To enact R.S. 47:463.214, relative to motor vehicle special prestige license plate; to provide for the establishment of the “Maddie’s Footprints” special prestige license plate; to provide for creation, issuance, design, fees, distribution, and rule promulgation applicable to the license plates; 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:

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 “Maddie’s Footprints” plate, provided there is a minimum of one thousand applicants for such plates. The license 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 executive director of Maddie’s Footprints nonprofit organization in Louisiana 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 “Maddie’s Footprints.”

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

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

E. The annual royalty fee shall be collected by the department and forwarded to the Maddie’s Footprints nonprofit organization in Louisiana.

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

Approved by the Governor, May 13, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 2

SENATE BILL NO. 17
BY SENATOR MIZELL
AN ACT

To amend and reenact R.S. 47:463.157(E), relative to motor vehicle prestige license plates; to provide relative to the “Save the Honeybee” special prestige license plate; to authorize financial aid for certain postgraduate students; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.157(E) is hereby amended and reenacted to read as follows:

§463.157. Special prestige license plate; “Save the Honeybee”

E. The annual royalty fee shall be collected by the department and forwarded to the Louisiana Beekeepers Association, Incorporated, or its successor organization. The money received shall be used solely for financial aid for graduate students and postgraduate students enrolled in a Louisiana postsecondary institution working on applied honey bee research projects at the United States Department of Agriculture Agricultural Research Service Honey Bee Breeding, Genetcs and Physiology Research Laboratory in Baton Rouge, Louisiana, The Louisiana Beekeepers Association, Incorporated, shall establish and disburse the funds for the scholarship program.

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, May 13, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State
To amend and reenact R.S. 30:10(A)(2)(a), the introductory paragraph of (i) and (a)(i)(ee), (ii) and (iii), (bb), (dd), (ee), (ff), and (iiii), (e)(iiii), (h), and (i) and (3) and (B), and to enact R.S. 30:10(A)(2)(a)(iiii)(f) and (B) (iiii)(gg), (hh), (ii), and (j), (iv), (v), (vi), and (vii), and (C), relative to drilling units; to provide for definitions; to provide for procedures, obligations, and remedies; to provide for indemnification; to provide for changes of ownership; to provide for title opinions; to provide for subsequent unit operations; to provide for terminology; and to provide for related matters.

Section 1. R.S. 30:10(A)(2)(a), the introductory paragraph of (i) and (a)(i)(a), (ii)(a), (bb), (dd), (ee), (ff), and (iiii), (e)(iiii), (h), and (i) and (3) and (B), are hereby amended and reenacted and R.S. 30:10(A)(2)(a)(iiii)(f) and (B) (iiii)(gg), (hh), (ii), and (j), (iv), (v), (vi), and (vii), and (C) are hereby enacted to read as follows.

§ 10. Agreements for drilling units; pooling interests; terms and conditions.

(a)(i) Any owner drilling, intending to drill, or who has drilled a unit well, a substitute unit well, an alternate unit well, or a cross-unit well on any drilling unit or substitute unit or alternate unit well or cross-unit well on any drilling unit, except a nonparticipating owner, may, by registered mail, return receipt requested, or other form of guaranteed delivery and notification method, not including electronic communication or mail, notify all other owners in the unit of the drilling or the intent to drill and give each owner an opportunity to elect to participate in the risk and expense of such well. Such notice shall be called a “risk charge notice” and shall contain:

(aa) An authorization for expenditure form (AFE), which shall include a detailed estimate of the cost of drilling, testing, completing, and equipping such well. The AFE shall be dated within one hundred twenty days of the date of the mailing of the risk charge notice.

(bb) During the recovery of the actual reasonable expenditures incurred in drilling, testing, completing, equipping, and operating the well, the charge for furnished, and the risk charge, the nonparticipating owner who has furnished the information set forth in Subitem (aa) of this Paragraph shall be entitled to receive from the drilling owner for the benefit of the nonparticipating owner's royalty and overriding royalty burdens on the nonparticipating owner's royalty and each other available legal remedies, shall be entitled to recover such unpaid costs out of production of such well.

(c) For purposes of this Subparagraph, and except where the drilling owner has required payment with the election in accordance with Subitem (a)(i)(f) of this Paragraph, the payment of estimated drilling costs determined by the AFE timely or fail to pay his share of the estimated drilling costs determined by the AFE timely or fail to pay his share of the actual reasonable drilling, testing, completing, equipping, and operating the well, including a charge for supervision, together with a risk charge. Should the drilling owner require payment with the election, failure to include payment in full with the election in accordance with Subitem (a)(i)(f) of this Paragraph, regardless of the election, shall be deemed an election not to participate. Should a notified owner elect to participate by satisfying the requirements of this Paragraph and subsequently fail to pay any actual costs that were not previously paid by him that owner, in addition to any other available legal remedies, shall be entitled to recover such unpaid costs out of production of such well. For purposes of this Subparagraph, and except where the drilling owner has required payment with the election in accordance with Subitem (a)(i)(f) of this Paragraph, the payment of estimated drilling costs determined by the AFE timely or fail to pay his share of the actual reasonable expenditures incurred in drilling, testing, completing, equipping, and operating the well, including a charge for supervision, together with a risk charge. Should the drilling owner require payment with the election, failure to include payment in full with the election in accordance with Subitem (a)(i)(f) of this Paragraph, regardless of the election, shall be deemed an election not to participate. Should a notified owner elect to participate by satisfying the requirements of this Paragraph and subsequently fail to pay any actual costs that were not previously paid by him that owner, in addition to any other available legal remedies, shall be entitled to recover such unpaid costs out of production of such well. For purposes of this Subparagraph, and except where the drilling owner has required payment with the election in accordance with Subitem (a)(i)(f) of this Paragraph, the payment of estimated drilling costs determined by the AFE timely or fail to pay his share of the actual reasonable expenditures incurred in drilling, testing, completing, equipping, and operating the well, including a charge for supervision, together with a risk charge. Should the drilling owner require payment with the election, failure to include payment in full with the election in accordance with Subitem (a)(i)(f) of this Paragraph, regardless of the election, shall be deemed an election not to participate. Should a notified owner elect to participate by satisfying the requirements of this Paragraph and subsequently fail to pay any actual costs that were not previously paid by him that owner, in addition to any other available legal remedies, shall be entitled to recover such unpaid costs out of production of such well. For purposes of this Subparagraph, and except where the drilling owner has required payment with the election in accordance with Subitem (a)(i)(f) of this Paragraph, the payment of estimated drilling costs determined by the AFE timely or fail to pay his share of the actual reasonable expenditures incurred in drilling, testing, completing, equipping, and operating the well, including a charge for supervision, together with a risk charge. Should the drilling owner require payment with the election, failure to include payment in full with the election in accordance with Subitem (a)(i)(f) of this Paragraph, regardless of the election, shall be deemed an election not to participate. Should a notified owner elect to participate by satisfying the requirements of this Paragraph and subsequently fail to pay any actual costs that were not previously paid by him that owner, in addition to any other available legal remedies, shall be entitled to recover such unpaid costs out of production of such well. For purposes of this Subparagraph, and except
of the lessor royalty owner and overriding royalty owner, and payment by the nonparticipating owner of a good faith estimate of the lessor royalty and overriding royalty owner, the drilling owner, in good faith, shall give notice of such failure to pay to the drilling owner as a prerequisite to a judicial demand for damages. The drilling owner shall have thirty days after receipt of the required notice within which to pay the royalties due or to respond in writing stating a reasonable cause for nonpayment. If the drilling owner fails to respond to the notice within the period, or if the nonparticipating owner shall have provided the drilling owner with an opportunity to recoup the costs of the subsequent unit operation determined by the AFE, the court may award to the nonparticipating owner as damages double the amount of royalties due, interest on that sum from the date due, and a reasonable attorney fee regardless of the cause for the failure to pay royalties. If the notice is sent in lieu of a complete copy, if it contains in full the provisions dealing with the determination and calculation of the portion of proceeds from the sale or other disposition of production; provided that a redacted copy may be submitted in lieu of a complete copy, if it contains in full the provisions dealing with the determination and calculation of the portion of proceeds from the sale or other disposition of production due to the lessor or overriding royalty owner, then the nonparticipating owner shall have no cause of action against the drilling owner for nonpayment.

(e) Each nonparticipating owner entitled to receive a portion of the proceeds from the sale or other disposition of production as provided in Subitems (a) and (b) of this Item shall furnish to the drilling owner both of the following:

(I) A true and complete, or redacted, copy of the mineral lease or other agreement creating any lessor royalty or overriding royalty royalty for which the nonparticipating owner is entitled to receive a portion of the proceeds from the sale or other disposition of production; provided that a redacted copy may be submitted in lieu of a complete copy, if it contains in full the provisions dealing with the determination and calculation of the portion of proceeds from the sale or other disposition of production due to the lessor or overriding royalty owner.

(II) A sworn statement of the ownership of the nonparticipating owner as to each tract embraced within the unit in which the nonparticipating owner has an interest and the amounts of the lessor royalty and overriding royalty burdens for which the nonparticipating owner is entitled to receive a portion of the proceeds from the sale or other disposition of production. The nonparticipating owner may also provide to the drilling owner copies of any title opinions in its possession or portions thereof on which the statement of ownership is based. In either case, however doing so shall not relieve the nonparticipating owner of its obligation to provide the sworn statement described in this Subitem.

(h) Each participating owner who has received from the drilling owner a portion of the proceeds from the sale or other disposition of production for the benefit of a lessor royalty owner or overriding royalty owner, based only on the information furnished pursuant to Subitem (g) of this Item, shall indemnify and hold harmless the drilling owner from and against any claims asserted against the drilling owner related to any amounts paid to the nonparticipating owner. The nonparticipating owner shall also restore to the drilling owner any amounts paid to the nonparticipating owner based on the information furnished pursuant to Subitem (g) of this Item, if and to the extent determined to be incorrect.

(i) No change or division of the ownership interest in a nonparticipating owner who is receiving a portion of the proceeds from the sale or other disposition of production from the drilling owner shall be binding upon the drilling owner for the purpose of paying to the nonparticipating owner for the benefit of its lessor royalty owner or overriding royalty owner, under Subitems (a) and (b) of this Item, until such new nonparticipating owner acquiring any interest has furnished the drilling owner at the drilling owner's address as reflected in the records maintained by the office of conservation, with a certified copy of the instrument or instruments, constituting the chain of title from the original nonparticipating owner.

(j) Any owner not notified shall bear only his tract's allocated share of the actual reasonable costs incurred in drilling, testing, completing, equipping, and operating the unit well or in connection with any subsequent unit operations, including any overhead or administrative expenses subject to the same obligation and remedies and rights to own and recover out of production in favor of the drilling party or parties owner as provided in this Subsection. A participating The drilling owner shall deliver to the owner whose well is not being notified, for the benefit of his lessor royalty owner or overriding royalty owner, the proceeds attributable to his lessor royalty owner or overriding royalty burdens as described in this Section.

(k) Any owner of a well described in Subparagraph (a) of this Paragraph who is conducting, intends to conduct, or has conducted a subsequent unit operation on or to a portion of his tract, shall notify all the other owners of his tract and shall not proceed to carry out such operation without giving reasonable notice to such other owners and the person or persons responsible for supervising or controlling such operation, subject to the same obligation and remedies and rights to own and recover out of production in favor of the drilling party or parties owner as provided in this Subsection. A participating The drilling owner shall deliver to the owner whose well is not being notified, for the benefit of his lessor royalty owner or overriding royalty owner, the proceeds attributable to his lessor royalty or overriding royalty burdens as described in this Section.

(l) The notice to be provided by the drilling owner to the other owners in the unit pursuant to Item (iv) of this Subparagraph shall contain:

(a) A detailed description identifying the well to which the subsequent unit operation relates, the work associated therewith, and the new location and other directional changes if such changes are proposed.

(b) A copy of the order of the commissioner creating the drilling unit to which the subsequent unit operation relates.

(c) An AFE that shall include a detailed estimate, or the actual amount, of the cost of conducting the subsequent unit operation and that is dated within one hundred twenty days of the date of the mailing of the notice.

(dd) An estimate of the notified owner's approximate percentage of well participation.

(e) The owner furnishing the AFE shall provide all available logs, core analysis, production data, and well test data with respect to the well that has not been made public.

(vii) If, on the date of the notice of the subsequent unit operation, there are still amounts uncollected on a risk charge from a nonparticipating owner for the drilling of, or a previous operation on, the wellbore for which the notice is sent, the drilling owner may recoup a risk charge from that nonparticipating owner on the costs of the noticed subsequent unit operation only if the drilling owner sends that nonparticipating owner a notice of the subsequent unit operation. The notice may offer that nonparticipating owner the opportunity to participate in the subsequent unit operation upon payment to the drilling owner, within sixty days of the date of receipt of the notice, of the nonparticipating owner's entire outstanding balance due for all previous operations on the wellbore, including any amounts uncollected on a risk charge. If the drilling owner sends the nonparticipating owner a notice, the drilling owner may, in addition to recouping a risk charge from that nonparticipating owner on the costs of the subsequent unit operation from the proceeds from the well attributable to that nonparticipating owner if it fails to elect timely to participate in the subsequent unit operation, or if it fails to timely pay the drilling owner for its pro rata share of the proceeds from the sale or other disposition of production, in its discretion, either:

(i) Recoup from the nonparticipating owner the entire amount due for all previous operations on the wellbore, or if it fails to timely pay timely its share of the estimated costs of the subsequent unit operation as determined by the AFE.

(ii) Notwithstanding the provisions of Subparagraph (b) of this Paragraph, the lessor royalty owner and overriding royalty owner shall receive that portion of production proceeds due to them under the terms of the contract creating the royalty.

(h) The owners in the unit to whom the risk charge notice provided hereinabove in this Section may be sent, are the owners of record as of the date on which the risk charge notice is sent.

(i) Failure of the drilling owner to provide written to an owner a risk charge notice as required by Subparagraph (a) of this Paragraph to an owner shall not affect the validity of the written risk charge notice properly provided to any other owner in the unit.

(3) If there is included in any unit created by the commissioner of conservation one or more unleased interests for which the party or parties entitled to market production therefrom have not made arrangements to separately sell or otherwise dispose of the share of such production attributable to such tract, the owner of such tract shall offer for sale the share of such production, then the unit operator shall pay to such party or parties such tract's pro rata share of the proceeds of the sale or other disposition of production within one hundred eighty days of such sale or other disposition.

(2) If there is included in any unit created by the commissioner of conservation one or more unleased interests for which the party or parties entitled to market production therefrom have not made arrangements to separately sell or otherwise dispose of the share of such production, then the unit operator shall pay to such party or parties such tract's pro rata share of the proceeds of the sale or other disposition of production within one hundred eighty days of such sale or other disposition.

(3) If there is included in any unit created by the commissioner of conservation one or more unleased interests for which the party or parties entitled to market production therefrom have not made arrangements to separately sell or otherwise dispose of the share of such production, then the unit operator shall pay to such party or parties such tract's pro rata share of the proceeds of the sale or other disposition of production within one hundred eighty days of such sale or other disposition.

(3) If there is included in any unit created by the commissioner of conservation one or more unleased interests for which the party or parties entitled to market production therefrom have not made arrangements to separately sell or otherwise dispose of the share of such production, then the unit operator shall pay to such party or parties such tract's pro rata share of the proceeds of the sale or other disposition of production within one hundred eighty days of such sale or other disposition.

(3) If there is included in any unit created by the commissioner of conservation one or more unleased interests for which the party or parties entitled to market production therefrom have not made arrangements to separately sell or otherwise dispose of the share of such production, then the unit operator shall pay to such party or parties such tract's pro rata share of the proceeds of the sale or other disposition of production within one hundred eighty days of such sale or other disposition.

(3) If there is included in any unit created by the commissioner of conservation one or more unleased interests for which the party or parties entitled to market production therefrom have not made arrangements to separately sell or otherwise dispose of the share of such production, then the unit operator shall pay to such party or parties such tract's pro rata share of the proceeds of the sale or other disposition of production within one hundred eighty days of such sale or other disposition.

(3) If there is included in any unit created by the commissioner of conservation one or more unleased interests for which the party or parties entitled to market production therefrom have not made arrangements to separately sell or otherwise dispose of the share of such production, then the unit operator shall pay to such party or parties such tract's pro rata share of the proceeds of the sale or other disposition of production within one hundred eighty days of such sale or other disposition.

(3) If there is included in any unit created by the commissioner of conservation one or more unleased interests for which the party or parties entitled to market production therefrom have not made arrangements to separately sell or otherwise dispose of the share of such production, then the unit operator shall pay to such party or parties such tract's pro rata share of the proceeds of the sale or other disposition of production within one hundred eighty days of such sale or other disposition.

(3) If there is included in any unit created by the commissioner of conservation one or more unleased interests for which the party or parties entitled to market production therefrom have not made arrangements to separately sell or otherwise dispose of the share of such production, then the unit operator shall pay to such party or parties such tract's pro rata share of the proceeds of the sale or other disposition of production within one hundred eighty days of such sale or other disposition.
such as acidizing, sand or paraffin removal, repair, or replacement of downhole equipment such as rods, pumps, packers, or other mechanical devices.

