rules; to provide for board funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:1133(B), (C)(7), and (G), 1134(A), and 1135(B) are hereby amended and reenacted and R.S. 34:1136(D) is hereby enacted to read as follows:

§1133. Board of Louisiana River Pilot Review and Oversight; creation; membership

* * *

B. The board shall be composed of ~~eleven~~ nine members appointed by the governor, all of whom shall be United States citizens, registered voters, and domiciled in Louisiana for not less than five years. Any vacancy on the board shall be filled in the same manner as the initial appointment for that seat on the board was made.

C. The governor shall appoint the members as follows:

* * *

(7) ~~Three~~ One former judges judge who served on the Louisiana Supreme Court, a Louisiana appellate court, or a Louisiana district court.

* * *

G. The members of the board shall serve without compensation. However, the ~~members~~ member appointed as a former judges judge shall be entitled to a ~~per diem, not to exceed one hundred fifty dollars~~ the same per diem established by the Louisiana Supreme Court as if the former judge was appointed as a judge pro tempore or judge ad hoc while executing ~~their~~ his duties as a board ~~members~~ member. Additionally, ~~the members who shall be appointed judges shall be entitled to reasonable expenses as approved by the chairman.~~

* * *

§1134. Meetings; quorum

A. The board shall meet at least twice per year, at a place of ~~their~~ its choosing, and at other such times and places as it may determine. ~~Six~~ Five members of the board shall constitute a quorum. A decision by a vote of a majority of the members of the board present shall constitute the decision of the board.

* * *

§1135. Powers; functions; duties; responsibilities

* * *

~~B.(1) The board shall review and may approve or reject any proposed rule or regulation that may be adopted by any of the Board of Commissioners or Examiners, except for rules and regulations adopted on an emergency basis. Any rejection by the board shall be within ninety days of submission of the proposed rule or regulation to the board; otherwise, such rule or regulation shall be deemed approved. Prior to initiating rule promulgation pursuant to the Administrative Procedure Act, R.S. 49:950 et seq., the Board of Commissioners or Examiners shall submit any proposed rule or regulation to the board for review, and the board shall review such rule or regulation within ninety days. If the board approves the proposed rule or regulation, the board shall issue an affirmative decision. The board's failure to issue a decision shall be deemed to be an approval. In the case of a rejection of the rule or regulation, the Board of Commissioners or Examiners may seek judicial review, as authorized by R.S. 34:1138. If the Board of Commissioners or Examiners initiates rule promulgation pursuant to this Part, the Board of Commissioners or Examiners shall submit the decision of the board as a part of and published with its notice of intent. The board shall promulgate rules consistent with and as necessary to effectuate the provisions of this Paragraph.~~

~~(2) Notwithstanding any other provision of law, following the adoption of any emergency regulation or rule by the Board of Commissioners or Examiners as defined in R.S. 34:1131(2), the emergency regulation or rule shall be transmitted by the Board of Commissioners or Examiners immediately to the board and to each member of the board. Any individual member of the board within ten days of receipt of the emergency regulation or rule may request a meeting of the board by giving notice to the chairman or, in the absence of a chairman, to any other officer of the board for the purpose of holding a meeting to review the emergency regulation or rule for approval or rejection. Any meeting called for consideration of an emergency regulation or rule shall be held within thirty days of the request for a meeting. If the board votes to reject the emergency regulation or rule, the emergency regulation or rule shall be nullified and of no effect and a report shall be submitted as required by R.S. 49:968 to remove the nullified regulation or rule from the Louisiana Register. This emergency regulation or rule review by the board shall be in addition to the provisions of R.S. 49:953(B) of the Administrative Procedure Act concerning emergency regulations or rules. If there is any conflict between this Paragraph and R.S. 49:953(B), this Paragraph shall control with regard to the Board of Commissioners or Examiners emergency regulations or rules.~~

* * *

§1136. Expenditures; funding

* * *

~~D. Annually on January first of each year, the board's available funding on hand shall be not more than fifty thousand dollars. In the event the available funding is less than fifty thousand dollars, the administrative entity for each pilot group shall remit to the board the pro rata share of the shortage for the commissioned pilots it represents.~~

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 397

HOUSE BILL NO. 869
BY REPRESENTATIVE ROMERO
AN ACT

To designate a portion of United States Highway 90 in Jefferson Davis Parish as the "Winston Guillory Memorial Highway"; to designate a portion of Louisiana Highway 14 in Jefferson Davis Parish as the "Marion "Butch" Fox Memorial Highway"; to designate a portion of Louisiana Highway 21 in Washington Parish as the "Lt. Brian Anthony Nichols "Lt. Nic" Memorial Highway"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of United States Highway 90 from mile marker sixty-three to sixty-four in Jefferson Davis Parish shall be known and is hereby designated as the "Winston Guillory Memorial Highway".

Section 2. The portion of Louisiana Highway 14 from Louisiana Highway 380 to 4th Street in Lake Arthur, Louisiana, in Jefferson Davis Parish shall be known and is hereby designated as the "Marion "Butch" Fox Memorial Highway".

Section 3. The portion of Louisiana Highway 21 from Prison Road north to the Mississippi state line, in Washington Parish shall be known and is hereby designated as the "Lt. Brian Anthony Nichols "Lt. Nic" Memorial Highway".

Section 4. 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 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 398

HOUSE BILL NO. 874
BY REPRESENTATIVE STAGNI
AN ACT

To amend and reenact Subparagraphs(9)(b), (c), and (e) and Subsubparagraph(9)(d)(i) of Article XIV, Section 15.1 of the 1921 Constitution of Louisiana, as amended, continued as a statute pursuant to Article X, Section 18 of the 1974 Constitution of Louisiana, and R.S. 33:2479(H), relative to the municipal fire and police civil service; to provide relative to the appointment, supervision, and discharge of the deputy state examiner; to remove certain powers granted to the State Civil Service Commission with respect to the deputy state examiner; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subparagraphs(9)(b), (c), and (e) and Subsubparagraph(9)(d)(i) of Article XIV, Section 15.1 of the 1921 Constitution of Louisiana, as amended, continued as a statute pursuant to Article X, Section 18 of the 1974 Constitution of Louisiana, are hereby amended and reenacted to read as follows:

§15.1. Fire and police civil service; municipalities of 13,000 to 250,000

* * *

9. State Examiner and Deputy State Examiner of Municipal Fire and Police Civil Service.

* * *

b. The office of deputy state examiner of municipal fire and police civil service is created; ~~subject to the supervision and orders of the state examiner. The right of appointment, supervision, and discharge of the deputy state examiner is vested in the state examiner.~~ The deputy state examiner is authorized and empowered to exercise the authority and perform the duties of the state examiner as provided in this Section. He shall be a resident and qualified voter of the state. He shall be a person who has had experience in personnel administration, classification, or employment testing in a classified civil service system and shall serve on a full-time basis. He shall receive and be paid a salary set by the state examiner in accordance with the State Civil Service Commission's uniform pay plan. The position of deputy state examiner shall be assigned to the pay range which is two levels below the pay range to which the deputy director of state civil service is assigned. The deputy state examiner shall be paid traveling and living expenses while away from the place of his residence.

c. The state examiner and the deputy state examiner of the municipal fire and police civil service shall come within and be bound under and amenable to the classified service of the state as established and existing. The state examiner and deputy state examiner shall be subject to the rules adopted and promulgated by the State Civil Service Commission. The state examiner ~~and deputy state examiner~~ shall be subject to removal and other disciplinary action by the State Civil Service Commission only for a good and sufficient cause set forth in written charges filed with the commission by any one of the municipal fire and police civil service boards created by this amendment or by any qualified elector of the state, and only after a public hearing by the State Civil Service Commission to be held in accordance with rules to be adopted by the commission.

d.(i) The State Civil Service Commission shall exercise no administrative control over the state examiner ~~or deputy state examiner~~. Its functions and powers relating to ~~these offices~~ this office shall consist solely of the right of appointment, hearing of charges for removal or other disciplinary action legally brought against the incumbents of ~~these offices~~ this office, and the ordering of ~~their~~ his removal or the rendering of such other judgment of a disciplinary nature as it may deem proper after a hearing.

* * *

e. When a vacancy occurs in the office of the state examiner ~~or deputy state examiner~~, the State Civil Service Commission shall, within thirty days, make a provisional appointment of any person it deems qualified to fill the vacancy. A competitive examination shall be prepared, administered, and scored under the direction of the State Civil Service Commission in order to establish a list of persons eligible for appointment to the office. As soon as

such list can be and is established, the State Civil Service Commission shall appoint any person upon the eligibility list who has the experience required in Subparagraphs (a) and (b) of this Paragraph to fill the office; however, selection preference may be given to any person having such experience in the municipal fire and police classified civil service system. The person appointed shall serve a working test period of six months which shall be considered a portion of the examination. At the termination of such working test period, if successfully completed, the appointee shall become a regular employee as defined in the State Civil Service Law.

Section 2. R.S. 33:2479(H) is hereby amended and reenacted to read as follows:

§2479. State examiner of municipal fire and police civil service

H. The office of deputy state examiner of municipal fire and police civil service is created, ~~subject to the supervision and orders of the state examiner. The right of appointment, supervision, and discharge of the deputy state examiner shall be vested in the state examiner.~~ He is authorized and empowered to exercise the authority and perform the duties of the state examiner as provided in this Part or Part III of this Chapter. He shall receive and be paid a salary set by the state examiner in accordance with the State Civil Service Commission’s uniform pay plan. The position of deputy state examiner shall be assigned to the pay range which shall be two levels below the pay range to which the deputy director of state civil service is assigned. He shall be paid traveling and living expenses while away from the place of his residence.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 399

HOUSE BILL NO. 879
BY REPRESENTATIVE GADBERRY
AN ACT

To amend and reenact R.S. 33:1233(A)(3), relative to parish governing authorities; to provide relative to the compensation of parish governing authority members; to provide relative to an authorized expense allowance; to increase the maximum amount authorized to be paid; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1233(A)(3) is hereby amended and reenacted to read as follows:

§1233. Compensation

A.

(3) In addition to any other compensation or expense allowance provided by law, each parish governing authority which does not operate under a home rule charter may pay a monthly, itemized expense allowance, not to exceed ~~two~~ four hundred dollars per month, to the members of the governing authority as payment for actual expenses incurred in the performance of their duties. Such expense allowance shall be provided upon approval of a majority of the members of the governing authority after public hearing.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 400

HOUSE BILL NO. 886
BY REPRESENTATIVE STAGNI
AN ACT

To amend and reenact R.S. 33:2493(A)(5)(introductory paragraph) and (e) and 2553(A)(5)(introductory paragraph) and (e), relative to the municipal fire and police civil service; to provide relative to the admission to tests; to provide relative to test applications; to grant certain powers to the state examiner with respect to such applications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2493(A)(5)(introductory paragraph) and (e) and 2553(A)(5) (introductory paragraph) and (e) are hereby amended and reenacted to read as follows:

§2493. Admission to tests

A. Admission to tests provided by the civil service board through the state examiner shall be as follows:

(5) The board ~~or the state examiner~~ may reject the application of any person for admission to tests of fitness, or refuse any applicant to be tested, or may cancel the eligibility of any eligible on any employment list, who:

(e) ~~Has been dismissed from the respective service for delinquency or misconduct found cheating on an exam;~~

§2553. Admission to tests
A. Admission to tests provided by the civil service board through the state examiner shall be as follows:

(5) The board ~~or the state examiner~~ may reject the application of any person for admission to tests for fitness, or refuse any applicant to be tested, or may cancel the eligibility of any eligible on any employment list, who:

(e) ~~Has been dismissed from the fire or police service for delinquency or misconduct found cheating on an exam;~~

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 401

HOUSE BILL NO. 895
BY REPRESENTATIVES MAGEE AND LANDRY
AN ACT

To enact Chapter 17-E of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:850.21, relative to Orleans Parish; to create the LaSalle Cultural Corridor District; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; 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. Chapter 17-E of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:850.21, is hereby enacted to read as follows:

CHAPTER 17-E. LASALLE CULTURAL CORRIDOR DISTRICT
§850.21. LaSalle Cultural Corridor District

A. There is hereby created within the parish of Orleans, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the LaSalle Cultural Corridor 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 boundaries of the district shall encompass the area included within the following perimeter: South Robertson Street, Delachaise Street, South Saratoga Street, and Josephine Street.

C. Purpose. The purpose of the district shall be to promote, encourage, and enhance the cultural and economic assets of the district through renewed commerce, industry, and utilization and development of the human resources of the area. The objectives of the district may include such matters as music, housing, economic development, skills and technical training, the cultural and historic value of the area, tourism, entertainment, and health.

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

(a) The president of the Louisiana Senate or his designee, who shall be a member of the Louisiana Senate.

(b) The speaker of the Louisiana House Representatives or his designee, who shall be a member of the Louisiana House of Representatives.

(c) The lieutenant governor or his designee, who shall be a member of his staff.

(d) The member of the governing authority of the city of New Orleans or his designee.

(e) The mayor of the city of New Orleans shall appoint five members as follows:

(i) Two appointees from a neighborhood located within the district.

(ii) Two appointees from industries representing cultural economy and related industries, including the music, food, and film industries, culture bearers, or related cultural economy industries such as the performing and visual arts.

(iii) One appointee with community and economic development experience.

(2)(a) Members appointed pursuant to Subparagraph (1)(e) of this Subsection shall serve three-year terms after serving initial terms as provided in this Subparagraph. Two members shall serve an initial term of three years, two shall serve an initial term of two years, and one shall serve an initial term of one year, as determined by lot at the first meeting of the board.

(b) Members serving pursuant to Subparagraphs (1)(a) through (d) of this Subsection shall serve during their terms of office. Any designee serving on the board shall serve at the pleasure of the designating authority.

(3) Any vacancy in the membership of the board, occurring either by reason of the expiration of the term for which appointed or by reason of death, resignation, or otherwise, shall be filled in the manner of the original appointment. If the entity responsible for the appointment of a member fails to fill a vacancy within thirty days, the board may appoint an interim successor to serve for the remainder of the unexpired term.

(4) Board members are eligible for reappointment.

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

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

(7) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs and, to the extent that funds are available, shall hire such assistants and employees as are needed to assist the board in the performance of its duties. Rules and regulations of the board relative to the notice and conduct of meetings shall conform to applicable law, including, if applicable, R.S. 42:11 et seq., relative to open meetings. 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.

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

(9) Each member of the board shall have one vote, and the vote of a majority of the members of the board present and voting, a quorum being present, shall be required to decide any question upon which the board takes action.

(10) The members of the board shall serve without compensation but shall receive reimbursement for reasonable expenses directly related to the governance of the district.

E. The district shall have and exercise all powers of a political subdivision necessary or convenient for the purpose of funding the district and carrying out its objects and purposes, including but not limited to the following:

(1) To incur debt.

(2) To sue and be sued.

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

(4) To adopt bylaws and rules and regulations.

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

(6) To enter into contracts, agreements, or cooperative endeavors with the state and its political subdivisions or political corporations and with any public or private association, corporation, business entity, or individual.

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

(8) To acquire property by purchase, gift, grant, donation, or lease.

(9) To establish monetary, bank, and investment accounts.

(10) To establish committees or subcommittees.

F. In order to provide for the growth and development of the district, to encourage the fullest use of underutilized resources, to provide for the enhancement of the tax base, and to improve communication and coordination among the economic and human development efforts of state, federal, and local governments, the board may:

(1) Make recommendations concerning natural and environmental factors, trends in industrial, population, or other developments; the habits and lifestyles of the people of the district; the relation of land use within the district as it relates to the city as a whole; areas for the concentration of wholesale, retail, business, and other commercial uses; and areas for recreational uses, and for spaces and areas of mixed uses.

(2) Make recommendations concerning the need for and the proposed general location of public and private works and facilities.

(3) Make or assist in studies and investigations of the resources of the district and the existing and emerging problems of industry, commerce, transportation, population, housing, and public service affecting the redevelopment of the district, and in making such studies to seek the cooperation and collaboration of the appropriate state departments, agencies, and instrumentalities of federal, state, and local government, educational institutions, research organizations, whether public or private, and of civic groups and private persons and organizations.

(4) Prepare and from time to time revise inventory listings of the district's resources and of the major public and private works and facilities of all kinds which are deemed necessary to the redevelopment of the district.

(5) Cooperate and confer with and upon request supply information to federal agencies and to local and regional agencies created pursuant to a federal program or which receive federal support and to cooperate and confer with economic development authorities in and outside of the state.

(6) Advise and supply information to civic groups and private persons and organizations who may request such information or advice or who study or otherwise concern themselves with the district's problems and development of the fields of business and industry, labor, natural resources, urban growth, housing, and public service activities, such as public health and education, insofar as such problems and development may be relevant to the district's redevelopment.

(7) Provide information to officials of departments, agencies, and instrumentalities of state and local government and to the public at large in order to foster public awareness and understanding of the objectives of the district in order to stimulate public interest and participation in the orderly, integrated development of the district.

(8) Accept and receive, in furtherance of its functions, funds, grants, and services from the federal government or its agencies, from departments, agencies, and instrumentalities of state, from parish, municipal, and other local governments, and from private and civic sources.

(9) Hold public hearings and sponsor public forums whenever it deems necessary or useful in the execution of its functions.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 402

HOUSE BILL NO. 906
BY REPRESENTATIVE WHEAT
AN ACT

To repeal R.S. 33:383(A)(3), relative to municipal elections in certain Lawrason Act municipalities; to remove a requirement to use the gubernatorial election date for such elections by certain municipalities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:383(A)(3) is hereby repealed in its entirety.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 403

HOUSE BILL NO. 966
BY REPRESENTATIVE CARRIER
AN ACT

To enact R.S. 13:5727, relative to coroners; to provide for funding; to provide for alternative funding for coroners of certain parishes; to authorize a renewable tax; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5727 is hereby enacted to read as follows:

§5727. Alternative funding source for coroners

A. Notwithstanding any other law or jurisprudence to the contrary, the governing authority of the parishes as provided by Subsection B of this Section shall allow and assist any elected coroner in those parishes to seek and place on the election ballot a ten year renewable tax of up to three mills of ad valorem tax revenue to be paid for the sole operation of the office of the coroner, and passage of such ad valorem tax shall relieve the parish from any further funding obligation. This millage rate election shall be based on the budget of the coroner to provide for legislative mandated services, and the population of the parish which shall yield a millage value for taxation, subject to approval by a majority of the electors of the parish.

B. The parishes subject to this Section include: Allen Parish, Bienville Parish, Bossier Parish, Cameron Parish, Caldwell Parish, Claiborne Parish, Concordia Parish, DeSoto Parish, East Carroll Parish, East Feliciana Parish, Franklin Parish, Grant Parish, Jackson Parish, LaSalle Parish, Lincoln Parish, Madison Parish, Morehouse Parish, Natchitoches Parish, Plaquemines Parish, Point Coupee Parish, Red River Parish, Richland Parish, Sabine Parish, St. Helena Parish, St. James Parish, St. Landry Parish, Tensas Parish, Union Parish, Webster Parish, West Baton Rouge Parish, West Feliciana Parish, and Winn Parish.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 404

HOUSE BILL NO. 1007
BY REPRESENTATIVE PHELPS
AN ACT

To amend and reenact R.S. 47:2121(C)(1) and (3) and to enact R.S. 47:2158.1 and 2231.1 and Code of Civil Procedure Article 4736, relative to tax sale property; to provide relative to certain persons residing in tax sale property; to provide relative to the rights of owners of tax sale property; to provide for the right of possession and occupancy; to prohibit evictions of certain persons under certain circumstances; to prohibit the taking of possession of tax sale property under certain circumstances; to prohibit the charging of rental or lease payments under certain circumstances; to prohibit certain actions on tax sale property under certain circumstances; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:2121(C)(1) and (3) are hereby amended and reenacted and R.S. 47:2158.1 and 2231.1 are hereby enacted to read as follows:

§2121. Purpose; principles; property rights

* * *

C. Tax sale title. (1) A tax sale confers on the tax sale purchaser, or on the political subdivision to which the tax sale property is adjudicated, only tax sale title. Tax sale title does not confer on the tax sale purchaser the right of possession of tax sale property that is occupied by the owner and does not confer on the tax sale purchaser the right to make improvements or charge rental or lease payments to the owner or occupants of the tax sale property. If the tax sale property is not redeemed within the redemptive period, then at the termination of the redemptive period, tax sale title transfers to its holder

ownership of the tax sale property, free of the ownership and other interests, claims, or encumbrances held by all duly notified persons. Tax sale title is fully transferable and heritable, but any successor of a tax sale title takes it subject to any existing right to redeem the property, or to assert a nullity, to the extent and for the period of time that the right would have existed in the absence of the transfer or succession.

* * *

(3)(a) Notwithstanding any provision in this Chapter to the contrary, the following interests affecting immovable property shall not be terminated pursuant to this Chapter to the extent the interests remain effective against third parties and are filed with the appropriate recorder prior to the filing of the tax sale certificate:

- (a) (i) Mineral rights.
- (b) (ii) Pipeline servitudes.
- (c) (iii) Predial servitudes.
- (d) (iv) Building restrictions.
- (e) (v) Dedications in favor of political subdivisions, the public, or public utilities.

(b) Notwithstanding any provision in this Chapter to the contrary, the right of possession and occupancy of the owner of tax sale property shall not be terminated pursuant to this Chapter.

* * *

§2158.1. Prohibition of certain actions; exceptions

A. A tax debtor who is the owner of and who is residing in the tax sale property shall not be subject to any eviction proceeding or to a writ of possession pursuant to R.S. 47:2158 during the redemptive period.

B. The acquiring person shall not be entitled to or charge any rental or lease payments to the owner or occupants and shall not place any constructions on or make any improvements to the tax sale property during the redemptive period. An acquiring person who violates the provisions of this Section shall be subject to a penalty of five percent of the price paid by the acquiring person for tax title and five percent of any amounts paid by the tax debtor who is the owner of and who is residing in the tax sale property for rental or lease payments. The penalty shall accrue from the time the acquiring person took possession of the property until the time the property is redeemed. Furthermore, nothing in this Section shall be construed to limit the rights of a tax debtor who is the owner of and who is residing in the tax sale property to recover rental or lease payments paid to an acquiring person in violation of the provisions of this Section.

C. The provisions of this Section shall not limit the rights of a person who acquires the property at a judicial sale conducted pursuant to a writ of fieri facias, writ of seizure and sale, or other court order, or to a successor in interest to such a person.

* * *

§2231.1. Prohibition of certain actions; exceptions

A. A tax debtor who is the owner of and who is residing in the tax sale property adjudicated to a political subdivision shall not be subject to any eviction proceeding or to a suit to obtain possession pursuant to R.S. 47:2231 during the redemptive period.

B. The acquiring person shall not be entitled to or charge any rental or lease payments to the owner or occupants and shall not place any constructions on or make any improvements to the tax sale property during the redemptive period. An acquiring person who violates the provisions of this Section shall be subject to a penalty of five percent of the price paid by the acquiring person for tax title and five percent of any amounts paid by the tax debtor who is the owner of and who is residing in the tax sale property for rental or lease payments. The penalty shall accrue from the time the acquiring person took possession of the property until the time the property is redeemed. Furthermore, nothing in this Section shall be construed to limit the rights of a tax debtor who is the owner of and who is residing in the tax sale property to recover rental or lease payments paid to an acquiring person in violation of the provisions of this Section.

C. The provisions of this Section shall not limit the rights of a person who acquires the property at a judicial sale conducted pursuant to a writ of fieri facias, writ of seizure and sale, or other court order, or to a successor in interest to such a person.

Section 2. Code of Civil Procedure Article 4736 is hereby enacted to read as follows:

Art. 4736. Prohibition of eviction from tax sale property

The procedures for eviction as provided by this Title shall be subject to the prohibitions and exceptions as provided by R.S. 47:2158.1 and 2231.1.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 405

HOUSE BILL NO. 1032
BY REPRESENTATIVE ZERINGUE
AN ACT

To enact R.S. 48:461.26(E)(3), relative to outdoor advertising; to provide an exception to outdoor advertisement for an institution of postsecondary education, an institution of higher education, or a foundation affiliated with the institution; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:461.26(E)(3) is hereby enacted to read as follows:
§461.26. Designation of state parkways; outdoor advertising prohibited; screening required; exceptions

* * *

E.

* * *

(3) The provisions of Subsection B of this Section shall not apply to any advertising on property owned by an institution of postsecondary education as defined by R.S. 17:3092, an institution of higher education, or a foundation affiliated with the institution. Such advertisements shall be limited to the promotion of the educational and cultural welfare of the institution.

Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 406

HOUSE BILL NO. 1067 (Substitute for House Bill No. 241 by Representative Riser)
BY REPRESENTATIVE RISER
AN ACT

To amend and reenact the heading of Part XIII of Chapter 11 of Title 23 of the Louisiana Revised Statutes of 1950, R.S. 23:1771, 1773, and 1775(B) and (C)(2), and R.S. 47:1508(B)(28), to enact R.S. 23:1775(F) and R.S. 47:1576.3 and 1576.4, and to repeal R.S. 23:1772, 1774, and 1776, relative to the Fresh Start Proper Worker Classification Initiative and the Voluntary Disclosure Program; to provide for definitions; to provide for eligibility requirements for participation in the Voluntary Disclosure Program; to provide for the payment of unemployment taxes and penalties; to provide for withholding taxes, interest, and penalties; to provide for compliance with federal laws and regulations; to provide for a safe harbor; to provide for unemployment interest; to provide for a public records exception; to require the Department of Revenue to promulgate rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Part XIII of Chapter 11 of Title 23 of the Louisiana Revised Statutes of 1950, R.S. 23:1771, 1773, and 1775(B) and (C)(2) are hereby amended and reenacted and R.S. 23:1775(F) is hereby enacted to read as follows:

PART XIII. FRESH START PROPER WORKER CLASSIFICATION-
INITIATIVE AND VOLUNTARY DISCLOSURE PROGRAM

§1771. Definitions

A. For the purposes of this Part, the following terms have the meanings ascribed to them:

(1) “Applicant” means any association, corporation, estate, firm, individual, joint venture, limited liability company, partnership, receiver, syndicate, trust, or any other entity, combination, or group that submits or arranges through a representative for the submission of an application to request a voluntary disclosure agreement for a tax administered by the department commission. If the application is submitted through a representative, anonymity of the applicant can be maintained until the voluntary disclosure agreement is executed by the taxpayer and the secretary of the Louisiana Workforce Commission.

(2) “Application” means a completed application to request a voluntary disclosure agreement and all supplemental information including but not limited to cover letters, schedules, reports, and any other documents that provide evidence of the applicant’s qualification for a voluntary disclosure agreement. Supplemental information requested by the Department of Revenue and Louisiana Workforce Commission commission and timely provided by the applicant shall be considered part of the application.

(3) “Application date” means the date a fully completed application requesting a voluntary disclosure agreement is received by the department commission. Supplemental information requested by the department and timely provided by the applicant shall not extend or delay the application date.

(4) “Delinquent penalty” means any specific penalty imposed as a result of the failure of the taxpayer to timely make any required return or payment “Commission” means the Louisiana Workforce Commission.

(5) “Look-back period” means a period for which a qualified applicant agrees to disclose and pay the tax and interest other amounts due. The look-back period shall include the current calendar year up to the date of registration with the Department of Revenue and Louisiana Workforce Commission and the one immediately preceding calendar year. For discontinued, acquired, or merged entities, the look-back period shall include undisclosed liabilities in the last calendar year in which the qualified applicant had nexus within this state and the one immediately preceding calendar year. In accordance with the Federal Unemployment Tax Act (FUTA), 26 U.S.C. 3303(a), the look-back period shall include the entire three-year experience rating period for unemployment taxes for the commission.

(6) “Penalty” means any specific penalty imposed as a result of the failure of the taxpayer to correctly classify a worker or class of workers, if not otherwise specifically excluded.

(7) “Secretary” means the secretary of the Louisiana Workforce Commission.

§1773. Louisiana Voluntary Disclosure Program
A.(1) ~~The Louisiana Voluntary Disclosure Program is established as a process of reporting undisclosed liabilities for withholding taxes administered by the Department of Revenue and unemployment taxes administered by the Louisiana Workforce Commission that would have been due for workers who were not classified as employees. The Voluntary Disclosure Program authorizes taxpayers to anonymously confidentially enter into agreements and voluntarily pay unemployment taxes and penalties with no penalty interest.~~

(2) In order to be admitted to the program, an employer shall obtain and produce a certificate proving he has obtained workers' compensation coverage for his employees.

(3) The following employers shall not be eligible to participate in the program:

(a) Employers who are currently under audit concerning the classification of the classes of workers by the Internal Revenue Service, the United States Department of Labor, or a state government entity.

(b) Employers who are contesting in court or in an administrative proceeding the classification of the class or classes of workers from a previous audit by the Internal Revenue Service, the United States Department of Labor, the Louisiana Department of Revenue, or the Louisiana Workforce Commission.

(4) No worker who performs services that are statutorily excluded from the definition of covered employment provided for in R.S. 23:1472 shall be eligible for reclassification as an employee.

(5) The provisions of this Section shall not apply to either of the following:

(a) Any service performed in the employ of a state, and political subdivision of the state, or of an Indian tribe, or any instrumentality of the state, any political subdivision of the state, or any Indian tribe, which is wholly owned by one or more states, political subdivisions, or Indian tribes, but only if the service is excluded from employment as defined in the Federal Unemployment Tax Act.

(b) Any service performed by an individual in the employ of a religious, charitable, educational, or other organization, but only if the service is excluded from employment as defined in the Federal Unemployment Tax Act.

B. ~~The Louisiana Workforce Commission, in consultation with the Department of Revenue shall promulgate rules and regulations necessary for the administration of the Louisiana Voluntary Disclosure Program.~~

§1775. Voluntary Disclosure Agreements; unemployment tax

* * *

B. After all unemployment tax and interest penalties due for the look-back period have been paid, the ~~delinquent penalties interest due as provided for in R.S. 23:1543 shall be waived to the extent permitted by law. No penalties provided for in R.S. 23:1543 or penalties related to fraud or state unemployment tax act dumping provided for in R.S. 23:1539.1 shall be waived.~~

C.

* * *

(2) The administrator shall compute the ~~interest tax and penalties due for the tax workers~~ disclosed by the applicant and send a schedule by mail or email to the applicant or his representative showing the amount of tax and interest penalties due. The applicant shall submit payment of the full amount of the interest tax and penalties due within thirty calendar days from the postmark or email date of the schedule or, if applicable, within any extension of time granted by the administrator. If payment of the full amount due has not been received at the expiration of such time, the administrator may void the agreement.

* * *

F. Notwithstanding any other provisions of state or federal law to the contrary, ~~waiver of unemployment interest shall not be available for the Voluntary Disclosure Program when the employer has engaged in, is under audit for, or has a case on appeal pertaining to willfully misclassifying workers under Title 23 of the Louisiana Revised Statutes of 1950 or when the employer is engaged in, under audit for, or has a case on appeal pertaining to state unemployment tax act dumping provided for in R.S. 23:1539.1. No waiver of penalties provided for in R.S. 23:1543 shall be made for either program. Additionally, under 26 U.S.C. 3304 of the Federal Unemployment Tax Act, 42 U.S.C. 503, the state unemployment tax act Dumping Prevention Act of 2004, as required in R.S. 23:1664, and as per the United States Department of Labor's directive to the Louisiana Workforce Commission, employer liability for SUTA dumping penalties and fraud penalties shall not be waived under federal law under any circumstances.~~

Section 2. R.S. 47:1508(B)(28) is hereby amended and reenacted and R.S. 47:1576.3 and 1576.4 are hereby enacted to read as follows:

§1508. Confidentiality of tax records

* * *

B. Nothing herein contained shall be construed to prevent:

* * *

(28) The sharing or furnishing, in the discretion of the secretary, of information to the Louisiana Workforce Commission for the purposes of determining, investigating, or prosecuting fraud related to all areas administered by the Louisiana Workforce Commission ~~or for the purposes of reviewing and considering applications for participation in the Fresh Start Proper Worker Classification Initiative provided for in R.S. 47:1576.3.~~ Any information shared or furnished shall be considered and held confidential and privileged by the Louisiana Workforce Commission to the same extent heretofore provided.

* * *

§1576.3. The Fresh Start Proper Worker Classification Initiative
A. For the purposes of this Section, the following terms have the meanings ascribed to them:

(1) "Applicant" means any association, corporation, estate, firm, individual, joint venture, limited liability company, partnership, receiver, syndicate, trust, or any other entity, combination, or group that submits or arranges through a representative for the submission of an application to request relief under the Fresh Start Proper Worker Classification Initiative for a tax administered by the department.

(2) "Application" means a completed application to request relief under the Fresh Start Proper Worker Classification Initiative and all supplemental information including but not limited to cover letters, schedules, reports, and any other documents that provide evidence of the applicant's qualification for the Fresh Start Proper Worker Classification Initiative. Supplemental information requested by the department and timely provided by the applicant shall be considered part of the application.

(3) "Application date" means the date a fully completed application requesting relief under the Fresh Start Proper Worker Classification Initiative is received by the department. Supplemental information requested by the department and timely provided by the applicant shall not extend or delay the application date.

(4) "Class of workers" means a group of workers who perform the same or similar services.

(5) "Commission" means the Louisiana Workforce Commission.

(6) "Department" means the Department of Revenue.

(7) "Secretary" means the secretary of the Department of Revenue.

B. The Fresh Start Proper Worker Classification Initiative is optional and provides a taxpayer with an opportunity to voluntarily reclassify his worker as an employee for a future tax period. To be eligible, a taxpayer shall meet all of the following requirements:

(1) Apply to the Fresh Start Proper Worker Classification Initiative between January 1, 2023, and December 31, 2023.

(2) Produce a certificate of proof of workers' compensation coverage for the employee.

(3) Enter into a closing agreement with the department.

C. The Fresh Start Proper Worker Classification Initiative applies to taxpayers that are currently treating their workers as independent contractors or other nonemployees and want to prospectively treat the workers as employees. To be eligible, a taxpayer shall have consistently treated the workers for the previous three years as nonemployees, and shall have filed any required Form 1099-MISC, Form 1099-NEC, or equivalent form with the Internal Revenue Service with respect to those workers, consistent with the nonemployee treatment.

D.(1) An eligible taxpayer that participates in the Fresh Start Proper Worker Classification Initiative agrees to prospectively treat the class or classes of workers identified in the application as employees for future tax periods and is not liable for any withholding tax or related interest and penalties with respect to any amounts paid to any workers before the date on which the taxpayer is accepted for participation in the Fresh Start Proper Worker Classification Initiative.

(2) An eligible taxpayer shall not be entitled to any relief from unemployment tax, interest, or penalties pursuant to this Section, but may seek relief in accordance with R.S. 23:1775.

(3) An eligible taxpayer may request that the commission develop with the taxpayer a reasonable payment schedule for unemployment taxes owed for the look-back period as defined in R.S. 23:1771. However, payment of all outstanding unemployment liabilities shall not be required prior to acceptance of the taxpayer's application.

E.(1) An eligible taxpayer that wishes to participate in the Fresh Start Proper Worker Classification Initiative shall submit an application for participation in the program to the department on a form prescribed by the secretary. The department shall contact the taxpayer or authorized representative to complete the application process once it has reviewed the application and verified the taxpayer's eligibility.

(2) An accepted application constitutes a joint closing agreement between the taxpayer and the department.

(3)(a) The closing agreement shall constitute confirmation by the taxpayer to treat the class or classes of workers identified in the application as employees and to comply with any and all reporting and payment obligations related to withholding tax, unemployment tax, and workers' compensation coverage for the period subsequent to the effective date of the agreement.

(b) Notwithstanding any provision of law to the contrary, any reclassification of a class or classes of workers performing the following services shall be limited to withholding tax and shall not be eligible for reclassification as an employee for purposes of unemployment tax:

(i) Any services that are statutorily excluded from the definition of employment provided for in R.S. 23:1472.

(ii) Any service performed in the employ of a state, and political subdivision of the state, or of an Indian tribe, or any instrumentality of the state, any political subdivision of the state, or any Indian tribe, which is wholly owned by one or more states, political subdivisions, or Indian tribes, but only if the service is excluded from employment as defined in the Federal Unemployment Tax Act.

(iii) Any service performed by an individual in the employ of a religious, charitable, educational, or other organization, but only if the service is excluded from employment as defined in the Federal Unemployment Tax Act.

(4) The closing agreement shall become effective on the date that the taxpayer receives notice from the department that the taxpayer's application is accepted.

(5) Failure to comply with the terms of the closing agreement and this Section may nullify the acceptance of the taxpayer's application. If an acceptance is nullified, the taxpayer shall become liable for withholding tax, interest, and penalties determined to be due for prior periods.

(6) The secretary may disclose any information provided in an application or in support of an application to the commission in order to coordinate the review and consideration of the application. Any information furnished shall be considered confidential and privileged and held by the commission as provided for in R.S. 47:1508.

F. The following employers shall not be eligible to participate in the program:

(1)(a) Employers that are currently under audit concerning the classification of the classes of workers by the Internal Revenue Service, the United States Department of Labor, or by a state government entity.

(b) Employers who are contesting in court the classification of the class or classes of workers from a previous audit by the Internal Revenue Service, the United States Department of Labor, the department, or the commission.

(c) Employers who have withheld state income taxes from the amounts paid to any worker and who have not remitted the tax to the department.

(2) For the purposes of Subparagraphs (a) and (b) of this Paragraph, a taxpayer that is a member of an affiliated group within the meaning of Section 1504(a) of the Internal Revenue Code shall be ineligible if any member of the affiliated group is under an employment, withholding, or unemployment tax audit.

G. A finding that a taxpayer failed to provide information or documentation to reveal a fact material to an eligibility determination or made a material misrepresentation as to any eligibility requirement shall immediately nullify the acceptance of the taxpayer's application.

H. The department shall have the authority to promulgate rules and regulations for the administration of the Fresh Start Proper Worker Classification Initiative. Additionally, the department shall promulgate rules and regulations no later than July 1, 2023, establishing a voluntary disclosure program for reporting undisclosed liabilities for withholding taxes that would have been due for workers who were not classified as employees.

§1576.4. Safe harbor

Any putative employer meeting the requirements provided for in this Section shall not owe withholding tax, interest, or penalties otherwise due for the workers to whom these requirements apply:

(1) Reporting consistency. The putative employer timely filed all required federal tax and information returns for independent contractors who were paid six hundred dollars or more, such as Form 1099-MISC or Form 1099-NEC. Relief is not available for any worker for whom the employer did not file the required information return.

(2) Substantive consistency. The putative employer and any predecessor always treated the worker as an independent contractor; however, if any similar worker was treated as an employee, relief is not available.

(3)(a) Reasonable basis. The putative employer had a reasonable basis for not treating the worker as an employee including any of the following:

(i) The putative employer relied on a court case or Internal Revenue Service ruling.

(ii) The putative employer was previously audited and the Internal Revenue Service considered employment taxes but did not reclassify the workers.

(iii) Independent contractor treatment is common in the putative employer's industry for workers providing similar services.

(iv) The putative employer and any predecessor always treated the worker as an independent contractor.

(v) The putative employer relied on legal advice or advice of an accountant.

(b) Notwithstanding any contrary provision of this Paragraph, if any similar worker was treated as an employee, relief is not available.

Section 3. R.S. 23:1772, 1774, and 1776 are hereby repealed in their entirety. Approved by the Governor, June 10, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 407

SENATE BILL NO. 15
BY SENATOR FRED MILLS
AN ACT

To amend and reenact R.S. 39:198(I)(introductory paragraph), (2), (6), (8) (introductory paragraph), (b), and (c), and (9), relative to contracts for fiscal intermediary services; to provide for the transfer of contract award oversight from the House and Senate committees on health and welfare to the Joint Legislative Committee on the Budget; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:198(I)(introductory paragraph), (2), (6), (8)(introductory paragraph), (b), and (c), and (9) are hereby amended and reenacted to read as follows:

§198. Types of contracts permitted

* * *

I. Contracts for fiscal intermediary services. State agencies may enter into contracts for fiscal intermediary services. The term of such a ~~the~~ contract shall be one hundred twenty months. ~~In the event~~ **If** special circumstances, as provided in Paragraph (9) of this Subsection, necessitate, additional one-year extensions of the contract may be granted. The award process and final contract shall include the following:

* * *

(2) Justification for the contract shall be submitted to the state central purchasing agency and shall be submitted to the ~~House and Senate committees on health and welfare~~ **Joint Legislative Committee on the Budget** at least forty-five days prior to the issuance of a solicitation for proposals. Within thirty days of receipt of the justification by the ~~House and Senate committees on health and welfare, either~~ **Joint Legislative Committee on the Budget, the committee may convene a meeting separately or jointly for the purpose of conducting** ~~conduct~~ a public hearing on the justification which was submitted. ~~Such~~ **This** justification shall include identification and consideration of all factors, including costs, relevant to the solicitation for proposals and the final contract.

* * *

(6) No award of the contract shall be made until the ~~House and Senate committees on health and welfare, meeting jointly or a joint subcommittee thereof~~ **Joint Legislative Committee on the Budget** has conducted a public hearing concerning ~~such~~ **the** award.

* * *

(8) No option to renew ~~such~~ **the** contract shall be exercised by the state until the following criteria have been satisfied:

* * *

(b) The Louisiana Department of Health submits to the ~~House and Senate committees on health and welfare~~ **Joint Legislative Committee on the Budget** a notice of intention by the Louisiana Department of Health to exercise the option to renew ~~such~~ **the** contract and a copy of any public testimony which was taken at the public hearing held by the Louisiana Department of Health. The ~~House and Senate committees on health and welfare, meeting separately or jointly,~~ **Joint Legislative Committee on the Budget** may hold a public hearing concerning ~~such~~ **the** renewal within thirty days following the receipt of a notice of intention by the Louisiana Department of Health to exercise the option to renew ~~such~~ **the** contract.

(c) ~~The House and Senate committees on health and welfare, meeting separately or jointly, have~~ **Joint Legislative Committee on the Budget** has conducted a public hearing concerning ~~such~~ **the** renewal or thirty days have elapsed from the date the Louisiana Department of Health submitted a notice of intention to renew ~~such~~ **the** contract to the ~~House and Senate committees on health and welfare and neither~~ **Joint Legislative Committee on the Budget and the** committee has **not** posted a public notice of meeting concerning the renewal of ~~such~~ **the** contract.

(9) In the event the Louisiana Department of Health or the United States Department of Health and Human Services, Centers for Medicare and Medicaid Services proposes substantial changes in the operations of the Medicaid program that would materially impact the services performed by the fiscal intermediary, the Louisiana Department of Health may, subject to the approval of the ~~House and Senate committees on health and welfare~~ **Joint Legislative Committee on the Budget**, approve additional extensions of the contract until ~~such time as~~ it is practical to prepare a solicitation for proposals describing the revised services that would be performed by the fiscal intermediary. During the time frame covered by any extension beyond the original one-hundred-twenty-month period, the fiscal intermediary may be required to perform additional functions to assist in preparing the Louisiana Department of Health in the transition to the new program. ~~Such~~ **These** functions may include existing fiscal intermediary services as well as efforts to control fraud and abuse, program reports, beneficiary enrollment and program information services, encounter data, and annual managed care negotiation data.

* * *

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 408

SENATE BILL NO. 34
BY SENATOR FRED MILLS AND REPRESENTATIVES BAGLEY, BUTLER
AND CHARLES OWEN
AN ACT

To amend and reenact R.S. 37:1270.1(F), 1314(G), 1357.1(B), 1360(5), 1360.63(E), 1360.102(F), 2864(D), and 3356(E) and to enact R.S. 37:629, 1164(39)(c), 1270(D), 1340(7), 3015, 3303(E), and 3434 and R.S. 42:17.2, relative to meetings of statewide advisory committees of the Louisiana State Board of Medical Examiners; to authorize certain meetings to be conducted electronically; to provide for public notice and participation requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1270.1(F), 1314(G), 1357.1(B), 1360(5), 1360.63(E), 1360.102(F), 2864(D), and 3356(E) are hereby amended and reenacted and R.S. 37:629, 1164(39)(c), 1270(D), 1340(7), 3015, 3303(E), and 3434 are enacted to read as

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follows:

§629. Advisory committee; meetings
A statewide advisory committee established by the board in carrying out its duties pursuant to this Chapter may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§1164. Definitions
As used in this Chapter, the following terms have the meaning ascribed to them by this Section:

* * *

(39)
* * *

(c) A statewide advisory committee established by the Louisiana State Board of Medical Examiners in carrying out its duties relative to collaborative drug therapy management may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§1270. Duties and powers of the board
* * *

D. Any statewide advisory committee established by the board in carrying out its duties pursuant to this Chapter or any other provision of law may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§1270.1. Physician assistants advisory committee
* * *

F.**(a)** The advisory committee shall meet at least twice each year or more frequently as necessary as determined by the chairman or a majority of the members of the advisory committee.
(b) The advisory committee may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§1314. Clinical Laboratory Personnel Committee; creation; membership; qualification; appointment; term; vacancy; officers; meetings; reimbursement
* * *

G.**(a)** The committee shall meet at least semi-annually, on a date and at a time and place as it may designate. The committee may meet at such other times as deemed necessary by the chairman or by the majority of its members. Reasonable notice of all meetings shall be given in the manner prescribed by the committee. Seven voting members of the committee shall constitute a quorum at any meeting for the transaction of business.
(b) The committee may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§1340. Advisory Committee on Perfusion; duties; **powers**
Under the authority of the Louisiana State Board of Medical Examiners, the committee shall:
* * *

(7) Have the authority to conduct and its members to attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§1357.1. Practice of acupuncture detoxification; certification; promulgation of rules; public health emergency
* * *

B.**(1)** Pursuant to the provisions of this Section, the board shall promulgate rules and regulations in collaboration with its Integrative and Complementary Medicine Committee that it deems necessary to regulate the certification of acupuncture detoxification specialists and the practice of acupuncture detoxification in the state. Such rules and regulations shall include but not be limited to the following:
~~(4)(a)~~ Provisions regarding the adoption of fees.
~~(2)(b)~~ Provisions regarding the action to deny, suspend, revoke, or place on probation individuals who act beyond the scope of practice or engage in unprofessional conduct.
~~(3)(c)~~ Provisions regarding the general supervision of acupuncture detoxification specialists.
(2) The Integrative and Complementary Medicine Committee may conduct and its members may attend and participate in a meeting for the purposes of carrying out its duties pursuant to this Subsection or any other provision of law via electronic means in accordance with R.S. 42:17.2.
* * *

§1360. Powers and duties of the Louisiana State Board of Medical Examiners
In addition to the powers and duties established in R.S. 37:1270, the Louisiana State Board of Medical Examiners may do any of the following:
* * *

(5)**(a)** Establish an advisory committee on acupuncture to provide such assistance as the board may deem necessary or request in the administration of this Part.
(b) The advisory committee may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§1360.63. Medical Psychology Advisory Committee
* * *

E.**(1)** The committee may meet as needed but shall meet at least twice a year. A majority of the members of the committee shall constitute a quorum for the transaction of all business.
(2) The committee may conduct and its members may attend and participate in

a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§1360.102. Louisiana Genetic Counselor Advisory Committee; creation; purpose; membership; duties and functions
* * *

F.**(1)** The committee shall meet at least semiannually and shall hold additional meetings at the call of the chair or at such times as may be determined by the committee.
(2) The committee may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§2864. Advisory Committee on Polysomnography; creation
* * *

D.**(1)** The committee shall meet no less than annually at a time and place to be determined by the chairman of the committee. A majority of the members of the committee shall constitute a quorum for the transaction of all business.
(2) The committee may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§3015. Advisory committee; meetings
A statewide advisory committee established by the board in carrying out its duties pursuant to this Chapter may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§3303. Louisiana State Board of Medical Examiners; powers and duties
* * *

E. A statewide advisory committee established by the board in carrying out its duties pursuant to this Chapter may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§3356. Respiratory Care Advisory Committee; creation; duties
* * *

E.**(1)** The committee shall meet no less than quarterly at a time and place to be determined by the chairman of the committee. A majority of the members of the committee shall constitute a quorum for the transaction of all business.
(2) The committee may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
* * *

§3434. Advisory committee; meetings
A statewide advisory committee established by the board in carrying out its duties pursuant to this Chapter may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
Section 2. R.S. 42:17.2 is hereby enacted to read as follows:
§17.2 Exception for meetings of statewide advisory committees of the Louisiana State Board of Medical Examiners
A. Notwithstanding any other provision of this Chapter to the contrary, an advisory committee of the Louisiana State Board of Medical Examiners which is comprised of members from various locations statewide, and which acts only in an advisory capacity, may conduct and its members may attend and participate in a meeting via electronic means provided that the board and the advisory committee and its presiding officer comply with all the requirements of this Section.
B. No later than twenty-four hours prior to a meeting conducted pursuant to the provisions of this Section, the Louisiana State Board of Medical Examiners and the advisory committee shall provide for all the following:
(1) The notice and agenda for the meeting, which shall be posted on the website of the Louisiana State Board of Medical Examiners, emailed to any member of the public or the news media who requests notice of meetings of the public body, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the public body.
(2) Detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda, which information shall be posted on the website of the Louisiana State Board of Medical Examiners, emailed to any member of the public or the news media who requests notice of meetings of the public body, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the public body.
C. For each meeting conducted pursuant to this Section, the following requirements shall apply:
(1) The advisory committee shall provide a mechanism to receive public comment electronically both prior to and during the meeting.
(2) The advisory committee shall properly identify and acknowledge all public comments during the meeting and shall maintain those comments in its record of the meeting.
(3) The presiding officer of the advisory committee shall ensure both of the following:
(a) That each person participating in the meeting is properly identified.
(b) That all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.
D. For the purposes of this Section, the following definitions apply:
(1) “Meeting via electronic means” shall mean a meeting occurring via teleconference or video conference.
(2) “Teleconference” shall mean a method of communication which enables persons in different locations to participate in a meeting and to hear and

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otherwise communicate with each other.
(3) “Video conference” shall mean a method of communication which enables persons in different locations to participate in a meeting and to see, hear, and otherwise communicate with each other.

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 409

SENATE BILL NO. 35
BY SENATORS FRED MILLS, ABRAHAM, BERNARD, BOUDREAUX,
BOUIE, CATHEY, CONNICK, CORTEZ, FESI, FIELDS, FOIL, HARRIS,
HEWITT, JACKSON, MCMATH, MILLIGAN, MIZELL, MORRIS,
PEACOCK, POPE, REESE, SMITH, STINE, TALBOT AND WOMACK AND
REPRESENTATIVES ECHOLS AND THOMPSON
AN ACT

To enact R.S. 49:149.34, relative to the names of state buildings; to name the Carl W. Aron Building; to provide for an effective date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 49:149.34 is hereby enacted to read as follows:
§149.34. Carl W. Aron Building
The state building situated in the city of Baton Rouge, having the municipal address of 3388 Brentwood Drive, and generally known as the Louisiana Board of Pharmacy building, is hereby named and shall hereafter be known as the Carl W. Aron Building.

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 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 410

SENATE BILL NO. 54
BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 47:103(D), 287.614(D), and 612, relative to income tax return filing extensions; to provide for an automatic filing extension for individual, partnership, and fiduciary income tax and corporate income and franchise tax returns; to provide for conditions and applicability; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:103(D), 287.614(D), and 612 are hereby amended and reenacted to read as follows:
§103. Time and place for filing returns; information concerning federal return

* * *
D.~~(1)~~ The secretary may grant a reasonable extension of time for filing returns, not to exceed six months from the date the Louisiana income tax return is due or the extended due date of the federal income tax return, whichever is later. The secretary may accept a physical copy of a taxpayer's Internal Revenue Service form requesting an extension of time to file a Louisiana income tax return or provide for the automatic extension of the Louisiana income tax return without the necessity of an additional state form concerning the request for an extension of time.
(2) **For individual, partnership, and fiduciary income tax returns for taxable periods beginning on or after January 1, 2022, there shall be an automatic six-month extension of the time to file the return.**
(3) **All filing extensions provided pursuant to this Subsection are conditioned upon the filing of the required return within the extension time period. If the required return is not filed within the extension time period, there shall be no extension and any delinquent filing penalty shall be computed from the original due date of the return.**

* * *
§287.614. Time and place for filing returns; information concerning federal return; extension of time to file

* * *
D.(1) The secretary may grant a reasonable extension of time for filing returns, not to exceed ~~seven~~ **six** months from the date the Louisiana income tax return is due or the extended due date of the federal income tax return, whichever is later.
(2) The secretary may accept a photocopy or duplicate original of the taxpayer's:
(a) Federal application for an extension of time to file, or
(b) Application for an automatic extension of time to file a federal return.

(3) The secretary may grant an extension of time to file a Louisiana income tax return for a specific taxable period if the taxpayer has received an automatic extension of time to file a federal income tax return for that taxable period. The method for taxpayer notification of the secretary that an automatic federal extension was obtained shall be established by rule. The secretary may otherwise provide for the automatic extension of time to file a corporation return not to exceed ~~seven~~ **six** months, or the extended due date of the federal income tax return, whichever is later.

(4) For taxable periods beginning on or after January 1, 2022, the secretary shall grant an extension of the time to file a Louisiana income tax return provided that the taxpayer timely requested an extension from the Internal Revenue Service to file the federal return for the same period. This extension of time to file shall not exceed six months or the extended due date of the federal income tax return, whichever is later.

(5) All filing extensions provided pursuant to this Subsection are conditioned upon the filing of the required return within the extension time period. If the required return is not filed within the extension time period, there shall be no extension and any delinquent filing penalty shall be computed from the original due date of the return.

* * *
§612. Extension of time for filing return and paying tax
The secretary may grant an extension of time for filing returns as provided for in ~~R.S. 47:103(D)~~ **or** R.S. 47:287.614(D).
Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 411

SENATE BILL NO. 69
BY SENATOR CONNICK AND REPRESENTATIVE MARINO
AN ACT

To amend and reenact R.S. 46:1842(3)(c), and (15)(c) and (d), 1843, and 1844(H), (K)(1)(a), and (T)(1) and (3), and to enact R.S. 46:1842(3)(d) through (h) and (15)(e) through (h), relative to crime victim protections; to provide relative to broadening rights for victims of crimes and designated family members; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 46:1842(3)(c), and (15)(c) and (d), 1843, and 1844(H), (K)(1)(a), and (T)(1) and (3) are hereby amended and reenacted and R.S. 46:1842(3)(d) through (h) and (15)(e) through (h) are hereby enacted to read as follows:
§1842. Definitions
In this Chapter:

* * *
(3) “Crime victim who is a minor” means a person under the age of eighteen against whom any of the following offenses have been committed:
* * *
(c) The offenses of vehicular negligent injuring (~~R.S. 14:39.1~~) and first degree vehicular negligent injuring (~~R.S. 14:39.2~~).
(d) **Any offense against the person as defined in R.S. 14:29 through R.S. 14:63.3.**
(e) **Any offense committed against a family or household member as defined in R.S. 46:2132 or dating partner as defined in R.S. 46:2151.**
(f) **The offense of violation of protective orders (R.S. 14:79).**
(g) **The offenses of voyeurism (R.S. 14:283.1), Peeping Tom (R.S. 14:284), and unlawful communications (R.S. 14:285).**
(h) **Any other offense which is a felony committed against any natural person.**
* * *
(15) “Victim” means a person against whom any of the following offenses have been committed:

* * *
(c) The offenses of vehicular negligent injuring (~~R.S. 14:39.1~~) and first degree vehicular negligent injuring (~~R.S. 14:39.2~~).
(d) Any offense against the person as defined in the Criminal Code committed against a family or household member as defined in ~~R.S. 46:2132(4)~~ or dating partner as defined in ~~R.S. 46:2151(B)~~ **R.S. 14:29 through R.S. 14:63.3.**
(e) **Any offense committed against a family or household member as defined in R.S. 46:2132 or dating partner as defined in R.S. 46:2151.**
(f) **The offense of violation of protective orders (R.S. 14:79).**
(g) **The offenses of voyeurism (R.S. 14:283.1), Peeping Tom (R.S. 14:284), and unlawful communications (R.S. 14:285).**
(h) **Any other offense which is a felony committed against any natural person.**
* * *

§1843. Eligibility of victims
~~Except as provided in R.S. 46:1845, a~~ **A** victim has the rights and is eligible for the services under this Chapter ~~regardless of when the victim reported the crime to law enforcement authorities, only if the victim reported the crime to law enforcement authorities within seventy-two hours of its occurrence or discovery, unless extenuating circumstances exist for later reporting.~~

§1844. Basic rights for victim and witness
* * *
H. Presentence or postsentence reports. ~~If properly registered with the clerk of court, the~~ **The** victim or designated family member shall have the right to review and comment on the presentence or postsentence reports relating to the crime against the victim. The trial court shall regulate when and how the

presentence report is provided to the victim or designated family member. The Department of Public Safety and Corrections shall regulate how the postsentence report is provided to the victim or designated family member.

K. Right of victim or designated family member to be present and heard at all critical stages of the proceedings.

(1)(a) At all critical stages of the prosecution, if the victim or designated family member has registered with the appropriate law enforcement or judicial agency and is present, the court shall determine if the victim or designated family member wishes to make a victim impact statement. If the victim is not present, the court shall ascertain whether the victim or designated family member has requested notification and, if so, whether proper notice has been issued to the victim or designated family member, in accordance with Subsection B of this Section, by the clerk of court or by the district attorney's office. If notice has been requested and proper notice has not been issued, the court shall continue the proceedings until proper notice is issued.

T. Registration with the appropriate law enforcement or judicial agency.

(1) In order for a victim or designated family member to be eligible to receive notices hereunder and exercise the rights provided in this Chapter, the victim or designated family member must may complete a form promulgated by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. The form shall be completed by the victim or designated family member and shall be filed with the law enforcement agency investigating the offense of which the person is a victim, as defined in this Chapter. The completed victim notice and registration form shall be included in the documents sent by the law enforcement agency to the district attorney for prosecution. The district attorney shall include the completed victim notice and registration form with any subsequent bill of information or indictment that is filed with the clerk of court. Upon conviction, the victim notice and registration form shall be included in the documents sent by the clerk of court to the Department of Public Safety and Corrections, the law enforcement agency having custody of the defendant, or the division of probation and parole.

(3) The victim and designated family member shall have the right to register with the appropriate agency at any time and exercise prospectively the rights guaranteed by this Chapter. However, a victim or designated family member who does not register with the appropriate agency shall nevertheless be permitted to exercise the rights guaranteed by this Chapter insofar as possible.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 412

SENATE BILL NO. 118

BY SENATORS TALBOT, BERNARD, BOUDREAUX, BOUIE, CARTER, FESI, HARRIS, LUNEAU, MIZELL, POPE, PRICE, SMITH, STINE, TARVER AND WOMACK

AN ACT

To amend and reenact R.S. 22:1028.3(B)(2), (C), and (D)(introductory paragraph) and (2) and to enact R.S. 22:1028.3(D)(3) and (4), relative to the medical necessity for genetic testing of certain cancer mutations; to require medical necessity for genetic testing of certain cancer mutations if based on nationally recognized clinical practice guidelines; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1028.3(B)(2), (C), and (D)(introductory paragraph) and (2) are hereby amended and reenacted and R.S. 22:1028.3(D)(3) and (4) are hereby enacted to read as follows:

§1028.3. Required coverage for genetic testing for cancer

B.(1)

(2) The coverage provided in this Section may be subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan. The coverage provided under this Section may be subject to applicable evidence-based medical necessity criteria under the plan. The biomarker test shall be covered for the purposes of diagnosis, treatment, appropriate management or ongoing monitoring of an individual's disease or condition when the test is supported by medical and scientific evidence, including any one of the following:

(a) Labeled indications for diagnostic tests to direct treatment decisions that are approved or cleared by the United States Food and Drug Administration or indicated diagnostics tests for a drug that is approved by the United States Food and Drug Administration.

(b) Centers for Medicare and Medicaid Services National Coverage Determinations or Medicare Administrative Contractor Local Coverage Determinations.

(c) Nationally recognized consensus statements and clinical practice guidelines such as but not limited to those of the National Comprehensive Cancer Network or the American Society of Clinical Oncology.

C. For purposes of this Section, "health coverage plan" means any hospital,

health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract, or other agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type in this state, including a group insurance plan, ~~a or~~ self-insurance plan, ~~and the office of group benefits programs.~~ "Health coverage plan" ~~shall does~~ not include a plan providing coverage for excepted benefits defined in R.S. 22:1061, limited benefit health insurance plans, and short-term policies that have a term of less than twelve months, nor any plan offered through the office of group benefits.

D. As used in this Section, the following definitions shall apply unless the context indicates otherwise:

(2) "Biomarker testing" is means the analysis of a patient's tissue, blood, or fluid biospecimen for the presences of a biomarker. Biomarker testing includes but is not limited to single-analyte tests, multi-plex panel tests, and partial or whole genome, whole exome, and whole transcriptome sequencing.

(3) "Consensus statements" means statements developed by an independent, multidisciplinary panel of experts utilizing a transparent methodology and reporting structure and with a conflict-of-interest policy. Such statements are aimed at specific clinical circumstances and based on the best available evidence for the purpose of optimizing the outcomes of clinical care.

(4) "Nationally recognized clinical practice guidelines" means evidence-based clinical guidelines developed by independent organizations or medical professional societies utilizing a transparent methodology and reporting structure and with a conflict-of-interest policy. Such guidelines establish standards of care informed by a systematic review of evidence and an assessment of the benefits and costs alternative care options and include recommendations intended to optimize patient care.

Section 2. This Act shall become effective on January 1, 2023.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 413

SENATE BILL NO. 135

BY SENATOR BOUDREAUX

AN ACT

To amend and reenact R.S. 44:4.1(B)(31) and R.S. 46:121(1) and (4), 122(B)(1), 123(B)(1) and (2), (D)(1), (E), (G)(1) and (2), and (K)(2) through (4), and to enact R.S. 46:123(M), and to repeal R.S. 46:121(1)(c) and (6), relative to the Military Family Assistance Fund; to provide an exception relative to public records for Military Family Assistance Fund applications; to provide for definitions; to clarify the requirements for need-based Military Family Assistance Fund applications; to provide for remote operations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:4.1(B)(31) 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:

(31) R.S. 46:56, 123(K), 236.1.1 through 238, 284, 286.1, 439.1, 446.1, 1073, 1355, 1806, 1844, 1862, 1923, 2124.1, 2134, 2187, 2356, 2416, 2603, 2625

Section 2. R.S. 46:121(1) and (4), 122(B)(1), 123(B)(1) and (2), (D)(1), (E), (G)(1) and (2), and (K)(2) through (4) are hereby amended and reenacted and R.S. 46:123(M) is hereby enacted to read as follows:

§121. Definitions

(1) "Activated military ~~personnel~~ person" means a person domiciled in Louisiana for civilian purposes who names Louisiana as Home of Record (HOR) for military purposes, and who is any of the following:

(4) "Honorably discharged ~~active-duty~~ military ~~personnel~~ person" means a person domiciled in Louisiana who is a veteran of the United States Army, Navy, Air Force, Marine Corps, or Coast Guard who was on full-time active duty in the military service of the United States and received an honorable discharge: and has met any of the following conditions:

(a) Completed either twenty-four months of continuous active duty or the full period of not less than ninety days for which he was ordered to active duty, other than active duty training, for which he received either an honorable discharge or a general discharge under honorable conditions.

(b) Completed at least ninety days of active duty and discharge under the specific authority of 10 U.S.C. 1171 or 1173 or a determination of having a compensable service-connected disability.

(c) Received a discharge with less than ninety days of service for a service-connected disability.

§122. Louisiana Military Family Assistance Fund

B. The money in the fund shall be used solely for the following purposes:
(1) To pay need-based claims of family members of activated military personnel or honorably discharged ~~active-duty~~ military personnel as authorized by the Louisiana Military Family Assistance Board in the manner provided for in R.S. 46:123.

§123. Louisiana Military Family Assistance Board

B.(1) The board shall establish rules for the implementation of this Part and proper adjudication of need-based claims submitted by families of ~~on behalf of~~ activated military personnel or honorably discharged ~~active-duty~~ military personnel. The rules shall provide the procedures for determination and consideration of claims and appeals, application forms and claims documentation, requirements, limitations, definitions, and such other matters as the board deems necessary and appropriate to carry out the provisions of this Part and ensure the availability of funds and appropriate disbursement to claimants.

(2) Such rules shall establish a maximum dollar amount that may be awarded on behalf of an activated military person or an honorably discharged ~~active-duty~~ military person for a need-based claim per twelve-month period. Such maximum shall apply per active duty order.

D.(1) The board shall meet as necessary to review claims adjudicated by the third party administrator and make the following determinations:

(a) That all awards are on behalf of activated military personnel or honorably discharged ~~active-duty~~ military personnel as defined in this Part.

(b) That all awards are made pursuant to ~~a claim~~ **claims** by family members of activated military personnel or honorably discharged ~~active-duty~~ military personnel as defined in this Part or by the ~~an~~ activated military person or honorably discharged ~~active-duty~~ military person himself.

(c) That all awards are need-based. ~~Claims~~ **A claim** may be considered need-based if all of the following apply:

(i) Funds are requested for necessary expenses incurred, or to be incurred.

(ii) The necessary expenses created, or will create, an undue hardship on the ~~activated military personnel, a~~ family member **of the activated military personnel, or the honorably discharged military personnel**.