(3) "Sidetrack", "pumping a unit well", "alternate unit well", "substitute unit well", or "cross-unit well" means that the subsurface interval defined in the office of conservation order creating the unit or units that the existing wellbore is serving as a unit well, alternate unit well, substitute unit well, or cross-unit well.

Approved by the Governor, May 13, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 6

SENATE BILL NO. 55
BY SENATORS CATHEY AND WOOMACK AND REPRESENTATIVES TRAVIS JOHNSON, MCAHEN, MINCEY, ST. BLANC, THOMPSON, WHEAT AND WHITE

AN ACT

To enact R.S. 49:191(13)(a) and to repeal R.S. 49:191(10)(c), relative to the Department of Agriculture and Forestry, including provisions to provide for the re-creation of the Department of Agriculture and Forestry and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board and the statutory entities made a part of the department by law shall be re-created effective June 30, 2022, and all statutory authority therefore is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2023, pursuant to R.S. 49:191. However, the Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.

Section 4. R.S. 49:191(13)(a) is hereby enacted to read as follows:

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

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

(13) July 1, 2026;

(a) The Department of Agriculture and Forestry and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(10)(c) is hereby repealed in its entirety.

Section 6. This Act shall become effective on June 30, 2022, if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2022, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 13, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 7

SENATE BILL NO. 91
BY SENATOR HENSGENS

AN ACT

To enact R.S. 49:191(13)(a) and to repeal R.S. 49:191(11), relative to the Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board, including provisions to provide for the re-creation of the Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

THE ADVOCATE
To amend and reenact R.S. 3:1201(C) and (D), the introductory paragraph of 1202 and 1202(3), 1204(A)(2) and (D)(1) and (12), and 1208(1), (2), (6), and (7) and to enact R.S. 3:1202(13) and (14), relative to the “Soil Conservation Districts and Supervisors” shall have the following powers, in addition to others granted in other sections of this Part:

(1) To offer such assistance as may be appropriate to the supervisors of soil and water conservation districts, organized as part of the government in the carrying out of any of their powers and programs; to assist and guide districts in the preparation and carrying out of programs for natural resource conservation and soil health authorized under this Chapter; to review district programs; to coordinate the programs of the several districts and resolve any conflicts in such programs; to facilitate, promote, assist, harmonize, coordinate, and guide the resource conservation programs and activities of districts as they relate to other special-purpose districts, parishes, and other public agencies.

(12) The state soil and water conservation commission and the soil and water conservation districts that may be created under this Part shall be the official state agencies for cooperating with the Soil Natural Resources Conservation Service of the United States Department of Agriculture.
(6) To develop comprehensive plans for the conservation of soil resources, the improvement of soil health, and for the control and prevention of soil erosion and for flood prevention or the conservation, development, utilization, and disposal of water within the district, which plans shall specify in such detail as may be possible, the acts, procedures, performances, and avoidance which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, crops, programs, tillage practices, soil health practices aiding enhanced food and fiber production, conservation of natural resources, adaptation to changes in climate and environment, and changes in use of land; and to publish such plans and information and bring them to the attention of occupants of lands within the district.

(7) To take over, by purchase, lease, or otherwise, and to administer, any soil-conservation, flood-prevention, soil health, soil conservation, flood prevention, drainage, irrigation, water management, erosion control, or erosion-prevention projects, or combinations thereof, located within its boundaries undertaken by the United States or any of its agencies, or by this state or any of its agencies; to manage, as agent of the United States or any of its agencies, or of this state or any of its agencies, any soil-conservation, flood-prevention, drainage, irrigation, water management, erosion-control, or erosion-prevention project, or combinations thereof, within its boundaries; to act as agent for the United States, or any of its agencies, or for this state or any of its agencies, in connection with the acquisition, construction, operation, or administration of any soil-conservation, flood prevention, drainage, irrigation, water management, erosion control, or erosion-prevention project, or combinations thereof, within its boundaries; to accept donations, gifts, and contributions in money, services, materials, or otherwise, from the United States or any of its agencies, or from this state or any of its agencies, and to use or expend such moneys, services, materials, or other contributions in carrying out its operations.

Section 2. The Louisiana State Law Institute is directed to review the provisions of current law, particularly the provisions of the “Soil Conservation Districts Law”, R.S. 3:1201 et seq., and to change outdated or incorrect references to the agency established in R.S. 3:1204 and placed within the Department of Agriculture and Forestry pursuant to R.S. 36:629(K) to “State Soil and Water Conservation Commission” or “commission” as applicable, including correct capitalization where appropriate.

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, May 13, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 39

BY SENATOR ALLAIN AND REPRESENTATIVE COUSSSAN

To amend and reenact R.S. 30:83(F)(7), 86(E)(2), 89(C)(3), and 92(A) and (C), to enact R.S. 30:83(F)(8), 84(A)(3) and (8), and to repeal R.S. 30:85(B), to provide for the Louisiana Oilfield Site Restoration Fund; to provide for the powers and duties of the Oilfield Site Restoration Commission; and to provide for the Oilfield Site Restoration Fund in any fiscal year, unless otherwise approved by the legislature.

F. The powers of the commission shall be limited to the following:

(7) Request from the executive director, by a majority vote, any information regarding any matter concerning their powers numerated in this Section. Additionally, the commission may request the secretary to review the appointment of the serving executive director upon a two-thirds vote of the appointed members of the commission.

(8) Perform any function authorized by this Part or which is consistent with its purpose and not otherwise assigned by this Part to the secretary or assistant secretary.

§94. Powers of the secretary
A. The powers of the secretary shall include without limitation the power to do the following:

(3) Employ, appoint, remove, assign, and promote from any funding sources authorizing administrative costs, such personnel as is necessary for the efficient administration of this Part, including the appointment of an executive director who shall be an unclassified employee. In addition to any other powers, duties, functions, and responsibilities given to the secretary or assistant secretary, the executive director shall assist the secretary in the efficient administration of this Part.

(8) Authorize, upon a finding of economic justification, the closure and restoration of nonpriority orphaned oilfield sites that may be packaged together to the extent practicable, and subject to the total number of orphaned wells. Excluding expenses of money deposited pursuant to R.S. 30:86(D)(9) or (10) or emergency response costs pursuant to R.S. 30:6.1, 86(E)(5), and 92, the cost of closing and restoring nonpriority orphaned oilfield sites shall not exceed twenty percent of the amount expended from the Oilfield Site Restoration Fund in any fiscal year, unless otherwise approved by the commission.

§86. Oilfield Site Restoration Fund

E. Except as otherwise provided in this Section, the monies in the fund may be disbursed and expended pursuant to the authority and direction of the secretary or assistant secretary for the following purposes and uses:

(2) Upon approval of the commission, the administration of this Part by the department in an amount not to exceed nine hundred fifty thousand dollars each fiscal year. Amounts expended pursuant to Paragraph (4) of this Subsection shall not count towards the administrative expenditure limitation.

§89. Non-orphan site restoration

C. For sites restored pursuant to Subsections A and B of this Section, after site restoration has been completed and approved by the assistant secretary, funds from the site-specific trust account will be disbursed as follows:

(3) If the funds in the site-specific trust account are depleted prior to the payment of all site restoration costs, and if, if the assistant secretary subsequently declares that oilfield site to be an orphaned oilfield site and upon approval of the commission, the Oilfield Site Restoration Fund shall contribute the balance of the restoration costs for that orphaned oilfield site.

§92. Orphan site restoration

A. The assistant secretary is hereby authorized to conduct site restoration on any site declared to be an orphaned oilfield site. The assistant secretary shall also have the authority to expend sums from the fund and enter into contracts for the purpose of site restoration. In entering into contracts to be done by the assistant secretary or on any orphaned oilfield site, the assistant secretary may conduct site restoration, expend sums from the fund, and enter into contracts for the purpose of site restoration to respond to an emergency as provided in R.S. 30:6.1.

C. A contract for site assessment or site restoration shall require a formal bid process. All contracts herein shall be exempt from the provisions of the Public Bid Law and the Louisiana Procurement Code; however, before this exemption from the Public Bid Law and the Louisiana Procurement Code can be effective the assistant secretary shall promulgate rules in accordance with the Administrative Procedure Act to set forth the procedures, which, to the extent practicable, shall be in substantial compliance with the Public Bid Law and shall require a formal bid process. A project which the assistant secretary has declared in writing to be an emergency, may employ a written and thoroughly documented informal bidding procedure in which bids are solicited from at least three bidders. All such contracts shall be reviewed prior to execution by the assistant secretary and all informally bid contracts shall be reviewed by the secretary. Notwithstanding any other requirements in this Part, any monies deposited pursuant to R.S. 30:86(D)(9) or (10) may be expended by the secretary through a contract entered into under any competitive process authorized by Title 35 or 39 of the Louisiana Revised Statutes of 1950.
Section 1. R.S. 56:329(B)(1) is hereby amended and reenacted to read as follows:
§329. Obstruction of streams or lakes by fyke nets or other devices

B. (1) Except as provided in Paragraph (2) of this Subsection, no obstructions including trawls, skimmer nets, butterfly nets, fyke nets, wings or leads, seines, gill nets, or trammel nets which interfere with the free passageway for fish as defined herein in this Section shall be set within five hundred feet of the mouth of any inlet or pass, or within five hundred feet of any water control structures, dams, or weirs, except for the purpose of retaining and removing invasive species of fish and other nongame freshwater fish of commercial value. When fishing for the purpose of retaining and removing invasive species of fish and other nongame freshwater fish of commercial value, nets are restricted to a mesh size no smaller than three and one-half inches bar. Wings and leads are permitted on hoop nets in overfocused regions where the water is out of the actual bed of the natural stream or lake but not within the restricted five hundred feet area.

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, May 13, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 12

HOUSE BILL NO. 120
BY REPRESENTATIVE DAVIS
AN ACT
To amend and reenact R.S. 49:191(1) and to repeal R.S. 49:191(10)(e), relative to the Department of Economic Development, including provisions to provide for the re-creation of the Department of Economic Development and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Department of Economic Development and the statutory entities made a part of the department by law shall be re-created effective June 30, 2022, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Department of Public Service and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2027, pursuant to R.S. 49:191. However, the Department of Public Service may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.

Section 4. R.S. 49:191(1) is hereby amended and reenacted to read as follows:

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

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

(1) July 1, 2006
(2) July 1, 2007
(3) July 1, 2008
(4) July 1, 2009
(5) July 1, 2010
(6) July 1, 2011
(7) July 1, 2012
(8) July 1, 2013
(9) July 1, 2014
(10) July 1, 2015
(11) July 1, 2016
(12) July 1, 2017
(13) July 1, 2018
(14) July 1, 2019
(15) July 1, 2020
(16) July 1, 2021
(17) July 1, 2022
(18) July 1, 2023
(19) July 1, 2024
(20) July 1, 2025
(21) July 1, 2026
(22) July 1, 2027

(a) The Department of Economic Development and all statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2022, or on the day following such approval by the legislature, whichever is later.

Section 5. R.S. 49:191(10)(h) is hereby repealed in its entirety.

Section 6. This Act shall become effective on June 30, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2022, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 13, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 14

HOUSE BILL NO. 169
BY REPRESENTATIVE RISER
AN ACT
To amend and reenact R.S. 37:711.12(D)(2), relative to geoscientists; to provide an exemption for geoscientific work performed by an officer or employee of the state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:711.12(D)(2) is hereby amended and reenacted to read as follows:

§711.12. License required; exemptions
D. The following activities do not require a license under this Chapter:

(2) Geoscientific work performed by an officer or employee of this state or of the United States practicing solely as such an officer or employee.

Approved by the Governor, May 13, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 15

HOUSE BILL NO. 397
BY REPRESENTATIVE BISHOP
AN ACT
To amend and reenact R.S. 30:2531(C)(4) and 2532(Section heading) and (Ax5), R.S. 30:2531(A), R.S. 56:10(B), 2532(Section heading) and (Ax5), R.S. 47:463.43(Section heading), (A), and (D), and R.S. 56:10(B) (15), to enact R.S. 56:10(B)(17), and to repeal R.S. 30:2532(B), relative to funding for environmental education and litter abatement; to separate the litter abatement and education account into an account for litter abatement and an account for environmental education; to redirect existing fines, fees, and donations dedicated for these purposes into the separate accounts; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2531(C)(4) and 2532(Section heading) and (Ax5) are hereby amended and reenacted to read as follows:

§2531. Intentional littering prohibited; criminal penalties; simple littering prohibited; civil penalties; special court costs

*   *   *
C. Whoever violates the provisions of this Section shall pay special court costs of one hundred dollars in lieu of other costs of court and the special court costs shall be disbursted as follows:
   * * *
(4) Twenty-five dollars shall be paid to the state treasury for credit to the Litter Abatement and Education Account.
   * * *
§2532. Collection and distribution of fines; litter abatement and education account
A. All fines collected under the provisions of this Part shall be payable as follows:
   * * *
(5) The remainder shall be paid to the state treasury for credit to the litter abatement and education account.
   * * *
Section 2. R.S. 32:412(A)(1), (2), (5), and (6), and (B)(1), (2), and (7)(e)(i)(cc) and (ee) and (ii)(cc) and (ee) are hereby amended and reenacted to read as follows:
§412. Amount of fees; credit or refund; duration of license; veteran designation; disabled veteran designation; university logo; “I’m a Cajun” designation; needs accommodation designation; autism spectrum disorder designation; disbursement of funds; renewal by mail or electronic commerce of Class “D” or “E” drivers’ licenses; disposition of certain fees; exception
A(1) Every applicant for a “D” driver’s license, or for a renewal of a Class “D” driver’s license, except those bona fide residents of the city of New Orleans, shall pay for such basic license a fee of forty-two dollars and seventy-five cents. Eleven dollars and fifteen cents of the fee shall be paid to the Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).
   * * *
(2) The fee for Class “D” driver’s license, or renewal of a Class “D” driver’s license, issued to bona fide residents of the city of New Orleans shall be fifty-four dollars, fifteen dollars of which shall be payable by the department to the board of trustees of the police pension fund of the city of New Orleans. One dollar and eighty-four cents of the fee shall be paid to the Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).
   * * *
(5) Every applicant for a Class “E” driver’s license, or for a renewal of a Class “E” driver’s license, except those bona fide residents of the city of New Orleans, shall pay for such basic license a fee of forty-two dollars and twenty-five cents, which shall be the cost of such basic license. Five dollars and sixty-three cents of the fee shall be paid to the Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).
   * * *
(6) The fee for a Class “E” driver’s license, or renewal of a Class “E” driver’s license, issued to bona fide residents of the city of New Orleans shall be twenty dollars and twenty-five cents, three dollars and seventy-five cents of which shall be paid to the Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).
   * * *
(7) * * *
(e)(i) * * *
(cc) Seventy-five cents of the fee shall be paid to the office of state police.
Two dollars and seventy-five cents of the fee shall be paid to the Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).
   * * *
(ee) Five dollars and fifty-six cents of the fee shall be paid to the Louisiana State Police Pension and Retirement System Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).
   * * *
(ii) * * *
(cc) One dollar and fifty cents of the fee shall be paid to the Board of Trustees of the Police Pension Fund of the city of New Orleans. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).
   * * *
(ee) Seven dollars and fifty cents of the fee shall be payable by the department to the board of trustees of the police pension fund of the city of New Orleans. Ninety-two cents of the fee shall be paid to the State Police Pension and Retirement Fund. One dollar and fifty cents of the fee shall be forwarded by the department to the litter abatement and education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).
   * * *
Section 3. R.S. 47:463.43 (Section heading), (A), and (D) are hereby amended and reenacted to read as follows:
§463.43. Special license plates; environmental education and litter abatement education account
A. The Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate for environmental education by the Department of Wildlife and Fisheries for the purposes provided in R.S. 56:10(B)(17). The license plates shall be restricted to use on passenger cars, pickup trucks, vans, and recreational vehicles.
   * * *
D. The department shall collect the donation for each license plate and forward the donation as provided in Subsection C of this Section to the Department of Wildlife and Fisheries. The one dollar handling fee provided in Subsection C of this Section shall be retained by the department to offset the administrative costs. The funds received by the Department of Wildlife and Fisheries pursuant to this Section shall be deposited in the Louisiana Wildlife and Fisheries Conservation Fund.
Section 4. R.S. 56:10(B)(15) is hereby amended and reenacted to read as follows:
§10. Annual report to governor; estimate of proposed expenditures; particular funds; limitations on purposes for use of monies in particular funds and accounts; warrants; vouchers; surplus funds
B. * * *
(15)(a) There is hereby created within the Conservation Fund a special account known as the “litter abatement and education account” which shall consist of donations collected from the sale of the environmental education license plate provided for in R.S. 47:463.43; revenue received by the Conservation Fund from the Department of Public Safety and Corrections, office of motor vehicles as provided in R.S. 32:412; revenue received by the Conservation Fund from fines for violations of the provisions of Part I of Chapter 21 of Subtitle II of Title 30 as provided in R.S. 30:2531 and 2532; funds from public or private donations and any other source which may specify deposit to this account; and any remaining balance in the litter abatement and education account as of August 1, 2022. The revenues shall be subject to the same requirements as provided for other revenues placed in the Conservation Fund in Paragraph (1) of this Subsection.
   * * *
(b) The funds in this account shall be used solely for the following:
(i) To develop, review, approve, and implement a plan for statewide litter abatement grant programs.
(ii) To provide for environmental education litter abatement and education programs.
(iii) To develop, disseminate, and assess litter education and awareness programs and materials.
   * * *
(17)(a) There is hereby created within the Conservation Fund a special account known as the “environmental education account” which shall consist of donations collected from the sale of the environmental education license plate provided for in R.S. 47:463.43 and funds from public or private donations.

THE ADVOCATE  
* As it appears in the enrolled bill

_PAGE 8_
and any other source which may specify deposit to this account. The revenues
shall be subject to the same requirements as provided for other revenues
placed in the Conservation Fund in Paragraph (l) of this Subsection.

(b) The funds in this account shall be used solely for the following:

(i) To develop, review, approve, and implement a plan for statewide
environmental education.

(ii) To provide for environmental education grant programs in the state.

(iii) To develop an environmental education curriculum framework.

(iv) To develop guidelines for incorporating environmental education into
teacher education requirements.

(v) To develop environmental education teacher professional development.

(vi) To provide for local environmental education.

(vii) To disseminate and assess litter education and awareness
programs and materials.

Section 5. R.S. 30:2532(B) is hereby repealed in its entirety.

Approved by the Governor, May 13, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 16

HOUSE BILL NO. 749
BY REPRESENTATIVE BISHOP
AN ACT

To amend and reenact the heading of Subpart B-1 of Part III of Chapter I of
Title 17-A of the Louisiana Revised Statutes of 1950, R.S. 17:200, 203(7) and
205.(Section heading) and (A) to enact R.S. 17:215(E) and Chapter 17-A
of Title 49 of the Revised Statutes of 1950, to be comprised of R.S. 49:1131
through 1143, and to repeal R.S. 17:203(3) through (6), 204, 205(C), and 206
through 214, relative to litter abatement responsibilities and programs; to
repeal the section relative to litter abatement responsibilities and programs;
and to place them within the Department of Culture, Recreation and
Tourism; to provide for the litter abatement grant program; and to
provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Subpart B-1 of Part III of Chapter I of Title 17-
A of the Louisiana Revised Statutes of 1950, R.S. 17:200, 203(7) and 205.(Section
heading) and (A) are hereby amended and reenacted and R.S. 17:215(E) is
hereby enacted and read as follows:

SUBPART B-1, LOUISIANA ENVIRONMENTAL EDUCATION
AND LITTER REDUCTION ACT

§200. Title

This Subpart may be cited as the “Louisiana Environmental Education and
Litter Reduction Act”.

§203. Definitions

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

(7) “Section” means the environmental education and litter reduction
section located within and acting through the state Department of Education.

§205. Environmental Education and Litter Reduction Section; staff; powers
and duties; cooperation; funding

A. There is hereby created, within the state Department of Education, the
environmental education and litter reduction section which shall assist
the coordination and performance of responsibilities relative to education
and litter abatement as provided for in this Subpart. Insofar as funds are
appropriated, staff may be employed under the direction and control of
the state superintendent of education and in accordance with policies of the
department.

§215. Grant program

E. The section is hereby authorized to accept, administer, and make
use of federal, state, local and private appropriations, public and private
grants and donations, and when it is deemed appropriate and feasible, to
accept nonmonetary funding in the form of services or equipment for use in
connection with any of the programs or purposes of this Subpart.

Section 2. Chapter 17-A of Title 49 of the Louisiana Revised Statutes of 1950,
comprised of R.S. 49:1131 through 1143, is hereby enacted to read as follows:

CHAPTER 17-A. KEEP LOUISIANA BEAUTIFUL INITIATIVE

§1132. Litter abatement, reduction, and control

The office of the secretary of the Department of Culture, Recreation and
Tourism shall be responsible for implementing the provisions of this Chapter
relative to litter abatement, reduction, and control.

§1132. Definitions

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

(1) “Department” means the state Department of Culture, Recreation and
Tourism.

(2) “Dispose” means to throw, discard, place, deposit, discharge, burn,
basis to be determined by the secretary.
(3) The monies awarded through the grants shall be used to further the administration and execution of the Keep Louisiana Beautiful Program. All allowable uses of grant funding shall include but not be limited to the following:
(a) Keep America Beautiful fees.
(b) Keep Louisiana Beautiful pre-certification training, education curriculums, and workshops.
(c) Law enforcement seminars.
(d) Litter surveys.
(e) Projects, services, activities, and operational costs of litter abatement programs.
(f) Materials and services for program development and training.
(g) Direct expenditures for materials that can facilitate litter reduction, recycling, waste reduction, reuse, and general solid waste management programs.
(h) Minimal advertising, public relations, and promotional materials necessary for publicity and promotion of program activities.
(1) Salary of the program coordinator and staff.
(2) Each successful applicant shall supplement grant funds with a fifteen percent match from other sources. All matching funds must be available to the program after the date of the grant award, and funds spent prior to the grant award shall not be considered in fulfillment of the match requirement.

§1135. Removal of litter; responsibility
The duty to remove litter from receptacles placed at publicly owned parks, beaches, campgrounds, trailer parks, roadside parks, and other property shall remain with the state and local agencies performing litter removal within their respective jurisdictions. The duty to remove litter from litter receptacles placed on private property which is used by the public shall remain with the owner.

§1136. Anti-litter campaign; industrial and civic cooperation requested
In order to aid in the statewide anti-litter campaign authorized by this Chapter, the secretary may solicit the assistance and active cooperation of industry and private civic organizations which are active in anti-litter efforts so that additional effort may be given to the campaign to eradicate litter within the state.

§1137. Adopt-a-beach program
In order to fulfill the obligations and responsibilities under this Chapter, the secretary may develop a program to be known as “adopt-a-beach”, whereby an industry or a private civic organization may adopt one mile of Louisiana beach for the sole purpose of controlling litter along that section of beach. Included in the responsibilities of any industry or private civic organization which chooses to participate in the program shall be the following:
(1) Development of a functional plan to influence and encourage the public to improve the appearance of the adopted section of beach.
(2) A general cleanup of the area at least twice a year.
(3) Assistance to the secretary in securing media coverage for the program.

§1138. Community improvement program
In order to fulfill the obligations and responsibilities under this Chapter, the secretary may coordinate a community improvement program whereby an annual cleanup may be conducted during the spring encouraging local groups to clean streets, alleys, public areas, adopted roads and beaches, and state and parish highways in surrounding areas. Beautification programs may be conducted along with the cleanup programs at schools, public buildings and grounds, median areas, entrances to subdivisions, commercial areas, and other like structures. Excess signage removal programs may be held simultaneously.

§1139. Beach sweep program
In order to fulfill the obligations and responsibilities under this Chapter, the secretary may propose and encourage beach sweep programs whereby coordinated cleanups may be conducted on the state’s beaches. The beach sweep program may consist of removing debris and trash while conducting data collection on marine debris.

§1140. Inland water cleanup
In order to fulfill the obligations and responsibilities under this Chapter, the secretary may propose and encourage inland water cleanups whereby a waterway cleanup may be conducted annually by local groups to clean rivers, bays, lakes, streams, and other waterways encouraging beautification through removal of litter and debris.

§1141. Boaters’ and fishermen’s pledge
In order to fulfill the obligations and responsibilities under this Chapter, the secretary may promote and encourage a program known as “boaters’ and fishermen’s pledge” whereby the program may be conducted asking sportsmen to sign a commitment to bring trash and debris generated in their vehicle or boat back home or to proper disposal receptacles.

§1142. Adopt-a-byway program
In order to fulfill the obligations and responsibilities under this Chapter, the secretary may promote and encourage a program to be known as “adopt-a-byway”, whereby an organization which owns, uses, or leases property adjacent to a parish maintained road may adopt a section of such road for the sole purpose of controlling litter along that section. Included in the responsibilities of any organization which chooses to participate in the program may be the following:
(1) Development of a functional plan to influence and encourage the public to improve the appearance of the adopted section of the road.
(2) A general cleanup of the area at least twice a year.

ACT No. 17

HOUSE BILL NO. 750
BY REPRESENTATIVE BISHOP
AN ACT
To amend and reenact R.S. 30:2531(C), 2531.3(G), 2531.5(D) and (D), and 2532(A) and R.S. 56:32.1(A) and (B), relative to fines and court costs for littering violations; to provide for the prosecution of civil littering violations cited by the Department of Wildlife and Fisheries; to specify civil procedure for simple and commercial littering violations; to provide for special court costs for littering violations; to provide for the distribution of littering fines and special court costs; to authorize civil actions and adjudicatory hearings for littering violations prosecuted by the Department of Wildlife and Fisheries; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 30:2531(C), 2531.3(G), 2531.5(B) and (D), and 2532(A) are hereby amended and reenacted as follows:
§2531. Intentional littering prohibited; criminal penalties; simple littering prohibited; civil penalties; special court costs
C. Whoever violates the provisions of this Section shall pay special court costs of one hundred dollars in lieu of other costs of court and the special court costs shall be disbursed as follows:
(1) For simple littering violations cited and prosecuted by the Department of Wildlife and Fisheries:
(a) Twenty dollars shall be paid to the judicial expense fund for that judicial district, or to the justice of the peace or the city court, as the case may be.
(b) Twenty dollars shall be paid to the office of the district attorney, to the constable, or to the municipal prosecuting attorney, as the case may be.
(c) Ten dollars shall be paid to the clerk of the district court, or to the justice of the peace or the city court, as the case may be.
(d) Twenty-five dollars shall be paid to the state treasury for credit to the Litter Abatement and Education Account.
(e) Twenty-five dollars shall be paid to the law enforcement agency that issued the citation.

§2531.3. Commercial littering prohibited; civil penalties; indemnification; special court costs
G.(1) Any person found liable under the provisions of this Section shall pay special court costs of fifty dollars in lieu of other costs of court shall be disbursed as follows:
(a) Twenty dollars shall be paid to the judicial expense fund for that
To enact R.S. 13:5554.8, relative to the payment of group insurance premiums for retired sheriffs and deputy sheriffs in Ouachita Parish; to create a permanent fund; to require the deposit of certain monies into the fund; to provide for investment of monies in the fund; to authorize the withdrawal of earnings; to provide for limitations on appropriations from the fund; to provide for audits of the fund; to provide for the membership and election on the investment advisory board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554.8 is hereby enacted to read as follows:

§3554.8. Ouachita Parish; payment of group insurance premiums; retired sheriffs and deputy sheriffs; creation of fund

A. There is hereby created the Ouachita Parish Sheriff Retired Employees Insurance Fund, hereinafter referred to as the “OREIF”, to help offset the payment by the sheriff's office of Ouachita Parish of the premium costs for eligible retired sheriffs and retired deputy sheriffs as provided in R.S. 13:5554.4.

B. The sheriff of Ouachita Parish may contribute to the OREIF at his discretion.

C. Upon recommendations of the board established in Subsection F of this Section, the sheriff of Ouachita Parish shall invest at least twenty-five percent of fixed income earnings into the OREIF; provided that a minimum of twenty-five percent of the fixed income portion is rated as investment grade by a nationally recognized rating agency.

D.1. The earnings realized on the monies invested pursuant to Subsection C of this Section shall be available for the sheriff to withdraw for the sole purpose of paying the insurance premium costs provided in R.S. 13:5554.4 for retired sheriffs and retired deputy sheriffs of Ouachita Parish, legal representation costs for the OREIF board, or both, provided that no such earnings shall be withdrawn until the amount of principal and accumulated earnings in the OREIF are equal to the sum of five million dollars.

D.2. In the event that the total amount of monies derived from deposits provided in Subsection B of this Section and investment earnings fall below the sum of five million dollars, no earnings shall be withdrawn, and any balance owed for the payment of insurance premium costs as required by R.S. 13:5554.4 or legal representation costs for the OREIF Board shall be paid in full from the sheriff’s general fund.

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

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

(a) The sheriff or his designee.

(b) One retired sheriff or retired deputy sheriff of the department, appointed by the sheriff, who shall serve a term determined by the sheriff.

(c) One active deputy sheriff of the department, appointed by the sheriff, who shall serve a term determined by the sheriff.

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

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 19

HOUSE BILL NO. 15
BY REPRESENTATIVE BAGLEY

To enact R.S. 13:3049.B(1)(e)(viii) and R.S. 15:255(X), relative to costs of court; to authorize the transfer of surplus monies in the Forty-Second Judicial District; to provide for the transfer procedures of funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3049.B(1)(e)(viii) is hereby enacted to read as follows:

§3049. Cash deposit; bond; duty to attend; compensation; procedure; filing fees

B.1. * * *

(e) * * *

(viii) Notwithstanding any provision of law to the contrary, any surplus monies in the special fund of DaSoto Parish within the Forty-Second Judicial District may be transferred to the criminal court fund on an as needed basis upon the motion of the district attorney and the order of judges sitting en banc.

Section 2. R.S. 15:255(X) is hereby enacted to read as follows:

§255. Witness fees to off-duty law enforcement officers

X. In the Forty-Second Judicial District, upon the motion of the district attorney and order of the judges sitting en banc, surplus monies in the special fund shall be transmitted by the governing authority of the parish to the criminal court fund of the Forty-Second Judicial District. As used in this
Subsection “special fund” means the special fund provided for in Subsection D of this Section, and “surplus monies” means the amount of money in the special fund in excess of fifty thousand dollars at the end of the calendar year. The surplus monies which are transferred by this Subsection may be used for any purpose for which the other monies in the criminal court fund of the Forty-Second Judicial District Court may be used.

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

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**ACT No. 20**

**HOUSE BILL NO. 43**  
BY REPRESENTATIVE STEFANSKI  
AN ACT

To amend and reenact R.S. 49:191(1) and to repeal R.S. 49:191(10)(k), relative to the Department of State, including provisions to provide for the re-creation of the Department of State and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Department of State and the statutory entities made a part of the department by law shall be re-created effective June 30, 2022, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Department of State and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2027, pursuant to R.S. 49:191. However, the Department of State may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.

Section 4. R.S. 49:191(1) is hereby amended and reenacted to read as follows:

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

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

(1) July 1, 2026:
(a) The Department of State Civil Service and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(10)(k) is hereby repealed in its entirety.

Section 6. This Act shall become effective on June 30, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2022, or on the day following such approval by the legislature, whichever is later.

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

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**ACT No. 22**

**HOUSE BILL NO. 56**  
BY REPRESENTATIVE GREGORY MILLER  
AN ACT

To amend and reenact Code of Civil Procedure Article 4566(D), relative to management of affairs of the interdict; to provide relative to individuals with permanent disabilities; to provide for irrevocable trusts; to provide for termination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 4566(D) is hereby amended and reenacted to read as follows:

Art. 4566. Management of affairs of the interdict

D.(1) A curator may place the property of the interdict in trust in accordance with the provisions of Article 4269.1. The trust shall be subject to termination at the option of the interdict upon termination of the interdiction, or if the interdict dies during the interdiction, at the option of his heirs or legatees.

(2) For the purpose of retaining government benefits and upon a showing by clear and convincing evidence that the interdict is permanently disabled and will not recover capacity, the trust shall be irrevocable during the life of the interdict and shall terminate upon the death of the interdict.

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

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**ACT No. 23**

**HOUSE BILL NO. 60**  
BY REPRESENTATIVES ZERINGUE AND HUGHES  
AN ACT

To amend and reenact R.S. 13:1595(C), relative to Orleans Parish Juvenile Court; to abolish specific judgeships upon vacancy in the Orleans Parish Juvenile Court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1595(C) is hereby amended and reenacted to read as follows:

§1595. Judges; criers and stenographers

C. The first judgeship becoming vacant by death, resignation, retirement, disqualification from exercising any judicial function pursuant to order of the Louisiana Supreme Court, or removal during the term of office shall be abolished the following day at midnight of such day.

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

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**ACT No. 24**

**HOUSE BILL NO. 70**  
BY REPRESENTATIVE MCMAHEN AND SENATOR ROBERT MILLS AND REPRESENTATIVES BACALA, BAGLEY BEAULIEU, CARPENTER, CARRIER, ROBBY CARTER, CORMIER, COUSSAN, COX, DAVIS, ECHOLS, EDMONDS, FISHER, GREEN, HARRIS, HODGES, HORTON, ILLG, JENKINS, KERNER, LARVADAIN, LYONS, MACK, RISER, SCHAMERHORN, SCHEKNYADER, AND THOMPSON  
AN ACT

To amend and reenact R.S. 13:1595(C), relative to Orleans Parish Juvenile Court; to abolish specific judgeships upon vacancy in the Orleans Parish Juvenile Court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1595(C) is hereby amended and reenacted to read as follows:

§1595. Judges; criers and stenographers

C. The first judgeship becoming vacant by death, resignation, retirement, disqualification from exercising any judicial function pursuant to order of the Louisiana Supreme Court, or removal during the term of office shall be abolished the following day at midnight of such day.