~~(iii) The undue hardship can be directly or indirectly related to the activation of the military person or honorable discharge of the active-duty military person.~~

~~(iv)(iii)~~ **The activated military person, a family member of the activated military personnel, or the honorably discharged military personnel** does not have reasonable access to any other funding source.

~~(v)(iv)~~ Payment of the claim by the fund does not supplant other available public or private funds.

~~(vi)(v)~~ **The applicant or the family member activated military person, a family member of the activated military person, or the honorably discharged military person** has made reasonable attempts to secure alternative funding through another program.

E. A claim of an activated military person or ~~person's family member or a claim of an~~ honorably discharged ~~active-duty~~ military ~~personnel~~ **person** or ~~their family member~~ may be denied if the activated military person or honorably discharged ~~active-duty~~ military person is not in good standing with the appropriate military unit at the time the application is submitted or the claim payment is made.

G.(1) In extenuating circumstances as defined by rule by the board, an activated military person or honorably discharged ~~active-duty~~ military person, or his family, may be awarded an additional one-time ~~lump-sum~~ **lump-sum** award for a service related death or injury with a greater than fifty percent residual disability. The board shall provide by rule for a uniform ~~lump-sum~~ **lump-sum** amount for such award, which shall not exceed two thousand five hundred dollars.

(2) Family members of activated military personnel or honorably discharged ~~active-duty~~ military personnel who are listed as missing in action or prisoner of war by the United States Department of Defense shall also be eligible for this ~~lump-sum~~ **lump-sum** award.

K.

(2) The ~~identity~~ **identities** of applicants and their related activated military personnel or honorably discharged ~~active-duty~~ military personnel shall be confidential unless waived. The filing of an appeal before the board shall be considered a waiver.

(3) Although confidential, records relating to applications and the ~~identity~~ **identities** of applicants and their related activated military personnel or honorably discharged ~~active-duty~~ military personnel shall be available to necessary parties such as the legislative auditor, legislative oversight committees for rules and annual reports, and such other parties as necessary for prudent administration of the program and verification of elements of application.

(4) Once a claim is approved, the identity of the claimant and ~~their~~ **the** related activated military ~~personnel~~ **person** or honorably discharged ~~active-duty~~ military ~~personnel~~ **person** and the amount approved shall be public

record.

M. Notwithstanding any provision of law to the contrary, the board may conduct, and its members may attend and participate in, a meeting occurring via electronic means.

(1) For each meeting conducted pursuant to this Subsection, the following requirements shall be met:

(a) No later than twenty-four hours prior to the meeting, the board shall provide the notice and agenda for the meeting, which shall be posted on the board's website and emailed to any member of the public or the news media who requests notice of the board meeting.

(b) The notice and agenda shall provide detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda.

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

(d) The chairman shall ensure that each person participating in the meeting is properly identified.

(e) The chairman shall ensure that all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.

(2) For the purposes of this Subsection, "electronic means" shall mean a meeting occurring via teleconference or video conference.

(a) "Teleconference" shall mean a method of communication which enables persons in different locations to participate in a meeting and to hear and communicate with each other.

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

Section 3. R.S. 46:121(1)(c) and (6) are hereby repealed.

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 15, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 414

SENATE BILL NO. 177
BY SENATOR FIELDS
AN ACT

To amend and reenact R.S. 17:151.3(C)(1), relative to kindergarten attendance; to provide clarification relative to students entering first grade during the 2022-2023 school year; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:151.3(C)(1) is hereby amended and reenacted to read as follows:

§151.3. Kindergarten; establishment; entrance age; prerequisites

C.(1)(a) For the 2021-2022 ~~and 2022-2023~~ school year ~~years~~, a child, as a prerequisite to enrollment in the first grade of a public school, shall have attended at least a full-day public or nonpublic kindergarten for a full school year, or shall have satisfactorily passed an academic readiness screening administered by the city, parish, or other local public school board prior to the time of enrollment in the first grade. Each city, parish, or other local public school board shall establish the academic readiness level for entry into the first grade.

(b) Beginning with the ~~2022-2023~~ **2023-2024** school year, a child, as a prerequisite to enrollment in the first grade of a public school, shall have attended a full-day public or nonpublic kindergarten for a full school year, and shall have satisfactorily passed an academic readiness screening administered by the city, parish, or other local public school board prior to the time of enrollment in the first grade. Each city, parish, or other local public school board shall establish the academic readiness level for entry into the first grade.

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 15, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 415

SENATE BILL NO. 222
BY SENATOR LAMBERT
AN ACT

To amend and reenact R.S. 37:3415.2(2), 3415.8(A), (C), and (E)(3), 3415.9(B)(1), 3415.10(D), and the introductory paragraph of 3415.18(A) and to enact R.S. 37:3415.22(C), relative to the Louisiana Appraisal Management Company Licensing and Regulation Act; to provide for definitions; to provide appraisal management company ownership and controlling person requirements; to provide for procedures; to exempt federally regulated appraisal management companies; to provide for an effective date; to provide a sunset date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3415.2(2), 3415.8(A), (C), and (E)(3), 3415.9(B)(1), 3415.10(D), and the introductory paragraph of 3415.18(A) are hereby amended and reenacted and R.S. 37:3415.22(C) is hereby enacted to read as follows:

§3415.2. Definitions

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

(2) “Appraisal management company” means ~~any corporation, partnership, sole proprietorship, subsidiary, unit, or other business entity that engages in any of the following activity, in connection with valuing properties collateralizing mortgage loans or mortgages incorporated into a securitization, any third party that annually oversees a network panel of more than fifteen licensed appraisers in the state or twenty-five or more licensed appraisers in two or more states and is authorized either by a creditor of a consumer credit transaction secured by a consumer’s principal dwelling or by an underwriter of, or other principal in, the secondary mortgage markets to do both of the following:~~

(a) ~~Administers a network of independent contract appraisers to perform real estate appraisal services for lenders or other clients. Recruit, select, contract with, or otherwise retain an appraiser for the purpose of performing an appraisal and to verify any work performed by the appraiser for compliance with applicable state and federal requirements.~~

(b) ~~Receives requests for residential appraisal services from clients and enters into agreements, written or otherwise, with one or more independent appraisers to perform the real estate appraisal services contained in the request. Manage the process of having an appraisal performed, including but not limited to providing administrative duties, receiving appraisal orders and appraisal reports, submitting completed appraisal reports to creditors and underwriters, collecting fees from creditors and underwriters for services provided, and reimbursing appraisers for services performed.~~

§3415.8. Owner requirements

A. An appraisal management company applying for a license in this state may not be owned by any person who has had a license or certificate to act as an appraiser, real estate broker or agent, mortgage broker, or mortgage originator, which combined are considered ~~herein~~ to be “real estate or lending-related licenses” refused, denied, suspended, canceled, **surrendered in lieu of revocation**, or revoked in the past in any state ~~without specific approval by the board.~~

C. Any licensed appraisal management company with an owner or employee whose real estate or lending-related license has been ~~suspended, revoked, or cancelled~~ **refused, denied, suspended, canceled, surrendered in lieu of revocation, or revoked** subsequent to being registered shall notify the board in writing within ten days of such action.

E. Each person that has any ownership interest in an appraisal management company in this state shall comply with all of the following:

(3) Certify to the board that the person has never had a license to act as an appraiser refused, denied, ~~canceled~~, **canceled**, suspended, **surrendered in lieu of revocation**, or revoked in this state or in any other state.

§3415.9. Controlling person; requirements

B. In order to serve as a controlling person of an appraisal management company, a person shall comply with all of the following:

(1) Certify to the board that he has never had a certificate or license issued by the board of this state, or the board of any other state, to act as an appraiser refused, denied, canceled, suspended, **surrendered in lieu of revocation**, or revoked.

§3415.10. License application assessment; delinquent renewal

D. The provisions of this Section shall expire on December 31, ~~2022~~ **2026**.

§3415.18. Adjudication of disputes between an appraisal management company and an appraiser

A. ~~Except within the first thirty days after an independent appraiser is first added to the appraiser panel of an appraisal management company, an~~ **An** appraisal management company ~~may~~ **shall** not remove an appraiser from its appraiser panel, or otherwise refuse to assign requests for real estate appraisal services to an independent appraiser without doing all of the

following:

§3415.22. Federal registry requirements

C.(1) Any appraisal management company not meeting the minimum qualifications established by 12 U.S.C. 3350(11) shall not be included in the National Registry of Appraisal Management Companies as administered by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.

(2) In accordance with 12 U.S.C. 221 et seq., this Chapter does not apply to any entity that is a subsidiary owned and controlled by a federal financial institution regulatory agency, including the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration.

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 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 416

SENATE BILL NO. 255
BY SENATOR BARROW AND REPRESENTATIVES FREIBERG AND
MOORE
AN ACT

To amend and reenact Children’s Code Article 1570.1 and R.S. 46:2136.1, relative to domestic abuse assistance; to provide relative to costs and fees associated with protective orders; to provide that failure to appear at a hearing for a protective order does not, in and of itself, constitute grounds for assessing costs and fees against a victim of domestic abuse; to provide definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Article 1570.1 is hereby amended and reenacted to read as follows:

Art. 1570.1. Costs paid by abuser

A. ~~As~~ **Except as provided in Paragraph B of this Article, all** court costs, attorney fees, costs of enforcement and modification proceedings, costs of appeal, evaluation fees, and expert witness fees incurred in maintaining or defending any proceeding concerning domestic abuse assistance in accordance with the provisions of this Chapter shall be paid by the perpetrator of the domestic violence, including all costs of medical and psychological care for the abused adult, or for any of the children, necessitated by the domestic violence.

B. ~~However, if~~ **If** the court determines the petition was frivolous, the court may order the nonprevailing party to pay all court costs and reasonable attorney fees of the other party. **Failure to appear at a hearing on the petition shall not on its own constitute grounds for assessing court costs and fees against the petitioner.**

Section 2. R.S. 46:2136.1 is hereby amended and reenacted to read as follows: §2136.1. Costs paid by abuser

A. ~~As~~ **Except as provided in Subsection B of this Section, all** court costs, attorney fees, costs of enforcement and modification proceedings, costs of appeal, evaluation fees, and expert witness fees incurred in maintaining or defending any proceeding concerning domestic abuse assistance in accordance with the provisions of this Part shall be paid by the perpetrator of the domestic violence, including all costs of medical and psychological care for the abused adult, or for any of the children, necessitated by the domestic violence.

B. ~~However, if~~ **If** the court determines the petition was frivolous, the court may order the nonprevailing party to pay all court costs and reasonable attorney fees of the other party. **Failure to appear at a hearing on the petition shall not on its own constitute grounds for assessing court costs and fees against the petitioner.**

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 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 417

SENATE BILL NO. 266
BY SENATOR WARD

AN ACT
To amend and reenact R.S. 48:77(D) and to repeal R.S. 48:77(E), relative to the state motor vehicle sales tax dedicated to the Construction Subfund of the Transportation Trust Fund; to provide for the prioritization of the use of the funds to match federal funds; to provide relative to bonding; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 48:77(D) is hereby amended and reenacted to read as follows:
§77. Transportation Trust Fund; dedication and uses of certain monies to the Construction Subfund

* * *
D. The Department of Transportation and Development shall utilize monies deposited into the Subfund pursuant to Subsection A of this Section as necessary to match federal funds made available to this state through transportation-related programs or grants. Subject to the foregoing requirement, the Department of Transportation and Development shall utilize an amount not less than twenty-five percent of the remaining monies on highway and bridge preservation projects included in the highway priority program pursuant to the Department of Transportation and Development's definition of highway and bridge preservation projects. ~~Of the monies utilized by the Department of Transportation and Development pursuant to this Subsection, an amount of five percent, not to exceed ten million dollars, shall be utilized for projects authorized pursuant to the provisions of R.S. 48:224.1.~~

Section 2. R.S. 48:77(E) is hereby repealed.
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 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 418

SENATE BILL NO. 279
BY SENATOR FRED MILLS AND REPRESENTATIVE THOMPSON
AN ACT
To enact R.S. 49:149.35, relative to names of state buildings; to name the J. Burton Angelle Building; to provide for an effective date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 49:149.35 is hereby enacted to read as follows:
§149.35. J. Burton Angelle Building
The state building situated in the community of Grand Chenier, having the municipal address of 5476 Grand Chenier Highway, and generally known as Rockefeller Wildlife Refuge main office building, is hereby named and shall hereafter be known as the J. Burton Angelle Building.

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 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 419

SENATE BILL NO. 281
BY SENATOR BERNARD AND REPRESENTATIVE THOMPSON
AN ACT
To amend and reenact R.S. 18:154(D)(4) and to enact R.S. 18:154(D)(5), relative to confidentiality of certain records for candidates; to provide for exceptions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 18:154(D)(4) is hereby amended and reenacted and R.S. 18:154(D)(5) is hereby enacted to read as follows:
§154. Records open to inspection; copying; exceptions

* * *
D.
(4) Notwithstanding any provision of this Section to the contrary, the registrar of voters, Department of State, and the clerk of court may disclose the name and address of a law enforcement officer who has qualified as a candidate for office under the date of qualifying of the candidate and the general election.
(4)(5) Any agency employing a law enforcement officer availing himself of Paragraph (1) or (2) of this Subsection shall also issue decertification notices to the registrar of voters and the secretary of state when the officer is no longer engaging in hazardous activities to the extent that it is necessary for

his name and address to be kept confidential.
* * *
Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 420

SENATE BILL NO. 286
BY SENATOR LUNEAU
AN ACT
To amend and reenact R.S. 37:3552(5) through (12) and 3556(A)(1)(a) and to enact R.S. 37:3552(13) and (14), relative to massage therapists; to provide relative to licensure and qualifications of massage therapists; to provide for the methods of instruction; to provide for definitions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 37:3552(5) through (12) and R.S. 37:3556(A)(1)(a) are hereby amended and reenacted and R.S. 37:3552(13) and (14) are hereby enacted to read as follows:
§3552. Definitions

* * *
(5) “In-person, in-class, instructor-supervised” means students physically attend class or clinical session at the approved school location with their instructor and other classmates.
(5)(6) “Lapsed license” means a board-issued license which has not been renewed for a period of more than two years and the holder of the license has not taken inactive status.
(6)(7) “Licensee” means any person or business that has a professional or establishment license issued by the board.
(7)(8) “Massage establishment” means any place of business that offers the practice of massage therapy and where the practice of massage therapy is conducted on the premises of the business. A place of business includes any office, clinic, facility, or other location where a person or persons engage in the practice of massage therapy. The residence of a therapist or an out call location which is not owned, rented, or leased by a massage therapist or massage establishment shall not be considered a massage establishment, unless the location is advertised as the therapist's or establishment's place of business. The term “massage establishment” shall not include physician offices, physical therapy facilities, chiropractic offices, or athletic training facilities, whether or not they employ, contract with, or rent to massage therapists, or institutions of secondary or higher education when massage therapy is practiced in connection with employment related to athletic teams.
(8)(9) “Massage therapist” means a person who engages in the practice of massage therapy for compensation.
(9)(10) “Person” means an individual, corporation, association, or other legal entity.
(10)(11) “Practice of massage therapy” means the manipulation of soft tissue for the purpose of maintaining good health and establishing and maintaining good physical condition. The practice of massage therapy shall include advertising or offering to engage in the practice of massage therapy and holding oneself out or designating oneself to the public as a massage therapist or massage establishment. The practice of massage therapy shall include effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction (active/passive range of motion), stretching activities as they pertain to massage therapy, Shiatsu, acupressure, reflexology, trigger point massage, and Swedish massage either by hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body massage. Massage therapy may include the use of lubricants such as salts, powders, liquids, creams with the exception of prescriptive or medicinal creams, heat lamps, hot and cold stones, whirlpool, hot and cold packs, salt glow, body wraps, steam cabinet baths, and, with appropriate training, the use of non-prescriptive, off-the-shelf commercially available electromechanical devices for which they are trained which mimic or enhance the actions possible by the hands. It shall not include ultrasound, laser therapy, microwave, colonic therapy, injection therapy, manipulation of the joints, the use of electrical muscle stimulation, or transcutaneous electrical nerve stimulation except microcurrent. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, body work, or any derivation of those terms. As used in this Chapter, the terms “therapy” and “therapeutic” shall not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.
(11)(12) “Professional Massage Therapy Association” means a statewide organization or statewide chapter of an organization which meets all of the following criteria:
(a) Either directly, or through the parent organization, qualifies as a tax exempt nonprofit organization under 26 U.S.C. 501(c)(6).
(b) Within Louisiana, offers a voting membership to licensed massage therapists who practice or reside in Louisiana and who maintain their voting membership in good standing.
(c) Within Louisiana, is administered by a governing body composed of officers democratically elected by the organization's voting membership within Louisiana.

(13) “Real-time synchronous distance learning” means students attend class session virtually at the same time as the instructor and other classmates.
(12)(14) “Writing” shall be means a written communication transmitted either by United States mail or by electronic means such as e-mail **email**.

* * *

§3556. Licensure; qualifications
A. No person shall engage in the practice of massage therapy without a current license issued pursuant to this Chapter unless such person is exempt under the provisions of this Chapter. To receive a massage therapist license in the state of Louisiana **this state**, an applicant shall pay the application fee pursuant to R.S. 37:3562 and shall submit evidence satisfactory to the board of meeting the following requirements:
(1)(a) Has satisfactorily completed a minimum five hundred hour in-class supervised **synchronous instructor-supervised** course of studies pursuant to rules promulgated by the board in accordance with the Administrative Procedure Act.
(i) **The five hundred hour course of studies requirement shall consist of in-person, in-class, instructor-supervised hours dedicated to the study of massage therapy techniques and clinical practicum-related modalities.**
(ii) **Any remaining hours required beyond the minimum five hundred hours of massage therapy techniques and clinical practicum may be a combination of real-time synchronous distance learning and in-person, in-class, instructor-supervised hours for each individual massage therapy program in this state in accordance with the policies prescribed by the Board of Regents.**
(iii) **The guidelines provided for in this Subparagraph apply to all hours of instruction above the five hundred hour minimum.**

* * *

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 421

SENATE BILL NO. 317
BY SENATOR FOIL AND REPRESENTATIVES ADAMS, BACALA,
BUTLER, CORMIER, CREWS, DEVILLIER, EDMONDS, EMERSON,
FIRMINT, FISHER, GAROFALO, HORTON, MIKE JOHNSON,
LANDRY, LARVADAIN, MARCELLE, NEWELL, CHARLES OWEN,
SCHAMERHORN, SELDERS AND THOMPSON
AN ACT

To amend and reenact R.S. 17:2137 and to repeal R.S. 17:1997.1, 1997.2, and 2136, relative to residency requirements and public postsecondary tuition fees for residents of other states; to provide relative to resident classifications of members and veterans of the United States Armed Forces and their dependents; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:2137 is hereby amended and reenacted to read as follows:
§2137. Tuition fees for members of the armed forces, **and their** dependents, and for certain **other** individuals ~~who have served in the armed forces;~~ resident classification
A. Any individual who is permanently stationed in Louisiana as a member of the United States Armed Forces who enrolls as a student at any public postsecondary institution shall be classified as a resident for tuition purposes and shall qualify for resident tuition fees.
B. Any individual who is an honorably discharged veteran or other individual eligible to receive educational benefits administered by the United States Department of Veterans Affairs, through any provision of the United States Code, who enrolls as a student at any public postsecondary institution and remains continuously enrolled, and who lives in Louisiana shall be classified as a resident for tuition purposes and shall qualify for resident tuition fees.
A. C.(1) A child or spouse of a member of the armed forces of the United States **Armed Forces** stationed in Louisiana on active duty shall be entitled to resident classification for tuition purposes at any state college or university **public postsecondary institution** without regard to length of time of residency in the state.
B. (2) A child or spouse of a member of the armed forces of the United States **Armed Forces** who has been assigned to duty elsewhere immediately following assignment to duty in Louisiana **or who has been honorably discharged while assigned to duty in Louisiana** shall be entitled to resident classification for tuition purposes at any state college or university **public postsecondary institution** for as long as the child or spouse, as the case may be, continuously resides in Louisiana after the Louisiana duty assignment of the parent or spouse.
C. D. The burden of proving entitlement to the benefit to this Section shall lie with the applicant therefor.
D. Any individual who was permanently stationed in Louisiana as a member of any branch of the United States Armed Forces, including his dependents, who enrolls as a student at any state owned and operated college or university, shall be classified as a resident for tuition purposes and shall qualify for resident tuition fees at any such state owned and operated college or university, provided that the individual has been continuously residing in Louisiana after being honorably discharged from the United States Armed Forces.
E.(1) Except for tuition charged to a veteran eligible for benefits under

* As it appears in the enrolled bill

the Yellow Ribbon Program pursuant to a Yellow Ribbon Agreement between a public postsecondary education institution and the United States Department of Veteran Affairs under 38 U.S.C. Chapter 33, effective for the 2012-2013 academic year and thereafter, a student who is enrolled in or is applying for enrollment in a Louisiana public college or university and who physically resides in Louisiana for the duration of his enrollment in a state public institution of postsecondary education, who has served in the armed forces of the United States as defined by 10 U.S.C. 101(a)(4), and who also meets the requirements of Paragraph (2) of this Subsection is entitled to resident classification for tuition purposes without regard to length of time of residency in the state.

(2) In addition to the provisions of Paragraph (1) of this Subsection, the student shall meet at least one of the following conditions to qualify for resident classification for tuition amount purposes:
(a) Has served on active duty for a continuous period of no less than two years, and received an Honorable Discharge, as verified by a United States Department of Defense Form 214, within one year of enrolling in a Louisiana public college or university.
(b) Is currently serving in a Reserve Component of the armed forces of the United States as defined by 10 U.S.C. 101(e) and as verified by a memorandum from the student's commanding officer.
(c) Has been assigned a service-connected disability by the United States Department of Veterans Affairs.
(3)**E.** The Board of Regents and each public postsecondary education management board shall adopt rules and guidelines necessary to implement the provisions of this Subsection **Section**.

Section 2. R.S. 17:1997.1, 1997.2, and 2136 are hereby repealed.
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 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 422

SENATE BILL NO. 349
BY SENATOR CARTER
AN ACT
To amend and reenact R.S. 37:753(C)(1)(a) and (E) and to repeal R.S. 37:753(C) (1)(c) and (K), relative to the membership of Louisiana State Board of Dentistry; to provide for terms of service; to provide for term limits; to provide for the filling of vacancies; to repeal outdated provisions; to provide for the terms of members currently serving partial terms; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:753(C)(1)(a) and (E) are hereby amended and reenacted to read as follows:
§753. Louisiana State Board of Dentistry; appointment of members; term of office; vacancies; nominating meetings; quorum; domicile
* * *

C. Each member of the board shall be appointed by the governor as follows:
(1)(a) One dentist shall be appointed from each board district, except that two dentists shall be appointed from District Five and designated as representatives “A” and “B”. Should the terms of representatives “A” and “B” expire on the same date, the term of either board member who has served for the least amount of time shall be extended for two years. Each such appointment from an electoral district shall be made from a list of three names of nominees for the respective district submitted to the governor by the board. The district nominees shall be selected from the roster of licensed dentists in the districts at a nominating meeting convened in accordance with the provisions of Subsection F of this Section. The voting domicile of each nominee for appointment and not his office address shall determine his district for purposes of holding office in accordance with the provisions of this Paragraph. The nominating meeting shall be held at least ninety days prior to the vacancy occurring by reason of an expiring term or within thirty days after a vacancy occurring by reason of death, resignation, or for any other reason.

* * *

E.(1)(a) Each person appointed to the board shall serve a term of five years.
(b) Regardless of a board member's dates of service, including past service, no person shall serve more than a total of ten years **two full terms** on the board, whether such **the** service consists of full or partial terms, or is consecutive or not.
(c) The provisions of Subparagraph (b) of this Paragraph shall not prevent a board member serving on August 1, 2014, from completing his term of service, but shall thereafter apply.
(2) The effective date of appointment or reappointment of a member shall coincide with the expiration date of the previous term.
(3)(2) Each member shall serve until his successor has been appointed.
(4)(3) A vacancy occurring on the board for any reason shall be filled in

the same manner as the original appointment was made. ~~However, members appointed to fill vacancies shall only serve for the unexpired term of their predecessors. A member appointed to fill a vacancy shall serve the remainder of the calendar year in which the vacancy occurred. The member may then be appointed to serve an initial full term of five years and may be eligible for a second five-year term if reappointed and confirmed.~~

Section 2. R.S. 37:753(C)(1)(c) and (K) are hereby repealed.
Section 3. The provisions of this Act shall not be construed to prohibit any member currently serving on the Louisiana State Board of Dentistry who has served more than two full terms from continuing to serve in that position for the remainder of his current term or until a successor is appointed.
Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 423

SENATE BILL NO. 369
BY SENATOR HARRIS AND REPRESENTATIVES ADAMS, BOYD, ROBBY CARTER, WILFORD CARTER, DUPLESSIS, FISHER, GLOVER, GREEN, HUGHES, JENKINS, JORDAN, LAFLEUR, LARVADAIN, LYONS, NEWELL AND SELDERS
AN ACT

To amend and reenact R.S. 18:423(E), 426.1(A)(2), and 1309(J), relative to compensation for certain election workers; to provide for increased rates of compensation; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 18:423(E), 426.1(A)(2), and 1309(J) are hereby amended and reenacted to read as follows:
§423. Parish boards of election supervisors

E. Compensation. Each member of the parish board of election supervisors shall receive ~~fifty~~ **one hundred fifty** dollars for each day, not to exceed six days, actually spent in the performance of his duties in preparing for and supervising each election held in the parish, except that each member of the board may be compensated for not more than seven days for a presidential or regularly scheduled congressional general election. In addition, each member of the board who is not a public official shall receive fifty dollars for each day spent in court as a subpoenaed witness in litigation concerning the performance of his duties as a member of the parish board of election supervisors in connection with an election.

§426.1. Election commissioners; compensation
A. Each commissioner who serves at the polling place on election day shall be paid according to the following:
(2) A commissioner-in-charge who serves at more than one precinct shall receive three hundred **fifty** dollars.

§1309. Early voting; verification

J. Upon approval of the secretary of state, a registrar of voters may utilize commissioners selected and trained by the registrar of voters to assist the registrar during the early voting period in the conduct of early voting by his office. A registrar of voters shall, in seeking the approval of the secretary of state, indicate to the secretary the number of commissioners that is required for such assistance. A commissioner who assists the registrar in the conduct of early voting shall take an oath of office as a deputy registrar for the early voting period and shall complete an affidavit prepared by the secretary of state that contains the name, address, and last four digits of the social security number of the early voting commissioner and an acknowledgment that the law prohibits the disclosure of confidential voter information listed in the precinct register or early voting list kept by the registrar. The affidavit shall be retained in the office of the registrar of voters. A commissioner who assists the registrar in the conduct of early voting shall be paid ~~in accordance with R.S. 18:426.1(A)(3) and (B), if applicable, one hundred fifty dollars~~ for each day of such assistance. **Commissioners shall also be paid in accordance with R.S. 18:426.1(B), if applicable.**

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 424

SENATE BILL NO. 423
BY SENATOR FOIL
AN ACT
To amend and reenact R.S. 38:2295(C)(1), relative to plans and specifications for public works; to provide for clarification of requirements for prior approval; to provide for adjusting the time response period for particular

products; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 38:2295(C)(1) is hereby amended and reenacted to read as follows:
§2295. Plans and specifications; required provisions

C.(1) ~~If a A potential supplier wishes to~~ **may, but is not required to, submit a particular product** for prior approval ~~a particular product~~ other than a product specified in the contract documents, no later than seven working days prior to the opening of bids. Within three days, exclusive of holidays and weekends, after such submission, the prime design professional shall furnish to both the public entity and the potential supplier written approval or denial of the product submitted. **If the prime design professional fails to respond within the time period provided for in this Paragraph, the submitted product shall be considered approved.**

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 425

SENATE BILL NO. 426
BY SENATORS MCMATH, BARROW, BERNARD, BOUDREAUX, BOUIE, CATHEY, CLOUD, FESI, FIELDS, HARRIS, HEWITT, JACKSON, LUNEAU, MILLIGAN, ROBERT MILLS, PRICE, SMITH, STINE, TALBOT, TARVER, WARD AND WOMACK AND REPRESENTATIVES BOURRIAGUE, CARRIER, WILFORD CARTER, FISHER, GAROFALO, GLOVER, HORTON, JENKINS, LARVADAIN, MAGEE, MCKNIGHT, GREGORY MILLER, NEWELL, PIERRE, SCHLEGEL, SELDERS AND WHITE
AN ACT

To enact Subpart K of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:470.1 through 470.6, relative to a property right of identity; to provide for definitions; to provide for prohibitions; to provide for termination of the right of identity; to provide for protection from misappropriation; to provide for a cause of action; to provide for a prescriptive period; to provide for remedies; to provide for penalties; to provide for exceptions; to provide for applicability; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. Subpart K of Part VIII of Chapter 1 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:470.1 through 470.6, is hereby enacted to read as follows:

SUBPART K. ALLEN TOUSSAINT LEGACY ACT

§470.1. Short title
This Subpart shall be known and may be cited as the “Allen Toussaint Legacy Act”.
§470.2. Definitions
As used in this Subpart, the following words and phrases shall have the following meanings:
(1) **“Access software provider” means a provider of software, including client or server software, or enabling tools that do any one or more of the following:**
(a) **Filter, screen, allow, or disallow content.**
(b) **Pick, choose, analyze, or digest content.**
(c) **Transmit, receive, display, forward, cache, search, subset, organize, reorganize, or translate content.**
(2) **“Authorized representative” means an assignee, licensee, executor, heir, legatee, or other representative of an individual.**
(3) **“Commercial purposes” means the use of an individual’s identity for any of the following purposes:**
(a) **On or in connection with products, merchandise, goods, services, commercial activities, or performances.**
(b) **For advertising, soliciting, or promoting products, merchandise, goods, services, commercial activities, or performances.**
(c) **For the purpose of fundraising.**
(4) **“Digital replica” means a computer-generated or electronic reproduction of a professional performer’s likeness or voice that is so realistic as to be indistinguishable from the actual likeness or voice of the professional performer. “Digital replica” does not include the making or duplication of another recording that consists entirely of an independent fixation of other sounds, even though the sounds imitate or simulate the voice of the professional performer.**
(5) **“Expressive work” means such work as a play, book, magazine, newspaper, musical composition, audiovisual work, radio or television program, work of art, or a dramatic, literary, or musical work, if it is fictional or nonfictional entertainment, a work of political or newsworthy value, or an advertisement or commercial announcement for any of these works.**
(6) **“Identity” means an individual’s name, voice, signature, photograph, image, likeness, or digital replica.**
(7) **“Individual” means a living natural person domiciled in Louisiana or a deceased natural person who was domiciled in Louisiana at the time of the individual’s death.**

(8) “Information content provider” means any person or entity that is responsible, in whole or in part, for the creation or development of information provided through the internet or any other interactive computer service.

(9) “Interactive computer service” means any information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including specifically a service or system that provides access to the internet and such systems operated or services offered by libraries or educational institutions.

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

(11) “Performance” means the use of a digital replica to substitute for a performance by a professional performer in a work in which the professional performer did not actually appear.

(12) “Professional performer” means an individual who, for gain or livelihood, is or was regularly engaged in acting, singing, dancing, playing a musical instrument, or appearing on a news broadcast as an anchor or reporter.

§470.3. Property right in an individual's identity

A. Every individual has a property right in connection with the use of that individual's identity for commercial purposes.

B. The identity rights provided in this Subpart constitute property rights that do not expire upon the death of the individual so protected, regardless of whether such rights were commercially exploited by the individual during the individual's lifetime. Notwithstanding the foregoing, the identity rights with respect to a performance in audiovisual works shall expire upon the death of the individual.

C. Identity rights are heritable, licensable, assignable, and transferable to the executors, heirs, legatees, assignees, or licensees of the individual.

D. Any transfer or exclusive license of an individual's identity rights is not valid unless in writing and signed by the individual or the individual's authorized representative, or if the individual is deceased, by more than fifty percent of the authorized representatives holding the rights specified in the transfer or license. An exclusive licensee of an individual's identity rights may, within the scope of and to the extent permitted by the license, assert a claim against a third party for a violation of this Subpart.

E. The identity rights provided by this Subpart shall terminate upon the earlier of either of the following:

(1) Proof of nonuse of the individual's identity for commercial purposes by an individual's authorized representative for a period of three consecutive years following the individual's death.

(2) Fifty years following the individual's death.

F. The rights provided by this Subpart apply to all individuals whether or not the individual died before, on, or after August 1, 2022. If the individual died before August 1, 2022, the rights are considered to have existed on and after the date the individual died. Notwithstanding the foregoing, a claim for a violation of an individual's identity rights may not be asserted under this Subpart unless the alleged act or event of violation occurs after August 1, 2022.