Approved by the Governor, May 17, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State
To designate mile markers 40 through 43, east and westbound, of Interstate Highway 20 in Webster Parish from mile markers 40 through 43, east and westbound, shall be known and is hereby designated as the “Vietnam Veterans Memorial Highway”;
and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. The portion of Interstate Highway 20 in Webster Parish from mile markers 40 through 43, east and westbound, shall be known and is hereby designated as the “Vietnam Veterans Memorial Highway”.

Section 2. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation 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 one thousand six hundred eighty dollars per sign.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 25

HOUSE BILL NO. 71
BY REPRESENTATIVE MCMAHEN AND SENATOR ROBERT MILLS AND REPRESENTATIVE THOMPSON

AN ACT

To designate a portion of Louisiana Highway 371 as the “John David Crow Memorial Highway”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. The portion of Louisiana Highway 371 in Webster Parish from the Arkansas state line, the northern city limits of Springhill, to the southernmost city limits of Cullen, shall be known and is hereby designated as the “John David Crow Memorial Highway” and appropriate signage reflecting the designation shall be one sign posted in the northbound direction near the northern city limits of Springhill and one sign posted in the northbound direction near the southern city limits of Cullen, with appropriate space among existing signage.

Section 2. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation 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, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 26

HOUSE BILL NO. 79
BY REPRESENTATIVE ECHOLS

AN ACT

To amend and reenact R.S. 22:550.14(A), relative to meetings of the board of directors of certain captive insurers; to provide for the minimum number of meetings that must be held annually; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:550.14(A) is hereby amended and reenacted to read as follows: $550.14. Meetings of board of directors; additional requirements to transact insurance
A. The board of directors of a captive insurer shall meet at least quarterly in accordance with the following standards:
(1) For an association captive insurer, at least quarterly each year.
(2) For a pure captive insurer, at least annually.

* * *

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 27

HOUSE BILL NO. 82
BY REPRESENTATIVE ILLG

AN ACT

To repeal R.S. 22:821(C), relative to the authority of the commissioner of insurance to retain funds collected from fees charged for the issuance of a duplicate insurance producer license card, to repeal such fees.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:821(C) is hereby repealed in its entirety.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 28

HOUSE BILL NO. 92
BY REPRESENTATIVE ECHOLS

AN ACT

To enact R.S. 47:463.214, relative to motor vehicle special prestige license plates; to provide for the “Laissez les ARTS Rouler” special prestige license plate; to provide for the creation, issuance, design, implementation, fees, distribution, and rule promulgation applicable to such license plate; 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; “Laissez les ARTS Rouler”
A. The Secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the “Laissez les ARTS Rouler” 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, motorcycles, recreational vehicles, and vans.
B. The secretary shall work in conjunction with the president of Northeast Louisiana Arts Council and the chair of the Louisiana Partnership for the Arts 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 “Laissez les ARTS Rouler”.

C. The special prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.
D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section. This royalty fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 6 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.
E. The annual royalty fee shall be collected by the department and forwarded to the Louisiana Partnership for the Arts. The monies received from the royalty fees shall be used for the Louisiana Partnership for the Arts’ educational and engagement efforts, and other related programs on behalf of public support for the arts, in the state of Louisiana.
F. The secretary shall promulgate rules and regulations as are necessary to implement the provisions of this section.

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

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 29

HOUSE BILL NO. 96
BY REPRESENTATIVE BRASS

AN ACT

To enact R.S. 47:463.214 and 463.215, relative to motor vehicle special prestige license plates; to establish the “United Most Worshipful St. John’s Grand Lodge of Ancient, Free and Accepted Scottish Rite Masons for the state of Louisiana” and the “Daughters of Universal Grand Chapter Order of Eastern Star” specialty license plates; to provide for the creation, issuance, design, fees, implementation, distribution, and rule promulgation applicable to such license plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:463.214 and 463.215 are hereby enacted to read as follows:

§463.214. Special prestige license plate; “United Most Worshipful St. John’s Grand Lodge of Ancient, Free and Accepted Scottish Rite Masons for the state of Louisiana”
A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the “United Most Worshipful St. John’s Grand Lodge of Louisiana A.F.& A.M.” plate, provided there is a minimum of one thousand applicants for such plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.
B. The secretary shall work in conjunction with the grand master of the United Most Worshipful St. John’s Grand Lodge of Ancient, Free and Accepted Scottish Rite Masons for the state of Louisiana to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The design may include the words “United Most Worshipful St. John’s Grand Lodge of Louisiana A.F.& A.M.”

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

E. The annual royalty fee shall be collected by the department and forwarded to the United Most Worshipful St. John’s Grand Lodge of Ancient, Free and Accepted Scottish Rite Masons for the state of Louisiana. The monies received from the royalty fees shall be used for monthly expenses and building maintenance.

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

§463.215 Special prestige license plate: “Daughters of Universal Grand Chapter Order of Eastern Star” A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the “Daughters of Universal Grand Chapter Order of Eastern Star” plate, provided there is a minimum of one thousand applicants for each plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.

B. The committee shall work in conjunction with the deputy grand master of the United Most Worshipful St. John’s Grand Lodge of Ancient, Free and Accepted Scottish Rite Masons for the state of Louisiana to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The design may include the words “Daughters of Universal Grand Chapter Order of Eastern Star” upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.

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

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

E. The annual royalty fee and handling fee collected by the department and forwarded to the United Most Worshipful St. John’s Grand Lodge of Ancient, Free and Accepted Scottish Rite Masons for the state of Louisiana. The monies received from the royalty fees shall be used for monthly expenses and building maintenance.

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

Section 2. The Department of Public Safety and Corrections, office of motor vehicles, is hereby directed to create these special prestige license plates which the fee to be collected shall be met and its system is updated to accommodate the creation of new plates.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 30

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HOUSE BILL NO. 105

BY REPRESENTATIVE BOURRIEUA

To enact R.S. 13:5554.8, relative to the payment of group insurance premiums for retired sheriffs and retired deputy sheriffs in Cameron Parish; to create a permanent fund; to require the depositing of certain monies into the fund; to provide for payment of monies in the fund; to authorize the withdrawal of monies from the fund; to provide for audits of the fund; to provide for the membership and election of the investment advisory board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554.8 is hereby enacted to read as follows:

§5554.8. Cameron Parish; payment of group insurance premiums; retired sheriffs and retired deputy sheriffs; creation of fund

A. There is hereby created the Cameron Parish Retired Employees Insurance Fund, hereinafter referred to as the “CREIF”, to fund the payment by the Cameron Parish Sheriff's Office of group insurance premiums for eligible retired sheriffs and retired deputy sheriffs as provided in R.S. 13:5554(G) and (H).

B. The sheriff of Cameron Parish may contribute to the CREIF at his discretion.

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

D.(1) The earnings realized on the monies invested pursuant to Subsection C of this Section shall be available for the sheriff to withdraw for the sole purpose of paying the insurance premium costs provided in R.S. 13:5554(G) and (H) for retired sheriffs and retired deputy sheriffs of Cameron Parish, provided that no such earnings shall be withdrawn until the amount of principal and accumulated earnings in the CREIF are equal to the sum of one million five hundred thousand dollars.

(2) In the event that the total amount of monies derived from deposits provided in Subsection B of this Section and investment earnings fall below the sum of one million five hundred dollars, no earnings shall be withdrawn, and any balance owed for the payment of insurance premium costs as required by R.S. 13:5554(G) and (H) or legal representation costs for the CREIF Board shall be paid in full from the sheriff’s general fund.

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

F.(1) To provide recommendations concerning the investment of funds as provided in Subsection C of this Section, the sheriff shall establish an investment advisory board consisting of three members as follows:
(a) The sheriff or his designee
(b) One retired sheriff or retired deputy sheriff of the department, appointed by the sheriff, who shall serve a term determined by the sheriff.
(c) One active deputy sheriff of the department, appointed by the sheriff, who shall serve a term determined by the sheriff.

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

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 31

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HOUSE BILL NO. 111

BY REPRESENTATIVE RISER

To amend and reenact R.S. 13:5554(S)(10)(a), relative to the Franklin Parish Sheriff’s Office; to provide for insurance premium payments for sheriff and deputy sheriff retirees; to provide for life insurance; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554(S)(10)(a) is hereby amended and reenacted to read as follows:

S.(1) Notwithstanding the provisions of Subsection D of this Section, one hundred percent of the premium costs of group hospital, surgical, and medical expense insurance and life insurance contracted for under the provisions of this Section, shall be paid from the sheriff’s general fund for any sheriff or deputy sheriff who has retired from the Franklin Parish Sheriff’s Office and who is eligible to receive benefits from the Sheriff’s Pension and Relief Fund, and who meets either one of the following conditions:

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, for any sheriff or deputy sheriff who retires on or after December 31, 2012, and who is eligible to receive benefits from the Sheriff’s Pension and Relief Fund, the premium costs of group hospital, surgical, and medical expense insurance and life insurance shall be paid from the sheriff’s general fund as follows:

(a) One hundred percent if the sheriff or deputy sheriff has completed thirty years of full-time continuous creditable service and has completed a majority of his creditable service time with the Franklin Parish Sheriff’s Office, regardless of age. A sheriff or deputy sheriff’s creditable years of full-time service shall be determined by the Louisiana Sheriff’s Pension and Relief Fund.

(b) Seventy-five percent if the sheriff or deputy sheriff has attained the age of fifty-five years with at least twenty-three years of full-time creditable service and has completed a majority of his creditable service time with the Franklin Parish Sheriff’s Office. A sheriff or deputy sheriff’s creditable days of full-time service shall be determined by the Louisiana Sheriff’s Pension and Relief Fund.

(c) Fifty percent if the sheriff or deputy sheriff has attained the age of fifty-five years with at least twenty-three years of full-time creditable service and has completed a majority of his creditable service time with the Franklin Parish Sheriff’s Office. A sheriff or deputy sheriff’s creditable days of full-time service shall be determined by the Louisiana Sheriff’s Pension and Relief Fund.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 32

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HOUSE BILL NO. 122

BY REPRESENTATIVE HUVAL

To amend and reenact R.S. 49:191(1) and to repeal R.S. 49:191(10)(a), relative to the Department of Insurance, including provisions for the re-creation of the Department of Insurance and the statutory entities made a part of the department by law; to provide for the effective termination date
for all statutory authority for the existence of such statutory entities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Pursuant to R.S. 49:193, the Department of Insurance and the statutory entities made a part of the department by law shall be re-created effective June 30, 2022, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 2. All statutory authority for the existence of the Department of Insurance and the statutory entities made a part of the department as re-created by Section 1 of this Act shall cease as of July 1, 2027, pursuant to R.S. 49:191. However, the Department of Insurance may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1950.

Section 3. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.

Section 4. R.S. 49:191(1) is hereby amended and enacted to read as follows: §191. Termination of legislative authority for existence of statutory entities; phase-out period for statutory entities; table of dates

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

1. July 1, 2026: The Department of Insurance and all statutory entities made a part of the department by law.

2. July 1, 2027: R.S. 49:191(10)(a) is hereby repealed in its entirety.

Section 5. This Act shall become effective on June 30, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2022, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 33

HOUSE BILL NO. 134
BY REPRESENTATIVE MARINO
AN ACT
To amend and reenact R.S. 14:67.3(C), relative to the crime of false statements and false or altered documents; to provide relative to the payment of restitution for the crime; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:67.3(C) is hereby amended and reenacted to read as follows:

§67.3. False statements and false or altered documents; unclaimed property claim

A. In addition to the penalty provided by Subsection B of this Section, a person convicted for a violation of this Section shall be ordered to make full restitution to the Department of the Treasury to be deposited in the Louisiana Unclaimed Property Permanent Trust Fund in the amount of funds full restitution to the Department of the Treasury to be deposited in the Louisiana Unclaimed Property Permanent Trust Fund in the amount of funds paid or disbursements made payable to the Louisiana Unclaimed Property Permanent Trust Fund.

C. Provided a person convicted for a violation of this Section shall be ordered to make full restitution to the Department of the Treasury to be deposited in the Louisiana Unclaimed Property Permanent Trust Fund in the amount of funds full restitution to the Department of the Treasury to be deposited in the Louisiana Unclaimed Property Permanent Trust Fund.

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 34

HOUSE BILL NO. 138
BY REPRESENTATIVES WHEAT, ADAMS, BACALA, CARRIER, ROBBY CARTER, CORMIER, CREWS, EDMONDS, EDMONSON, EMERSON, FARNUM, FREEMAN, GADDERRY, HODGES, ILLIG, MIKE JOHNSON, KERNER, HARDY, MACK, MCMAHEN, MINCHEY, NEWELL, RISER, ROMERO, SEABAUGH, ST BLANC, THOMPSON, VILLIO, AND WHITE AND SENATORS ABRAHAM, ALLAIN, BERNARD, BOUDREAUX, BOUIE, CATHEY, CONNICK, FESI, FOIL, HARRIS, HENRY, HENSGENS, HEWITT, JACKSON, LAMBERT, LÜNEAU, MCMATH, MILLIGAN, FRED MILLS, MIZELL, MORRIS, PEACOCK, POPE, REESE, SMITH, STINE, TALBOT, TARVER, WARD, AND WOJMACK
AN ACT

To provide relative to Act No. 403 of the 2021 Regular Session of the Legislature of Louisiana, relative to tobacco products; to provide for the naming of a

Be it enacted by the Legislature of Louisiana:

Section 1. Act No. 403 of the 2021 Regular Session of the Legislature of Louisiana shall be known and may be cited as “The Zachary ‘Zack’ Joseph Cutrer Act”.

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 35

HOUSE BILL NO. 144
BY REPRESENTATIVE DESHOTEL
AN ACT
To amend and reenact R.S. 18:463(A)(1)(a), relative to notice of candidacy, to provide for required information on a notice of candidacy; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:463(A)(1)(a) is hereby amended and reenacted to read as follows:

§463. Notice of candidacy; campaign finance disclosure; political advertising; penalties

A.(1)(a) A notice of candidacy shall be in writing and shall state the candidate’s name, the office he seeks, the address of his domicile, his telephone number, his electronic mail address if available, and the parish, ward, and precinct where he is registered to vote. The candidate shall list on the notice of candidacy the name of the political party if he is registered as being affiliated with a recognized political party, “other” if he is registered as being affiliated with a political party that is not a recognized political party, or “no party” or an abbreviation thereof if he is registered with no political party affiliation. No candidate shall change or add his political party designation, for purposes of printing on the election ballot as required by R.S. 18:551(D), after he has qualified for the election.

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, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 36

HOUSE BILL NO. 162
BY REPRESENTATIVE MARINO
AN ACT

To amend and reenact Code of Criminal Procedure Article 983(H) and (I), to enact Code of Criminal Procedure Article 983(J) and (K), and to repeal Code of Criminal Procedure Article 983(F)(4), relative to expungement of records; to provide relative to the fees for expungement of a record; to provide for exemptions of fees in certain expungement cases; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 983(H) and (I) are hereby amended and reenacted and Code of Criminal Procedure Article 983(J) and (K) are hereby enacted to read as follows:

§983. Costs of expungement of a record; fees; collection; exemptions; disbursements

A. Notwithstanding any other provision of law to the contrary, a person who was determined to be factually innocent and entitled to compensation for a wrongful conviction pursuant to the provisions of R.S. 15:572.8 shall be exempt from payment of the processing fees otherwise authorized by this Article.

B. Notwithstanding any other provision of law to the contrary, a person who has been granted a pardon shall be exempt from payment of the processing fees otherwise authorized by this Article. However, no person granted a first offender pardon pursuant to Article IV, Section 5(E)(1) of the Constitution of Louisiana shall be exempt from payment of the processing fees otherwise authorized by this Article.

C. If an application for an expungement of a record includes two or more offenses arising out of the same arrest, including misdemeanors, felonies, or both, the applicant shall be required to pay only one fee as provided for by this Article.

D. Notwithstanding any provision of law to the contrary, an applicant for a pardon under Article V, Section 5(E)(1) of the Constitution of Louisiana shall be exempt from payment of the processing fees otherwise authorized by this Article.

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State
A. When a written motion is made to recuse a judge or justice, or a justice of the peace, not later than seven days after the judge or justice has received the motion from the clerk of court, the judge or justice of the peace shall either recuse himself, or the motion to recuse shall be tried in the manner provided by Article 4863.

B. If the motion to recuse fails to set forth a ground for recusal under Article 151, the judge or justice of the peace may deny the motion without the appointment of another judge or hearing but shall provide written reasons for denial.

Comments - 2022
(a) A new time limitation has been added to Paragraph A of this Article to require the judge or justice to recuse if the judge or justice of the peace who is the subject of the motion has received the motion from the clerk of court.

(b) Paragraph B of this Article is similar to Article 154 in that it allows a judge or justice of the peace to deny a motion to recuse that fails to set forth a ground for recusal under Article 151 without a hearing or the appointment of another judge or justice of the peace, but the judge or justice of the peace must give written reasons for the denial.

Section 2. The Louisiana Law Institute is hereby directed to print the following Comment to Code of Civil Procedure Article 153.

The factual basis for the judge’s recusal must pertain to one of the grounds for recusal set forth in Article 151. The fact that a judicial complaint has been filed against the judge by one of the parties, without more, is not sufficient to constitute a ground for recusal.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 38

HOUSE BILL NO. 184
BY REPRESENTATIVE GREGORY MILLER
(On Recommendation of the Louisiana State Law Institute)

AN ACT
To amend and reenact Code of Civil Procedure Articles 154(B) and 4862 and to enact Code of Civil Procedure Article 158(C), relative to the recusal of judges; to provide for time limitations; and to provide for the denial of motions to recuse; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Articles 154(B) and 4862 are hereby amended and reenacted and Code of Civil Procedure Article 158(C) is hereby enacted to read as follows:

Art. 154. Procedure for recusal of district court judge

B. If the motion to recuse sets forth a ground for recusal under Article 151, not later than seven days after the judge’s receipt of the motion from the clerk of court, the judge shall either recuse himself or make a written request to the supreme court for the appointment of an ad hoc judge as provided in Article 153.

Comments - 2022
A new time limitation has been added to Paragraph B to require the judge who is the subject of the motion to recuse to act within seven days after receiving the motion from the clerk of court.

Art. 158. Recusal of judge of court of appeal

C. If the motion to recuse fails to set forth a ground for recusal under Article 151, the judge may deny the motion without the appointment of an ad hoc judge or a hearing but shall provide written reasons for the denial.

Comments - 2022
Paragraph C of this Article is similar to Article 154 in that it allows a judge of a court of appeal to deny a motion to recuse that fails to set forth a ground for recusal without the appointment of an ad hoc judge or a hearing, but the judge must give written reasons for the denial.

Art. 4862. Motion to recuse

THE ADVOCATE

* As it appears in the enrolled bill

PAGE 16
The judge is the spouse of the accused, or the party injured, or to the spouse of the accused or party injured, or to the judge would be unable to conduct a fair and impartial trial.

G. Whoever violates any provision of this Section shall be fined not more than two thousand dollars or be imprisoned, with or without hard labor, for not more than two years, or both.

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, May 17, 2022.

R. Kyle Ardoin
Secretary of State

ACT No. 40
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BY REPRESENTATIVE GREGORY MILLER
(On Recommendation of the Louisiana State Law Institute)
AN ACT
To repeal Civil Code Articles 897 and 898, relative to successions; to repeal the ascendant's right to inherit immovables donated to a descendant; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Articles 897 and 898 are hereby repealed in their entirety.

Approved by the Governor, May 17, 2022.

R. Kyle Ardoin
Secretary of State

ACT No. 41
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BY REPRESENTATIVE EMERSON
(On Recommendation of the Louisiana State Law Institute)
AN ACT
To enact R.S. 37:3556(F), relative to the licensure of massage therapists; to provide for a provisional license for massage therapy graduates; to require notification to a client; to provide for a sunset date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3556(F) is hereby enacted to read as follows:

3556. Licensure; qualifications; provisional licensure

F. The board shall make available to any graduate of a state-approved, Louisiana-based school for massage therapy a provisional license for immediate use upon graduation at an established massage therapy business registered with the board. The provisional license shall be active for one three-month term and shall not be renewed. Any facility that employs a massage therapist who is operating under a provisional license shall notify a client of the licensure status of a provisionally licensed massage therapist prior to the client receiving any services from that massage therapist. A provisionally licensed massage therapist may only work at a facility that employs a massage therapist licensed pursuant to Subsection A of this Section.

Approved by the Governor, May 17, 2022.

R. Kyle Ardoin
Secretary of State

ACT No. 42
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BY REPRESENTATIVE MAGEE
(On Recommendation of the Louisiana State Law Institute)
AN ACT
To amend and reenact the heading of Chapter XXII of the Code of Criminal Procedure, the heading of Chapter I of Title XXII of the Code of Criminal Procedure, Code of Criminal Procedure Articles 671 through 676, 678, and 679, the heading of Chapter 3 of Title XXII of the Code of Criminal Procedure, and Code of Criminal Procedure Article 684, and to repeal Code of Criminal Procedure Article 677, relative to the recusal of judges; to provide for the grounds for recusal; to provide for recusal on the motion of the court; to provide for authority of judges; to provide for the procedure for recusal; to provide for the selection of a judge to try the motion to recuse; to provide for the selection of a judge after recusal; to provide for the recusal of an ad\n
hoc judge, appellate judge, and supreme court justice; to provide for review of recusal rulings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Title XXII of the Code of Criminal Procedure, the heading of Chapter I of Title XXII of the Code of Criminal Procedure, Code of Criminal Procedure Articles 671 through 676, 678, and 679, the heading of Chapter 3 of Title XXII of the Code of Criminal Procedure, and Code of Criminal Procedure Article 684 are hereby amended and reenacted to read as follows:

TITLE XXII
RECUSSION OF JUDGES AND DISTRICT ATTORNEYS
CHAPTER I. RECUSATION OF JUDGES

Art. 671. Grounds for recusal of judge
A. In a criminal case, a judge of any trial or appellate court, trial or appellate, shall be recused when he
1. The judge is biased, prejudiced, or personally interested in the cause to such an extent that he would be unable to conduct a fair and impartial trial.
2. The judge is the spouse of the accused, of the party injured, of an
the judge would be unable to conduct a fair and impartial trial.
3. Has The judge has been employed or consulted as an attorney in the cause, or has been associated with an attorney during the latter's employment in the cause.
4. The judge is a witness in the cause.
5. The judge performed a judicial act in the cause in another court.
6. Would The judge would be unable, for any other reason, to conduct a fair and impartial trial.
B. In a criminal case, a judge of any trial or appellate court shall also be recused when there exists a substantial and objective basis that would reasonably be expected to prevent the judge from conducting any aspect of the cause in a fair and impartial manner.

E-C. In any cause in which the state, or a political subdivision thereof, or a religious body is interested, the fact that the judge is a citizen of the state or a resident of a political subdivision, or pays taxes thereto, or is a member of the religious body is not of itself a ground for recusal.

In any cause in which a religious body or religious corporation is interested, the fact that a judge is a member of the religious body or religious corporation is not alone a ground for recusal.

Comments - 2022
(a) This Article generally follows Code of Civil Procedure Article 151, with such adaptations as are necessary to adjust the grounds for recusal to the special differences in criminal proceedings.

(b) Subparagraph (A)(1) is the most important ground for recusal. It continues the rule that interest in the cause is a ground for recusal and includes the much-needed provision that bias or prejudice is also a ground for recusal. Bias or prejudice of the trial judge was not a ground for recusal prior to the 1928 Code. In State v. Phillips, 106 So. 375 (La. 1925), it was held that “interested in the cause” means that the judge must have some personal gain at stake before he can be recused. The Louisiana Supreme Court followed this rule after the 1928 Code in State v. LaBorde, 38 So. 2d 371 (La. 1948). Recognition of bias or prejudice as a ground for recusal is in line with the basic purpose of recusal procedure, i.e., to protect the defendant's right to a fair and impartial trial. The requirement that the bias, prejudice, or interest must be such that the judge would be unable to conduct a fair and impartial trial is a standard requiring that the disqualifying bias, interest, or prejudice be of substantial consequence.

(c) Subparagraph (A)(2) is similar to Code of Civil Procedure Article 152(A)(4) in specifying the degrees of relationship that will serve as a ground for recusal of the judge. In addition, Subparagraph (A)(2) clarifies that the district attorney is one of the attorneys to whom the relationships apply.

(d) Subparagraph (A)(3) follows Code of Civil Procedure Article 151(A)(2), State v. Perkins, 50 So. 805 (La. 1910), held that the statutory provision was met when the judge was previously employed on the same matter in a civil proceeding.

(e) Subparagraph (A)(4), in conformity with Code of Civil Procedure Article 151(A)(1), provides for recusal if the judge is a material witness in the cause. Construing Article 303 of the 1928 Code of Criminal Procedure, the Louisiana Supreme Court stated that it “contemplates and refers to the judge's being a material witness in the actual trial of the criminal cause - not a witness at a hearing to determine whether he should be recused." State v. Riviere, 72 So. 2d 316, 319 (La. 1954). In State v. Kelly, 128 So. 2d 18 (La. 1961), the court stated that the testimony of the judge must relate to the defendant's guilt or innocence. Under this logical interpretation of the phrase “material witness in the cause,” the judge should not be recused if it had been allowed to testify to a matter relating to something other than the guilt or innocence.

(f) Subparagraph (A)(5) follows Code of Civil Procedure Article 152(A)(3) and makes no change in the law. Beginning with State v. Bill, 15 La. Ann. 114 (1860), it has been consistently held that a judge is competent to conduct the trial after a mistrial has been declared, and retrial of a case after a new trial is ordered may also be held before the same judge who originally tried the case.

(g) The term “cause” rather than “case” is used in this Chapter. The
broader word “cause” embraces the entire situation, in both its civil and criminal implications. The word “cause” is limited to the particular criminal proceeding at bar. “Case” is limited to a limited significance, a collection of facts, with the conclusion of law thereon, whereas cause imports a judicial proceeding entire, and is nearly synonymous with lis in Latin, or suit in English.” Black’s Law Dictionary (11th ed. 2019).

(b) Subparagraph A(3)(a) is a catchall provision to include circumstances that clearly indicate that the judge is not able to serve fairly and impartially, even though none of the specified grounds for recusal exist.

(i) A new Paragraph B has been added to provide an additional mandatory ground for recusal when a substantial and objective basis exists that would render him broadly, or judicially, or emotionally inaccessible, or as a limited signification, the case in a fair and impartial manner. This provision is intended to serve as a catch-all supplementing the mandatory grounds for recusal set forth in Paragraph A and to incorporate a clearer, more objective standard than the language of Section 3C of the Code of Judicial Conduct, which provides that a judge may recuse himself when “the judge’s impartiality might reasonably be questioned.”

(j) Paragraph C, like Code of Civil Procedure Article 151(C), serves to avoid frivolous claims that the judge is interested or prejudiced by reason of his residence, or his membership in a religious organization that may be interested in the prosecution. It will be significant in connection with the remaining provisions of this Article.

(k) The terms “court” and “judge” are broadly defined by Article 931 to include the various courts with criminal jurisdiction, except mayors’ courts and justice of the peace courts.

Art. 672. Recusation Recusal on court’s own motion by supreme court
(A) A judge may recuse himself in any cause in which a ground for recusal exists, whether or not a motion for his recusation recusal has been filed by a party or timely filed by a party. The fact that a judicial complaint has been filed against the judge shall not be sufficient to authorize the judge to recuse himself for any reason that he considers sufficient.

(B) Prior to the cause being allotted to another judge, a judge who recuses himself for any reason shall contemporaneously file in the record the order of recusal and written reasons that provide the factual basis for recusal under Article 671. The judge shall also provide a copy of the recusal and the written reasons therefore to the judicial administrator of the supreme court.

Comments - 2022
(a) This Article follows Code of Civil Procedure Article 154 with such changes as are necessary in criminal proceedings. A ground that is not urged timely in conformity with this Article is waived.

(b) Paragraph A of this Article has been amended to require a motion to recuse to be filed immediately after discovery of the facts constituting the ground upon which the motion is based, but in all cases at least thirty days prior to commencement of the trial. This time limitation has been imposed to prevent the parties from delaying the proceedings by requiring them to act as a matter of obtaining a continuance prior to the trial. This provision recognizes that in some cases, the facts constituting the ground upon which the motion to recuse is based occur after, or could not have been discovered before, thirty days prior to commencement of trial. In case of a conflict of the provisions of this Article with Paragraph A of this Article, Paragraph A provides that the motion to recuse shall be filed immediately after the facts occur or are discovered.

(c) Paragraph B of this Article requires a judge who is the subject of a valid motion to recuse to either recuse himself or refer the motion to another judge for hearing. A new time limitation has been added to require such action to be taken by the judge within seven days after the judge receives the motion to recuse from the clerk of court.

(d) When the judge is recused after the trial is commenced, it is necessary to declare a mistrial and completely retry the case before the new judge. This situation is covered by the ground for a mistrial stated in Article 775(3), i.e., physical impossibility to proceed with the trial in conformity with law.

(e) If the motion to recuse is not timely filed or fails to set forth facts constituting a ground for recusal, Paragraph C of this Article permits the judge who is the subject of the motion to deny it without referring it to another judge. In such a case, the judge shall contemporaneously file in the record the order of recusal and written reasons for the denial. If a party disagrees with the judge’s denial of the motion to recuse pursuant to Paragraph C, the party may apply for a supervisory writ or emergency supervisory writ seeking review of the judge’s denial.

Art. 675. Selection of ad hoc judge
Ad hoc to try motion to recuse
(A) In a court having two judges, the judge who is sought to be recused shall refer the motion to recuse to the other judge of that court.

(B) In a court having more than two judges, the motion to recuse shall be referred to another judge of the court through a random process as provided by the rules of court.

(C) When the ground assigned for the recusation of the judge of a district court is a move by one judge to recuse himself—usually through a supervisory or emergency supervisory writ to the supreme court for the appointment of an ad hoc judge to try the motion to recuse. When any other ground is assigned for the recusation of such district judge, he may appoint either a district judge of an adjoining district or a lawyer domiciled in the jurisdictional district who has the qualifications of a district judge to try the motion to recuse. This provision is broad enough to allow a judge to recuse himself without a motion being filed.

Art. 676. Judge ad hoc
Judge ad hoc to try case when judge recused
(A) A judge who has been selected to hear a motion to recuse without a recusation recusal shall contemporaneously file in the record the order of recusal and written reasons that provide the factual basis for recusal under Article 671. The judge shall also provide a copy of the recusal and the written reasons therefore to the judicial administrator of the supreme court.

(B) A judge has full power and authority to act, even though a ground for recusation recusal exists, until he is recused, or for his motion to recuse not timely or not timely filed.

(C) When a city court has more than two judges, if a judge recuses himself or is recused, a judge ad hoc shall be appointed to try the motion to recuse. When a judge has been selected to hear a motion to recuse, he shall appoint a district judge of an adjoining district to try the motion to recuse.

Comments - 2022
This Article is similar to the corresponding provisions of Code of Civil Procedure Article 155(C) (applicable to district courts) and Article 673 (applicable to city courts) with such changes as are necessary in criminal proceedings.

Art. 676. Judge ad hoc
Ad hoc judge to try case when judge recused
A. When a district court judge, or a judge of a separate juvenile court of an adjoining parish, or a family court, recuses himself, a judge ad hoc shall be appointed to try the case in the manner provided by Article 675 for the appointment of a judge ad hoc to try a motion to recuse. When a city court judge of a city court having a single judge recuses himself, he shall appoint to try the case either a city court judge from an adjoining parish or a lawyer who is domiciled in or personally interested in the cause, the judge shall appoint a district judge of an adjoining district to try the motion to recuse. When any other ground is assigned for the recusation of such a district judge, he may appoint either a district judge or a lawyer domiciled in the judicial district who has the qualifications of a district judge to try the motion to recuse. When a judge has been selected to hear a motion to recuse, he shall contemporaneously file in the record the order of recusal and written reasons for the denial. If a party disagrees with the judge’s denial of the motion to recuse pursuant to Paragraph C, the party may apply for a supervisory writ or emergency supervisory writ seeking review of the judge’s denial.

B. When a district court judge is recused, a judge ad hoc shall be appointed to the cause being allotted to another judge. This provision also requires the judge to provide a copy of both the recusal and the written reasons for the recusal to the judicial administrator of the supreme court. This reporting requirement reflects the countervailing considerations of a judge’s duty to sit and his obligation to recuse when a valid ground for recusal exists. A judge is “not at liberty, nor does he have the right, to take himself out of a case and burden another judge with his responsibility without good and legal cause.” In re Lemoine, 686 So. 2d 837 (La. 1997).

C. The factual basis for the judge’s recusal must pertain to one of the grounds for recusal set forth in Article 671. The fact that a judicial complaint has been filed against the judge by one of the parties, without more, is not sufficient to constitute a ground for recusal.

Art. 673. Judge may act until recused
A judge may act until recused
A judge who has been selected to hear a motion to recuse with full power and authority to act, even though a ground for recusation recusal exists, until he is recused, or for his motion to recuse not timely or not timely filed.

This Article provides a judge who has been selected to hear a motion to recuse with full power and authority to act in the cause, but such power and authority is discretionary. This provision is not intended to require the judge to select the recusal to act on other matters in the cause.

Art. 674. Procedure for recusation recusal of trial judge
A judge may act until recused
A judge may act until recused
A. In a court having two judges, the judge who is sought to be recused shall contemporaneously file in the record the order of recusal and written reasons that provide the factual basis for recusal under Article 671. The judge shall also provide a copy of the recusal and the written reasons therefore to the judicial administrator of the supreme court.