G. Rights under this Subpart are not subject to levy or attachment and may not be the subject of a security interest, marital property distribution, or debt collection. Nothing in this Section limits the ability to levy, attach, or obtain a security interest in the proceeds of the exercise of the rights under this Subpart, if the individual chooses to exercise his rights, or as otherwise ordered by a court of competent jurisdiction.

§470.4. Misappropriation of identity

A. It shall be a violation of this Subpart for any person to use an individual's identity for a commercial purpose in Louisiana without having first obtained consent from the individual or the individual's authorized representative.

B. A claim for a violation of an individual's identity rights may not be asserted under this Subpart unless the alleged act occurs within Louisiana, and shall be subject to a prescriptive period of two years from the date the violation was discovered or should have been discovered.

C. It shall be a violation of this Subpart to use a digital replica in a public performance of a scripted audiovisual work, or in a live performance of a dramatic work, if the use is intended to create, and creates, the clear impression that the professional performer is actually performing in the role of a fictional character.

D. A person who does any of the following shall be deemed to have submitted to the jurisdiction of this state:

(1) Engages in conduct within Louisiana that is prohibited under this Subpart.

(2) Creates or causes to be created within this state products, merchandise, goods, services, or other materials prohibited under this Subpart.

(3) Transports or causes to be transported into this state products, merchandise, goods, or other materials created or used in violation of this Subpart.

(4) Knowingly causes advertising or promotional material created or used in violation of this Subpart to be published, distributed, exhibited, or disseminated within Louisiana.

E.(1) In addition to any other remedy authorized by law, a person who violates an individual's identity rights may be liable for the greater of one thousand dollars and the actual damages, and to the extent not duplicative of the plaintiff's compensatory damages, the disgorgement of profits derived from the unauthorized use of the individual's identity. For purposes of calculating such profits, the plaintiff is only required to prove the gross revenue attributable to the unauthorized use, and the defendant is required to prove properly deductible expenses.

(2) A court of competent jurisdiction may grant the plaintiff, in a proceeding under this Section, a temporary restraining order or an order for injunctive relief.

F. A court may award reasonable attorney fees, costs, and expenses to the prevailing party in an action under this Subpart.

G. Any suit arising out of the alleged offending use of a digital replica, expressive work, identity, or performance, or brought against a newspaper, broadcast outlet, media outlet, online news outlet, news publication, or other media pursuant to this Subpart shall be subject to the provisions of Code of Civil Procedure Article 971, and any alleged violation of this Subpart shall be presumed an act in furtherance of a person's right of petition or free speech under the Constitution of the United States of America or the Constitution of Louisiana in connection with a public issue in accordance with Code of Civil Procedure Article 971.

§470.5. Exempt uses

A. This Subpart does not affect rights and privileges recognized under other state or federal laws, including those privileges afforded under the “fair use” factors in the United States Copyright Act of 1976.

B. It shall not constitute a violation of this Subpart to use an individual's identity under any of the following circumstances:

(1) In connection with a news, public affairs, sports transmission or account, or political campaign.

(2) In a work of political, public interest, educational, or newsworthy value, including comment, criticism, or parody, or similar works, such as documentaries, docudramas, or historical or biographical works, or a representation of an individual as himself or herself, regardless of the degree of fictionalization.

(3) In a play, book, magazine, newspaper, literary work, musical composition, single and original work of art or photograph, or visual work.

(4) In a sound recording, audiovisual work, motion picture, or radio or television program, unless the use creates an unauthorized performance.

(5) Any act of restoration or preservation of a sound recording, audiovisual work, or radio or television program.

(6) In an advertisement, commercial announcement, or display of any of the works described in this Subpart.

(7) To accurately identify the individual as the author of a given work, or a performer of a given work or performance, under circumstances in which the work or performance is otherwise rightfully reproduced, exhibited, or broadcast.

(8) To lawfully make a work available for sale or licensing purposes insofar as the terms of the sale or license do not permit the user to violate this Subpart.

(9) Data collection or data reporting and supplying the data collected or reported.

(10) Data processing, data matching, data distribution, or data licensing.

(11) In connection with the publication of an expressive work created prior to August 1, 2022.

(12) If the use is merely incidental.

C. An otherwise exempt use of an individual's identity protected under Subsection B of this Section is not an exempt use if it is so directly connected with a product, article of merchandise, good, or service as to constitute an act of advertising, selling, or soliciting purchases of that product, article of merchandise, good, or service.

D. The carriage or transmission by a radio or television broadcast station licensed by the Federal Communications Commission, cable or satellite television company, or other video service provider, streaming video provider, newspaper company, periodical company, billboard company, media platform, voice, data, or other communications, information services, or internet access provider of any content created by a third party which violates any provision of this Subpart shall not be considered a violation of this Subpart by any such entity which carried or transmitted the content.

E. Provisions of this Subpart do not create a liability for publishers or speakers of any information provided by another information content provider including the internet, an interactive computer service, an information content provider, or an access software provider.

F. The publication by a news entity or outlet, online news outlet, newspaper, news publication, or other media which violates any provision of this Subpart shall not be considered a violation of this Subpart by the news outlet, online news outlet, or other media.

§470.6. Construction and applicability

A. The rights granted by this Subpart are cumulative and shall be in addition to any others provided by law.

B. The property rights granted by this Subpart vest with an individual or the individual's authorized representative on August 1, 2022.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 426

SENATE BILL NO. 435

BY SENATORS CORTEZ, BARROW, BOUDREAUX, BOUIE, FESI, FIELDS, HENSGENS, JACKSON, MILLIGAN, FRED MILLS, MIZELL, PEACOCK, POPE, PRICE, STINE, TALBOT AND WOMACK AND REPRESENTATIVES FREIBERG, LARVADAIN AND PIERRE

AN ACT

To enact R.S. 32:57(J) and 268, relative to the Louisiana Highway Regulatory Act; to establish the Atchafalaya Basin Bridge as a highway safety corridor; to provide for camera safety devices; to provide relative to traffic regulations;

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

to provide relative to speed limits; to provide relative to driving on the right side, overtaking, and passing; to provide for signs; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:57(J) and 268 are hereby enacted to read as follows:
§57. Penalties; alternatives to citation

* * *

J. If a person operating a motor vehicle violates the provisions of this Chapter while on the Atchafalaya Basin Bridge, the fine shall be two times the standard fine imposed. For purposes of this Subsection, the Atchafalaya Basin Bridge shall mean the Atchafalaya Elevated Expressway designated by Act No. 793 of the 1989 Regular Session of the Legislature as the Louisiana Airborne Memorial Bridge.

* * *

§268. Atchafalaya Basin Bridge; highway safety corridor; camera usage; signs
A.(1) The legislature finds and declares that the Atchafalaya Basin Bridge shall be identified as a highway safety corridor based on data analytics that have identified this segment of highway as a high collision crash zone resulting in severe injury and fatality due primarily to driver behavior such as speeding, aggressive driving, impairment, and distracted driving. Notwithstanding any provision of law to the contrary, including R.S. 32:267 et seq., the Department of Transportation and Development shall take all steps necessary to implement the provisions of this Section.

(2) The legislature further finds and declares that the department shall implement measures to reduce safety risks to both law enforcement and individuals driving across the Atchafalaya Basin Bridge including but not limited to the implementation of camera safety devices and installation of additional signage.

(3) For purposes of implementation of this Section, the Atchafalaya Basin Bridge shall mean the Atchafalaya Elevated Expressway designated by Act No. 793 of the 1989 Regular Session of the Legislature as the Louisiana Airborne Memorial Bridge.

B.(1) The department shall install camera safety devices on the Atchafalaya Basin Bridge. The department may consult with the Safety Corridor Advisory Group to determine the quantity, placement, duration of use, and operation of the cameras. The department may monitor the cameras or may contract with a third-party to monitor the cameras. The department may determine whether the cameras should be utilized continuously or only during certain hours.

(2) The department shall establish a process for identification of motor vehicles traveling in excess of the posted speed limit, issuance of warnings and citations, and collection of fines.

(3) The department shall adopt policies and procedures for the issuance of citations and the collection of fines authorized pursuant to this Section in accordance with the Administrative Procedure Act.

C. The department shall place the following signs, in compliance with the standards set forth in the Manual of Uniform Traffic Control Devices, on the Atchafalaya Basin Bridge:

(1) Signs placed at the eastbound entrance of the bridge and signs placed at the westbound entrance of the bridge that state “Safety Corridor, Fines Doubled for Speeding and Other Violations”. The department shall design the color, size, and shape of the signs in a manner that safely alerts and informs drivers that they are entering a highway safety corridor. The department may place additional signs designed pursuant to this Paragraph along the bridge as necessary.

(2) Eight sets of speed limit signs equally spaced on the eastbound portion of the bridge and eight sets of speed limit signs equally spaced on the westbound portion of the bridge.

(3) Six sets of “Trucks Right Lane Only” signs equally spaced on the eastbound portion of the bridge and six sets of “Trucks Right Lane Only” signs equally spaced on the westbound portion of the bridge.

D. Nothing in this Section shall be construed as precluding any police officer from enforcing traffic laws on the Atchafalaya Basin Bridge. However, no person shall be subject to a citation issued pursuant to this Section if a citation for the same offense was also issued by a police officer.

E.(1) There is hereby created in the state treasury a special fund to be designated and hereafter referred to as the Atchafalaya Basin Bridge Safety Fund, hereinafter referred to as the “fund”.

(2) Any monies collected as fines pursuant to R.S. 32:57(J), as a result of traffic camera safety device data, shall be deposited into the fund.

(3) Subject to legislative appropriation, monies in the fund shall be used first to fund the department’s expenditures necessary to carry out the provisions of this Section. Thereafter, at the conclusion of each fiscal year, any unexpended monies in the fund shall be divided equally between the parishes of Iberville and St. Martin and shall be remitted to entities or organizations within each parish in the same proportions as fines collected by the parishes when traffic violations are issued by a law enforcement officer.

(4) All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 427

SENATE BILL NO. 436

BY SENATOR CLOUD
AN ACT

To enact R.S. 47:463.214, relative to motor vehicle special prestige license plate; to provide for the establishment of the “Louisiana Equine Promotion and Research Advisory Board” special prestige license plate; to provide for creation, issuance, design, fees, distribution, and rule promulgation applicable to such license plates; to provide for the Louisiana Equine Promotion and Research Advisory Board Special Prestige License Plate Dedicated Fund Account; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.214 is hereby enacted to read as follows:

§463.214. Special prestige license plate: “Louisiana Equine Promotion and Research Advisory Board”

A.(1) The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the “Equine Promotion” 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.

(2) The Department of Public Safety and Corrections, office of motor vehicles, shall create the special prestige license plate when the applicable statutory provisions are met and the department’s electronic vehicle and title registration system is updated to accommodate the creation of new plates.

B. The secretary shall work in conjunction with the chairman of the Louisiana Equine Promotion and Research Advisory Board 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 “Equine Promotion”.

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 deposited into the Louisiana Equine Promotion and Research Advisory Board Special Prestige License Plate Dedicated Fund Account. The money received from the royalty fees shall be used to distribute grant funds as the Louisiana Equine Promotion and Research Advisory Board so desires.

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

G. There is hereby created, as a special statutorily dedicated fund account within the state treasury, the Louisiana Equine Promotion and Research Advisory Board Special Prestige License Plate Dedicated Fund Account, hereafter referred to in this Subsection as the “account”. Notwithstanding any other provision of law, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay an amount equal to the annual royalty fee collected by the department into the account. All of the monies in the account shall be appropriated each year by the legislature to the Louisiana Equine Promotion and Research Advisory Board for application first to pay principal and interest on any debt issued by the Louisiana Equine Promotion and Research Advisory Board and second to pay any operating expenses of the Louisiana Equine Promotion and Research Advisory Board. Monies deposited into the account shall be categorized as fees and self-generated revenue for the sole purpose of reporting related to the executive budget, supporting documents, and general appropriation bills and shall be available for annual appropriation by the legislature.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 428

SENATE BILL NO. 443

BY SENATOR ALLAIN

AN ACT

To amend and reenact R.S. 47:303.1(C) and (G) and to repeal R.S. 47:303.1(D), relative to direct payment numbers; to provide for uniform direct payment number procedures and appeal rights for local tax collectors; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:303.1(C) and (G) are hereby amended and reenacted to read as follows:

§303.1. Direct Payment Numbers

* * *

C.(1) Upon application by a taxpayer to the department for a DP Number pursuant to Paragraph (B)(1) or (2) of this Section, the department shall notify by certified mail the local agency or agencies charged with collection of the sales and use tax imposed by the political subdivisions submit the application to the local collector in the parish or parishes in which the taxpayer has a

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

manufacturing establishment or facility or is a taxpayer that meets the requirements of Paragraph (B)(2) of this Section. The application shall be submitted to the local collector in a manner that provides actual notice of the application including but not limited to submission by certified mail that is signed for and received by the local collector. The department and the local ~~collection agency or agencies~~ collector shall review the application and ~~shall~~ may audit the taxpayer to determine that the taxpayer meets the qualifications provided in Subsection B of this Section Paragraph (B)(1) or (2) of this Section, if the department or local ~~collection agency or agencies~~ collector consider such an audit necessary.

~~D.(2)(a)~~ If the taxpayer applying for a DP Number pursuant to Paragraph (B)(1) or (2) of this Section meets the qualifications of Subsection B of this Section Paragraph (B)(1) or (2) of this Section and obtains written approval from the local ~~agency or agencies~~ charged with the collection of sales and use tax imposed by the political subdivisions collector in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a taxpayer that meets the requirements of Paragraph (B)(2) of this Section; within sixty days of receipt of the application by the local collector, the department shall issue the DP Number to the taxpayer.

~~(b)~~ If the taxpayer meets the qualifications of Subsection B of this Section Paragraph (B)(1) or (2) of this Section but written approval is ~~denied or withheld by the local agency or agencies~~ charged with the collection of sales and use tax imposed by those Sections not provided by the local collector within sixty days after receipt of the application by the local collector in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a private, nonprofit, tax-exempt organization, the department shall issue a DP Number to the taxpayer that shall be applicable only for the purposes of state sales and use tax.

~~(c)~~ If the taxpayer meets the qualifications of Paragraph (B)(1) or (2) of this Section but approval is denied in writing by the local collector within sixty days of receipt of the application by the local collector in the parish or parishes in which the taxpayer has a manufacturing establishment or facility or is a private, nonprofit, tax-exempt organization that meets the requirements of Paragraph (B)(2) of this Section, the department shall issue a DP Number to the taxpayer that shall be applicable only for the purposes of state sales and use tax.

(3) If a local collector determines that a taxpayer no longer qualifies for a DP Number, the local collector shall notify the department and request an examination of the taxpayer for the limited purpose of determining continued eligibility for a DP Number. If, after examination, the department determines that the taxpayer no longer qualifies for a DP Number, the department shall revoke the DP Number and notify the local collector.

G.(1) The taxpayer may appeal the ~~secretary's~~ denial or revocation of a DP Number to the Board of Tax Appeals.

(2) A local collector may appeal the department's failure to revoke a taxpayer's DP Number pursuant to Paragraph (C)(3) of this Section.

Section 2. R.S. 47:303.1(D) is hereby repealed.
Section 3. This Act shall become effective on January 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or January 1, 2023, whichever is later.

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 429

SENATE BILL NO. 444
BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 47:1402(E)(2), 1408(D)(1), 1418(7)(d), 1432(A), 1574.2(A), the introductory paragraph of 1574.2(B), and 1574.2(D) and to enact R.S. 47:338.223, 1408(D)(3), and 1574.2(E), (F), and (G), relative to tax administration and the Board of Tax Appeals; to provide for terms of board members; to provide for the administration of certain occupancy taxes; to authorize the board to issue protective orders; to provide relative to notice and the opportunity to be heard for all matters and all parties before the board; to provide for the jurisdiction of the board; to authorize the board to issue preliminary injunctions during suits to enjoin certain tax preparers; to authorize the secretary of revenue to issue cease and desist orders to tax preparers who engage in certain conduct; to impose penalties on preparers who violate injunctions or orders; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1402(E)(2), 1408(D)(1), 1418(7)(d), 1432(A), 1574.2(A), the introductory paragraph of 1574.2(B), and 1574.2(D) are hereby amended and reenacted and R.S. 47:338.223, 1408(D)(3), and 1574.2(E), (F), and (G) are hereby enacted to read as follows:

- §338.223. Collection and administration of occupancy taxes
A. All occupancy taxes administered or collected by the secretary of the Department of Revenue shall be subject to the provisions of Chapter 18 of this Subtitle.
B. All occupancy taxes levied pursuant to this Part may be collected as provided

for in this Chapter and shall be subject to review pursuant to the provisions of this Chapter.

C. Any request for a refund of occupancy tax that was paid but not actually due shall be made in accordance with the provisions of this Chapter.

§1402. Membership of board; qualifications; appointment; term; vacancy; salary

E.

(2) A member who has served on the board for more than two and one-half terms occurring within three consecutive full terms shall be ineligible for reappointment to the board until at least two years from the last day of his last appointment. However, a member may be reappointed notwithstanding any other provision of law to the contrary, if nominated pursuant to Subsection D of this Section, and service pursuant to that Subsection is not counted for the purposes of any term or service limitation.

§1408. Power to administer oaths and issue rules, orders, or subpoenas

D.(1) An action may be brought in the Board of Tax Appeals pursuant to the provisions of R.S. 47:314, 337.33, 337.43, 1547, 1574.1, 1574.2, or 1582, and the provisions of those Sections shall apply to the Board of Tax Appeals and its Local Tax Division in the same manner as for a district court. In addition to the remedies otherwise provided for in this Section, any interested party may file a motion or rule in any court of competent jurisdiction alleging a violation of any order issued by the board or its local tax judge pursuant to applicable law, and the district court shall consider any violation shown to be a contempt of the court and shall immediately punish the violator in accordance with R.S. 13:4611(1) and all other applicable laws for contempt of court.

(3) The authority pursuant to Article 1426 of the Louisiana Code of Civil Procedure shall apply to the board and its Local Tax Division in the same manner as for a district court, and the board may issue an order in accordance with the provisions of that Article concerning any subpoena or other discovery pursuant to this Title.

§1418. Definitions

For purposes of this Chapter, except when the context requires otherwise, the words and expressions defined in this Section shall have the following meanings:

(7) “State collector” means any of the following:

(d) Any other collector of state taxes or fees, or any other state agency where an agency action is appealable to the board or is related to state taxes or fees, including contracts.

§1432. Notice; hearing; decision

A. The taxpayer, the collector, and other parties to proceedings pursuant to this Chapter shall be afforded notice and opportunity to be heard in each proceeding for the ~~trial of any~~ redetermination of an assessment, the consideration of a payment under protest petition, ~~for the determination of an overpayment, or~~ the consideration of any other matter to be tried, heard, or considered pursuant to the provisions of this Chapter. A decision or judgment in these matters shall be made as quickly as practicable.

§1574.2. Suit to enjoin certain preparers; cease and desist order

A.~~(1)(a)~~ In a court of competent jurisdiction or the Board of Tax Appeals, the secretary may commence suit to enjoin any preparer from further engaging in any conduct described in Subsection B of this Section or from further action as a preparer.

(b) During the pendency of a suit to enjoin, the court or Board of Tax Appeals may issue a temporary restraining order or preliminary injunction upon a showing by the secretary that continued conduct by the preparer creates an immediate threat to taxpayers. Any application for a preliminary injunction shall be assigned for hearing not less than two nor more than ten days after service of the notice. If the suit is pending in the Board of Tax Appeals, the hearing and issuance of a preliminary injunction may be conducted by the chairman or any member of the board designated by him.

(2)(a) If the secretary finds that a preparer has engaged in any conduct described in Subsection B of this Section and that continued conduct creates an immediate threat to taxpayers, the secretary may issue an order to the preparer, directing the preparer to cease and desist from the activity or conduct.

(b) The order shall be issued in the name of the state of Louisiana under the official seal of the secretary of the Department of Revenue and shall be served by certified mail or personal service.

(c) If the preparer to whom the secretary directs a cease and desist order does not cease and desist the activity or conduct immediately after service of the order, the secretary may demand a penalty of twenty-five dollars per return for each violation in the suit to enjoin provided for in Paragraph (1) of this Subsection.

(d) Nothing in this Paragraph shall authorize the secretary to issue a cease and desist order to any certified public accountant, enrolled agent, or attorney at law who is authorized to appear before the board pursuant to R.S. 47:1414.

(e) The secretary shall not be required to issue an order to cease and desist

before seeking an injunction pursuant to Paragraph (1) of this Subsection.

B. In any action under ~~Subsection A Paragraph (A)(1)~~ of this Section, the court may enjoin the preparer from further engaging in any conduct specified in this Subsection if the court finds that injunctive relief is appropriate to prevent the recurrence of this conduct. The court may enjoin conduct when a preparer has done any of the following:

* * *

D. **Notwithstanding any provision of law to the contrary, if a preparer is prohibited from preparing returns as part of a criminal prosecution brought pursuant to this Title, whether by consent or otherwise, this prohibition shall have the same effect and be subject to the same enforcement provisions as an injunction issued under this Section without the necessity of a separate suit to enjoin. The criminal court's imposition of a prohibition or the acceptance of a plea agreement containing such prohibition shall serve as the injunction order for purposes of this Section.**

E.(1) For purposes of this Section, the term “preparer” shall mean any of the following:

(a) Any person who prepares any return, report, claim for refund, or other claim that is filed with the secretary of the Department of Revenue.

(b) Any person who owns or operates a business, the primary activity of which is the preparation of any return, report, claim for refund, or other claim that is filed with the secretary of the Department of Revenue, and employs one or more persons in such business.

(c) Any person who prepares a substantial portion of a return, report, claim for refund, or other claim that is filed with the secretary of the Department of Revenue and does not sign as the preparer, but rather has the taxpayer sign as if the return, report, claim for refund, or other claim were self-prepared.

(2) Nothing in this Subsection shall be construed to include in the definition of “preparer” either of the following:

(a) Any employee who prepares a return, report, claim for refund, or other claim for the employer by whom he is regularly and continuously employed.

(b) An attorney or other tax advisor whose association with a return, report, claim for refund, or other claim is limited to that of rendering advice to a taxpayer or preparer and was not otherwise involved in preparing the return, report, claim for refund, or other claim for which advice was rendered.

F.(1) Any preparer who violates an injunction or order pursuant to this Section shall pay a penalty of not less than fifty dollars for each return, report, claim for refund, or other claim prepared in violation of the injunction.

(2) The penalty provided for by this Subsection shall be an obligation that may be assessed, collected, and enforced against the preparer in the same manner as if it were a tax due.

G.(1) If the secretary files a motion alleging a violation of an injunction or order issued pursuant to this Section, a hearing shall be held in not less than two days or more than ten days, exclusive of holidays, to determine whether a violation has occurred.

(2) Upon a showing by the secretary that there has been a violation of the injunction, the court or Board of Tax Appeals shall consider the violation to be a contempt of the court and shall punish the violator in accordance with law, and every violation of the injunction shall be considered as a separate act of contempt.

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 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 430

SENATE BILL NO. 458
BY SENATOR HARRIS
AN ACT

To amend and reenact the introductory paragraph of R.S. 38:330.1(C)(1)(a) and to repeal R.S. 38:291(W)(2) and R.S. 38:330.1(B)(1)(a)(v), relative to flood protection authorities; to provide relative to the board of commissioners of the Southeast Louisiana Flood Protection Authority-East; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 38:330.1(C)(1)(a) is hereby amended and reenacted to read as follows:

§330.1. Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank; territorial jurisdiction; board of commissioners; appointments; terms; compensation; vacancy; officers; meetings; domicile

* * *

C.(1) There is hereby created a board of commissioners for each flood protection authority as follows:

(a) The board of commissioners of the Southeast Louisiana Flood Protection Authority-East shall be composed of nine members, of whom there shall be at least, and not more than, ~~one member from each parish~~ **one member from St. Bernard Parish, two members from Jefferson Parish, and three members**

from Orleans Parish who shall reside within the territorial jurisdiction of the authority. The members shall be appointed by the governor from nominations submitted by the nominating committee as follows:

* * *

Section 2. R.S. 38:291(W)(2) and R.S. 38:330.1(B)(1)(a)(v) are hereby repealed.

Section 3. Each commissioner currently serving on the Southeast Louisiana Flood Protection Authority-East may complete the term for which he was appointed. The commissioners as established by this Act, shall be appointed when a current commissioner resigns, dies, or his term expires.

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 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 431

SENATE BILL NO. 465
BY SENATOR CONNICK
AN ACT

To amend and reenact R.S. 38:330.1(C)(2)(c), (3)(a), (b), and (c), and (4)(a), relative to flood protection authorities; to provide for vacancies on a flood protection authority board; to provide for nominating committees; to provide for the custodian of records; to provide for notifications; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:330.1(C)(2)(c), (3)(a), (b), and (c), and (4)(a) are hereby amended and reenacted to read as follows:

§330.1. Southeast Louisiana Flood Protection Authority-East and Southeast Louisiana Flood Protection Authority-West Bank; territorial jurisdiction; board of commissioners; appointments; terms; compensation; vacancy; officers; meetings; domicile

* * *

C.

* * *

(2)

* * *

(c) ~~The chairman of the Coastal Protection and Restoration Authority Board regional directors, or in the absence of a regional director, the presidents of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank shall be the custodian of the records of the nominating committee for their respective flood authority. The chairman of the authority nominating committee, or in his absence, the chairman of the Coastal Protection and Restoration Authority Board regional directors, or in the absence of a regional director, the presidents of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank, shall call the meeting of the nominating committee for their respective flood authority. The chairman of the Coastal Protection and Restoration Authority Board, or his designee regional directors, or in the absence of a regional director, the presidents of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank, or their designees, shall serve as secretary for the nominating committee for their respective flood authority.~~

* * *

(3)(a) Within ten days after the occurrence of an unexpected vacancy on the flood protection authority board, the board shall notify the ~~chairman of the Coastal Protection and Restoration Authority Board~~ **chair of the nominating committee and regional directors, or in the absence of a regional director, the presidents of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank** of such unexpected vacancy **within the flood authority**. For purposes of this Paragraph, a vacancy shall be unexpected whenever it occurs for a reason other than the expiration of a term. ~~The chairman of the Coastal Protection and Restoration Authority regional directors, or in the absence of a regional director, the presidents of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank shall cause notification of the unexpected vacancy to be published in the official journal of the state and of each parish within the territorial jurisdiction of the authority. Such notification shall be published no later than thirty days following receipt by the chairman of the Coastal Protection and Restoration Authority~~ **regional directors, or in the absence of a regional director, the presidents of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank** of notice of the unexpected vacancy.

(b) The nominating committee shall meet to determine the nominations to send to the governor to fill each unexpected vacancy no sooner than thirty days after the latest date of publication set forth in Subparagraph (a) of this Paragraph and no later than ninety days after the latest date of publication

set forth in Subparagraph (a) of this Paragraph. The committee shall consider each name submitted to the committee from whatever source and the committee members may propose names of persons to be considered. After review, the committee shall select the nominees for each unexpected vacancy who meet the requirements of this Section. The committee shall submit one nominee for each unexpected vacancy in a position provided for in Item (1)(a)(i) or (b)(i) of this Subsection and shall submit two nominees for each unexpected vacancy in a position provided for in Item (1)(a)(ii) or (iii) of this Subsection or Item (1)(b)(ii) or (iii) of this Subsection. A majority vote of the total membership of the nominating committee shall be required to nominate persons to positions on the board. The committee shall submit its nominations for each unexpected vacancy to the governor for consideration no later than one hundred twenty days after the notification of the ~~chairman of the Coastal Protection and Restoration Authority~~ **regional directors, or in the absence of a regional director, the presidents of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank** of the occurrence of such unexpected vacancy. The governor shall appoint one of the nominees submitted by the committee within thirty days of submission of the nominations for any unexpected vacancy and submit such appointee to the Senate for confirmation within forty-eight hours following the appointment, regardless of whether the legislature is in regular session.

(c) If the nominating committee fails to submit a nominee within one hundred twenty days after notification of the ~~chairman of the Coastal Protection and Restoration Authority~~ **regional directors, or in the absence of a regional director, the presidents of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank** of the occurrence of such unexpected vacancy, the governor shall appoint a person meeting the requirements of this Section within thirty days of the expiration of such time and submit such appointee to the Senate for confirmation within forty-eight hours following the appointment, regardless of whether the legislature is in regular session.

* * *

(4)(a) Each July first, the board shall notify the ~~chairman of the Coastal Protection and Restoration Authority~~ **chair of the nominating committee and regional directors, or in the absence of a regional director, the presidents of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank** of any vacancy which will occur on a board in the following year due to expiration of a term, hereinafter in this Paragraph referred to as “expected vacancy”. The ~~chairman of the Coastal Protection and Restoration Authority~~ **regional directors, or in the absence of a regional director, the presidents of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank** shall cause notification of each expected vacancy to be published in the official journal of the state and of each parish within the territorial jurisdiction of the authority. Such notification shall be published no later than thirty days following receipt by the ~~chairman of the Coastal Protection and Restoration Authority~~ **regional directors, or in the absence of a regional director, the presidents of the boards of commissioners of the Southeast Louisiana Flood Protection Authority-East and the Southeast Louisiana Flood Protection Authority-West Bank** of notice of an expected vacancy.

* * *

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 432

SENATE BILL NO. 112
BY SENATOR ROBERT MILLS
AN ACT

To enact Subpart A-4 of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 22:1020.61, relative to health insurance; to provide for prior authorization for health insurance claims related to certain healthcare procedures; to provide for the creation of programs for the selective application of prior authorization; to provide for definitions; to provide for development and maintenance of programs seeking to reduce prior authorization requirements related to certain healthcare services performed by certain healthcare providers; to provide for the promulgation of rules; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Subpart A-4 of Part III of Chapter 4 of Title 22 of the Louisiana Revised Statutes of 1950, comprised of R.S. 22:1020.61, is hereby enacted to read as follows:

**SUBPART A-4. REDUCING ADMINISTRATIVE BURDENS
IN HEALTH INSURANCE**

§1020.61. Selective application of prior authorization

A.(1) Every health insurance issuer authorized to do business in this state shall implement and maintain a program that allows for the selective application of reducing prior authorization requirements that are based on the stratification of healthcare providers’ performance and adherence to evidence-based medicine. The program shall promote quality, affordable health care, and reduce unnecessary administrative burdens for both the health insurance issuer and

the healthcare provider. Criteria for participation by healthcare providers and the healthcare services included in the program excluding pharmacy services shall be at the sole discretion of the health insurance issuer. A health insurance issuer shall submit to the Louisiana Department of Insurance a filing, in accordance with Subsection B of this Section, concerning the program that includes a full narrative description, the criteria for participation, a listing of the procedures and services subject to selective application of prior authorization, and the number of healthcare providers participating in the program.

(2) For the purposes of this Section, “health insurance issuer” has the same meaning as provided for in R.S. 22:1019.1.

B. The filing shall be in a form and manner provided for by the Louisiana Department of Insurance, promulgated in accordance with the Administrative Procedure Act, and shall be submitted initially by July 1, 2023, and each time the health insurance issuer makes a filing in accordance with R.S. 22:571 thereafter.

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 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 433

HOUSE BILL NO. 8
BY REPRESENTATIVE FONTENOT
AN ACT

To amend and reenact R.S. 14:95(H)(1) and (K), relative to carrying of weapons; to provide relative to the crime of illegal carrying of weapons; to provide for exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(H)(1) and (K) are hereby amended and reenacted to read as follows:

§95. Illegal carrying of weapons

* * *

H.(1) Except as provided in Paragraph (A)(5) of this Section and in Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state of Louisiana, and traffic courts, members of either house of the legislature, officers of either house of the legislature, the legislative auditor, designated investigative auditors, constables, coroners, designated coroner investigators, district attorneys and designated assistant district attorneys, United States attorneys and assistant United States attorneys and investigators, the attorney general, designated assistant attorneys general, city prosecutors, designated assistant city prosecutors, a United States representative from Louisiana and his designated, employed congressional staffer, a United States senator from Louisiana and his designated, employed congressional staffer, and justices of the peace from possessing and concealing a handgun on their person when such persons are qualified annually in the use of firearms by the Council on Peace Officer Standards and Training.

* * *

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

(2) The retired justice, judge, attorney general, assistant attorney general, district attorney, ~~or assistant district attorney,~~ or former member of the ~~United States Congress or either house of the~~ legislature shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of qualification. However, this Subsection shall not apply to a retired justice, judge, attorney general, assistant attorney general, district attorney, or assistant district attorney or to a former member of the legislature or the ~~United States Congress~~ who is medically retired based upon any mental impairment, or who has entered a plea of guilty or nolo contendere to or been found guilty of a felony offense. For the purposes of this Subsection, “retired district attorney” or “retired assistant district attorney” shall mean a district

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

attorney or an assistant district attorney receiving retirement benefits from the District Attorneys' Retirement System.

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 434

HOUSE BILL NO. 83
BY REPRESENTATIVES SCHLEGEL, BOYD, BRASS, BRYANT, WILFORD
CARTER, DUPLESSIS, EDMONSTON, FISHER, LARVADAIN,
MARCELLE, MARINO, STAGNI, VILLIO, AND WILLARD
AN ACT

To enact R.S. 22:1273, relative to presumption of coverage; to provide certain means by which a policy requirement for loss of use benefits is satisfied; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1273 is hereby enacted to read as follows:
§1273. Presumption of coverage; civil authority prohibited use
A. For losses that arise due to a catastrophic event in which a state of disaster or emergency is declared by civil officials, for those areas within the declaration, if a civil authority prohibits the insured from using their residential premises as a result of damage to a neighboring premises due to a peril covered by the policy, the civil authority prohibited use coverage shall be afforded as provided in the policy.

B. For purposes of this Section, insurers shall interpret all actions of a civil authority without regard to whether formal orders of evacuation were issued.

Section 2. This Act shall become effective on January 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or January 1, 2023, whichever is later.

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 435

HOUSE BILL NO. 93
BY REPRESENTATIVE FRIEMAN
AN ACT

To enact R.S. 23:1310.5.1, relative to workers' compensation; to provide for continuances in mediations, hearings, and trials; to require the granting of continuances under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1310.5.1 is hereby enacted to read as follows:
§1310.5.1. Continuances
If the parties, whether represented or unrepresented, agree to a continuance of a mediation, hearing, or trial by filing a joint motion to continue or an uncontested motion to continue, the workers' compensation judge shall grant the continuance.

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 436

HOUSE BILL NO. 129
BY REPRESENTATIVES NELSON AND HUGHES
AN ACT

To amend and reenact R.S. 32:57.1(A) and (B) and to enact R.S. 32:57.1(D) and (E), relative to failure to honor a written promise to appear; to provide relative to notification to the arrested person by the Department of Public Safety and Corrections; to provide relative to the suspension of an operator's license of an arrested person; to provide relative to the payment of fines; to provide relative to payment for suspension when incarcerated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:57.1(A) and (B) are hereby amended and reenacted and R.S. 32:57.1(D) and (E) are hereby enacted to read as follows:

§57.1. Failure to honor written promise to appear; penalty; disposition of fines

A. Whenever an arrested person who was released on his written promise to appear before a magistrate at the place and time specified in a summons described in R.S. 32:391(B) fails to honor his written promise to appear, the magistrate or judge of the court exercising jurisdiction may immediately forward to the Department of Public Safety and Corrections notice of the failure to appear, with information necessary for identification of the arrested person. Thereupon, unless the original charges have been disposed of, the

Department of Public Safety and Corrections shall immediately notify the arrested person of suspension of his operator's license and the imposition of a fifty-dollar fee, regardless of the disposition of the original charge. The Department of Public Safety and Corrections likewise shall inform the arrested person by regular mail and any available electronic communication that his operator's license cannot be renewed or reissued until the forwarding court exercising jurisdiction certifies that he had honored the appearance promise or paid an appropriate fine for the offense as determined by the forwarding court exercising jurisdiction may be suspended if he fails to honor the written promise to appear or pay an appropriate fine for the offense within one hundred eighty days after the date the notice was received. The Department of Public Safety and Corrections shall send a second notice to the arrested person by regular mail and any available electronic communication no later than one hundred twenty days after the department receives notice from the court exercising jurisdiction of the pending suspension of the operator's license of the arrested person.

B. Whenever the arrested person makes an appearance as required by Subsection A hereof of this Section or pays an appropriate fine for the offense committed, as determined by the court, the prosecuting authority shall immediately notify the Department of Public Safety and Corrections thereof through the same means as the original notification of the arrested person's failure to appear. Upon such notification, and payment of an additional fifty one hundred dollars to the department, if the operator's license of the arrested person was suspended pursuant to Subsection A of this Section, the operator's license of the arrested person shall be released from the pending suspension, renewed, or reissued for the purpose of this Section. This fee may only be assessed once per summons as described in Subsection A of this Section. Twelve dollars and fifty cents of the additional any fine imposed by this Section shall be paid to the court exercising jurisdiction, to be deposited in that court's criminal court fund and to be used in the same manner as the other sums deposited in said fund.

* * *

D. The failure to appear due to incarceration shall be a valid defense for any violation of this Section, if the arrested person provides evidence of incarceration to the court pursuant to R.S. 15:714. The license shall be renewed and reissued without payment, all failure to appear payments waived, and any other flags reported to the Department of Public Safety and Corrections shall be resolved pursuant to statute.

E. All notices from the Department of Public Safety and Corrections described in Subsections A and B of this Section shall include the following information: the summons information that the person failed to appear on; the date of the failure to appear; and the contact information and name of the court where the person needs to appear.

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 437

HOUSE BILL NO. 130
BY REPRESENTATIVE BEAULLIEU
AN ACT

To amend and reenact R.S. 32:398(I)(1) and (a)(iii), relative to motor vehicle crash reports; to provide relative to the definition of an insurance support organization; to exempt healthcare providers from certain confidentiality requirements applicable to public records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:398(I)(1) and (a)(iii) are hereby amended and reenacted to read as follows:

§398. Crash reports; when and to whom made; information aid; fees for copies; fees for crash photographs and videos

* * *

I.(1) The reports required by this Section, and the information contained in the reports, shall be confidential, shall be exempt from the provisions of R.S. 44:1 et seq., and shall be made available only to the parties to the crash, parents or guardians of a minor who is a party to the crash, and insurers, or an insurance support organization under contract to provide claims and underwriting, of any party which is the subject of the report; to any healthcare provider, or their agent, that rendered healthcare services to any party which is the subject of the report; to the succession representatives of those parties or the attorneys of the parties or succession representatives; or to a news-gathering organization that requests documents related to a specific crash. Upon request, crash reports shall be made available to the above-enumerated persons within seven working days following the completion of the crash investigation.

(a) For the purposes of this Subsection, "insurance support organization" means any of the following:

* * *

(iii) Agents, governmental institutions, and insurance institutions, ~~medical care institutions, and medical professionals~~ shall not be considered an "insurance support ~~organizations~~ organization".

* * *

Approved by the Governor, June 15, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 438

HOUSE BILL NO. 135
BY REPRESENTATIVES MARINO AND GLOVER
AN ACT

To enact R.S. 40:1046.1, relative to dispensing of medical marijuana; to provide relative to pharmacies licensed by the Louisiana Board of Pharmacy to dispense medical marijuana, known commonly as marijuana pharmacies; to authorize dispensing of medical marijuana to certain persons who are not Louisiana residents or are short-term residents of this state; to establish qualifications necessary for such persons to receive medical marijuana in this state; to establish duties of marijuana pharmacies with respect to such dispensing; to prohibit the dispensing of medical marijuana in certain instances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:1046.1 is hereby enacted to read as follows:
§1046.1. Dispensing of marijuana for therapeutic use to visiting qualifying patients

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

- (1) "Board" means the Louisiana Board of Pharmacy.
- (2) "Debilitating medical condition" has the meaning ascribed in R.S. 40:1046(A)(2)(a).
- (3) "Marijuana pharmacy" means a pharmacy that holds a specialty license to dispense medical marijuana issued pursuant to R.S. 40:1046(G).
- (4) "Medical marijuana" means marijuana for therapeutic use produced pursuant to the provisions of R.S. 40:1046(H).
- (5) "Prescription monitoring program" means the electronic system for the monitoring of controlled substances and drugs of concern established in R.S. 40:1004.
- (6) "Visiting qualifying patient" means a patient with a debilitating medical condition who is not a resident of Louisiana or who has been a resident of Louisiana for less than thirty days and who is in actual possession of a valid medical marijuana registry identification card, or its equivalent, which has been issued under the medical marijuana laws of another state, district, territory, commonwealth, or insular possession of the United States.

B. A visiting qualifying patient may obtain medical marijuana from a marijuana pharmacy upon producing evidence of his valid medical marijuana registry identification card, or its equivalent, which has been issued under the medical marijuana laws of another state, district, territory, commonwealth, or insular possession of the United States.

C.(1) A marijuana pharmacy shall require each visiting qualifying patient to certify on a form approved by the board that he has been diagnosed by a licensed physician with one or more debilitating medical conditions. The form shall include the full name, address, and phone number of the visiting qualifying patient and shall include a statement to be signed by the patient by which he shall attest that he will not divert to any person any medical marijuana dispensed to him by the marijuana pharmacy.

(2)(a) A marijuana pharmacy shall retain a copy of each of the following documents received from a visiting qualifying patient:

(i) The patient's valid medical marijuana registry identification card or its equivalent.

(ii) The patient's valid driver's license or other government-issued photo identification document.

(iii) The original, completed, and signed form provided for in Paragraph (1) of this Subsection.

(b) The board shall promulgate in accordance with the Administrative Procedure Act a record retention schedule for marijuana pharmacies which applies to the documents identified in this Paragraph.

D. Prior to dispensing any medical marijuana product to a visiting qualifying patient, a dispensing pharmacist at a marijuana pharmacy shall review the patient's records in the prescription monitoring program. The pharmacist shall resolve any concerns identified in the review of the patient's prescription monitoring program records by consultation with the patient's physician.

E.(1) Upon dispensing any medical marijuana product to a visiting qualifying patient, the dispensing pharmacist at a marijuana pharmacy shall report that transaction to the prescription monitoring program in conformance with program rules governing dispensing of controlled substances to Louisiana-resident patients and as required by any rules of the board that apply to marijuana pharmacies.

(2) The dispensing pharmacist at a marijuana pharmacy shall perform a prospective drug utilization review for each visiting qualifying patient and shall counsel each such patient every time medical marijuana is dispensed to the patient in conformance with rules of the board governing dispensing of controlled substances to Louisiana-resident patients and in compliance with applicable rules of the board on drug utilization review and patient counseling.

F. No marijuana pharmacy shall dispense medical marijuana to a person who holds himself out to be a visiting qualifying patient if the dispensing pharmacist at the pharmacy determines any of the following with respect to

that person:

(1) The person's medical marijuana registry identification card was revoked, has expired, or is otherwise not valid and current.

(2) The person's medical marijuana registry identification card was fraudulently obtained.

(3) The person's application or written certifications were falsified in any way.

(4) The person knowingly violated any law of this state applicable to medical marijuana.

Approved by the Governor, June 15, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 439

HOUSE BILL NO. 137
BY REPRESENTATIVES MARINO AND GLOVER
AN ACT

To amend and reenact R.S. 40:966(F)(1), relative to immunity from prosecution for medical marijuana; to provide that visiting qualifying patients shall be exempt from prosecution for certain violations of the Uniform Controlled Dangerous Substances 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. 40:966(F)(1) is hereby amended and reenacted to read as follows:

§966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, synthetic cannabinoids, and heroin

* * *

F. Immunity from prosecution. (1) Any person who is a patient of the state-sponsored medical marijuana program in Louisiana, and possesses medical marijuana in a form permissible under R.S. 40:1046 for a condition enumerated therein, a caregiver as defined in R.S. 15:1503, or any person who is a domiciliary parent of a minor child who possesses medical marijuana on behalf of his minor child in a form permissible under R.S. 40:1046 for a condition enumerated therein pursuant to a legitimate medical marijuana prescription or recommendation issued by a physician licensed by and in good standing with the Louisiana State Board of Medical Examiners, or any visiting qualifying patient as defined in R.S. 40:1046.1 shall be exempt from the provisions of this Section. This Paragraph shall not prevent the arrest or prosecution of any person for diversion of marijuana or any of its derivatives or other conduct outside the scope of the state-sponsored medical marijuana program.

* * *

Section 2. This Act shall take effect and become operative if and when the Act which originated as House Bill No. 135 of this 2022 Regular Session of the Legislature is enacted and becomes effective.

Approved by the Governor, June 15, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 440

HOUSE BILL NO. 142
BY REPRESENTATIVES SCHLEGEL, ADAMS, AMEDEE, BACALA, BISHOP, BUTLER, CARRIER, CREWS, EDMONDS, EDMONSTON, FIRMENT, FISHER, FONTENOT, FREIBERG, GAROFALO, HARRIS, HODGES, HORTON, MIKE JOHNSON, KERNER, MOORE, CHARLES OWEN, PHELPS, RISER, ROMERO, SCHAMERHORN, SEABAUGH, SELDERS, VILLIO, WHEAT, WRIGHT, AND ZERINGUE AND SENATORS BARROW, BERNARD, BOUDREAUX, BOUIE, CATHEY, CLOUD, FESI, HENRY, HEWITT, JACKSON, MILLIGAN, ROBERT MILLS, MIZELL, MORRIS, STINE, WARD, AND WOMACK
AN ACT

To enact R.S. 9:2800.28, relative to material harmful to minors; to provide for liability for the publishing or distribution of material harmful to minors on the internet; to provide for reasonable age verification; to provide for legislative intent; to provide for individual rights of action; to provide for attorney fees, court costs, and punitive damages; to provide for exceptions; to provide for 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. 9:2800.28 is hereby enacted to read as follows:
§2800.28. Liability for publishers and distributors of material harmful to minors

A. The provisions of this Section are intended to provide a civil remedy for damages against commercial entities who distribute material harmful to minors. As recognized in House Concurrent Resolution No. 100 of the 2017 Regular Session of the Legislature and Senate Concurrent Resolution No. 56 of the 2019 Regular Session of the Legislature, pornography is creating a public health crisis and having a corroding influence on minors. Due to

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

* As it appears in the enrolled bill

advances in technology, the universal availability of the internet, and limited age verification requirements, minors are exposed to pornography earlier in age. Pornography contributes to the hyper-sexualization of teens and prepubescent children and may lead to low self-esteem, body image disorders, an increase in problematic sexual activity at younger ages, and increased desire among adolescents to engage in risky sexual behavior. Pornography may also impact brain development and functioning, contribute to emotional and medical illnesses, shape deviant sexual arousal, and lead to difficulty in forming or maintaining positive, intimate relationships, as well as promoting problematic or harmful sexual behaviors and addiction.

B.(1) Any commercial entity that knowingly and intentionally publishes or distributes material harmful to minors on the internet from a website that contains a substantial portion of such material shall be held liable if the entity fails to perform reasonable age verification methods to verify the age of individuals attempting to access the material.

(2) Any commercial entity or third party that performs the required age verification shall not retain any identifying information of the individual after access has been granted to the material.

(3)(a) Any commercial entity that is found to have violated this Section shall be liable to an individual for damages resulting from a minor's accessing the material, including court costs and reasonable attorney fees as ordered by the court.

(b) A commercial entity that is found to have knowingly retained identifying information of the individual after access has been granted to the individual shall be liable to the individual for damages resulting from retaining the identifying information, including court costs and reasonable attorney fees as ordered by the court.

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

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

D. For purposes of this Section:

(1) "Commercial entity" includes corporations, limited liability companies, partnerships, limited partnerships, sole proprietorships, or other legally recognized entities.

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

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

(4) "Material harmful to minors" is defined as all of the following:

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

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

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

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

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

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

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

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

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

(b) An employee of a radio broadcast station, television broadcast station, cable television operator, or wire service while operating as an employee as provided in this Subparagraph, who can provide documentation of such employment.

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

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

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

(b) Require the person attempting to access the material to comply with a commercial age verification system that verifies in one or more of the following ways:

(i) Government-issued identification.

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

(9) "Substantial portion" means more than thirty-three and one-third

percent of total material on a website, which meets the definition of "material harmful to minors" as defined by this Section.

(10) "Transactional data" means a sequence of information that documents an exchange, agreement, or transfer between an individual, commercial entity, or third party used for the purpose of satisfying a request or event. Transactional data can include but is not limited to records from mortgage, education, and employment entities.

Section 2. This Act shall be effective on January 1, 2023.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 441

HOUSE BILL NO. 153

BY REPRESENTATIVE FREEMAN

AN ACT

To amend and reenact R.S. 33:9091.9(D)(1), (3)(b), and (4), (E)(4), and (F)(1) and (3)(c), relative to Orleans Parish; to provide relative to the Twinbrook Security District; to provide relative to the district's governing board; to provide relative to board appointments; to provide relative the parcel fee levied within the district; to provide relative to the expiration of the fee; 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. 33:9091.9(D)(1), (3)(b), and (4), (E)(4), and (F)(1) and (3)(c) are hereby amended and reenacted to read as follows:

§9091.9. Twinbrook Security District

* * *

D. Governance. (1) In order to provide for the orderly development of the district and effectuation of the services to be furnished by the district and to provide for the representation in the affairs of the district of those persons and interests immediately concerned with and affected by security in the area, the district shall be managed by a nine-member board of commissioners, referred to in this Section as the "board". The board shall be composed as follows:

(a) The president of the ~~Baronne Street Neighborhood Association, Inc.~~ Twinbrook Neighborhood Association, Inc., referred to in this Section as the "association".

(b) The board of directors of the ~~Baronne Street Neighborhood Association, Inc.~~ association shall appoint four members.

(c) The mayor of the city of New Orleans shall appoint one member to the board from a list of nominations submitted by the ~~Baronne Street Neighborhood Association, Inc.~~ association.

(d) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the ~~Baronne Street Neighborhood Association, Inc.~~ association.

(e) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the ~~Baronne Street Neighborhood Association, Inc.~~ association.

(f) The member of the governing authority of the city of New Orleans whose council district encompasses all or the greater portion of the area of the district shall appoint one member from a list of nominations submitted by the ~~Baronne Street Neighborhood Association, Inc.~~ association.

* * *

(3)

* * *

(b) The member serving pursuant to Subparagraph (1)(a) of this Subsection shall serve during his term of office as president of the ~~Baronne Street Neighborhood Association, Inc.~~ association.

* * *

(4) The board shall elect from its members a ~~chairman, a vice chairman, president, a vice president,~~ a secretary-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.

* * *

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

* * *

(4) To enter into contracts with individuals or entities private or public for the provision of security patrols in the district. The district, through the board, may contract with the New Orleans Police Department or with a private security company which has been certified by the superintendent of the New Orleans Police Department for the provision of security patrols in the district.

* * *

F. 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) The amount of the fee shall be as requested by duly adopted resolution of the board of the district. The fee shall be a flat fee per improved parcel

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of land not to exceed five hundred seventy-five dollars per year for each improved parcel ~~for calendar year 2023; however, the maximum fee amount may be increased by twenty-five dollars per year for each calendar year after 2023.~~

(3) ~~If approved, the fee shall expire on December 31, 2022. The fee shall expire 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 a renewal of the fee shall be held at the same time as a regularly scheduled election in the city of New Orleans. 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. The provisions of this Act shall not affect the parcel fee being imposed pursuant to R.S. 33:9091.9 on the effective date of this Act. The governing authority of the city of New Orleans shall continue to impose the parcel 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, 2013. The governing authority of the city shall then begin to impose a parcel fee as provided in this Act if the parcel fee has been approved by a majority of district's registered voters as provided in 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 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 442

HOUSE BILL NO. 160
BY REPRESENTATIVES LANDRY, AMEDEE, FONTENOT, MAGEE,
ORGERON, AND ZERINGUE
AN ACT

To enact Code of Civil Procedure Article 4731(C), relative to leases; to provide relative to federally declared national disasters; to provide relative to abandonment; to provide for repossession of the premises; to provide for an exception; to provide for damages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Code of Civil Procedure Article 4731(C) is hereby enacted to read as follows:
Art. 4731. Rule to show cause why possession should not be delivered; abandonment of premises; ~~federally declared disasters~~

C.(1) In parishes subject to a federal disaster declaration, cessation of residential occupancy shall not be deemed evidence of abandonment pursuant to Paragraph B of this Article for thirty days following the initial declaration of a federally declared disaster.

(2) Failure of the lessor to comply with this Article shall give a residential lessee the right to recover five hundred dollars or twice the amount of the monthly rent, whichever is greater, from the lessor or owner, or from the lessor's successor in interest. A residential lessee may obtain a restraining order or a preliminary injunction to enforce the provisions of this Article.

(3) The court may award costs and attorney fees to the prevailing party for actions brought pursuant to this Article.

(4) In parishes subject to a federally declared disaster, a court shall not require a residential lessee bringing an action for a temporary restraining order or preliminary injunction under this Article to furnish security, as required by Code of Civil Procedure Article 3610 for the thirty days following the initial declaration of a federally declared disaster.

(5) Nothing in Paragraph C of this Article shall preempt the rights afforded to a lessor in Civil Code Article 2693.

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 443

HOUSE BILL NO. 165
BY REPRESENTATIVES ZERINGUE AND ORGERON
AN ACT

To amend and reenact R.S. 30:127(E) and 209(4)(a)(introductory paragraph) and R.S. 41:1732(C), 1733(D), and 1734, relative to wind energy; to establish a maximum acreage for wind leases; to provide for operating agreements

relative to the production of wind energy; to provide for the powers and duties of the secretary of the Department of Natural Resources; to provide for rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 30:127(E) and 209(4)(a)(introductory paragraph) are hereby amended and reenacted to read as follows:
§127. Opening bids; minimum royalties; terms of lease; deposit; security

E. If all written bids are rejected, the board may immediately offer for competitive bidding a lease upon all or any designated part of the land advertised, upon terms appearing most advantageous to the state. This offering shall be subject to the board's right to reject any and all bids. No lease shall be for more than five thousand acres, except leases for wind energy production which shall not exceed twenty-five thousand acres. Where a lease provides for delay rental, the annual rental shall not be for less than one-half the cash bonus. All lands shall be accurately described in a lease.

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

(4)(a) Enter into operating agreements whereby the state receives a share of revenues from the production of oil, gas, and other minerals, and wind energy, after deduction of costs, in whole or in part, such as for drilling, testing, completion, equipping, or operating a well or wells, as may be agreed upon by the parties, and assumes all or a portion of the risk cost of development or production activity in those situations where the board determines it is in the best interest of the state, either in equity or in developmental productivity to do so, such as, but not limited to the following illustrations:

Section 2. R.S. 41:1732(C), 1733(D), and 1734 are hereby amended and reenacted to read as follows:
§1732. Lease authority and royalties

C. Any lease granted under the provisions of this Chapter shall require a decommissioning plan for the end of the facility's expected life or upon circumstance that would require closure of the facility. The decommissioning plan shall include the estimated cost of site closure and remediation that includes removing the wind energy production facility along with any necessary infrastructure facilities and restoring the property to as near as reasonably possible to the condition of the property prior to the commencement of construction of the facility. Additionally, the leases shall be subject to the same decommissioning rules and regulations as oil and gas and sulphur facilities under provided by the provisions of Subpart Q of Part 250 of Chapter H I of Part 585 of Subchapter B of Chapter V of Title 30 of the Code of Federal Regulations (30CFR 250.1700 585.900 et seq.) to the extent they are not inconsistent with the provisions of this Section or any rules or regulations promulgated pursuant to this Chapter.

§1733. Award of state wind leases

D. A lease may be granted in whole or in part. ~~Prior to the advertisement for bids for each lease there shall be a minimum dollar amount set and a minimum percentage of revenue to be produced by each wind turbine to be known as an "electric power production royalty", which shall be advertised by the State Mineral and Energy Board as a minimum requirement for granting the lease. No lease shall be granted in whole or part unless the amount of any electric power production royalty has been approved by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources prior to advertisement. The State Mineral and Energy Board has authority to accept the bid it finds is most advantageous to the state and may lease upon whatever terms it considers proper. Such lease shall include a provision permitting the state, at its option, to take in kind all or any of the portion due it as royalty.~~

§1734. Powers and duties of the secretary of the Department of Natural Resources

A. The secretary of the Department of 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:

(1) Criteria for setting the annual rent or royalty amounts for leases executed pursuant to this Chapter.

(2) Criteria for setting a primary term for leases and the necessary wind energy production or other actions by the lessee to continue the lease beyond the primary term. The rules and regulations shall also provide for the release of acreage at the end of the primary term on that portion of the lease where none of the necessary wind energy production or other actions occur.

(3) Requirements for financial security to ensure proper closure of the site pursuant to the decommissioning plan.

(4) Requirements for determining that if no responsible party can be located or such party has failed or is financially unable to undertake decommissioning required by the lease and that no energy has been produced from the facility from wind for two years. These requirements shall include notice to the last

operator of record.

B. The secretary may expend sums payable to the department from the financial security required by the rules and regulation promulgated pursuant to this Section and enter into contracts for the purpose of restoration of wind energy sites pursuant to the terms of the lease or when the secretary has determined there is no responsible party pursuant to this Section. Restoration of a wind energy site includes removing the wind energy production facility along with any necessary infrastructure facilities and restoring the property to as near as reasonably possible to the condition of the property prior to the commencement of construction of the facility.

Section 3. The rules and regulations provided for in R.S. 41:1734(A)(1) through (4) as amended by this Act shall be promulgated by the secretary on or before January 1, 2023.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 444

HOUSE BILL NO. 190

**BY REPRESENTATIVES TRAVIS JOHNSON AND GLOVER
AN ACT**

To amend and reenact R.S. 40:966(F)(1), (7), and (8)(a), 1046(A)(1), (2)(a) (xviii), (xxii), and (b), (3), (4), (5)(b), (6), and (C)(1), 1168.2(2) through (5), and 1168.3(A)(1)(b)(iii), (iv), and (2)(b) and to enact R.S. 40:1046(B), relative to the recommendation to patients of marijuana for therapeutic use, known also as medical marijuana; to provide relative to licensed health professionals who may recommend medical marijuana to patients; to authorize nurse practitioners with prescriptive authority to recommend medical marijuana to patients; to authorize medical psychologists to recommend medical marijuana to patients; to revise references to licensed health professionals who may recommend medical marijuana to patients within laws providing for immunity from prosecution for possession of marijuana; to revise references to licensed health professionals who may recommend medical marijuana to patients within laws providing for a data system for the collection and analysis of clinical information associated with use of medical marijuana; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:966(F)(1), (7), and (8)(a), 1046(A)(1), (2)(a)(xviii), (xxii), and (b), (3), (4), (5)(b), (6), and (C)(1), 1168.2(2) through (5), and 1168.3(A)(1)(b)(iii), (iv), and (2)(b) are hereby amended and reenacted and R.S. 40:1046(B) is hereby enacted to read as follows:§966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, synthetic cannabinoids, and heroin

F. Immunity from prosecution. (1) Any person who is a patient of the state-sponsored medical marijuana program in Louisiana, and possesses medical marijuana in a form permissible under R.S. 40:1046 for a condition enumerated therein, a caregiver as defined in R.S. 15:1503, or any person who is a domiciliary parent of a minor child who possesses medical marijuana on behalf of his minor child in a form permissible under R.S. 40:1046 for a condition enumerated therein pursuant to a legitimate medical marijuana prescription or recommendation issued by a physician licensed by and in good standing with the Louisiana State Board of Medical Examiners licensed health professional authorized by R.S. 40:1046(B) to recommend medical marijuana to patients, shall be exempt from the provisions of this Section. This Paragraph shall not prevent the arrest or prosecution of any person for diversion of marijuana or any of its derivatives or other conduct outside the scope of the state-sponsored medical marijuana program.

(7) Any physician licensed health professional authorized by R.S. 40:1046(B) to recommend medical marijuana to patients who provides information on marijuana for therapeutic use within a bona fide ~~doctor-patient~~ clinician-patient relationship or who issues a recommendation to a patient for marijuana for therapeutic use pursuant to R.S. 40:1046 shall be exempt from the prohibitions provided in this Section for possession and distribution of marijuana. This Paragraph shall not prohibit the arrest or prosecution of any person for diversion of medical marijuana or any other conduct outside the scope of the state-sanctioned medical marijuana program provided for in R.S. 40:1046.

(8)(a) The defenses in Paragraph (1) of this Subsection shall be raised by reproducing a patient's medical records that ~~have been created by his attending physician, that~~ contain the legitimate recommendation to possess marijuana for therapeutic use in a form permissible under R.S. 40:1046 issued by a licensed health professional authorized by R.S. 40:1046(B) to recommend medical marijuana to patients.

§1046. Recommendation and dispensing of marijuana for therapeutic use; rules and regulations of the ~~Louisiana State Board of Medical Examiners and Louisiana Board of Pharmacy; production facility licensing by the Department of Agriculture and Forestry~~

A.(1) Notwithstanding any other provision of this Part, any ~~physician licensed by and in good standing with the Louisiana State Board of Medical Examiners to practice medicine in this state~~ clinician authorized by the provisions of

Subsection B of this Section to recommend medical marijuana, referred to in this Section as an “authorized clinician”, may recommend, in any form as permitted by the rules and regulations of the Louisiana Board of Pharmacy, raw or crude marijuana, tetrahydrocannabinols, or a chemical derivative of tetrahydrocannabinols for therapeutic use by any patient clinically diagnosed as suffering from a debilitating medical condition. Nothing in this Paragraph shall be construed to prevent the Louisiana Board of Pharmacy from permitting, by rule, medical marijuana in a form to be administered by metered-dose inhaler. For purposes of this Section, “metered-dose inhaler” means a device that delivers a specific amount of medication to the lungs, in the form of a short burst of medicine that is usually self-administered by the patient via inhalation.

(2)(a) For purposes of this Subsection, “debilitating medical condition” means any of the following:

(xviii) A concussion diagnosed by ~~a physician~~ an authorized clinician.

(xxii) Any condition not otherwise specified in this Subparagraph that a ~~physician~~ an authorized clinician, in his ~~medical~~ clinical opinion, considers debilitating to an individual patient and is qualified through his ~~medical~~ clinical education and training to treat.

(b) No ~~physician~~ authorized clinician shall recommend medical marijuana for treatment of any condition associated with autism spectrum disorder for a patient who is under the age of eighteen unless the ~~physician~~ clinician complies with the provisions of this Section and consults with a pediatric subspecialist. For purposes of this Subparagraph a pediatric subspecialist is an individual licensed to practice medicine in any state in the United States who provides care to patients with autism spectrum disorder.

(3) For purposes of this Part, “recommend” or “recommended” means an opinion of any ~~physician licensed by and in good standing with the Louisiana State Board of Medical Examiners~~ authorized clinician, provided within a bona fide ~~doctor-patient~~ clinician-patient relationship, that, in the sincere judgment of the ~~physician~~ clinician, therapeutic cannabis may be helpful to the patient's condition or symptoms and is communicated by any means allowed by the Louisiana Board of Pharmacy.

(4) Any ~~physician licensed by and in good standing with the Louisiana State Board of Medical Examiners to practice medicine in Louisiana~~ authorized clinician may recommend medical marijuana to any patient suffering from a debilitating medical condition with whom he shares a bona fide ~~doctor-patient~~ clinician-patient relationship.

(b) No pharmacy authorized to dispense marijuana for therapeutic use in accordance with the provisions of this Section shall dispense raw or crude marijuana to any person under twenty-one years of age without a recommendation from a ~~physician~~ an authorized clinician specifically recommending marijuana in raw or crude form for that person.

(6) ~~Physicians~~ Authorized clinicians shall report adverse events and health outcomes associated with a patient's use of medical marijuana to the data system provided for in R.S. 40:1168.1 et seq.

B. All of the following licensed health professionals are hereby authorized to recommend medical marijuana to patients and, for purposes of this Part, shall be deemed “authorized clinicians”:

(1) Any physician licensed by and in good standing with the Louisiana State Board of Medical Examiners to practice medicine in this state.

(2) Any nurse practitioner licensed by and in good standing with the Louisiana State Board of Nursing to practice advanced practice registered nursing in this state and who has prescriptive authority conferred by the Louisiana State Board of Nursing.

(3) Any medical psychologist licensed by and in good standing with the Louisiana State Board of Medical Examiners to practice medical psychology in this state.

C.(1) The Louisiana Board of Pharmacy shall adopt rules relating to the dispensing of recommended marijuana for therapeutic use. Any rules published by the Louisiana Board of Pharmacy on or before January 1, 2016, that describe the pharmacist as dispensing medical marijuana based on a physician's prescription should be repromulgated to indicate that the physician or other authorized clinician is “recommending” use of therapeutic marijuana.

§1168.2. Definitions

For purposes of this Subpart, the following terms have the meaning ascribed to them in this Section:

(2) “Authorized clinician” means all of the following licensed health professionals authorized pursuant to R.S. 40:1046 to recommend medical marijuana to patients:

(a) Any physician licensed by and in good standing with the Louisiana State Board of Medical Examiners to practice medicine in this state.

(b) Any nurse practitioner licensed by and in good standing with the Louisiana State Board of Nursing to practice advanced practice registered nursing in this state and who has prescriptive authority conferred by the Louisiana State Board of Nursing.