This Article provides for a judge who has been selected to hear a motion to recuse with full power and authority, or to a judge appointed in place of a judge who is subject to recusal, or to a judge appointed to try a case when a judge is recused. This provision requires the judge to file written reasons containing the factual basis for the judge’s self-recusal prior to the cause being allotted to another judge. This provision also requires the judge to provide a copy of both the recusal and the written reasons for the recusal to the judicial administrator of the supreme court.

Comments - 2022
This Article follows Code of Civil Procedure Article 154 with such changes as are necessary in criminal proceedings.
The provisions of this Article are similar to Code of Civil Procedure Articles 156 and 4064. If a judge is recused, the cause will be allotted to another judge in the same court. In courts with only one judge, the supreme court will appoint an ad hoc judge to hear the cause.

**Art. 678. Recusal of judge Recusal of ad hoc judge**

A. If a judge or a district attorney is recused over the objection of the state, or if an application by the state for recusal of a judge is denied, the state may appeal for a review of the ruling by supervisory writ. The defendant may not appeal prior to sentence from a ruling recusing or refusing to recuse the judge or the district attorney.

B. If a judge is recused over the objection of the state or the defendant, or if a motion by the state or the defendant to recuse a judge is denied, the party's exclusive remedy is to apply for a review of the ruling by supervisory writ. A ruling recusing or refusing to recuse the judge shall not be considered on appeal.

C. Upon ruling on a motion to recuse a judge, the judge shall advise the defendant in open court or in writing that the ruling may be reviewed only by a timely filed supervisory writ and cannot be raised on appeal. This notice must be given in open court or in writing, and the form of the notice will likely depend upon the manner in which the recusal ruling is made. The failure of the judge to provide the required notice to the defendant may give rise to the issue of recusal being reviewed on appeal.

**Section 2. Code of Civil Procedure Article 677 is hereby repealed in its entirety.**

**Section 3. The existing Comments to Code of Civil Procedure Articles 671 through 679 and 684 are superseded by the Comments appearing beneath those Articles in this Act. The Louisiana State Law Institute is hereby directed to remove the existing Comments and to print only the Comments appearing in this Act.**

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 43**

**HOUSE BILL NO. 296**

**BY REPRESENTATIVE STEFANSKI**

**AN ACT**

To amend and reenact R.S. 42:1132(B)(2), relative to the Board of Ethics; to provide relative to the nominating committee for membership on the Board of Ethics; to provide relative to appointing authorities for the Board of Ethics; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1132(B)(2) is hereby amended and reenacted to read as follows:

$132. Board of Ethics

A. Membership; terms; vacancies; qualifications.

B. The governor shall appoint and the House of Representatives and the Senate shall elect members to the board in accordance with R.S. 42:2.1 as follows:

(i) The presidents, or their designees, of Centenary College of Louisiana, Dillard University at New Orleans, Louisiana College, Loyola University at New Orleans, Our Lady of Holy Cross College at New Orleans, Our Lady of the Lake College at Baton Rouge, Xavier University of Louisiana at New Orleans, New Orleans Baptist Theological Seminary, Saint Joseph College, and Tulane University colleges and universities that are member institutions of the Louisiana Association of Independent Colleges and Universities or its successor shall constitute the nominating committee.

The nominating committee shall, within sixty days of a vacancy on the board, submit the names of five new eligible nominees for each position or vacancy to the governor, Senate, or House of Representatives, whichever is appropriate. In preparing the list of nominees, the nominating committee shall give due consideration to the demographics of the population of the state, including without limitation geography, gender, and race. A majority vote of the membership of the nominating committee shall be required to nominate persons to positions on the board.

(ii) The governor shall make an appointment and the Senate and the House of Representatives shall elect members no later than sixty days after the receipt of the names of the nominees. If the governor fails to make an appointment in the sixty-day period, the nominee listed first on the list of nominees shall be deemed appointed to fill the vacancy. Should the Senate or House of Representatives, whichever is appropriate, fail to make the appointment or nominate a person eligible to serve on the board.

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin  
Secretary of State

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**ACT No. 44**

**HOUSE BILL NO. 309**

**BY REPRESENTATIVE JENKINS**

**AN ACT**

To amend and reenact Code of Civil Procedure Article 3434(C)(1), relative to the delivery of property subject to a small succession; to provide for recordation of a death certificate; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 3434(C)(1) is hereby amended and
A true copy:
the place of, the certified copy of the death certificate.

purposes, a photocopy of the certified death certificate may serve as, and take the place of, the certified copy of the death certificate.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 45

HOUSE BILL NO. 322

BY REPRESENTATIVES MARINO, BACALA, BAGLEY, DAVIS, HILFERTY, MIGUEZ, RISER, AND THOMPSON

AN ACT

To enact R.S. 14:56(C), relative to offenses against property; to provide relative
to damage to multiple properties; to provide relative to the aggregate amount of damages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:56(C) is hereby enacted to read as follows:

§62. Simple criminal damage to property

C. When there has been damage to multiple properties by a number of
distinct acts of the offender which are part of a continuous sequence of
events, the aggregate of the amount of the damages shall determine the grade
of the offense.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 46

HOUSE BILL NO. 378

BY REPRESENTATIVE MARINO

AN ACT

To amend and reenact R.S. 40:964(Schedule II)(A)(1)(introductory paragraph) and to enact R.S. 40:964(Schedule I)(A)(1)(introductory paragraph) and (F) (29), and (Schedule IV)(D)(15), relative to the Uniform Controlled Dangerous Substances Law; to add certain substances to Schedules I and IV; to provide relative to substances of vegetable origin or chemical synthesis in Schedule II; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:964(Schedule II)(A)(1)(introductory paragraph) is hereby amended and reenacted and R.S. 40:964(Schedule I)(A)(30) through (99), (C)(66), (E)(12), and (F)(29), and (Schedule IV)(D)(15) are hereby enacted to read as follows:

§964. Composition of schedules

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

SCHEDULE I

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

(80) Phenylfentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide)
(81) para-Methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propanamide)

(82) Thiophenylfentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide)
(83) beta-Methylfentanyl (N-phenyl-N-(1-2-phenylpropanil) piperidin-4-yl)propanamide)

(84) Beta-Phenylfentanyl (N-(1-phenethylpiperidin-4-yl)-N-3-diphenylpropanamide)

(85) 2-Phenyl-1H-indolylfentanyl (N-(1-4-fluoro-phenethyl) piperidin-4-yl)-N,N-dimethylacetamide)

(86) 4-Methylacetylfentanyl (N-(1-4-fluoro-phenethyl) piperidin-4-yl)-N,N-dimethylacetamide)
(87) Orthometoxyacetylfentanyl (N-(2-methoxylphenethyl) N-(1-phenethylpiperidin-4-yl)acetamide)

(88) Orthomethylmethoxyacetylfentanyl (2-methoxy-N-(2-methoxy-phenethyl)-N-(1-phenethylpiperidin-4-yl)acetamide)

(89) Orthofluorocarprofentanyl (N-2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide)
(90) Pentylfentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide)
(91) para-fluorofuranofentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl) furan-2-carboxamide)
(92) Isonitrazene (N,N-diethyl-2-(4-isopropoxyphenyl)methyl)-5-nitro-1H-benzimidazole-1-ethanamine)
(93) Methonitrazene (N,N-diethyl-2-(4-methoxyphenyl)methyl)-5-nitro-1H-benzimidazole-1-ethanamine)
(94) Butonitrazene (N,N-diethyl-2-(4-butoxyphenyl)methyl)-5-nitro-1H-benzimidazole-1-ethanamine)
(95) Phenitazene (N,N-diethyl-2-(4-fluorophenyl)methyl)-5-nitro-1H-benzimidazole-1-ethanamine)
(96) Protonitazene (N,N-diethyl-2-(4-propanoxyphenyl)methyl)-5-nitro-1H-benzimidazole-1-ethanamine)
(97) N-Pyrrolidino etonitazene (2-(4 ethoxyphenyl) methyl)-5-nitro-1H-benzimidazole)
(98) Prolfentazene (N,N-diethyl-2-(4-ethoxyphenyl)methyl)-1H-benzimidazole)

(99) Flunitazene (N,N-diethyl-2-(4-ethoxyphenyl)methyl)-1H-benzimidazole-1-ethanamine)
(100) Metodesnitazene (N,N-diethyl-2-(4-methoxyphenyl)methyl)-1H-benzimidazole-1-ethanamine)

C. Hallucinogenic substances. Unless specifically excepted or unless
listed in another schedule, any material, compound, mixture, or preparation,
which contains any quantity of the following hallucinogenic substances, or
which contains any of their salts, isomers, or salts of isomers, whenever the existence of such salts, isomers, or salts of isomers is possible within the specific chemical designation, for purposes of this Paragraph only, the term “isomer” includes the optical, position, and geometric isomers:

(66) para-Methoxyamphetamine (PMMA)

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

(12) 4,4-dimethylaminopropane (4,4-DMP)

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

(29) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-b]pyridine-3-carboxamide [5FCUMYL-PTACAI]

SCHEDULE II

A. Substances of vegetable origin or chemical synthesis. Unless specifically excepted or unless listed in another schedule, any of the following substances whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, thebaine-derived butorphanol, dexmedetomidine, nalbuphine, naldemedine, naloxegol, naloxone, naltrexol, and naltrexone, and samidorphan, and their respective salts, but including the following:

(15) Serdexamethylenidate

Section 2. The Louisiana State Law Institute is hereby authorized and directed to renumber the substances in R.S. 40:964(Schedule I)(A),(C), and (E) and (Schedule V)(D) to ensure that such substances are in alphabetical order.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

THE ADVOCATE

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

PAGE 50
To amend and reenact R.S. 42:1119(B)(2)(a)(v), relative to nepotism; to provide relative to family members of school board members and school district superintendents who are employed by the school board; to provide relative to promotion of such employees; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1119(B)(2)(a)(v) is hereby amended and reenacted to read as follows:

§1119. Nepotism

A. * * *

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

(a) * * *

(v) An immediate family member of a member of a local school board or of a superintendent who has been employed pursuant to Item (i) of this Subparagraph for at least one year may be promoted to an administrative position by such school board provided that such family member has the appropriate qualifications and certifications for such position. A school board member whose immediate family member is to be promoted to an administrative position pursuant to this Item shall recuse himself from any action involving the promotion or assignment of job location of such employee, and a superintendent whose immediate family member is to be promoted to an administrative position shall recuse himself from any action involving the promotion or assignment of job location of such employee. For purposes of this Item, the term “certifications” shall not include any temporary or provisional certification or certifications.

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

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 48

HOUSE BILL NO. 444

BY REPRESENTATIVE RISER

To designate a portion of the United States Highway 165 in Caldwell Parish as the “SPC Torey Jontele Dantzler, Sr. Memorial Highway”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of the United States Highway 165 in Caldwell Parish shall be known and is hereby designated as the "SPC Torey Jontele Dantzler, Sr. Memorial Highway".

Section 2. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation 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, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 49

HOUSE BILL NO. 445

BY REPRESENTATIVE RISER

To designate a portion of Louisiana Highway 133 in Caldwell Parish as the "Robert L. ‘Doc’ Owens Memorial Highway".

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 133 in Caldwell Parish shall be known and is hereby designated as the "Robert L. ‘Doc’ Owens Memorial Highway".

Section 2. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation 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, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 50

HOUSE BILL NO. 475

BY REPRESENTATIVE THOMAS

To amend and reenact R.S. 42:1119(B)(2)(a)(iii), relative to nepotism; to provide relative to family members of school board members and school district superintendents who are employed by the school board; to provide relative to the deadline for disclosing information regarding such employment to the Board of Ethics; to provide relative to penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1119(B)(2)(a)(iii) is hereby amended and reenacted to read as follows:

§1119. Nepotism

A. * * *

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

(a) * * *

(iii) In addition, within thirty days after the beginning by September fifteenth of each school year, any school board member or superintendent whose immediate family member is employed by the school board shall file a disclosure statement with the Board of Ethics stating the facts of such employment. Any person who fails to timely file a disclosure statement under this Item may be assessed a late fee of fifty dollars per day, not to exceed one thousand five hundred dollars, subject to the provisions of R.S. 42:1157.

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 51

HOUSE BILL NO. 534

BY REPRESENTATIVES HORTON, ADAMS, AMEDEE, BAGLEY, CORMIER, COX, CREWS, GLOVER, GREEN, HODGES, JENKINS, LARVADAIN, MACK, MCCORMICK, MCMAHEN, PRESSLY, RISER, SEABAUGH, AND THOMPSON AND SENATOR PEACOCK

To designate a portion of Louisiana Highway 327 in Bossier Parish as the “Jessie Henry Memorial Highway”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 327 that passes from parish line to parish line through Bossier Parish shall be known and hereby designated as the "Jessie Henry Memorial Highway".

Section 2. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation 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, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 52

HOUSE BILL NO. 581

BY REPRESENTATIVE ST. BLANC

To amend and reenact R.S. 40:1749.12(6), 1749.13(B)(1), and 1749.15, relative to the Louisiana Underground Utilities and Facilities Damage Prevention Law; to modify definitions to include unplanned utility outages; to provide for excavations or demolitions on certain national holidays; to authorize certain electronic notice; to modify with respect to rebuttable presumptions relative to excavators; to provide for emergency excavation notices and emergency response times; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1749.12(6), 1749.13(B)(1), and 1749.15 are hereby amended and reenacted to read as follows:

§1749.12. Definitions

As used in this Part, the following terms have the meanings ascribed to them in this Section:

THE ADVOCATE

* As it appears in the enrolled bill

PAGE 51
(6) “Emergency” means any crisis situation which poses an imminent threat or danger to life, health, or property, which requires immediate action, and immediate if such action is taken. The term also includes an unplanned utility outage, which requires immediate action, if such action is taken.

§1749.13. Excavation and demolition; prohibitions

B.(1) Except as provided in R.S. 40:1749.15, prior to any excavation or demolition, each excavator or demolisher shall serve telephonic or electronic notice of the intent to excavate or demolish to the regional notification center or each operator having underground utilities and facilities located in the area and, if necessary, emergency assistance shall be requested from each operator in locating and providing immediate protection to its underground utilities and facilities.

B. The excavator shall certify in the notice required in Subsection A of this Section that the situation poses an imminent threat or danger to life, health, or property or is the result of an unplanned utility outage and requires immediate action and that the excavator, or owner, or operator has a crew on site.

C. There is a rebuttable presumption that the excavator failed to give notice as required pursuant to this Section if the excavator failed to give any notice to the regional notification center within the following time periods:

(1) Within four hours of the beginning of the two hours from the discovery of the need for underground excavation.

(2) In the case of a gubernatorially declared state of emergency due to a tropical storm or hurricane weather or homeland security-related event, within twelve hours of the beginning of the emergency excavation within the parishes to which the emergency declaration applies.

(3) In the case of a wildfire, within twenty-four hours after control of the wildfire.

D. The owner or operator of the underground utilities, facilities, or submersed infrastructure shall respond to an emergency notice as soon as practicable under the circumstances.

E. Emergency excavation notices are valid for as long as the emergency situation exists. The type of work and location shall remain consistent with the work described in the emergency excavation notice. If the type of work and location become inconsistent with the emergency excavation notice, then a new excavation notice is required.

§1749.15. Emergency excavation; notice required; penalty

A. The notice required pursuant to R.S. 40:1749.13 shall not apply to any person conducting an emergency excavation. Oral or electronic notice of the emergency excavation shall be given as soon as practicable to the regional notification center or each operator having underground utilities and facilities located in the area and, if necessary, emergency assistance shall be requested from each operator in locating and providing immediate protection to its underground utilities and facilities.

B. The excavator shall certify in the notice required in Subsection A of this Section that the situation poses an imminent threat or danger to life, health, or property or is the result of an unplanned utility outage and requires immediate action and that the excavator, or owner, or operator has a crew on site.

C. There is a rebuttable presumption that the excavator failed to give notice as required pursuant to this Section if the excavator failed to give any notice to the regional notification center within the following time periods:

(1) Within four hours of the beginning of the two hours from the discovery of the need for underground excavation.

(2) In the case of a state of emergency due to a wildfire, within twenty-four hours after control of the wildfire.

(3) In the case of a gubernatorially declared state of emergency due to a tropical storm or hurricane weather or homeland security-related event, within twelve hours of the beginning of the emergency excavation within the parishes to which the emergency declaration applies.

D. The owner or operator of the underground utilities, facilities, or submersed infrastructure shall respond to an emergency notice as soon as practicable under the circumstances.

E. Emergency excavation notices are valid for as long as the emergency situation exists. The type of work and location shall remain consistent with the work described in the emergency excavation notice. If the type of work and location become inconsistent with the emergency excavation notice, then a new excavation notice is required.