(c) Any medical psychologist licensed by and in good standing with the Louisiana State Board of Medical Examiners to practice medical psychology

in this state.
(2) (3) “Board” means the Louisiana State Board of Medical Examiners.
(3) (4) “Data system” means the system authorized and provided for in R.S. 40:1168.3.
(4) (5) “Medical marijuana” means the therapeutic substance produced under the authority of and in accordance with R.S. 40:1046.
(5) “Physician” has the meaning ascribed in R.S. 37:1262.
§1168.3. Data system; components; reporting; design in collaboration with medical schools; public records exception
A. The board may create and maintain an electronic system for the collection and analysis of clinical information associated with the use of medical marijuana by patients. The system shall include, at minimum, the following components:

(1)
* * *
(b) The board shall design and administer the data system such that any of the following persons may report an adverse event:
* * *

(iii) ~~A physician~~ An authorized clinician who prescribes or recommends medical marijuana to a patient.
(iv) Any physician, medical psychologist, or advanced practice registered nurse who treats a patient other than ~~a physician~~ an authorized clinician who prescribes or recommends medical marijuana to the patient.

(2)
* * *
(b) The board shall design and administer the data system such that reporting of health outcomes is limited to ~~physicians~~ authorized clinicians exclusively.

* * *
Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 445

HOUSE BILL NO. 196
BY REPRESENTATIVES NELSON, GLOVER, AND THOMPSON
AN ACT

To enact R.S. 17:3138.10, relative to postsecondary education; to create the Stimulating More Advanced Research and Technology Program for the purpose of awarding grants to support research in science, technology, engineering, and mathematics at certain postsecondary education institutions; to provide for program administration by the Board of Regents; to specify the purposes for which grants are awarded; to create the Stimulating More Advanced Research and Technology Fund for the purpose of funding the program; to require the Board of Regents to report annually relative to the program; to require the Board of Regents to adopt rules relative to the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:3138.10 is hereby enacted to read as follows:
§3138.10. Stimulating More Advanced Research and Technology (SMART) Program and Fund

A.(1) The Stimulating More Advanced Research and Technology Program, referred to in this Section as the “SMART Program” or the “program”, is hereby established for the purpose of awarding grants to support research in the fields of science, technology, engineering, and mathematics, collectively referred to in this Section as “STEM”, at public postsecondary education institutions.

(2) For purposes of this Section, STEM does not include psychology or other behavioral sciences but does include biomedical science and agricultural science.

B. The SMART Program shall be administered by the Board of Regents, referred to in this Section as the “board”, which shall provide for application requirements, evaluation criteria, and selection.

C. Grants awarded through the program shall be used to support STEM disciplines for the following purposes:

(1) Matching research grants from federal agencies and other sources.
(2) Awarding hiring bonuses and startup packages for the purpose of attracting distinguished faculty.
(3) Construction, improvement, or procurement of research facilities, laboratories, equipment, and supplies.
(4) Scholarships and stipends for graduate students and postdoctoral fellows.

D.(1) As funding allows, the board shall award grants on a competitive basis among the four purposes provided for in Subsection C of this Section with a preference for those purposes related to research that has the opportunity for commercialization.

(2)(a) At least twenty percent of the total amount of grants shall be awarded to public postsecondary education institutions outside of the Baton Rouge and New Orleans metropolitan regions.

(b) The board shall award grants such that the percentage of all grant amounts in a year that is awarded to historically black colleges and universities is approximately equal to the percentage of all students enrolled in postsecondary education institutions who are enrolled at historically black

colleges and universities.
(3) The board shall not use more than one and one-half percent of the funding available for the program for costs associated with administering the program.

E.(1) The “Stimulating More Advanced Research and Technology Fund”, referred to in this Section as the “SMART fund” or the “fund”, is hereby created within the state treasury for the purpose of providing funding for the SMART program.

(2) Monies in the fund shall be subject to appropriation by the legislature and shall be available exclusively for use by the board for purposes of the SMART program.

(3) 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.

F. The board shall annually conduct a return on investment analysis for the program and shall submit a written report relative to this analysis to the House Committee on Education, the Senate Committee on Education, the House Committee on Appropriations, and the Senate Committee on Finance not later than January thirty-first annually.

G. The board shall adopt rules and regulations for the implementation of this Section.

H. Implementation of the provisions of this Section shall be subject to the appropriation of sufficient funds by the legislature for such purposes.

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 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 446

HOUSE BILL NO. 200
BY REPRESENTATIVE BROWN
AN ACT

To amend and reenact Code of Criminal Procedure Article 833(B) and (C) (introductory paragraph), relative to the presence of the defendant; to provide relative to the presence of the defendant in misdemeanor prosecutions; to require the court to allow a plea of not guilty by the filing of a sworn affidavit in advance of the scheduled arraignment date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Code of Criminal Procedure Article 833(B) and (C)(introductory paragraph) are hereby amended and reenacted to read as follows:

Art. 833. Presence of defendant; misdemeanor prosecution

* * *
B.(1) A plea of not guilty of a misdemeanor ~~shall~~ may be allowed to be entered through counsel of record.

(2) and in A plea of not guilty of a misdemeanor shall be allowed to be entered through counsel of record in the absence of the defendant by the filing of a sworn affidavit in advance of the scheduled arraignment date.

C. The sworn affidavit referenced in ~~Paragraph B~~ Subparagraph (B)(2) of this Article shall include the caption of the case and summons number, citation number or docket number as applicable, and state as follows:

* * *
Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 447

HOUSE BILL NO. 207
BY REPRESENTATIVES HUGHES, ADAMS, AMEDEE, BOYD, BRASS,
ROBBY CARTER, WILFORD CARTER, CORMIER, COX, CREWS,
DUPLESSIS, FISHER, FREIBERG, GAINES, GAROFALO, GREEN,
HARRIS, JEFFERSON, JENKINS, TRAVIS JOHNSON, JORDAN,
LANDRY, LARVADAIN, LYONS, DUSTIN MILLER, NEWELL, ORGERON,
CHARLES OWEN, PIERRE, SCHEXNAYDER, SELTERS, STAGNI, AND
WILLARD
AN ACT

To amend and reenact R.S. 17:183.3(B)(2)(b) and 5026(A)(2) and to enact R.S. 17:5026(D), relative to curricula; to revise the courses required in the high school career major program; to add Geometry as a required course; to provide for alignment with the core curriculum required for qualification for a TOPS-Tech award; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:183.3(B)(2)(b) and 5026(A)(2) are hereby amended and reenacted and R.S. 17:5026(D) is hereby enacted to read as follows:

§183.3. Career major; description; curriculum and graduation requirements

* * *

B.

* * *

(2) The course requirements for the career major shall consist of the following:

* * *

(b) At least four mathematics credits, including Algebra I, Algebra I Part One and Algebra I Part Two, or an applied or hybrid Algebra course, course; Geometry or an applied Geometry course; and three two additional mathematics courses from among the following: Geometry, Math Essentials, Financial Literacy, Business Math, Algebra II, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-Calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the State Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits.

* * *

§5026. High school core curriculum requirements; TOPS-Tech

A. To be eligible for a TOPS-Tech Award pursuant to this Chapter, the student shall have successfully completed the core curriculum requirements of R.S. 17:5025 or the core curriculum defined as follows:

* * *

(2) Math - Four Units

(a) Algebra I (one unit); or both Algebra I, Part 1 and Algebra I, Part 2; , or an applied or hybrid algebra course: (one unit) and Geometry or an applied Geometry course (one unit).

(b) ~~Three Two~~ or more units from the following: ~~Geometry~~; Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the State Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits.

* * *

D. For a student graduating during or after the 2017-2018 school year but prior to the 2026-2027 school year, to be eligible for a TOPS-Tech Award pursuant to this Chapter, the student shall have successfully completed the core curriculum requirements of R.S. 17:5025 or the core curriculum defined as follows:

(1) English - Four Units(a) English I.

(b) English II.

(c) Two or more units from the following: English III, English IV, AP or IB English courses, Business English, Technical Writing, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the State Board of Elementary and Secondary Education.

(2) Math - Four Units

(a) Algebra I (one unit); or both Algebra I, Part 1 and Algebra I, Part 2; or an applied or hybrid algebra course.

(b) Three or more units from the following: Geometry, Algebra II, Math Essentials, Financial Literacy, Business Math, Algebra III, Advanced Math - Functions and Statistics, Advanced Math - Pre-Calculus, Pre-calculus, or comparable Louisiana Technical College courses offered by Jump Start regional teams as approved by the State Board of Elementary and Secondary Education. Integrated Mathematics I, II, and III may be substituted for Algebra I, Geometry, and Algebra II, and shall equal three mathematics credits.

(3) Science - Two Units

(a) Biology.

(b) One unit from the following: Chemistry I, Earth Science, Environmental Science, Agriscience I and Agriscience II (both for one unit), Physical Science, Physics, or AP or IB science courses.

(4) Social Studies - Two Units

(a) One unit from the following: U.S. History, AP U.S. History, or IB U.S. History.

(b) One unit from the following: Civics, Government, AP U.S. Government and Politics: Comparative, or AP U.S. Government and Politics: United States.

(5) At least nine credits in Jump Start course sequences, workplace experiences, and credentials. A student shall complete a regionally designed series of Career and Technical Education Jump Start coursework and workplace-based learning experiences leading to a statewide or regional Jump Start credential. This shall include courses and workplace experiences specific to the credential, courses related to foundational career skills requirements in Jump Start, and other courses, including career electives, that the Jump Start regional team determines are appropriate for the career major.

Section 2. R.S. 17:183.3(B)(2)(b) as amended by this Act shall be applicable to students entering high school during or after the 2023-2024 school year. R.S. 17:5026(A)(2) as amended by this Act shall be applicable to students graduating from high school during or after the 2026-2027 school year.

THE ADVOCATE

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* As it appears in the enrolled bill

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 448

HOUSE BILL NO. 214
BY REPRESENTATIVE NELSON
AN ACT

To enact R.S. 17:7.1(A)(1), relative to teacher certification; to provide with respect to requirements for such certification; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7.1(A)(1) is hereby enacted to read as follows:

§7.1. Certification of teachers; certification of principals and superintendents; certification of school psychologists

A. In carrying out its responsibility to prescribe the qualifications and provide for the certification of teachers under authority of R.S. 17:7(6), the qualifications and requirements established by the State Board of Elementary and Secondary Education for certification of any applicant for certification who completes an approved teacher education program in Louisiana shall include but not be limited to the following:

(1) That an applicant who is applying for initial certification to teach kindergarten through third grade shall, as part of the examination required pursuant to R.S. 17:7(6)(b), shall pass a rigorous test of scientifically-researched, evidence-based reading instruction and intervention, including data-based decisionmaking principles related to reading instruction and intervention, as approved by the Department of Education.

* * *

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

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 449

HOUSE BILL NO. 215
BY REPRESENTATIVE WHITE
AN ACT

To amend and reenact R.S. 17:497, relative to the compensation schedule for school bus operators who transport public school students; to provide changes to the method by which compensation is calculated; to require compensation for certain purchases made and costs incurred by school bus operators; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:497 is hereby amended and reenacted to read as follows:

§497. School bus operators; operational schedules compensation

A.(1) Beginning with the fall term of 1986, and continuing thereafter, there There shall be paid to the operators thereof, as defined herein by this Section, for the operation of each school bus operated in the public school system of the state of Louisiana, a rate of compensation for such operation in accordance with the following schedule:

Beginning Fall Term, 1986 and thereafter
(All figures are on a cents per mile basis.)

	First 6 Miles	Next 6 Miles	Over 12 Miles
Length of bus	0-6.0	6.1-12.0	12.0 Plus
39 feet or more	117.80	107.08	80.29
38 feet or more, but less than 39 feet	112.44	101.72	80.29
34 feet or more, but less than 38 feet	107.08	96.36	80.29
28 feet or more, but less than 34 feet	101.72	91.01	74.94
26 feet or more, but less than 28 feet	96.36	85.66	74.94
23 feet or more, but less than 26 feet	91.01	80.30	74.94
21 feet or more, but less than 23 feet	85.66	74.94	69.59
19 feet or more, but less than 21 feet	80.30	69.59	64.25
17 feet or more, but less than 19 feet	80.30	64.25	58.89
14 feet or more, but less than 17 feet	53.54	48.17	37.47
Less than 14 feet			
buses, station wagons, and carryalls	53.54	48.17	37.47

(a) For buses with a manufacturer's rated capacity of forty-eight passengers or fewer, the minimum operational pay rate is \$1.4683 per mile of paid mileage.

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

(b) For buses with a manufacturer's rated capacity of greater than forty-eight passengers, the minimum operational pay rate is \$1.756 per mile of paid mileage.

(2) For buses equipped with lift and mobility device securement systems, the manufacturer's rated capacity shall be determined by the rated capacity of a bus of equal length that is designed to transport only ambulatory passengers.

~~(2) (3)(a) The compensation, as computed in accordance with the schedule contained in this Section, shall be paid for a minimum of the number of days of actual operation, but not less than one hundred eighty days, during the nine-month official school year adopted by the public school governing authority, and for the number of days of actual operation for any the summer semester, if applicable.~~

(b) Each public school governing authority shall establish supplemental payments for individual operators who are required by the governing authority to purchase any of the following equipment:

(i) Lift mechanisms, wheelchair or other mobility device securement systems, occupant restraints, cleaning supplies, or other equipment required exclusively for transporting students with disabilities.

(ii) Air-conditioning equipment.

~~(3) The State Board of Elementary and Secondary Education by rule shall establish the method to be used for computing bus length for purposes of this Section. The method established by the board shall be uniformly applicable to each city and parish school system and such method shall be used by a city or parish school board to the exclusion of all others.~~

B. The term "operator" as used in this Section shall mean any individual, parish, or city school board who or public school governing authority that owns and is responsible for the operation, maintenance, and replacement of a school bus operated in the public schools of the state, including state universities, colleges, and junior colleges.

C. The term "mileage one-way" "paid mileage" as used in this Section shall mean the distance the bus travels after picking up its first child student and until it reaches the final student discharge destination or school of said route or routes each morning and afternoon route officially designated by each school board the public school governing authority.

D.(1) Each school board public school governing authority shall designate the size of the bus to be used on each official regular school bus route. When an operator deems it necessary to purchase a bus, either new or used for not more than five years from the date of manufacture, of the designated size to be used on an official regular school bus route, he shall obtain the approval for the purchase by the school board from the public school governing authority or its duly designated officer or agent. After purchasing a new or used bus not more than five years old, so an approved bus, no operator shall be penalized as a result of the change by the school board public school governing authority in the designated size of the bus or the length of the route within a five-year seven-year period following such purchase of a bus. However, the period shall be seven years for those operators who purchase a new bus after July 1, 1985.

(2) No city or parish school board public school governing authority shall approve the purchase by an operator of a used bus when the sole purpose of such purchase is to extend the protected period against penalty provided for in this Subsection.

(3) The distribution of state funds for school transportation to the city and parish school boards public school governing authority shall include any costs incurred by school boards the public school governing authority in complying with these provisions.

E. Beginning with the first pay period commencing on or after January 1, 1965, any parish or city school system A public school governing authority exempt from the provisions of R.S. 17:496 shall participate in is subject to this Section in the same manner as other parish and city school systems public school governing authorities.

F.(1) When funds become available, and continuing thereafter, there shall be paid to the operators thereof, as defined herein, for the operation of each school bus operated in the public school system of the state of Louisiana, a rate of compensation for such operation in accordance with the following schedule:

Beginning Fall Term, 1986 and Thereafter	
Length of bus	Cents per mile
39 feet or more	117.80
38 feet or more, but less than 39 feet	112.44
34 feet or more, but less than 38 feet	107.08
28 feet or more, but less than 34 feet	101.72
26 feet or more, but less than 28 feet	96.36
23 feet or more, but less than 26 feet	91.01
21 feet or more, but less than 23 feet	85.66
19 feet or more, but less than 21 feet	80.30
17 feet or more, but less than 19 feet	80.30
14 feet or more, but less than 17 feet	53.54
Less than 14 feet buses, station wagons, and carryalls	53.54

~~(2) The compensation, as computed in accordance with the schedules contained in this Section, shall be paid for a minimum of one hundred eighty days during the nine-month school year, and for the number of days of actual operation for any summer semester. However, until funds become available, payment shall be made as provided in Subsection A of this Section.~~

Section 2. Implementation of this Act shall begin with the 2022-2023 school year.

Section 3. This Act shall become effective upon signature by the governor

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

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 450

HOUSE BILL NO. 223

BY REPRESENTATIVES MARCELLE AND MARINO

AN ACT

To amend and reenact R.S. 13:5401(B)(1)(f), (g), (h), and (i) and to repeal R.S. 13:5401(B)(1)(d), relative to reentry courts; to provide for participation in workforce development sentencing programs; to provide for eligibility; to provide relative to certain exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5401(B)(1)(f), (g), (h), and (i) are hereby amended and reenacted to read as follows:

§5401. District courts; reentry courts; subject matter

* * *

B. Participation in the workforce development sentencing program as authorized by the provisions of this Section shall be subject to the following provisions:

(1) The court may recommend that a defendant participate in the workforce development sentencing program if all of the following criteria are satisfied:

* * *

(f) The crime before the court shall not be a crime of violence as defined in R.S. 14:2(B), including domestic violence; however, the provisions of this Subparagraph shall not apply to any of the following crimes of violence:

(i) Aggravated battery (R.S. 14:34).

(ii) Second degree battery (R.S. 14:34.1).

(iii) Battery of a police officer (R.S. 14:34.2).

(iv) Disarming of a peace officer (R.S. 14:34.6).

(v) Aggravated assault (R.S. 14:37).

(vi) Aggravated assault with a firearm (R.S. 14:37.4).

(vii) Simple kidnapping (R.S. 14:45).

(viii) False imprisonment; offender armed with dangerous weapon (R.S. 14:46.1).

(ix) Aggravated arson (R.S. 14:51).

(x) Aggravated criminal damage to property (R.S. 14:55).

(xi) Home invasion (R.S. 14:62.8).

(xii) Second degree robbery (R.S. 14:64.4).

(xiii) Simple robbery (R.S. 14:65).

(xiv) Purse snatching (R.S. 14:65.1).

(xv) Aggravated flight from an officer (R.S. 14:108.1).

(g) The defendant cannot be sentenced as a multiple offender in the present charge pursuant to R.S. 15:529.1.

(h) Other criminal proceedings alleging commission of a crime of violence as defined in R.S. 14:2(B), except those listed in, shall not be pending against the defendant.

(i) (h) The crime before the court shall not be a charge of any crime that resulted in the death of a person.

(i) The district attorney or appropriate prosecuting authority of the charge for which a defendant may be considered for re-entry court consents to participation by the defendant in all cases wherein the defendant is convicted of an eligible violent crime pursuant to R.S. 14:2.

* * *

Section 2. R.S. 13:5401(B)(1)(d) is hereby repealed in its entirety.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 451

HOUSE BILL NO. 239

BY REPRESENTATIVE FRIEMAN

AN ACT

To enact R.S. 23:1310.5.1, relative to workers' compensation; to provide for motions to stay; to require the granting of a motion to stay under certain circumstances; to require status conferences; to prohibit dismissal on the grounds of abandonment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1310.5.1 is hereby enacted to read as follows:

§1310.5.1. Stays

A. Upon an uncontested motion to stay or a joint motion to stay of the parties, the workers' compensation judge shall order a stay of the proceeding on a claim and the stay shall remain in effect as long as the parties jointly agree.

B. If the motion to stay is granted, a telephone status conference shall be

set at such intervals occurring at least every six months as directed by the workers' compensation judge.

C. The provisions of the Louisiana Administrative Code 40:1.5705(A) regarding abandonment shall not apply to any matter subject to a stay order pursuant to this Section during the pendency of the stay.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 452

HOUSE BILL NO. 248

BY REPRESENTATIVES WILLARD, LANDRY, AND GLOVER AND
SENATORS BARROW, BOUDREAUX, BOUIE, CARTER, CONNICK,
JACKSON, LUNEAU, AND PRICE

AN ACT

To amend and reenact R.S. 1:55(A)(1) and (7), (B)(2), (D), and (E)(1)(a)(i), relative to legal holidays; to provide for the removal of certain holidays; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 1:55(A)(1) and (7), (B)(2), (D), and (E)(1)(a)(i) are hereby amended and reenacted to read as follows:

§55. Days of public rest, legal holidays, and half-holidays

A. The following shall be days of public rest and legal holidays and half-holidays:

(1) The following shall be days of public rest and legal holidays: Sundays; January 1, New Year's Day; January 8, Battle of New Orleans; the third Monday in January, Dr. Martin Luther King, Jr.'s Birthday; ~~January 19, Robert E. Lee Day;~~ third Monday in February, Washington's Birthday; ~~and Presidents' Day;~~ the day of Mardi Gras; Good Friday; the last Monday in May, National Memorial Day; ~~June 3, Confederate Memorial Day;~~ July 4, Independence Day; August 30, Huey P. Long Day; the first Monday in September, Labor Day; the second Monday in October, Christopher Columbus Day; November 1, All Saints' Day; November 11, Veterans' Day; the fourth Thursday in November, Thanksgiving Day; December 25, Christmas Day; Inauguration Day in the city of Baton Rouge; provided, however, that in the parish of Orleans, the city of Baton Rouge, in each of the parishes comprising the second and sixth congressional districts, except the parish of Ascension, and in each of the parishes comprising the fourteenth and thirty-first judicial districts of the state, the whole of every Saturday shall be a legal holiday, and in the parishes of Catahoula, Caldwell, West Carroll, Concordia, East Carroll, Franklin, Madison, Morehouse, Ouachita, Richland, Tensas, Union, Jackson, Avoyelles, West Feliciana, Rapides, Natchitoches, Grant, LaSalle, Winn, Lincoln, and East Baton Rouge, the whole of every Saturday shall be a holiday for all banking institutions, and in the parishes of Sabine and Vernon each Wednesday and Saturday, from 12:00 o'clock noon until 12:00 o'clock midnight, shall be a half-holiday for all banking institutions. All banks and trust companies, however, may, each at its option, remain open and exercise all of its regular banking functions and duties upon January 8; Dr. Martin Luther King, Jr.'s Birthday; January 19; Washington's Birthday; ~~Presidents' Day;~~ Good Friday; National Memorial Day; June 3; August 30; Christopher Columbus Day; November 1; and Veterans' Day; and all banks and trust companies located in Ward 1 of the parish of Avoyelles may, each at its option, remain open and exercise all of its regular banking functions and duties until 12 o'clock noon on Saturdays; however, when on any of said last named days any bank or trust company does actually remain open it shall, as to transactions on such day, to exactly the same extent as if such day were not otherwise a legal holiday, be not subject to any of the provisions of R.S. 7:85 and 251 or any other laws of Louisiana covering the matters of maturity of negotiable instruments and demand, notice, presentment, acceptance, or protest thereof on legal holidays and half-holidays, and all instruments payable to or at such bank upon such day shall become due on such day; and provided, further, that the option of remaining open shall not, except as otherwise provided in this Paragraph, apply to Saturdays or Wednesdays which are holidays or half-holidays, or to Mardi Gras when the same has been declared a legal holiday; and provided still further that nothing in any law of this state shall in any manner whatsoever affect the validity of or render void or voidable the payment, certification, or acceptance of a check or other negotiable instrument or any other transaction by a bank in Louisiana because done on any holiday or half-holiday or because done on any day upon which such bank, if remaining open because of the option given it herein, if the payment, certification, acceptance, or other transaction could have been validly done on any other day.

* * *

(7) The third Monday in February, the birthday of President George Washington ~~and Presidents' Day~~, for public schools; provided however, that a local school board shall decide to observe this holiday during a regularly scheduled school day with or without the necessity of adjourning school for all or any portion of the school day.

* * *

B. Legal holidays shall be observed by the departments of the state as follows:

* * *

(2) ~~Robert E. Lee Day~~, Washington's Birthday, ~~Presidents' Day~~ and National

Memorial Day, ~~Confederate Memorial Day~~, and Huey P. Long Day shall be observed only in such manner as the governor may proclaim, considering the pressure of the state's business; ~~however, not more than two such legal holidays shall be proclaimed in any one year, one of which shall be National Memorial Day.~~

* * *

D. Notwithstanding the provisions of R.S. 6:65 or any other law to the contrary, all banking institutions and savings and loan associations located within the parishes of Terrebonne, Lafourche, Iberia, Pointe Coupee, West Baton Rouge, St. Mary, and Iberville, and all banking institutions located within the parishes of Lafayette and St. Landry, shall be closed during any year on Saturdays, Sundays, New Year's Day, Mardi Gras, Independence Day, Labor Day, Thanksgiving and Christmas; provided, however, that when New Year's Day, Independence Day or Christmas fall on a Sunday, said banking institutions and savings and loan associations shall be closed on the next day, and said financial institutions may, each at its option, remain open and exercise all of its regular functions and duties upon January eighth; January nineteenth; the third Monday in February, Washington's Birthday; ~~and Presidents' Day;~~ Good Friday; the last Monday in May, National Memorial Day; June third; August thirtieth; the second Monday in October, Christopher Columbus Day; November first; and November eleventh, Veterans' Day; and further provided that when on any of said last named days any said financial institution does actually remain open it shall, as to transactions on such day, to exactly the same extent as if such day were not otherwise a legal holiday, be not be subject to any of the provisions of R.S. 7:85 and 251, or any other laws of Louisiana, covering the matters of maturity of negotiable instruments and demands, notice, presentment, acceptance or protest thereof on legal holidays and half-holidays, and all instruments payable to or at such bank upon such day shall become due on such day; and provided further that the option of remaining open shall not apply to Saturdays or Wednesdays which are holidays or half-holidays, or to Mardi Gras when the same has been declared a legal holiday; and provided further that nothing in any law of this state shall in any manner whatsoever affect the validity of, or render void or voidable, the payment, certification of acceptance of a check or other negotiable instrument, or any other transaction by a bank in Louisiana because done on any holiday or half-holiday or because done on any day upon which such financial institution if remaining open because of the option given it herein, if the payment, certification, acceptance, or other transaction could have been validly done on any other day, provided, however, that in the parishes of Beauregard, Sabine, Vernon, Evangeline and DeSoto the banking institutions may elect to make the whole of Saturdays holidays and close, in lieu of half-holidays on Wednesdays and half-holidays on Saturdays.

E.(1)(a)(i) Each clerk of a district court, parish court, and city court shall close his office on the following days: New Year's Day, January first; Washington's Birthday, ~~and Presidents' Day~~, the third Monday in February; Good Friday; Memorial Day, the last Monday in May; the Fourth of July; Labor Day, the first Monday in September; All Saints' Day, November first; Veterans' Day, November eleventh; Thanksgiving Day, the fourth Thursday in November, and the next day, Friday; Christmas Eve Day; Christmas Day; and New Year's Eve Day, December thirty-first.

* * *

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 453

HOUSE BILL NO. 260

BY REPRESENTATIVES MAGEE AND GREEN

AN ACT

To enact R.S. 40:1800, relative to firearms; to provide for definitions; to provide for limitation of liability; to provide for an exception; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1800 is hereby enacted to read as follows:

~~§1800. Firearms; hold agreements; limitation of liability~~

~~A. For the purposes of this Section:~~

~~(1) "Federal firearms licensee" means any person licensed pursuant to Chapter 44 of Title 18 of the United States Code.~~

~~(2) "Firearm" means an instrument as defined in 18 U.S.C. 921, R.S. 14:37.4, R.S. 14:95.1, or R.S. 40:1781.~~

~~(3) "Firearm hold agreement" means a private transaction between a federal firearms licensee and an individual firearm owner where the licensee takes physical possession of the owner's lawfully possessed firearm at the owner's request, holds the firearm for an agreed period of time, and returns the firearm to the owner according to the terms of the transaction.~~

~~B.(1) No person shall have a cause of action against a federal firearms licensee operating lawfully in the state of Louisiana for any act or omission arising from a firearm hold agreement and resulting in personal injury or death of any natural person, including the return of any firearms to the individual firearm owner by a federal firearms licensee at the termination of a firearm hold agreement.~~

~~(2) The immunity from civil liability provided in Paragraph (1) of this Subsection shall not apply to any action arising from a firearm hold agreement~~

if such action was the result of otherwise unlawful conduct on the part of the licensee.

(3) This Section shall not apply to firearm transfers pursuant to the Domestic Violence Prevention Firearm Transfer as provided in Title XXXV of the Code of Criminal Procedure.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 454

HOUSE BILL NO. 261

BY REPRESENTATIVES MAGEE, AMEDEE, BROWN, BRYANT,
EDMONSTON, EMERSON, FISHER, GREEN, HARRIS, LARVADAIN,
MARINO, NELSON, ORGERON, PIERRE, STEFANSKI, THOMAS,
THOMPSON, AND ZERINGUE AND SENATOR CORTEZ
AN ACT

To enact Part II-E of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1977.1 through 1977.3, and R.S. 36:651(C) (13), relative to education; to create an independent public French immersion school; to provide for the location of the school and the grade levels to be served; to provide for a board of directors and a school director and the powers, duties, and responsibilities of each; to provide for board membership, terms, and compensation; to provide for an effective date; to provide for funding; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part II-E of Chapter 8 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1977.1 through 1977.3, is hereby enacted to read as follows:

PART II-E. ÉCOLE POINTE-AU-CHIEN

§1977.1. École Pointe-au-Chien; creation; location; governance
There is hereby created École Pointe-au-Chien, a public French immersion school for students in grades prekindergarten through four. The school shall be located in Terrebonne Parish. The school shall be independent of the control of the state superintendent of education and of all local and state education boards except its board of directors. §1977.2. Board of directors; creation; membership; terms; powers; voting; compensation

A. There is hereby created a board of directors for the school, referred to in this Part as the “board”. The board shall be composed of thirteen members as follows:

(1) Three members appointed by the state-recognized Pointe-au-Chien Indian Tribe.

(2) One member appointed by the state-recognized Isle-De-Jean-Charles Band of Biloxi-Chitimacha-Choctaw Indians of Louisiana.

(3) One member appointed by the governor.

(4) One member appointed by the Council for the Development of French in Louisiana who is an employee of the council.

(5) One member appointed by the Consul General of France in Louisiana.

(6) One member appointed by the Grand Caillou/Dulac Band of Biloxi-Chitimacha-Choctaw.

(7) One member appointed by the Bayou Lafourche Band of Biloxi-Chitimacha Confederation of Muskogees.

(8) One member appointed by the United Houma Nation.

(9) The state superintendent of education or his designee who is an employee of the state Department of Education.

(10) The member of the Louisiana Senate whose district encompasses the location of the school or his designee who is a resident of Pointe-aux-Chenes.

(11) The member of the Louisiana House of Representatives whose district encompasses the location of the school or his designee who is a resident of Pointe-aux-Chenes.

B. The terms of the members of the board shall be four years.

C. Seven members of the board shall constitute a quorum for the transaction of business, and all official action of the board shall require the favorable vote of a majority of those members present and voting.

D. The board shall have the authority to do the following:

(1) Accept donations, bequests, or other forms of financial assistance for educational purposes from any public or private person or agency and comply with rules and regulations governing grants from the federal government or from any other person or agency.

(2) Purchase land and equipment and make improvements to facilities necessary for the use of the school in accordance with applicable law.

(3) Lease land or other property belonging to it or to the school, subject to approval of the commissioner of administration and in accordance with law.

(4) Sell or exchange land or other real property not needed for school purposes, but only when specifically authorized by law and then only in accordance with the procedures provided in R.S. 41:892 for the sale of unused school lands. The sale shall be authorized by resolution adopted by the board, and the act of sale shall be signed by the president of the board or such other person to whom the signing may be delegated by the board in the authorizing resolution.

(5) Adopt rules, regulations, and policies necessary or proper for the conduct of the business of the board.

(6) Enter into contracts and agreements which have been recommended by the director, in accordance with applicable law, and to the extent that

funds are specifically appropriated therefor, with other public agencies with respect to cooperative enterprises and undertakings related to or associated with an educational purpose or program affecting education in the school. This shall not preclude the board from entering into other such contracts and agreements that it deems necessary to carry out its duties and functions.

(7) Perform such other functions as are necessary for the governance of the school.

E. In addition to the authorities granted by this Section and any powers, duties, and responsibilities vested by any other applicable laws, the board shall:

(1) Adopt rules, regulations, and policies, including a student handbook, that are necessary for the efficient operation of the school.

(2) Prescribe and select for use in the school free textbooks and other materials of instruction for students enrolled in the school.

(3) Select a director who shall be the chief administrative officer of the school and who shall administer the rules, regulations, and policies adopted by the board. The board shall delegate to the director such of its powers and duties as it deems appropriate to aid the director in the efficient administration of his responsibility for the implementation of the policies of the board. The director shall be responsible for all the administrative functions, duties, and needs of the board including but not limited to the following:

(a) Preparing an annual budget necessary for the continued operation of the school and submitting such budget to the board for adoption.

(b) Paying the expenses of the board and its members and the salaries and expenses, including but not restricted to facilities, equipment, and supplies of the faculty and staff of the school out of funds appropriated or otherwise made available for the operating and administrative expenses of the board and the school.

(c) Exercising budgetary responsibility and allocating for expenditure by the school all monies appropriated or otherwise made available for purposes of the board and the school.