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 53

BY REPRESENTATIVES GADDERRY, ADAMS, AMEDEE, BAGLEY, BEAULIEU, BRYANT, BUTLER, CARRIER, ROBBY CARTER, CORMIER, COUSSAN, COX, DUPLEISSIS, ECHOLS, EDMONDS, FIRMENT, FISHER, FREIBERG, FRIEEMAN, GAINES, GLOVER, HARRIS, HODGES, HORTON, ILLG, JEFFERSON, JENKINS, KERNER, LYONS, MACK, MARINO, MCFARLAND, DUSTIN MILLER, MOORE, NEWELL, CHARLES O'NEAL, PIERRE, RISER, SCHAMERHORN, SELDERS, THOMPSON, WHITE, HALL, and WHITE and SENATORS BARROW, BERNARD, BOUGUE, CARTER, FESI, HENRY, HEWITT, LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, PRICE, REESE, SMITH, STINE, TALBOT, TARVER, WARD, and WOYACK

AN ACT

To enact R.S. 47:490.34 through 490.36, relative to military honor license plates; to provide for the creation, issuance, fees, distribution, and rule promulgation applicable to the design of such plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:490.34 through 490.36 are hereby enacted to read as follows:

§490.34. Military honor license plates: “Woman Veteran”; “Commemorative Service”; and “Military Medal Award”.

A. The secretary of the Department of Public Safety and Corrections shall establish a military honor license plate to be known as the “Woman Veteran” plate.

B. Upon application of a “Woman Veteran” recipient, the secretary of the Department of Public Safety and Corrections shall issue a military honor license plate to be used in lieu of a regular motor vehicle registration plate. The license plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans. The “Woman Veteran” plate shall depict the seal of the veteran’s branch of service and the words “Woman Veteran”.

C. The charge for this license plate shall be the regular motor vehicle registration license fee as provided for under the provisions of R.S. 47:463.

D. The secretary of the Department of Public Safety and Corrections shall implement regulations to implement the provisions of this Section, including but not limited to rules governing the transfer of license plates from one vehicle to another and the disposition of such license plates.

E. A recipient who qualifies for the military honor license plate authorized by this Section may be issued a license plate for each vehicle registered in the applicant’s name.

(2) Except as otherwise provided in this Paragraph, each military honor license plate issued pursuant to this Section shall be returned to the secretary upon the death of the person to whom the license plate was issued. The surviving spouse of a person to whom a license plate was issued pursuant to this Section may retain a license plate issued pursuant to this Section, provided the surviving spouse has not remarried and provided the surviving spouse applies to the secretary for a transfer of the license plate to the surviving spouse. A military honor license plate transferred pursuant to this Paragraph to a surviving spouse shall be returned to the secretary upon the death or remarriage of the surviving spouse.

§490.36. Military honor license plates: “Commemorative Service” recipients

A.(1) Any applicant who qualifies for the military honor license plate authorized by this Section may be issued a license plate for each vehicle registered in the applicant’s name.

B. The secretary of the Department of Public Safety and Corrections shall issue a military honor license plate to be known as the “Commemorative Service” plate.

C. This plate shall be made available to honorably discharged veterans who served in the following conflicts:

(1) Global War on Terrorism.
(2) War in Iraq.
(3) War in Afghanistan.
(4) War in Afghanistan.

D. Upon application of a “Commemorative Service” recipient, the secretary of the Department of Public Safety and Corrections shall issue a military honor license plate to be used in lieu of a regular motor vehicle registration plate. The license plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans. The “Commemorative Service” plate shall depict the seal of the veteran’s branch of service, the name of the conflict, and the campaign ribbon.

E. The charge for this license plate shall be the regular motor vehicle registration license fee as provided for under the provisions of R.S. 47:463.

F. The secretary shall adopt rules and regulations to implement the provisions of this Section, including but not limited to rules governing the transfer of license plates from one vehicle to another and the disposition of such license plates.

E.(1) Any applicant who qualifies for the military honor license plate authorized by this Section may be issued a license plate for each vehicle registered in the applicant’s name.

(2) Except as otherwise provided in this Paragraph, each military honor license plate issued pursuant to this Section shall be returned to the secretary upon the death of the person to whom the license plate was issued. The surviving spouse of a person to whom a license plate was issued pursuant to this Section may retain a license plate issued pursuant to this Section, provided the surviving spouse has not remarried and provided the surviving spouse applies to the secretary for a transfer of the license plate to the surviving spouse. A military honor license plate transferred pursuant to this Paragraph to a surviving spouse shall be returned to the secretary upon the death or remarriage of the surviving spouse.

§490.38. Military honor license plates: “Military Medal Award” recipients

A.(1) Any applicant who qualifies for the military honor license plate authorized by this Section may be issued a license plate for each vehicle registered in the applicant’s name.

B. The secretary of the Department of Public Safety and Corrections shall issue a military honor license plate to be known as the “Military Medal Award” plate.

C. This plate shall be made available to honorably discharged recipients, as certified by the Department of Veteran’s Affairs, of the following medal awards:

(a) Navy Cross.
(b) Air Force Cross.
(c) Defense Distinguished Service Medal.
(d) Homeland Security Distinguished Service Medal.
(e) Distinguished Service Medal (Army).
(f) Navy Distinguished Service Medal.
(g) Army Distinguished Service Medal.
(h) Coast Guard Distinguished Service Medal.
(i) Silver Star.
(j) Defense Superior Service Medal.
(k) Legion of Merit.
(l) Distinguished Flying Cross.
(m) Air Medal.
(n) Soldier’s Medal.
(o) Airman’s Medal.
ACT No. 54

TO AMEND AND REENACT R.S. 37:3506(A), RELATIVE TO THE STATE BOARD OF PRIVATE INVESTIGATORS; TO ADJUST THE SALARY LIMIT FOR THE EXECUTIVE DIRECTOR OF THE BOARD; AND TO PROVIDE FOR RELATED MATTERS.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:3506(A) is hereby amended and reenacted to read as follows:

§3506. Executive director; duties
A. The position of executive director of the board is hereby created. The executive director shall be appointed by the board with consent of the governor and shall serve as the chief administrator of the board. He shall not be a member of the board, but shall be a full-time unclassified employee of the state who shall be paid compensation in an amount to be determined by the board which shall not exceed forty-five thousand dollars annually. The office, equipment, and furnishings of the board and the executive director shall be initially furnished by the department of public safety and corrections.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 55

TO AMEND AND REENACT R.S. 22:456, 1547(F) AND (D)INTRODUCTORY PARAGRAPH), 1551(C)INTRODUCTORY PARAGRAPH), (3), AND (4), 1564(B)(2), 1573(C), (E), AND (G), 1575(A)(1), AND 1808.4(A)(2), RELATIVE TO INSURANCE PRODUCERS AND CONSULTANTS; TO PROVIDE FOR APPOINTMENTS OF PRODUCERS; TO PROVIDE FOR TECHNICAL CORRECTIONS RELATIVE TO EXAMINATIONS EXEMPTED FROM EXAMINATIONS AND CONTINUING EDUCATION OF PRODUCERS AND CONSULTANTS; TO MODIFY TERMINOLOGY RELATIVE TO ACCIDENT AND HEALTH INSURANCE; TO PROVIDE FOR TECHNICAL CHANGES; AND TO PROVIDE FOR RELATED MATTERS.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:456, 1547(F) AND (D)INTRODUCTORY PARAGRAPH), 1551(C)INTRODUCTORY PARAGRAPH), (3), AND (4), 1564(B)(2), 1573(C), (E), AND (G), 1575(A)(1), AND 1808.4(A)(2) ARE HEREBY AMENDED AND REENACTED TO READ AS FOLLOWS:

§456. Producers; appointment
A. Any self-insurer who has been issued a certificate of authority pursuant to this Subpart may enter into a contract with an agent or insurance producer and consent to the appointment of such agent or insurance producer as an agent or insurance producer; to provide for technical corrections relative to examinations exempted from examinations and continuing education of producers and consultants; to modify terminology relative to accident and health insurance; to provide for technical changes; and to provide for related matters.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

THE ADVOCATE

* As it appears in the enrolled bill

PAGE 53

CODING: Words in strike through type are deletions from existing law; words under scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
the self-insurer upon written notice to the producer and the commissioner.

To appoint a producer as its agent, the self-insurer shall file, in a manner prescribed by the commissioner, a notice of appointment within fifteen days from the date the agency contract is executed. Each notice of appointment shall include the fee in the amount set forth in R.S. 22:321.

C. Any producer who violates the provisions of this Section shall be fined the sum of ten dollars for each producer’s appointment received after the first day of March of each year. If any producer is operating or intends to operate its business affairs as a partnership, corporation, or other business entity, the appointments in this Section may be issued by a self-insurer in the name of the partnership, corporation, or other business entity if all persons to whom such an appointment is to be held are authorized in soliciting, negotiating, or effecting contracts of insurance or renewals thereof and also hold an active producer license issued in accordance with the provisions of R.S. 22:1541 et seq., and are registered pursuant to R.S. 22:1546 B.

D. An appointment as provided for in this Section remains effective until the following date of renewal, unless the license of the named appointed producer is revoked by the commissioner as provided for in R.S. 22:1541 et seq., or, until canceled by the self-insurer upon written notice to the producer with a copy thereof filed with the commissioner.

E. Appointments for individual producers expire on January first of each year and a self-insurer shall submit to the commissioner, in a manner prescribed by the commissioner, a list of appointed individual producers which it intends to reappoint no later than the expiration date of January first and the fee in the amount set forth in R.S. 22:321.

F. Appointments for a business entity expire on August first of each year and a self-insurer shall submit to the commissioner, in a manner prescribed by the commissioner, a list of appointed business entity producers which it intends to reappoint no later than the expiration date of August first and the fee in the amount set forth in R.S. 22:321.

G.(1) Any self-insurer which issues or delivers a policy or contract of insurance pursuant to the application or request of a producer who is not appointed to represent the self-insurer as a producer shall be deemed to have authorized such producer to act on the self-insurer’s behalf and the payment to such a producer shall be payment to the self-insurer with all resultant obligations and duties.

(2) This Subsection establishes an agency relationship only for the matter of premiums collected pursuant to the provisions of this Section.

§1547. License

F. The license shall state the name and mailing business address of the licensee, date of issuance, the renewal or expiration date, the line or lines of insurance covered by the license, and such other information as the commissioner deems necessary.

I. Any licensed property and casualty, health and accident, and health or sickness insurance producer maintaining an office at a designated location in this state and having at least two years experience in the insurance business with an insurer or as an insurance producer may be licensed as a surplus lines broker as follows:

§1551. Exemption from examination

C. The following resident applicants shall be exempt from the requirement of an examination:

(3) Any applicant who shall be licensed for a license to act only as a producer with respect to travel insurance.

§1564. Producers of record

B. * * * * *

(2) Except as provided in Paragraph (1) of this Subsection upon the specific written instruction of the owner of the policy or the first-named insured, no insurer or producer shall cancel and rewrite any such contract or contract during the term of such contract or until the renewal date of the contract, whichever occurs first, which would change the producer of record.

§1573. Continuing education requirements

C. Life insurance producers and consultants and health accident and health or sickness insurance producers and consultants shall complete twenty-four hours of approved instruction or verifiable approved self-study prior to each renewal of license, with at least three hours dedicated to the subject of ethics.

E. For producers authorized to write life, health and accident and health or sickness insurance and also authorized to write property, casualty, or property and casualty or personal lines insurance business, and consultants authorized to consult on life, health and accident and health or sickness insurance and also authorized to consult on property, casualty, or property and casualty or personal lines insurance business, the continuing education requirement for renewal of license shall be twenty-four hours of approved instruction or verifiable approved self-study with at least three hours of approved instruction or verifiable approved self-study dedicated to the subject of ethics and three hours dedicated to the subject of flood insurance. Persons licensed as a combination of life, health and accident and health or sickness, property, casualty, or property and casualty insurance producer licenses and life, health and accident and health or sickness, property, casualty, or property and casualty consultant licenses shall complete a total of twenty-four hours of approved instruction or verifiable approved self-study, with at least three hours dedicated to the subject of ethics and three hours dedicated to the subject of flood insurance.

G. Producers and consultants licensed for life, health and accident and health or sickness, property, casualty, or personal lines may carry over no more than ten excess hours of approved insurance instruction accumulated during one renewal period to be applied to the continuing education requirement for the next renewal period.

§1575. Producer training requirements to sell long-term care insurance

A.(1) An individual shall not sell, solicit, or negotiate long-term care insurance unless the individual is licensed as an insurance producer for health and accident or life or accident and health or sickness and has completed a one-time training course. The training shall meet the requirements set forth in Subsection B of this Section.

§1808.4. License

A. Unless denied licensure pursuant to R.S. 22:1808.8, persons who have met the requirements of this Part shall be issued an insurance consultant license. An insurance consultant may receive qualification for a license in one or more of the following lines of authority:

(2) Health and accident. Accident and health or sickness, which provides insurance coverage for sickness, bodily injury, or accidental death, and may include benefits for disability income.

Approved by the Governor, May 17, 2022. A true copy.

R. Kyle Ardoin
Secretary of State

ACT No. 57

HOUSE BILL NO. 748
BY REPRESENTATIVES MCAHLEN, CORMIER, EDMONSTON, FIRMENT, GLOVER, HORTON, LARVDAIN, MOORE, AND SCHAMERHORN
AN ACT
To designate Exit 44 on Interstate Highway 20 in Webster Parish as the “Kim Cannon Memorial Interchange”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Interstate Highway 20 at Exit 44 in Webster Parish shall be known and is hereby designated as the “Kim Cannon Memorial Interchange.”

Section 2. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation 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, May 17, 2022.

A true copy.

R. Kyle Ardoin
Secretary of State

ACT No. 58

HOUSE BILL NO. 810
BY REPRESENTATIVES BROWN, AMEDDEE, BRYANT, COUSSAN, EDMONSTON, EMERSON, FISHER, GAINES, GLOVER, GOUDEAU, GREEN, HORTON, HUGHES, JORDAN, LARVDAIN, RISER, ROMERO, AND THOMPSON AND SENATORS BARROW, BERNARD, BOUDREAUX, CARTER, FIELDS, FOIL, HARRIS, HENRY, HEWITT, JACKSON, LUNEAU, MILLIGAN, PRED MILLS, ROBERT MILLS, MIZE, MORRIS, PEACOCK, SMITH, STINE, TALBOT, TARVER, AND WOAHM
AN ACT
To enact R.S. 47:463.214, relative to motor vehicle special prestige license plates; to provide for the “International Association of Firefighters”
special prestige license plate; to provide for the creation, issuance, design, implementation, fees, distribution, and rule promulgation applicable to such license plate; 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: “International Association of Firefighters”

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

B. The secretary shall work in conjunction with the president of the Professional Firefighters Association of Louisiana 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 “International Association of Firefighters” and shall contain the logo of the International Association of Firefighters.

C. The special prestige license plate shall be issued and renewed, upon application and receipt of a letter of good standing from the president of the Professional Firefighters Association of Louisiana, to a citizen of Louisiana certified as a member of the International Association of Firefighters in the same manner as any other motor vehicle license plate.

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

E. The annual royalty fee shall be collected by the department and forwarded to the Professional Firefighters Association of Louisiana. The monies received from the royalty fees shall be used to provide relief for members of the International Association of Firefighters who have suffered catastrophic injuries due to injuries or loss of life resulting from a hurricane, flood, tornado, fire, or loss of a minor child.

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

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

Approved by the Governor, May 17, 2022.

R. Kyle Ardoin
Secretary of State

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ACT No. 59

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HOUSE BILL NO. 842
BY REPRESENTATIVE MCMAHEN
AN ACT

To enact R.S. 9:2800.28, relative to liability; to provide relative to veterinary professionals; to provide for immunity from civil liability or criminal prosecution; to provide relative to the release of confidential information; 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 Limitation of liability for veterinary professionals who report animal cruelty

A. Any veterinarian licensed by the state or veterinary technician licensed by the state who reports in good faith and has reasonable belief that an animal has been the subject of a violation of R.S. 14:102.1, 102.5, 102.8, 102.19, 102.20, 102.3, or 102.26 shall be immune from civil liability or criminal prosecution if he reports such violation to the commissioner or designee of the Department of Agriculture and Forestry, a P.O.S.T certified animal control officer, a law enforcement agency, or a prosecuting attorney or if he participates in any investigation or proceeding for acts prohibited by law.

B. Additionally, any veterinarian licensed by the state or veterinary technician licensed by the state shall be immune from civil liability or criminal prosecution for the release of confidential information pursuant to a subpoena or court-ordered disclosure, or upon written consent from the animal’s owner or the animal owner’s legal representative. This Section shall not apply if the veterinarian or veterinary technician acts with gross negligence, willful misconduct, or in bad faith.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 60

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HOUSE BILL NO. 866
BY REPRESENTATIVE FRIEMAN
AN ACT

To amend and reenact R.S. 22:165(B) and to enact R.S. 22:81(D), 82(D) and (E), 111(D), 112(D) and (E), and 165(C), relative to capital and surplus requirements for certain domestic insurers; to provide for minimum requirements for domestic insurers writing homeowners’ insurance and fire and allied lines insurance; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:165(B) is hereby amended and reenacted and R.S. 22:81(D), 82(D) and (E), 111(D), 112(D) and (E), and 165(C) are hereby enacted to read as follows:
§81. Capital requirements; applicants prior to September 1, 1989

D. Domestic stock insurers authorized to transact homeowners’ insurance or fire and allied lines prior to September 1, 1989, shall have paid-in capital, a minimum surplus, and an operating surplus totaling at least five million dollars by December 31, 2026, and totaling at least ten million dollars by December 31, 2031.