(d) Developing and annually updating a student handbook including but not limited to all rules, regulations, and policies for the disciplining of students and submitting such handbook to the board for adoption as provided in Paragraph (1) of this Subsection.

(e) Determining faculty and staff positions necessary for the efficient operation of the school and selecting personnel for such positions.

(f) Creating an advisory panel of individuals with expertise or interest in matters pertaining to the school.

F. Members of the board shall not receive any compensation for their service as members.

G. The school shall act as its own local education agency.

§1977.3. Funding; inclusion in the minimum foundation program formula; other appropriated state funds

A. The board of directors of the school annually shall prepare and adopt a recommended budget to adequately fund the educational programs at the school. The budget shall have as its goal to provide state funding for the school which shall not be less than the average funding on a per-student basis at peer institutions in other states having similar programs and enrollments and may provide for achieving its goal over a multi-year period. The recommended budget shall be submitted to the division of administration as the total budget request for the school.

B. Ecole Pointe-au-Chien shall be considered a public school and, as such, shall be included by the State Board of Elementary and Secondary Education in the formula required by Article VIII, Section 13 of the Constitution of Louisiana used to determine the cost of a minimum foundation program of education in all public elementary and secondary schools. Funding shall be provided through appropriations made directly to the school from the state general fund and through funds appropriated for the minimum foundation program and allocated to the school by the state Department of Education.

Section 2. R.S. 36:651(C)(13) is hereby enacted to read as follows:

§651. Transfer of boards, commissions, departments, and agencies to Department of Education; boards, commissions, and agencies within Department of Education

* * *

C. The following agencies are transferred to and hereafter shall be within the Department of Education as provided in R.S. 36:801.1:

* * *

(13) École Pointe-au-Chien board of directors (R.S. 17:1977.1 et seq.).

* * *

Section 3.(A) This Act shall become effective July 1, 2023, except as provided in Subsection B of this Section.

(B) The provisions of R.S. 17:1977.2 and R.S. 36:651(C)(13) as provided in this Act, relative to the creation of the board of directors, shall become effective upon signature of this Act 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 this Act is vetoed by the governor and subsequently approved by the legislature, the provisions of R.S. 17:1977.2 and R.S. 36:651(C)(13) as provided in this Act, relative to the creation of the board of directors, shall become effective on the day following such approval.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 455

HOUSE BILL NO. 264
BY REPRESENTATIVE SEABAUGH
AN ACT

To amend and reenact Code of Civil Procedure Article 1201(C), relative to service of citation; to provide for the serving of the original petition with the supplemental or amended petition to additional defendants; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 1201(C) is hereby amended and reenacted to read as follows:

Art. 1201. Citation; waiver; delay for service

* * *

C. Service of the citation shall be requested on all named defendants within ninety days of commencement of the action. When a supplemental or amended petition is filed naming any additional defendant, service of citation shall be requested within ninety days of its filing, and the additional defendant shall be served with the original petition and the supplemental or amended petition. The defendant may expressly waive the requirements of this Paragraph by any written waiver. The requirement provided by this Paragraph shall be expressly waived by a defendant unless the defendant files, in accordance with the provisions of Article 928, a declinatory exception of insufficiency of service of process specifically alleging the failure to timely request service of citation.

* * *

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 456

HOUSE BILL NO. 274
BY REPRESENTATIVES EDMONDS AND EDMONSTON
AN ACT

To enact R.S. 17:263(C), relative to curricula; to expand the topics required to be included in adoption awareness instruction for high school students; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:263(C) is hereby enacted to read as follows:

§263. Adoption awareness; required instruction

* * *

C. Instruction on adoption awareness shall include the following:

(1) The benefits of adoption to society.

(2) The types of adoption available.

(3) The difference between foster care and infant adoption.

(4) The reasons adoption is preferable to abortion.

(5) Public and private resources and agencies available to assist in the adoption process.

(6) Statistical data on abortion, adoption, and childbirth.

(7) Public and private resources available for pregnant mothers and parents.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 457

HOUSE BILL NO. 278
BY REPRESENTATIVES ECHOLS AND FREEMAN
AN ACT

To enact R.S. 22:1066.2, relative to health coverage plans; to require reimbursement for mental health and substance abuse benefits provided through the Psychiatric Collaborative Care Model service delivery method; to provide for applicability; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1066.2 is hereby enacted to read as follows:

§1066.2. Psychiatric Collaborative Care Model; service delivery method requirements

A. A health coverage plan which is delivered or issued for delivery in this state that provides mental health and substance abuse benefits shall provide coverage for mental health and substance abuse services that are delivered through evidence-based, integrated behavioral healthcare models, such as the Psychiatric Collaborative Care Model.

B. Any medical necessity determination made by a health coverage plan shall be in compliance with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008 and its related regulations, and in accordance with the Internal Claims and Appeals Process and External Review Act, R.S. 22:2391 et seq.

C. As used in this Section, the following terms apply:

(1) "Health coverage plan" means any hospital, health, or medical expense

insurance policy, hospital or medical service contract, employee welfare benefit plan, contract or agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type, including a group insurance plan and the Office of Group Benefits programs.

(2) "Mental health or substance abuse benefits" means benefits for the treatment of any condition or disorder that involves a mental health condition or substance use disorder that falls under any of the diagnostic categories listed in the mental disorders section of the current edition of the International Classification of Diseases or that is listed in the mental disorders section of the most recent version of the Diagnostic and Statistical Manual of Mental Disorders.

(3) "Psychiatric Collaborative Care Model" means the evidence-based, integrated behavioral health service delivery method that is typically provided by a primary care team consisting of a primary care provider and a care manager who works in collaboration with a psychiatric consultant, such as a psychiatrist. Care is directed by the primary care team and includes structured care management with regular assessments of clinical status using validated tools and modification of treatment as appropriate. The psychiatric consultant provides regular consultations to the primary care team to review the clinical status and care of patients and to make recommendations.

Section 2. The provisions of this Act shall apply to any new health coverage plan issued on or after January 1, 2023. Any health coverage plan in effect prior to January 1, 2023, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2024.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 458

HOUSE BILL NO. 293
BY REPRESENTATIVES HILFERTY, COX, DAVIS, DUPLESSIS, FISHER,
FONTENOT, GOUDEAU, JORDAN, MCKNIGHT, NEWELL, PRESSLY, ST.
BLANC, AND THOMAS
AN ACT

To amend and reenact R.S. 40:1581, relative to carbon monoxide detectors in one- or two-family dwellings; to provide for a long-life, sealed battery carbon monoxide detector in certain dwellings; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1581 is hereby amended and reenacted to read as follows:
§1581. Smoke detectors; carbon monoxide detectors; one- or two-family dwellings

A. Effective January 1, 2011, all All existing one- or two-family dwellings at the time of sale or lease, shall contain, at a minimum, an operable ten-year, sealed lithium battery smoke detector.

B. All existing one- or two-family dwellings at the time of sale or lease, shall contain, at a minimum, an operable carbon monoxide detector with a long-life, sealed battery. The carbon monoxide detector may be combined with smoke detection.

C. Professional installers who install generators in one- or two-family dwellings shall include with installation of a home generator, at minimum, an operable carbon monoxide detector with a long-life, sealed battery. The carbon monoxide detector may be combined with smoke detection.

B. D. Failure to comply with the provisions of this Section shall not be a reason for nonpayment of any insurance claims.

C. E. Failure to comply with the provisions of this Section shall not cause a delay or a stoppage in the transfer of the property.

D. F. The real estate agent shall not be liable for the seller's failure to comply with the provisions of this Section.

Section 2. The provisions of Subsections B and C of R.S. 40:1581 as amended by Section 1 of this Act shall not supersede or prevent the Louisiana State Uniform Construction Code Council from performing its duties as per R.S. 40:1730.22(C) and apply only to one- or two-family dwellings sold, leased, or which have home generators installed on or after January 1, 2023.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 459

HOUSE BILL NO. 294
BY REPRESENTATIVE NELSON
AN ACT

To enact R.S. 22:1112, relative to the guaranteed issue of Medicare supplement policies; to provide for open enrollment; to require notice to policyholders of open enrollment periods; to prohibit denial or conditioning of coverage under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1112 is hereby enacted to read as follows:

§1112. Medicare supplement guaranteed issue; open enrollment periods;

prohibited conditioning of coverage; notice to policyholders

A.(1) If, at the time of an individual's birthday each year, that individual has an existing Medicare supplement policy, the individual shall have an annual open enrollment period commencing with the individual's birthday and lasting for a period of sixty-three calendar days, during which the individual may purchase any Medicare supplement policy offered in this state by the same insurer.

(2) If during the annual open enrollment period, the individual seeks to purchase a Medicare supplement policy that is a standardized policy identified by a plan letter indicating benefits that are equal to or less than the benefits indicated by the plan letter of the individual's previous Medicare supplement policy, the issuer of the chosen Medicare supplement policy shall not deny or condition the issuance or effectiveness of the coverage, nor discriminate in the pricing of the coverage, due to health status, claims experience, receipt of health care, or a medical condition of the individual.

B.(1)(a) If an individual is eligible for Medicare coverage and does not have an existing Medicare supplement policy, but maintained health insurance coverage through the individual's employer at the time the individual became eligible for Medicare coverage, the individual shall have an open enrollment period commencing on any of the following:

- (i) The termination date of the individual's employer-based plan.
- (ii) The date the employer-based plan ceases to provide some or all health benefits to the individual.
- (iii) The date the individual leaves the employer-based plan.

(b) An open enrollment period prescribed in this Subsection shall last for a period of sixty-three calendar days, during which the individual may purchase any Medicare supplement policy offered in this state.

(2) If during the open enrollment period, the individual seeks to purchase a Medicare supplement policy that is a standardized policy identified by a plan letter for which federal law currently provides a guaranteed issue right at the time of the individual's initial eligibility for Medicare coverage, the issuer of the chosen Medicare supplement policy shall not deny or condition the issuance or effectiveness of the coverage, nor discriminate in the pricing of the coverage, due to health status, claims experience, receipt of health care, or a medical condition of the individual.

C. A Medicare supplement policy issuer shall provide notice of the annual open enrollment period for eligible Medicare supplement policyholders at the time the application is made for a Medicare supplement policy or certificate. The notice shall be in a form prescribed by the commissioner.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 460

HOUSE BILL NO. 300

BY REPRESENTATIVES DEVILLIER, BOYD, BRASS, BUTLER, WILFORD CARTER, CREWS, DESHOTEL, DUPLESSIS, EDMONDS, EMERSON, FISHER, FRIEMAN, GADBERRY, GOUDEAU, GREEN, HARRIS, JORDAN, LAFLEUR, LARVADAIN, LYONS, NEWELL, CHARLES OWEN, PIERRE, RISER, ROMERO, SCHAMERHORN, ST. BLANC, THOMAS, THOMPSON, WILLARD, AND WRIGHT

AN ACT

To amend and reenact R.S. 37:1368(C) and (D), 1371(A)(1), and 1380(A) and to enact R.S. 37:1368(K), relative to licensure for plumbers; to remove references to restricted licensure; to require issuance of licenses in certain circumstances; to provide criteria for issuance of certain licenses; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1368(C) and (D), 1371(A)(1), and 1380(A) are hereby amended and reenacted and R.S. 37:1368(K) is hereby enacted to read as follows:

§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

* * *

~~C. Any master plumber who has not been licensed by the board but who worked as a locally licensed master plumber prior to July 1, 1990, in a municipal or other local jurisdiction that previously licensed master plumbers shall be allowed to apply for and receive, upon payment of a reasonable fee set by the board, a restricted master plumber's license permitting him to continue working as a master plumber, but only in the jurisdiction in which he was previously locally licensed. Any person holding such a restricted master plumber's license shall not perform the work of a journeyman plumber unless licensed by the board. The board may adopt regulations to implement this Subsection. Any person holding a restricted master plumber's license shall not perform the work of a journeyman plumber unless he currently possesses or previously possessed a journeyman plumber's license issued by the board. Any individual who maintained a restricted journeyman's license or restricted master plumber's license prior to January 1, 2023, and maintained compliance with the provisions of R.S. 37:1371 and 1380 through January 1, 2023, shall be issued a journeyman's license or master plumber's license upon written request to the board.~~

~~D. Any journeyman plumber licensed by the board who operated a plumbing~~

~~business prior to July 1, 1990, in a municipal or other local jurisdiction that did not previously license master plumbers, shall be allowed to apply for and receive, upon payment of a reasonable fee set by the board, a restricted master plumber's license permitting him to continue working as a master plumber, but only in the applicable jurisdiction. The board may adopt regulations to implement this Subsection. Any individual who was issued a restricted journeyman's license or restricted master plumber's license prior to January 1, 2023, but did not maintain such license due to a lack of compliance with R.S. 37:1371 and 1380, shall be treated as if he was inactive upon his last day of compliance with such provisions. Upon submission of a written request to the board, payment of renewal fees in accordance with R.S. 37:1371(A), and submission of a written showing of compliance with R.S. 37:1380, the board shall issue the individual a journeyman's license, if the individual previously held a restricted journeyman's license or a master plumber's license, if the individual previously held a restricted master plumber's license.~~

* * *

~~K. The board may refuse to grant a journeyman or master plumber's license to an individual who previously maintained a restricted journeyman or restricted master plumber's license, if the individual failed to comply with additional licensing requirements not provided for in R.S. 37:1371 and 1380.~~

* * *

§1371. Fees

A.(1) The board may fix and charge reasonable examination, licensing, and renewal fees for tradesman, journeyman, and master plumbers, temporary permit fees for journeyman plumbers, ~~restricted license fees for journeyman and master plumbers,~~ and renewal fees for inactive master plumbers. The board may fix and charge reasonable examination, licensing, and renewal fees for persons engaged in the work or business of medical gas piping installation and for persons engaged in the work or business of a medical gas and vacuum system verifier. The board may fix and charge reasonable examination, licensing, and renewal fees associated with endorsements issued to journeyman or master plumbers relative to the work of a water supply protection specialist. The board may also fix and charge a reasonable registration fee for apprentice plumbers. These fees shall not exceed the amount required to maintain the board and pay the expenses of operating the board and enforcing the provisions of this Chapter.

* * *

§1380. Insurance requirements for master plumbers

~~A. No master plumber or restricted master plumber 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.~~

* * *

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 461

HOUSE BILL NO. 312

BY REPRESENTATIVES DUSTIN MILLER, ADAMS, BOYD, CARPENTER, CARRIER, WILFORD CARTER, DUPLESSIS, FISHER, GAINES, GLOVER, HORTON, ILLG, LANDRY, LARVADAIN, LYONS, MCFARLAND, NEWELL, PIERRE, SCHLEGEL, SELTERS, STAGNI, TURNER, VILLIO, AND

WHITE

AN ACT

To amend and reenact the heading of Part XIII of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950 and R.S. 40:2199(A)(1) and to enact R.S. 40:2199.11 through 2199.19, relative to licensed healthcare facilities; to establish duties and requirements of licensed healthcare facilities with respect to addressing and preventing workplace violence; to require the posting of certain cautionary signage at licensed healthcare facilities; to require and provide with respect to healthcare workplace violence prevention plans; to require reporting of acts of workplace violence occurring at licensed healthcare facilities; to prohibit retaliation by certain employers in connection with reporting of healthcare workplace violence; to require the Louisiana Department of Health to maintain on its website public information regarding healthcare workplace violence; to authorize enforcement actions by the department; to require promulgation of administrative rules; to provide for definitions; to provide for organization and designation of laws by the Louisiana State Law Institute; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Part XIII of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950 and R.S. 40:2199(A)(1) are hereby amended and reenacted and R.S. 40:2199.11 through 2199.19 are hereby enacted to read as follows:

PART XIII. HEALTH CARE PROVISIONS COMMON TO HEALTHCARE FACILITIES AND SERVICES; LICENSING ENFORCEMENT

§2199. Violations; penalties; fines; notice; hearings; appeal; licensed entities

A.(1) For purposes of this Part Subpart, "facility" shall mean any one or more of the following: an adult day health care facility, substance abuse/addiction treatment facility, ambulatory surgery center, case management

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

facility, urine drug screening facility, mobile cholesterol screening facility, end stage renal disease facility, supplier of portable X-ray services, home health agency, hospice, hospital, ICF/DD facility, outpatient abortion facility, or any other healthcare provider licensed or certified by the Louisiana Department of Health.

* * *

§2199.11. Purpose

The purpose of this Subpart is to protect public health and safety by establishing policies and practices through which incidents of workplace violence in healthcare settings can be properly addressed, mitigated, and, wherever possible, prevented.

§2199.12. Definitions

As used in this Subpart, the following terms have the meaning ascribed to them in this Section:

(1) “Department” means the Louisiana Department of Health and any healthcare professional licensing board transferred to and placed within the department pursuant to R.S. 36:259(A).

(2) “Licensing board” means any board or commission that has the duty to license a regulated entity as defined in this Section.

(3) “Regulated entity” means any licensed healthcare facility listed in R.S. 40:2006(A)(2), a federally qualified health center as defined in R.S. 40:1185.3, a pharmacy permitted in accordance with Part IV of Chapter 14 of Title 37 of the Louisiana Revised Statutes of 1950, and any office of a healthcare provider at which five or more healthcare professionals, as defined in R.S. 14:34.8(B), treat patients and such office is not otherwise licensed by the state but provides healthcare services delivered by a licensee of a healthcare professional licensing board created in Title 37 of the Louisiana Revised Statutes of 1950.

(4) “Workplace violence” means violent acts, including battery or the intentional placing of another person in reasonable apprehension of sustaining battery, directed toward persons at work or on duty with their employment.

§2199.13. Licensed healthcare facilities; signage addressing workplace violence required

A. Each regulated entity shall display at its premises at least one sign that conforms with the specifications of Subsection B of this Section and indicates that abuse of or workplace violence against healthcare staff will not be tolerated and could result in a felony conviction under R.S. 14:38 or other applicable criminal laws.

B. Each sign displayed in accordance with the requirements of this Section shall conform with all of the following specifications:

(1) The sign shall be posted in a conspicuous location in a publicly accessible area of the regulated entity’s facility.

(2) The sign shall be at least eighteen inches tall by eighteen inches wide and written in the English language with letters not less than one square inch in size.

§2199.14. Healthcare workplace violence; public information

A. The department shall develop, publish, and maintain public information regarding the issue of healthcare workplace violence on its website.

B. The information provided by the department pursuant to this Section shall include, at a minimum, all of the following:

(1) A listing of best practices, toolkits, and resources on the issue of healthcare workplace violence from governmental and private authorities including, without limitation, the Occupational Safety and Health Administration and the Joint Commission.

(2) Actions that regulated entities can take and policies that such entities can adopt to prevent, respond to, report, and mitigate healthcare workplace violence.

(3) A checklist of items for regulated entities to consider when developing a workplace violence prevention plan.

C. The website on which the department publishes information regarding healthcare workplace violence shall include a downloadable example of text that complies with the provisions of R.S. 40:2199.13(A) relative to signage required to be displayed at facilities of regulated entities.

§2199.15. Healthcare workplace violence prevention plans

A. (1) Each regulated entity shall develop and maintain a workplace violence prevention plan that includes, at minimum, all of the following resources:

(a) Resources for ongoing education on the issue of workplace violence.

(b) Resources for prevention of workplace violence.

(c) Resources on responding to incidents of workplace violence and debriefing with respect to such incidents and responses thereto.

(2) Each healthcare workplace violence prevention plan developed pursuant to this Section shall address and encompass all of the following:

(a) Personnel education and policies requiring all healthcare workers who provide direct care to patients to receive, at least annually, education and training in a format that provides an opportunity for interactive questions and answers with a person knowledgeable about the workplace violence prevention plan. The education and training delivered pursuant to a workplace violence prevention plan shall cover topics including but not limited to all of the following:

(i) How to recognize the potential for violence to occur.

(ii) When and how to seek assistance to prevent or respond to violence.

(iii) How to report violent incidents to law enforcement.

(iv) Resources available to employees for coping with incidents of workplace violence.

(b) A system for responding to and investigating violent incidents and situations involving violence.

(c) A system for regularly, and not less than annually, assessing and improving upon factors that may contribute to or help in preventing workplace violence. This system shall address, without limitation, all of the following aspects of the workplace:

(i) Staffing, including staffing patterns that may contribute to, or be insufficient to address, the risk of violence.

(ii) Sufficiency of security systems including alarms, emergency response systems, and availability of security personnel.

(iii) Job design, equipment, and facilities.

(iv) Security risks associated with particular units of the workplace, areas of the regulated entity’s facility with uncontrolled access, late night or early morning shifts, and areas surrounding the facility such as employee parking areas.

(d) A requirement that the regulated entity maintain and make available to its employees a written safety and security plan.

B. The department may prescribe additional required content beyond the material required by Subsection A of this Section for workplace violence prevention plans.

C. Each regulated entity shall orient all permanent and temporary employees of the entity’s facility to the workplace violence prevention plan of the entity.

D. Each regulated entity shall maintain its workplace violence prevention plan in effect at all times.

§2199.16. Acts of workplace violence at licensed healthcare facilities; reporting required

A. Each regulated entity shall report to the proper authority, as required by the entity’s workplace violence prevention plan, any instance of workplace violence that occurs on its property.

B. If an instance of workplace violence at a regulated entity’s facility results in injury, involves the use of a firearm or other dangerous weapon, or presents an urgent or emergent threat to the welfare, health, or safety of facility personnel, the regulated entity shall report the incident within twenty-four hours.

§2199.17. Retaliation in connection with reporting healthcare workplace violence; prohibition

A. No regulated entity shall take any retaliatory action against a person who, in good faith, reports an allegation of or an instance of workplace violence.

B. No regulated entity shall prohibit an employee from, or take punitive or retaliatory action against an employee for, seeking assistance and intervention from local emergency services or law enforcement when a violent incident occurs.

C. No regulated entity shall discharge, demote, suspend, threaten, or harass an employee, or discriminate against an employee in the terms and conditions of his employment, because of any lawful act engaged in by the employee, or taken on behalf of the employee, in reporting to law enforcement a crime or allegation involving workplace violence at the regulated entity’s facility.

D. The employee protections provided for in this Section shall be in addition to, and shall not replace, any protections conferred by the provisions of Title 23 of the Louisiana Revised Statutes of 1950.

§2199.18. Enforcement

A. The department or a licensing board may take action against any license it has issued to a regulated entity or an owner of such an entity, up to and including license revocation, to enforce the provisions of this Subpart. The department may make appropriate referrals to other state or federal agencies and offices that may have jurisdiction over workplace violence or retaliation allegations.

B. With respect to enforcement of this Subpart, the department shall adopt rules and regulations in accordance with the Administrative Procedure Act to provide for all of the following:

(1) Penalties associated with violations of particular provisions of this Subpart.

(2) Notice to a regulated entity of a violation.

(3) An informal reconsideration process.

(4) An appeal procedure including judicial review.

§2199.19. Rulemaking

The department and each licensing board shall promulgate in accordance with the Administrative Procedure Act all such rules as are necessary to implement the provisions of this Subpart.

Section 2.(A) The Louisiana State Law Institute is hereby directed to designate R.S. 40:2199 and 2199.1 as Subpart A of Part XIII of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, and is further directed to apply to the Subpart the heading “Licensing Enforcement”.

(B) The Louisiana State Law Institute is hereby directed to designate R.S. 40:2199.11 through 2199.19, as enacted by Section 1 of this Act, as Subpart B of Part XIII of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, and is further directed to apply to the Subpart the heading “Healthcare Workplace Violence Prevention”.

Section 3. This Act shall be known and may be cited as the “Lynne Truxillo Act”.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 462

To enact Part VII of Chapter 10-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:1491 through 1496 and R.S. 36:629(L)(4), relative to the creation of the Louisiana Industrial Hemp Promotion and Research Program; to create the Louisiana Industrial Hemp Promotion and Research Advisory Board; to provide for the composition, powers, duties, and functions of the board; to authorize the commissioner of agriculture and forestry to adopt rules and accept certain funds; to provide for the use of funds; to provide for definitions; to provide for transfer of the board to the Department of Agriculture and Forestry; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Part VII of Chapter 10-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:1491 through 1496, is hereby enacted to read as follows:

PART VII. LOUISIANA INDUSTRIAL HEMP PROMOTION AND RESEARCH PROGRAM

§1491. Name and purpose
A. The name of the program created and organized by this Part shall be the Louisiana Industrial Hemp Promotion and Research Program.

B. The purpose of the program is to support the growth and development of the industrial hemp industry in Louisiana by enhancing research, education, promotion, facilities, and industrial hemp related activities throughout the state.

§1492. Definitions
As used in this Part:

(1) “Board” means the Louisiana Industrial Hemp Promotion and Research Advisory Board.

(2) “Commissioner” means the Louisiana commissioner of agriculture and forestry.

(3) “Industrial hemp” means the same as previously defined in this Chapter.

(4) “Industrial hemp educational program” means any event focused on improving a participant’s understanding of the industrial hemp industry.

(5) “Industrial hemp facility” means any facility used to produce or process industrial hemp.

(6) “Industrial hemp industry member” means any person with an interest and background in the requirements of producing, handling, processing, or selling industrial hemp or products produced from industrial hemp.

(7) “Industrial hemp research” means any scholarly activity conducted to collect scientific data utilizing experimental design as authorized under this Chapter.

(8) “Program” means the Louisiana Industrial Hemp Promotion and Research Program.

(9) “Promotion of the industrial hemp industry” means the development of a comprehensive marketing plan for the industrial hemp industry, which may include a website, social media, and an advertising program.

§1493. Louisiana Industrial Hemp Promotion and Research Advisory Board; creation and organization

A. The Louisiana Industrial Hemp Promotion and Research Advisory Board is hereby created within the Department of Agriculture and Forestry. The board shall be domiciled in Baton Rouge.

B. The board shall consist of fifteen members as follows:

(1) One member who is engaged in the production of industrial hemp or industrial hemp seed appointed by the Louisiana Farm Bureau Federation, Inc.

(2) One member appointed by the Louisiana State University Agricultural Center.

(3) One member appointed by the Southern University Agricultural Research and Extension Center.

(4) One member appointed by the speaker of the Louisiana House of Representatives.

(5) One member appointed by the president of the Louisiana Senate.

(6) One member appointed by the chairman of the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development.

(7) One member appointed by the chairman of the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development.

(8) One member appointed by the commissioner who is a licensed grower of industrial hemp.

(9) One member appointed by the commissioner who is a licensed processor of industrial hemp.

(10) One member appointed by the commissioner who is a consumer of industrial hemp.

(11) One member appointed by the commissioner who is a representative of the Louisiana industrial hemp industry.

(12) One member appointed by the Louisiana Black Farmers Cannabis and Hemp Association.

(13) One member appointed by the Morehouse Parish Black Farmers and Landowners Association.

(14) One member appointed by the Louisiana Cannabis Association.

(15) One member appointed by the Gulf South Hemp Association.

C. The commissioner, or his designee, shall serve as an ex officio member in an advisory capacity only.

D. Members shall serve at the pleasure of the appointing authority.

* As it appears in the enrolled bill

E. Appointments to the board shall be made no later than September 1, 2022. Each appointing authority shall notify the commissioner of the appointment. The board should be representative of the state’s population by race and gender to ensure diversity.

F. A vacancy in the office of a member shall be filled in the same manner as the original appointment.

G. A majority of the voting members of the board shall constitute a quorum for the transaction of business. All official actions of the board shall require the affirmative vote of a majority of the members of the board present and voting.

H. Members of the board shall receive no compensation.

I. The board shall meet at least twice a year and may meet at other times on the call of the chairman or any four members.

J. The board, by a vote of a majority of the members, may expel a member for good cause shown. Good cause shall include but shall not be limited to three consecutive unexcused absences. The expulsion of a member creates a vacancy in the office of the expelled member.

K. The board shall meet and organize as soon as practicable after appointment of the members, and shall elect a chairman, vice chairman, and secretary-treasurer from the membership of the board, whose duties shall be those customarily exercised by such officers or specifically designated by the board. Officers shall serve a one-year term.

§1494. Powers and duties

A. The board shall:

(1) Advise the commissioner on the development and maintenance of the Louisiana Industrial Hemp Promotion and Research Program.

(2) Maintain a permanent record of its proceedings.

(3) Submit an annual report of its activities to the House Committee on Agriculture, Forestry, Aquaculture, and Rural Development and the Senate Committee on Agriculture, Forestry, Aquaculture and Rural Development by January thirty-first of each year.

B. The board may:

(1) Provide information to governmental entities upon request on subjects of concern to the industrial hemp industry and collaborate with the state or federal government on the development and administration of the program.

(2) Cooperate with any local, state, regional, or national organization or agency engaged in activities consistent with the objectives of the program.

(3) Make recommendations to the House and Senate committees on agriculture, forestry, aquaculture, and rural development on legislation relative to the regulation of industrial hemp.

C. The commissioner may:

(1) Adopt such rules and regulations as are necessary to administer the program. All rules and regulations shall be adopted in accordance with the Administrative Procedure Act.

(2) Enter into contracts or other agreements to accomplish any purpose authorized by this Part, including advertising, education, marketing, promotion, research, or services.

§1495. Funding

To achieve the purposes of this Part, the commissioner may accept and expend monies from any source, including gifts, contributions, donations, state appropriations, and federal grants and may accept and use services from individuals, corporations, and governmental entities.

§1496. Use of funds

Funds made available to the commissioner shall be expended to effectuate the purposes of this Part including but not limited to the following uses:

(1) To attract additional business associated with the industrial hemp industry to Louisiana including processors.

(2) To develop and promote Louisiana industrial hemp brands or marketing campaigns.

(3) To aid in the development of a coordinated research plan designed to develop higher quality industrial hemp seeds and plants best suited for cultivation within the state, new and improved uses for industrial hemp, and best management practices.

(4) To develop educational programs and disseminate educational materials about industrial hemp.

(5) To support the enhancement and maintenance of public-use industrial hemp facilities, specifically those used for the purposes of promotion and research.

(6) To promote activities, facilities, events, and the needs of the Louisiana industrial hemp industry.

(7) To contract for scientific research with accredited postsecondary education institutions, or similar educational institutions, and industrial hemp licensees authorized to conduct industrial hemp research under this Chapter that will assist in carrying out the purposes of the program, including industrial hemp best management practices.

Section 2. R.S. 36:629(L)(4) is hereby enacted to read as follows:

§629. Transfer of boards, commissions, departments, and agencies to the Department of Agriculture and Forestry

* * *

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

* * *

(4) The Louisiana Industrial Hemp Promotion and Research Program (R.S. 3:1491 et seq.).

* * *

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 463

HOUSE BILL NO. 346

BY REPRESENTATIVES THOMPSON, ADAMS, AMEDEE, BACALA, BAGLEY, BOYD, BRASS, CARRIER, ROBBY CARTER, CREWS, DAVIS, DUBUISSON, ECHOLS, EDMONDS, FISHER, FREEMAN, FREIBERG, GAROFALO, GLOVER, GOUDEAU, GREEN, HARRIS, HILFERTY, HUGHES, ILLG, IVEY, JEFFERSON, MIKE JOHNSON, TRAVIS JOHNSON, KERNER, LACOMBE, LAFLEUR, MCKNIGHT, MCMAHEN, MINCEY, NELSON, NEWELL, CHARLES OWEN, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, ST. BLANC, STAGNI, TARVER, TURNER, VILLIO, WHEAT, WHITE, AND WRIGHT AND SENATORS ABRAHAM, BARROW, BERNARD, CARTER, FOIL, JACKSON, REESE, SMITH, STINE, WARD, AND WOMACK
AN ACT

To enact R.S. 17:7.6, relative to education; to establish a program for the purpose of awarding scholarships to students in certain teacher preparation programs; to provide for program administration; to create a fund for the purpose of funding the program; to require rules relative to the program and the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7.6 is hereby enacted to read as follows:

§7.6. Geaux Teach Program and Geaux Teach Fund

A. The Geaux Teach Program is hereby established for the purpose of awarding scholarships to students in teacher preparation programs at postsecondary education institutions that are approved by the State Board of Elementary and Secondary Education. The program shall be administered by the Board of Regents through the office of student financial assistance. The administering agency may retain up to three percent of the funding available for the program for costs associated with administering the program.

B.(1) The Geaux Teach Fund, referred to in this Section as the “fund”, is hereby created within the state treasury for the purpose of providing funding for the Geaux Teach Program.

(2) Monies in the fund shall be subject to appropriation by the legislature and shall be available exclusively for use by the Board of Regents through the office of student financial assistance for purposes of the Geaux Teach Program.

(3) 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.

C. The Board of Regents through the office of student financial assistance shall adopt rules and regulations for the implementation of this Section.

D. Up to twenty percent of the annual appropriation to the Geaux Teach Fund may be used to award scholarships to students enrolled in certified alternative teacher certification program approved by the State Board of Elementary and Secondary Education.

E. A student shall be initially eligible for the program if the student meets all of the following criteria:

(1) Is a United States citizen who is registered with Selective Service, if required.

(2) Is a Louisiana resident for at least two years prior to July 1 of the scholarship award year.

(3) Has completed and submitted documentary evidence required by the Board of Regents through the office of student financial assistance.

(4) Is enrolled as a full-time undergraduate student in a teacher education program approved by the State Board of Elementary and Secondary Education with the intent of becoming a certified teacher.

(5) Have at a least a 2.50 cumulative college grade point average.

F. To maintain eligibility for an award a student shall meet all of the following criteria:

(1) Have received the scholarship for not more than four academic years.

(2) Maintain full-time undergraduate status.

(3) Achieve a cumulative grade point average of at least 2.50 at the end of each academic year.

(4) Maintain continuous enrollment as a full-time student in an approved teacher education program, unless granted an exception by the administering agency.

G. Scholarship awards shall be applicable only to the cost of tuition, required fees, and textbooks and instructional materials required for the course of study. The award shall be used only after all other state or institutional financial aid and awards are applied and only for any remaining balance due for tuition, required fees, and textbooks and instructional materials required for the course of study.

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 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 464

HOUSE BILL NO. 364

BY REPRESENTATIVES MCKNIGHT, AMEDEE, BISHOP, COUSSAN, DAVIS, IVEY, LACOMBE, CHARLES OWEN, AND PRESSLY
AN ACT

To enact R.S. 17:3394, relative to the powers and duties of public postsecondary education management boards; to require a disciplinary hearing process for students and student organizations accused of committing non-academic offenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. This Act shall be known and may be cited as the “Student Due Process and Protection Act”.

Section 2. R.S. 17:3394 is hereby enacted to read as follows:

§3394. Disciplinary proceedings

A. Each public postsecondary education management board shall adopt a policy relative to disciplinary proceedings, right to counsel for students and student organizations, and appeals. Each postsecondary institution governed by such a board shall also adopt a policy and incorporate it into its student handbook or code of conduct.

B. Any student enrolled at an institution under the jurisdiction of the management board and accused of a violation of the disciplinary or conduct rules that carries a potential penalty of suspension of ten or more days, deferred suspension, or expulsion has the right to be represented, at the student's expense, by an attorney or a non-attorney advocate who may fully participate during any disciplinary proceeding or during any other procedure adopted and used by that institution to address an alleged violation of the institution's non-academic rules or policies. This right applies to both the student who has been accused of the violation and to the student who is the alleged victim, if applicable. Prior to scheduling a disciplinary proceeding, the institution shall inform the students in writing of their rights as provided by this Section.

C. Any student organization officially recognized by an institution under the jurisdiction of the management board has the right to be represented, at the organization's expense, by an attorney or a non-attorney advocate who may fully participate during any disciplinary proceeding or during any other procedure adopted and used by the institution to address an alleged violation of the institution's non-academic rules or policies. This right applies to both the student organization that has been accused of the alleged violation and the alleged victim, if applicable.

D. A student or student organization subject to a charge or disciplinary proceeding by the institution is entitled, upon receiving notice of the charge, to notice of any and all violations of the institution's non-academic rules or policies and the disciplinary proceedings or charges that will occur as a result. This notice shall include but need not be limited to each and every section of the institution's rules or policies that the student or student organization is alleged to have violated and any evidence the institution used and collected in making the charge.

E. When a violation is punishable by suspension of ten or more days or expulsion, or when a violation by a student organization is punishable by suspension or removal of the organization from the institution, the disciplinary procedures contained in the code of student conduct shall include but need not be limited to the following:

(1) Afford the accused student or organization the express presumption of innocence and set forth that he or the organization may not be deemed guilty of the violation until he or the organization formally acknowledges responsibility or the conclusion of a hearing where the institution has established every element of the alleged violation.

(2) Require the institution to maintain an administrative file of the disciplinary proceedings. The file shall include all documents and evidence in the institution's possession or control relevant to the alleged violation and the institution's investigation including but not limited to exculpatory evidence, documents submitted by any participant, and the institution's choice of a video recording, audio recording, or transcript of any disciplinary hearing ultimately held in the matter. The file shall not include privileged documents or internal memorandums that the institution does not intend to introduce as evidence at any hearing on the matter.

(3) Provide both the accused student or organization and the alleged victim reasonable continuing access to the administrative file and the ability to make copies of all evidence or documents in the file beginning at least seven business days prior to any disciplinary hearing, or sooner if otherwise specified under federal law, except that individual portions of the administrative file shall be redacted if disclosure of the evidence is required by law.

(4) Ensure that all disciplinary proceedings are carried out free from conflicts of interest by ensuring that there is no commingling of administrative or adjudicative roles. For purposes of this Paragraph, an institution shall be considered to commingle such roles if any individual carries out more than

one of the following roles with respect to any disciplinary proceeding:

- (a) Victim counselor and victim advocate.
- (b) Investigator.
- (c) Institutional prosecutor.
- (d) Adjudicator.
- (e) Appellate adjudicator.

F.(1) Any student or student organization that is found to be in violation of the institution's non-academic rules or policies shall be afforded an opportunity to appeal the institution's initial decision to an appellate entity that is an institutional administrator or body that did not make the initial decision. Such an appeal shall be filed within ten days after receiving final notice of the institution's decision. The right to appeal the result of the institution's disciplinary proceeding also applies to the student who is the alleged victim, if applicable. The institution may designate the appellate entity as the final institutional authority on the matter; however nothing in this Section shall preclude a court from granting a prevailing plaintiff equitable relief.

(2) The right of the student or student organization as provided in Subsections A and B of this Section to be represented, at the student's or the organization's expense, by the student's or the organization's attorney or non-attorney advocate also applies to the appeal.

(3) The issues that may be raised on appeal include new evidence, contradictory evidence, and evidence that the student or student organization was not afforded due process. The institutional body considering the appeal may consider police reports, transcripts, and the outcome of any civil or criminal proceeding directly related to the appeal.

G. Upon consideration of the evidence, the institutional body considering the appeal may grant the appeal, deny the appeal, order a new hearing, or reduce or modify the punishment. If the appeal results in the reversal of the decision or a lessening of the sanction, the institution shall reimburse the student for any tuition and fees paid for the period of suspension, including a deferred suspension, or expulsion which had not been previously refunded, if applicable.

H. For purposes of this Section, "fully participate" includes the opportunity to make opening and closing statements, to examine and cross-examine witnesses, and to provide the alleged victim or accused with support, guidance, and advice. This Section does not require an institution to use formal rules of evidence in institutional disciplinary proceedings. The institution, however, shall make good faith efforts to include relevant evidence and exclude evidence which is neither relevant nor probative.

I. This Section does not affect the obligation of an institution to provide equivalent rights to a student who is the alleged victim in the disciplinary proceeding, including equivalent opportunities to have others present during an institutional disciplinary proceeding, to an unrestricted choice of attorney or non-attorney advocate in any meeting or institutional disciplinary proceeding, and to be provided simultaneous notification of the institution's procedures for the accused and the alleged victim to appeal the result of the institutional disciplinary proceeding, if applicable.

J. Any student or student organization that has its rights under this Section violated may bring a private right of action against the institution and its agents acting in their official capacities, with the management board named as a party, to recover actual damages. If the court finds this Section or the student or student organization's rights to due process have been violated, the court shall award any mental or emotional distress, loss of wages or earning capacity, and costs.

K. Nothing in this Section shall be construed to impair an institution's ability to take reasonable interim measures necessary to ensure the physical safety of members of the campus community during a timely investigation and adjudication of a student disciplinary issue including but not limited to the ability to make adjustments in student housing arrangements, impose conditions of mutual no-contact between the accused student and the alleged victim, temporarily suspend a student, or ban a student from campus. Such reasonable interim measures shall require the following:

(1) Within seventy-two hours of the alleged violation being deemed an immediate threat, written notice of the interim measure that explains the institution's reasons for enacting the measures.

(2) Within seven business days of the written notice pursuant to Paragraph (1) of this Subsection, unless otherwise waived by the accused student, an interim measure hearing to determine whether there is substantial evidence that the student poses a risk to the physical safety of a member of the campus community and that the interim measure is appropriate to mitigate that risk. At the hearing, both the accused student and the alleged victim shall have the right to be represented as provided in Subsection B of this Section. An accused student's waiver of the right to an interim measure hearing shall not constitute an admission of guilt or a waiver of any additional rights provided for in this Section.

Approved by the Governor, June 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 465

HOUSE BILL NO. 365

BY REPRESENTATIVES SEABAUGH, ADAMS, BACALA, BRYANT,
CARRIER, CORMIER, CREWS, EDMONDS, EDMONSTON, FIRMENT,

FONTENOT, GADBERRY, GAROFALO, HORTON, TRAVIS JOHNSON,
CHARLES OWEN, PRESSLY, SCHAMERHORN, AND VILLIO
AN ACT

To amend and reenact R.S. 14:95.1(D) and to enact R.S. 14:2(B)(29) and 95.1(E), relative to crimes of violence; to create the crime of possession of firearm or carrying concealed weapon by a person convicted of certain felonies a crime of violence; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.1(D) is hereby amended and reenacted and R.S. 14:2(B) (29) and 95.1(E) are hereby enacted to read as follows:

§2. Definitions

* * *

B. In this Code, "crime of violence" means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as "crimes of violence":

* * *

(29) Possession of a firearm or carrying of a concealed weapon by a person convicted of certain felonies in violation of R.S. 14:95.1(D).

* * *

§95.1. Possession of firearm or carrying concealed weapon by a person convicted of certain felonies

* * *

D. If a violation of this Section is committed during the commission of a crime of violence as defined in R.S. 14:2(B), and the defendant has a prior conviction of a crime of violence, then the violation of this Section shall be designated as a crime of violence.

E. For the purposes of this Section, "firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.

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 15, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 466

HOUSE BILL NO. 369

BY REPRESENTATIVES HARRIS, AMEDEE, BACALA, EDMONDS,
EDMONSTON, AND GAROFALO

AN ACT

To enact R.S. 17:354 and 3996(B)(67) and (68), relative to education; to require public school governing authorities and public schools to post information on their websites relative to laws granting parents access to instructional materials and the Parents' Bill of Rights for Public Schools; to require distribution of such information during the first week of school annually; to apply the law relative to parental access to instructional materials to charter schools; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:354 and 3996(B)(67) and (68) are hereby enacted to read as follows:

§354. Parental access to instructional materials and the Parents' Bill of Rights for Public Schools; posting and distribution of laws and information

A. Each public school governing authority and each public school shall post on its website information explaining the rights that parents have relative to accessing the instructional materials used in the education of their child and other rights pertaining to their child's education. The information shall be posted prominently in a location that is readily accessible from the main landing page of the website and shall include an easily understandable summary and the full text and legal citation of both of the following provisions:

(1) R.S. 17:355, which provides relative to parental access to instructional materials.

(2) R.S. 17:406.9, which provides for the Parents' Bill of Rights for Public Schools.

B. The information also shall be distributed to parents during the first week of school annually via paperwork sent home or any electronic means through which communication is routinely delivered to parents.

* * *

§3996. Charter schools; exemptions; requirements

* * *

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specifically provided for in an approved charter, a charter school established and operated in accordance with the provisions of this Chapter and its approved charter and the school's officers

and employees shall be exempt from all statutory mandates or other statutory requirements that are applicable to public schools and to public school officers and employees except for the following laws otherwise applicable to public schools with the same grades:

- (67) Parental access to instructional materials, R.S. 17:355.
- (68) Posting and distribution of information relative to parental rights, R.S. 17:354.

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 467

HOUSE BILL NO. 370
BY REPRESENTATIVE MAGEE
AN ACT

To amend and reenact R.S. 26:359(A) and to enact R.S. 26:241(27) through (29), 242, 243, and 271(A)(7), relative to the Alcoholic Beverage Control Law; to provide for definitions; to provide relative to the distribution of certain alcoholic beverages; to provide for self-distribution; to provide for limitations; to provide relative to permit fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 26:359(A) is hereby amended and reenacted and R.S. 26:241(27) through (29), 242, 243, and 271(A)(7) are hereby enacted to read as follows:
§241. Definitions
The following terms have the respective meanings ascribed to them except in those instances where the context indicates a different meaning:

(27) “Brewing facility” means an establishment that brews beer and other malt beverages for the primary purpose of selling the brewed product for resale and that is authorized to sell or serve to the public beer or other malt beverages brewed at the facility for consumption on- or off-the-licensed premises pursuant to and subject to the limitations in Paragraph (15) of this Section.

(28) “Self-distribution” means distribution by a brewer who operates a brewing facility entirely located in the state of Louisiana to a retailer holding a Class A permit issued pursuant to R.S. 26:71.1 or 271.2, a Class B permit issued pursuant to R.S. 26:71 or 271, a Class C permit issued pursuant to R.S. 26:71.2 or 271.3, or a Type A, B, or C temporary alcoholic beverage permit issued pursuant to R.S. 26:793.

(29) “Secondary location” means a permitted brewing facility that is owned wholly by a brewer who operates two brewing facilities entirely located in the state of Louisiana.

§242. Self-distribution
A. Notwithstanding any provision of law to the contrary, a brewer who operates a brewing facility located entirely in the state of Louisiana that produces less than five thousand barrels of beer or other malt beverages annually at the brewing facility and holds both an in-state manufacturer’s permit and a brewer’s self-distribution permit issued pursuant to R.S. 26:271 may self-distribute to the following:

(1) A secondary location wholly owned by the brewer holding the self-distribution permit.

(2) A retailer holding a Class A permit issued pursuant to R.S. 26:71.1 or 271.2, a Class B permit issued pursuant to R.S. 26:71 or 271, a Class C permit issued pursuant to R.S. 26:71.2 or 271.3, or a Type A, B, or C temporary alcoholic beverage permit issued pursuant to R.S. 26:793.

B. A brewer who operates a brewing facility located entirely in the state of Louisiana may obtain a permit to self-distribute beer or other malt beverages brewed at its brewing facility under the following conditions:

(1)(a) The quantity of beer brewed at the brewing facility that is self-distributed to a secondary location shall be included in the quantity limitations for selling products for on- or off-the-premises consumption in R.S. 26:241(15) for the producing brewing facility and shall not exceed an amount greater than fifty percent of the secondary location facility’s production of beer for the previous month.

(b) If a brewer self-distributes to a secondary location, the brewing facility at which the beer is produced shall maintain no less than a ten-barrel brewing system and the secondary location shall maintain no less than a five-barrel brewing system.

(2) If a brewer self-distributes to retailers the following shall apply:
(a) No more than three thousand barrels of beer brewed at the brewing facility may be self-distributed to all retailers annually.

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

(3) The brewer or brewing facility does not have an existing distribution agreement with a permitted wholesale dealer.

(4) The brewer or brewing facility owns or leases warehouse space that shall be maintained separate from the brewing facility.

(5) The brewer or brewing facility owns or leases delivery equipment dedicated for the primary use of distribution and delivery of only those products brewed at the brewing facility.

(6) The brewer shall remit all state sales and excise taxes on all beer or

other malt beverages produced at its brewing facility that is self-distributed to a secondary location. The secondary location shall remit all parish or municipal sales and excise taxes on any amount received through self-distribution by the brewer to the proper tax collecting authority for all products sold to the public.

(7) The brewer or brewing facility shall provide a monthly report of all sales from the brewing facility and all sales from self-distribution to the office of alcohol and tobacco control.

C. A brewing facility may enter into a distribution agreement with a permitted wholesale dealer or make application for a self-distribution permit. However, no brewing facility shall distribute through the permitted wholesale dealer and self-distribution.

D. Any brewing facility that engages in self-distribution shall be subject to LAC Title 55, Part VII.

§243. Transfer
Notwithstanding any provision of law to the contrary, a brewer who operates a brewing facility located entirely within the state of Louisiana and who holds an in-state manufacturer’s permit may use a wholesaler, for a set fee, to transfer beer or other malt beverages brewed at the brewing facility to another brewing facility in the state owned wholly by the brewer to sell or serve to the public for consumption on- or off-the-licensed premises under the following circumstances:

(1) A transferring brewing facility shall maintain no less than a ten-barrel brewing system. A receiving brewing facility owned wholly by the transferring brewing facility shall maintain no less than a five-barrel brewing system.

(2) The quantity of beer transferred shall be included in the quantity limitation for selling products by a brewer to the public for on- or off-the-licensed premises consumption in R.S. 26:241(15) for the brewing facility receiving the transferred beer.

(3) The quantity of beer transferred shall not exceed an amount greater than fifty percent of the receiving brewing facility’s production of beer for the previous month.

(4) The receiving brewing facility shall remit all state and parish or municipal sales and excise taxes to the proper tax collecting authority for all products received and sold to the public.

§271. Permits required; fees
A. Before engaging in the business of dealing in malt beverages or beverages of low alcoholic content, all manufacturers, wholesale and retail dealers, and microbrewers shall obtain from the commissioner, according to established rules and regulations, a permit to conduct each separate manufacturing, wholesale, retail, or microbrewery business and shall pay for each permit 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:

(7) Brewers engaged in self-distribution— one thousand five hundred dollars.

§359. Distribution of alcoholic beverages through wholesalers only
A. Except as provided in Subsection B of this Section and R.S. 26:242 and 271.1, no alcoholic beverages as defined in R.S. 26:241 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. Delivery of alcoholic beverages produced or manufactured inside or outside of this state shall be made at the place of business of the wholesaler shown on the wholesaler’s permit, and must be received and warehoused by the wholesaler at that place of business, where such alcoholic beverages shall come to rest before delivery is made to any retailer.

Section 2. The Louisiana State Law Institute is hereby authorized and directed to arrange in alphabetical order and renumber the definitions provided in R.S. 26:241.

Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 468

HOUSE BILL NO. 371
BY REPRESENTATIVES MCMAHEN, BAGLEY, ROBBY CARTER,
EDMONSTON, GLOVER, GREEN, HODGES, HORTON, MIKE JOHNSON,
MAGEE, DUSTIN MILLER, RISER, AND THOMPSON
AN ACT

To amend and reenact R.S. 14:34.2(A)(2) and 108.2(B), relative to offenses against law enforcement; to provide relative to the definition of “police officer” for the crimes of battery of a police officer and resisting a police officer with force or violence; to add juvenile detention facility officers to the definitions of “police officer”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:34.2(A)(2) and 108.2(B) are hereby amended and reenacted to read as follows:
§34.2. Battery of a police officer
A.

* * *

(2) For purposes of this Section, “police officer” shall include commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals, correctional officers, juvenile detention facility officers, federal law enforcement officers, constables, wildlife enforcement agents, state park wardens, and probation and parole officers.

* * *

§108.2. Resisting a police officer with force or violence

* * *

B. For purposes of this Section, “police officer” shall include any commissioned police officer, sheriff, deputy sheriff, marshal, deputy marshal, correctional officer, juvenile detention facility officer, constable, wildlife enforcement agent, state park warden, or probation and parole officer.

* * *

Approved by the Governor, June 15, 2022.
A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 469

HOUSE BILL NO. 389
BY REPRESENTATIVE PRESSLY
AN ACT

To amend and reenact Civil Code Articles 3461 and 3472.1, to enact Code of Civil Procedure Article 196.2, and to repeal Code of Civil Procedure Article 562, relative to prescription and peremption; to provide for emergency suspension of certain prescription and peremption periods; to provide for the emergency suspension of abandonment periods; to provide relative to the Louisiana Supreme Court; to provide for emergency extension of certain deadlines; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Articles 3461 and 3472.1 are hereby amended and reenacted to read as follows:

Art. 3461. Renunciation, interruption, or suspension ineffective
~~Peremption~~ Except as otherwise provided by law, peremption may not be renounced, interrupted, or suspended.

* * *

Art. 3472.1. Emergency suspension of prescription and peremption
~~A. Notwithstanding any other provisions provision of the law or any provision of an executive order or proclamation, in the event the governor, in response to declares a state of emergency or disaster, issues an executive order or proclamation pursuant to R.S. 29:721 through 772, the Supreme Court of Louisiana may enter an order or series of orders as deemed necessary and appropriate to suspend all prescriptive and peremptive periods for a period of time not to exceed ninety days. Thereafter, should the need for continuing suspension be necessary to preserve access to the courts, the governor may issue executive orders as deemed appropriate. The period of suspension authorized by the provisions of this Article shall terminate upon the earlier of an order of the Supreme Court of Louisiana or upon termination of the declared state of disaster or emergency. Nothing in this Article limits the authority of the governor or the legislature to act in accordance with its authority 775 that purports to suspend or extend liberative prescriptive or peremptive periods in all or part of the state, the executive order or proclamation shall have the effect of suspending only those liberative prescriptive or peremptive periods that would have otherwise accrued during the period of time specified in the order or proclamation or, if no period of time is specified, during the duration of the effectiveness of the executive order or proclamation. Upon the termination of the period of suspension, liberative prescription or peremption commences to run again and accrues upon the earlier of thirty days after the expiration of the period of suspension or in accordance with the period of time as calculated pursuant to Article 3472.~~
B. The right to file any pleading subject to the suspension as provided by Paragraph A of this Article shall terminate sixty days after the termination of the suspension as provided by Paragraph A of this Article.

Section 2. Code of Civil Procedure Article 196.2 is hereby enacted to read as follows:

Art. 196.2. Power of Supreme Court to extend deadlines during emergencies
In the event that the governor declares a state of emergency or disaster pursuant to R.S. 29:721 through 775, the Supreme Court of Louisiana, rather than the governor, may issue orders suspending or extending deadlines applicable to legal proceedings in courts, including periods of time applicable for abandonment of actions, in all or part of the state of Louisiana. A court order suspending or extending deadlines applicable to legal proceedings in courts shall have the effect of extending only those deadlines that would have otherwise accrued during the period of time specified in the order. After the period of suspension or extension has expired, a party shall have an amount of time as specified in the court order to file any pleading affected by the suspension or extension. If no amount of time is specified, a party shall have thirty days after the period of suspension or extension has expired.

Section 3. Code of Civil Procedure Article 562 is hereby repealed in its entirety.

Approved by the Governor, June 15, 2022.
A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 470

HOUSE BILL NO. 450
BY REPRESENTATIVES CHARLES OWEN, AMEDEE, WILFORD CARTER, CORMIER, COX, CREWS, DAVIS, EDMONSTON, FREEMAN, FREIBERG, FRIEMAN, GAINES, GREEN, HARRIS, HUGHES, JORDAN, LANDRY, LARVADAIN, LYONS, MARCELLE, MCCORMICK, DUSTIN MILLER, SCHAMERHORN, SCHLEGEL, SEABAUGH, AND STAGNI
AN ACT

To amend and reenact Children’s Code Articles 1186(A) and 1188(C) and R.S. 40:73(A), (B), and (D), 77(A), (B), and (D), and 79(A)(4) and (D) and to enact R.S. 40:73(E) and (F), 77(E) and (F), and 79(E) and (F), relative to an adopted person’s original birth certificate; to provide for the disclosure of confidential records; to provide for the motion for disclosure; to provide for access to an adopted person’s original birth certificate; to provide for the authority of the registrar of vital records; to provide relative to a contact preference form; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Articles 1186(A) and 1188(C) are hereby amended and reenacted to read as follows:

Art. 1186. Confidential adoption records; disclosure
A. All adoption records shall be retained in confidential files, and it shall be unlawful for anyone except the biological or adopting parent to disclose any identifying information concerning any individual adoption case, except as follows:

(1) ~~upon~~ Upon order of the court, after giving proper notice as required in Article 1190 or as otherwise authorized by this Code; ~~or,~~

(2) Disclosure pursuant to R.S. 40:73, 77, or 79.

(3) ~~for~~ For purposes directly connected with an adoption agency’s responsibilities in relation to adoption work as permitted by its rules and regulations.

* * *

Art. 1188. Motion for disclosure

* * *

C. This action, ~~and the limited medical exception provision of Article 1127, and the provisions of R.S. 40:73, 77, and 79~~ shall be the exclusive means for gaining access to records of adoptions whether maintained by this court, some other court, an adoption agency, any state agency, or private individual, notwithstanding provisions of law to the contrary.

Section 2. R.S. 40:73(A), (B), and (D), and 77(A), (B), and (D), and 79(A)(4) and (D) are hereby amended and reenacted and R.S. 40:73(E) and (F), 77(E) and (F), and 79(E) and (F) are hereby enacted to read as follows:

§73. Certified copy of the new record; sealing and confidentiality of the original birth record; issuance of original birth certificate

A. Upon completion of the new record provided for in R.S. 40:72, the state registrar shall issue to the adopted person or to the adoptive parents a certified copy of the new record and shall place the original birth certificate, the contact preference form submitted pursuant to Subsection F of this Section, and the copy of the judgment or the copy of the act of adoption in a sealed package and shall file the package in the archives of the vital records registry.

B. This sealed package shall be opened only upon the demand of the adopted person, or if deceased, by his or her descendants, or upon the demand of the adoptive parent, or the state registrar, or the recognized public or private social agency which was a party to the adoption, and then only as provided in Subsections E and F of this Section or by order of a Louisiana court of competent jurisdiction at the domicile of the vital records registry, which order shall issue only after a showing of compelling reasons. Information shall be revealed only to the extent necessary to satisfy such compelling necessity.

* * *

D. ~~All~~ Except as provided in Subsection E of this Section, all motions for records under this Section shall be in accordance with and subject to the provisions of Children’s Code Articles 1188 through 1192 and, if an adoption agency is involved, the agency shall be served with a copy of the motion as provided in Article 1313 of the Louisiana Code of Civil Procedure.

E.(1) Notwithstanding any provision of the law to the contrary, an adopted person who is twenty-four years of age or older may request an uncertified copy of his birth certificate from the state registrar. Upon such a request, the registrar shall open the sealed package and issue an uncertified copy of the original birth certificate to the adopted person.

(2) The uncertified copy of the original birth certificate shall be issued to the adopted person in accordance with the regulations duly promulgated in accordance with the Administrative Procedure Act for a certified copy of a vital record in the custody of the vital records registry.

F.(1) A birth parent may at any time request from the state registrar a contact preference form that shall accompany the adopted person’s original birth certificate.

(2) The contact preference form shall provide the following information to be completed at the option of the birth parent who shall indicate his intentions as follows:

(a) I would like to be contacted.

(b) I would prefer to be contacted only through an intermediary.
(c) I prefer not to be contacted at this time. If I decide later that I would like to be contacted, I will submit an updated contact preference form to the state registrar.
(3) The contact preference form is a confidential communication from the birth parent to the person named on the sealed birth certificate and shall be placed in the sealed packet containing the original birth certificate. The contact preference form shall be released to an adopted person when he requests his original birth certificate pursuant to Subsection E of this Section.

* * *
§77. Certified copy for adoptive parents; issuance of original birth certificate
A. Upon completion of the new record as provided for in R.S. 40:76 with respect to an adopted person who was born in Louisiana and adopted in another state, the state registrar shall issue to the adoptive parents a certified copy of the new record and shall place the original birth certificate, the contact preference form submitted pursuant to Subsection F of this Section, and the copy of the decree and related documents in a sealed package and shall file the package in its archives.
B. Except as provided in R.S. 40:74, this sealed package shall be opened only upon the demand of the adopted person, or if deceased, by his or her descendants, or upon the demand of the adoptive parent, or the state registrar, or the recognized public or private social agency which was a party to the adoption, and then only as provided in Subsections E and F of this Section or by order of a Louisiana court of competent jurisdiction at the domicile of the vital records registry which court order shall issue only after a showing of compelling reasons, and opened only to the extent necessary to satisfy such compelling necessity.

* * *
D. ~~AH~~ Except as provided in Subsection E of this Section, all motions for records under this Section shall be in accordance with and subject to; the provisions of ~~R.S. 9:437~~ Children's Code Articles 1188 through 1192 and, if an adoption agency is involved, the agency shall be served with a copy of the motion as provided in Article 1313 of the Louisiana Code of Civil Procedure.
E.(1) Notwithstanding any provision of the law to the contrary, an adopted person who is twenty-four years of age or older may request an uncertified copy of his birth certificate from the state registrar. Upon such a request, the registrar shall open the sealed package and issue an uncertified copy of the original birth certificate to the adopted person.
(2) The uncertified copy of the original birth certificate shall be issued to the adopted person in accordance with the regulations duly promulgated in accordance with the Administrative Procedure Act for a certified copy of a vital record in the custody of the vital records registry.
F.(1) A birth parent may at any time request from the state registrar a contact preference form that shall accompany the adopted person's original birth certificate.
(2) The contact preference form shall provide the following information to be completed at the option of the birth parent who shall indicate his intentions as follows:
(a) I would like to be contacted.
(b) I would prefer to be contacted only through an intermediary.
(c) I prefer not to be contacted at this time. If I decide later that I would like to be contacted, I will submit an updated contact preference form to the state registrar.
(3) The contact preference form is a confidential communication from the birth parent to the person named on the sealed birth certificate and shall be placed in the sealed packet containing the original birth certificate. The contact preference form shall be released to an adopted person when he requests his original birth certificate pursuant to Subsection E of this Section.

* * *
§79. Record of adoption decree
A.
(4) The state registrar shall seal and file the original certificate of birth with the certificate of the decree and the contact preference form submitted pursuant to Subsection F of this Section. This sealed package may be opened only on the order of a competent court or as provided in Subsection E of this Section.

* * *
D. ~~AH~~ Except as provided in Subsections E and F of this Section, all motions for records under this Section shall be in accordance with, and be subject to, the provisions of Children's Code Articles 1188 through 1192, and, if an adoption agency is involved, the agency shall be served with a copy of a motion as provided in Article 1313 of the Code of Civil Procedure.
E.(1) Notwithstanding any provision of the law to the contrary, an adopted person who is twenty-four years of age or older may request an uncertified copy of his birth certificate from the state registrar. Upon such a request, the registrar shall open the sealed package and issue an uncertified copy of the original birth certificate to the adopted person.
(2) The uncertified copy of the original birth certificate shall be issued to the adopted person in accordance with the regulations duly promulgated in accordance with the Administrative Procedure Act for a certified copy of a vital record in the custody of the vital records registry.
F.(1) A birth parent may at any time request from the state registrar a contact preference form that shall accompany the adopted person's original birth certificate.
(2) The contact preference form shall provide the following information

to be completed at the option of the birth parent who shall indicate his intentions as follows:
(a) I would like to be contacted.
(b) I would prefer to be contacted only through an intermediary.
(c) I prefer not to be contacted at this time. If I decide later that I would like to be contacted, I will submit an updated contact preference form to the state registrar.
(3) The contact preference form is a confidential communication from the birth parent to the person named on the sealed birth certificate and shall be placed in the sealed packet containing the original birth certificate. The contact preference form shall be released to an adopted person when he requests his original birth certificate pursuant to Subsection E of this Section.
Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 471

HOUSE BILL NO. 499
BY REPRESENTATIVE AMEDEE
AN ACT
To amend and reenact R.S. 17:1807(A) and to enact R.S. 17:1807(D) through (F), relative to postsecondary education; to create a fund for the purpose of funding tuition exemptions and reduction in textbook costs for persons age fifty-five and older; to provide that the Board of Regents shall administer the fund; to direct the state treasurer to deposit certain monies into the fund; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:1807(A) is hereby amended and reenacted and R.S. 17:1807(D) through (F) are hereby enacted to read as follows:
§1807. Persons over fifty-five; exemption from tuition; fifty percent reduction in cost of textbooks; the Pursuing Rewarding, Innovative, and Meaningful Education (PRIME) Fund
A. Any person age fifty-five years or over who registers for one or more courses of instruction at a public college or university in this state and who is a resident of this state shall be exempt from the payment of tuition and other registration fees and shall receive a fifty percent reduction in the cost of textbooks, reference books, manuals, and other aids to instruction which are required by any course in which such student is enrolled when purchased from a public college or university operated bookstore. This exemption shall apply regardless of the manner that instruction is provided in the course, including but not limited to in-person instruction, online instruction, or the combination thereof.

* * *
D.(1) There is hereby created in the state treasury, as a special fund, the Pursuing Rewarding, Innovative, and Meaningful Education (PRIME) Fund, for the purpose of the reimbursement provided for in this Section. Monies in the fund shall be invested in the same manner as monies in the general fund. Interest earned on investment of monies in the fund shall be credited to the fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.
(2) After allocation of money to the Bond Security and Redemption Fund as provided in Article VII, Section 9(B) of the Constitution of Louisiana, the treasurer shall deposit in and credit to the fund all monies received from grants or donations for the purposes of this Section.
(3) Monies in the fund shall be appropriated, administered, and used solely as provided in this Section. Disbursements from the fund shall not exceed two hundred dollars per credit hour.
E. The fund shall be administered by the Board of Regents.
F. The fund is in addition to, and separate from, any monies allocated to the institutions under the management and control of a public postsecondary education management board. The availability of the funds shall not in any way substitute, limit, or otherwise affect the allocation of funds otherwise available to those institutions under state or federal laws.
Approved by the Governor, June 15, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State