§82. Capital requirements; applicants on and after September 1, 1989

D. Domestic stock insurers authorized to transact homeowners’ insurance or fire and allied lines after September 1, 1989, shall have paid-in capital, a minimum surplus, and an operating surplus totaling at least five million dollars by December 31, 2026, and totaling at least ten million dollars by December 31, 2031.

§111. Surplus requirements; applicants prior to September 1, 1989

D. Domestic mutual insurers authorized to transact homeowners’ insurance or fire and allied lines after September 1, 1989, shall have paid-in capital, a minimum surplus, and an operating surplus totaling at least five million dollars by December 31, 2026, and totaling at least ten million dollars by December 31, 2031.

§112. Surplus requirements; applicants on and after September 1, 1989

D. Domestic mutual insurers authorized to transact homeowners’ insurance or fire and allied lines after September 1, 1989, shall have paid-in capital, a minimum surplus, and an operating surplus totaling at least five million dollars by December 31, 2026, and totaling at least ten million dollars by December 31, 2031.

§165. Minimum application and surplus requirements

E. Domestic mutual insurers who apply for a certificate of authority that includes homeowners’ insurance or fire and allied lines after September 1, 2022, shall have paid-in capital, a minimum surplus, and an operating surplus totaling at least ten million dollars.

$165. Minimum application and surplus requirements

E. Domestic mutual insurers who apply for a certificate of authority that includes homeowners’ insurance or fire and allied lines after September 1, 2022, shall have paid-in capital, a minimum surplus, and an operating surplus totaling at least ten million dollars.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 61

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SENATE BILL NO. 14
BY SENATOR POPE
AN ACT

To amend and reenact R.S. 37:2441 and 2464(C), relative to the Louisiana Board for Hearing Aid Dealers to provide for registration and licensure; to provide for legislative intent; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 37:2441 and 2464(C) are hereby amended and reenacted to read as follows:
§2441. Registration and licensing required

In order to protect the public welfare, aid the Department of Revenue in collecting sales taxes on labor and on retail price of hearing aids, and assure the use of the service and maintenance of hearing aids to protect privately owned property and to provide an adequate supply of licensed dealers throughout the state by the establishment of the apprenticeship training program by the board, any person rendering or offering to render services for the sale, maintenance, and repair of any type of hearing aid

*   *   *

THE ADVOCATE
PAGE 25

CODING: Words in _italics_ are additions; words in _boldface_ are deletions from existing law; words underlined are additions.
A true copy:

Title 37 of the Louisiana Revised Statutes of 1950; that there is hereby created a board to be known as the Louisiana Board for Hearing Aid Dealers.

(1) The provisions of this Section are enacted to:

(a) Protect the public.

(b) Aid the Department of Revenue in collecting sales taxes on labor, on retail prices of hearing aids, and on material used in the repair, service, and maintenance of hearing aids.

c) Provide an adequate supply of licensed hearing aid dealers throughout the state to serve as sponsors for applicants seeking temporary training permits pursuant to R.S. 37:2449.

§2464. Application of Chapter

C. This Chapter shall not apply to a person holding a certificate of clinical competence in audiology awarded by the American Speech-Language Hearing Association and licensed as an audiologist by the Louisiana Board of Examiners for Speech-Language Pathology and Audiology.

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 62

SENATE BILL NO. 39

BY SENATOR BERNARD AND REPRESENTATIVES CORMIER, PIRMET, LARVADAIN, PIERRE AND SCHAMERHORN

AN ACT

To provide relative to state highways; to designate a portion of Louisiana Highway 493 in Natchitoches Parish as the “Augustin Metoyer Memorial Parkway”; to provide for restrictions on costs of materials to the department; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any other provision of law to the contrary, the portion of Louisiana Highway 493 beginning at Louisiana Highway 119 in Natchitoches Parish is hereby designated as the “Augustin Metoyer Memorial Parkway”.

Section 2. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of this designation 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, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 63

SENATE BILL NO. 52

BY SENATOR ABRAHAM

AN ACT

To provide relative to state highways; to designate the Black Bayou Bridge on Louisiana Highway 394 in Calcasieu Parish as the “Dorothy Carter Memorial Bridge”; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any other provision of law to the contrary, the Black Bayou Bridge on Louisiana Highway 394 in Calcasieu Parish is hereby designated as the “Dorothy Carter Memorial Bridge”.

Section 2. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of this designation 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.

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, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 64

SENATE BILL NO. 61

BY SENATORS MCMATH, BARROW, BOUDREAUX, CARTER, CATHEY, CLOUD, FESI, FIELDS, HARRIS, HEWITT, JACKSON, MILLIGAN, ROBERT MILLS, MIZELL, MORRIS, PRICE, REESE, SMITH, TALBOT, TARVER, WARD, WHITE AND WOACK AND REPRESENTATIVES CORMIER, LARVADAIN, PIERRE, SCHAMERHORN AND SELDERS

AN ACT

To enact R.S. 47:463.214, relative to motor vehicle special prestige license plate; to provide for the establishment of the “Mental Health” special prestige license plate; to provide for creation, issuance, design, fees, distribution, and rule promulgation applicable to such license plates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.214 is hereby enacted to read as follows:

§463.214. Special prestige license plate; “Mental Health”

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 “Mental Health” 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 Louisiana Rural Mental Health Alliance 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 “Mental Health”.

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

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

E. The annual royalty fee shall be collected by the department and forwarded as follows:

1. Three quarters of the royalty fee shall be dedicated to the National Alliance on Mental Illness Louisiana.

2. One quarter of the royalty fee shall be dedicated to the Louisiana Rural Mental Health Alliance.

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

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 65

SENATE BILL NO. 79

BY SENATORS WHITE AND REPRESENTATIVES ROBBY CARTER AND EDMONDS

AN ACT

To provide relative to state highways; to designate a portion of Louisiana Highway 16 in St. Helena Parish as the “Trooper George Baker Memorial Highway”; to provide for restrictions on costs of materials to the department; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding any other provision of law to the contrary, the portion of Louisiana Highway 16 in St. Helena Parish is hereby designated as the “Trooper George Baker Memorial Highway”.

Section 2. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of this designation 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.

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, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 66

SENATE BILL NO. 85

BY SENATORS CORTEZ, ALLAIN, MCMATH, MORRIS, SMITH AND WARD

AN ACT

To enact Subpart KK of Part 1 of Chapter 1 of Subtitle II of Title 47 of the
SUBPART KK, MADDIE’S FOOTPRINTS

$120.181. Income tax checkoff; donation for Maddie’s Footprints
A. For tax years beginning on and after January 1, 2022, every individual who files an individual income tax return for the current tax year and who is entitled to a refund may designate on his current year return that all or any portion of the total amount of the refund to which he is entitled shall be donated to Maddie’s Footprints, in accordance with the provisions of R.S. 47:120.37. No donation made under the provisions of this Subsection shall be invalid for lack of an authentic act.

B. Notwithstanding the provisions of R.S. 47:120.37(B), the donation provided for in this Section shall not be removed from the individual income tax return.

The provisions of this Subsection shall expire on January 1, 2027.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

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ACT No. 67

SENATE BILL NO. 181
BY SENATOR MCMATH
AN ACT

To amend and reenact R.S. 2:809 and to enact R.S. 2:801(6), relative to DOTD and the definition of an airport sponsor; to provide for the approval, inspection, and certification of airport construction projects; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 2:809 is hereby amended and reenacted and R.S. 2:801(6) is hereby enacted to read as follows:

§801. Definitions

A. "Sponsor" means any state agency, city, town, parish, airport authority, or other political subdivision which owns, leases, or controls any airport, landing field, landing strip, seaplane base, helipad, or aid to air navigation.

§809. Inspection

A. The department shall may approve the engineering and construction plans for any proposed projects that are prepared by consultant or contract engineers for any recipient airport authority. The department may inspect the construction of a project at any time to assure project compliance.

B. The department shall may inspect a complete project with the consultant or contract engineer. The airport sponsor shall certify that construction is in accordance with plans and specifications. The department may inspect a completed project at any time to assure that the project is being maintained in accordance with project specifications and agreements.

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

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ACT No. 68

SENATE BILL NO. 210
BY SENATOR STINE
AN ACT

To amend and reenact the introductory paragraph of R.S. 22:337(A), relative to foreign and alien insurers; to provide for imposition of a fine in lieu of suspension or revocation of certificate of authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. The introductory paragraph of R.S. 22:337(A) is hereby amended and reenacted to read as follows:

§337. Refusal, suspension, and revocation of certificate of authority

A. The commissioner of insurance may refuse, suspend, or revoke the certificate of authority of a foreign or alien insurer, or he may levy a fine not to exceed five thousand dollars for each violation or twenty-five thousand dollars in the aggregate in lieu of refusal, suspension, or revocation of the certificate of authority, whenever he shall find that such insurer:

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

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THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in **boldfaced** type are deletions from existing law; words **underscored** and **underlined** (House Bills) and **scored** (Senate Bills) are additions.
for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, to the state or to any portion of the described parcel of property lying in East Baton Rouge Parish to the Rose Hill Missionary Baptist Church with a charter number of 02100235W:

One lot 40 ft. on Miss. Street x 100 ft. on the North side of Grant Street adjudicated to the state out of the name of B. V. Baranco for unpaid taxes of 1933.

Section 2. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and the Rose Hill Missionary Baptist Church with a charter number of 02100235W, in exchange of consideration proportionate to the appraised value of the property.

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; May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 71

SENATE BILL NO. 422
BY REPRESENTATIVE CORTEZ
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Lafayette Parish; to provide for the property description; to provide for reservation of mineral rights; to provide terms and conditions; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have to all or any portion of the following described parcel of property to the Krewe of Bonaparte, Inc., a nonprofit corporation with the charter number 04207480N:

“A certain tract of land situated in Section 133, Township 9 South, Range 5 East, Lafayette Parish, Louisiana, containing 4.3 arpents, more of less, bounded now or formerly: northerly by Surrey Street, southerly by J. Castille Chargois, westerly by Gran Benoit, and easterly by Agnes Chargois.

This tract is identified as Tract No. 4 on plat of survey by R. J. Laurent, Civil Engineer, dated January 9, 1954, and attached to Judgment of Possession of the Clerk of Court for Lafayette Parish, Louisiana, and shown thereon as being enclosed within the following exterior boundary lines:

Beginning at a point marked U and thence in a southerly to southeasterly direction along the curvature of Surrey Street a distance of 325 feet to point T, thence southwesterly a distance of 221 feet to point S, thence northwesterly a distance of 480 feet to point V, thence in a northeasterly direction a distance of 361 feet to the point of beginning.”

Section 2. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and the Krewe of Bonaparte, Inc., a nonprofit corporation with the charter number 04207480N, in exchange of consideration proportionate to the appraised value of the property.

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; May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 73

HOUSE BILL NO. 740
BY REPRESENTATIVE MINCEY
AN ACT

To enact Chapter 17-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1611, relative to the sale and transport of gasoline and other fuels, to provide for the sale, transportation, and acceptance of fuel; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 17-A of Title 51 of the Louisiana Revised Statutes of 1950, comprising of R.S. 51:1611, is hereby enacted to read as follows:

CHAPTER 17-A. SALE, TRANSPORTATION, AND ACCEPTANCE OF FUEL

§1611. Sale, transportation, and acceptance of fuel following a natural disaster.

Notwithstanding any other provision of law to the contrary, following a disaster or emergency declared in accordance with the Louisiana Homeland Security and Emergency Assistance and Disaster Act, R.S. 29:721 et seq., the diverson, sale, transport, delivery, or acceptance of gasoline, diesel fuel, liquefied petroleum gas, motor fuel, special fuel, gasohol, liquefied natural gas, and other types of fuel across jurisdictional boundaries within the state shall not be restricted or prohibited when needed for disaster recovery, including but not limited to supplying fuel to generators, motor vehicles, homes and other resources to provide electricity, heat, light, meals, and other necessities to persons in affected areas.

Approved by the Governor; May 23, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 74

SENATE BILL NO. 21
BY SENATOR ROBERT MILLS
AN ACT

To amend and reenact the introductory paragraph of R.S. 22:436(B) and to enact R.S. 22:436(B)(X), relative to requirements for approved unauthorized
insurers; to provide for the submission of contact information; and to provide for related matters.

Act 1296 of 2021-C-00621 (January 28, 2022) to declare that it is the intent of the Legislature of Louisiana in enacting this Act to clearly establish that under Louisiana law, automobile insurance liability coverage related to a defendant driver’s automobile liability, uninsured, underinsured, or medical payments coverage shall not exclude the benefits of such coverage under its policy to an insured vehicle owner’s insurance policy.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 76

SENATE BILL NO. 77

BY SENATORS LUNEAU, BARROW, BOUDREAUX, HENSGENS, MCMATH, MIZEZ AND POPE AND REPRESENTATIVES ADAMS, BAGLEY, ECHOLS, HUGHES, LARVADAIN, MCMAHEN, SCHLEGEL AND STAGNI

To enact R.S. 46:153.3(C)(2), relative to Medicaid coverage for prescription drugs; to provide for prescribed drugs used to treat schizophrenia and schizotypal or delusion disorders; and to provide for related matters.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 77

SENATE BILL NO. 117

BY SENATOR LUNEAU

AN ACT

To enact R.S. 22:1296.1, relative to automobile insurance; to provide for the application of certain insurance coverages to an insured when operating a vehicle not owned by the insured; to provide certain requirements for such coverages to apply to the insured’s conduct; to provide for a determination as to which insurance is primary; to provide legislative intent; and to provide for related matters.

A true copy:

R. Kyle Ardoin
Secretary of State

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To authorize the use of certain state property in Cameron Parish for seafood research; to provide relative to protecting the state's natural resources; to provide relative to the use of certain waters for oyster farming research; to provide relative to the specification of the boundaries and size of the areas in which the research will be conducted; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. (A) The Cameron Parish Port, Harbor, and Terminal District may use, in accordance with this Act, the following described state water bottoms, water columns, and water surfaces above the specified sections of water bottoms:

An area of approximately forty-eight acres in Calcasieu Lake, Cameron Parish, Louisiana, circumscribed by lines connecting the following points (projection in North American datum, 1983):

The Northeast corner is located at 29 degrees, 50 minutes, 51.09 seconds, North, 93 degrees, 19 minutes, 56.80 seconds, West. The boundary shall then run south, southeast from the northeast corner to a point 29 degrees, 50 minutes, 37.89 seconds, North, 93 degrees, 19 minutes, 54.25 seconds, West, and from there to the southeast corner located at 29 degrees, 50 minutes, 37.89 seconds, North, 93 degrees, 19 minutes, 54.25 seconds, West. From the southeast corner the boundary shall then run to the southwest corner located at 29 degrees, 50 minutes, 23.37 seconds, North, 93 degrees, 19 minutes, 52.94 seconds, West. From the southwest corner the boundary shall then run north-west to a point 29 degrees, 50 minutes, 29.15 seconds, North, 93 degrees, 20 minutes, 12 seconds, West, and from there to a north-west point 29 degrees, 50 minutes, 34.96 seconds, North, 93 degrees, 20 minutes, 3.90 seconds, West, and from there to the northwest corner located at 29 degrees, 50 minutes, 47.73 seconds, North, 93 degrees, 20 minutes, 5.33 seconds, West. The boundary then runs from the northwest corner to the northeast corner.

(B) The Cameron Parish Port, Harbor, and Terminal District is authorized to use such water bottoms, water columns, and water surfaces for the sole purpose of an off-bottom oyster (Crassostrea Virginica) culture project undertaken in cooperation with the Louisiana Sea Grant program subject to approval of all state and federal agencies with jurisdiction over activities conducted in connection with the project.

Section 2. The commissioner of administration, on behalf of the state of Louisiana, and the Cameron Parish Port, Harbor, and Terminal District are hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate the use of property described in Section 1(A) of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the state and the Cameron Parish Port, Harbor, and Terminal District. In determining appropriate compensation for the use of state property authorized by this Act, the commissioner may consider potential economic development and other benefits resulting from the farming contemplated.

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, May 24, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

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THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in strike through type are deletions from existing law; words under scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.
(9) A statement that informs the policyholder that if he files a claim for damage to his property subject to a mortgage, he may be required to notify the lender or mortgage servicer of the claim.

(10) A statement that informs the policyholder that if he receives proceeds from an insurance settlement for damage to a property subject to a mortgage, the policyholder may be required to contact the lender or mortgage servicer, as the lender or mortgage servicer may be named payee whose endorsement may be required prior to depositing the insurance proceeds.

(11) An explanation of the procedure for filing a complaint with the Office of Financial Institutions if there is any dissatisfaction with how the lender or mortgage servicer handled the disposition of the insurance proceeds.

(12) The process for utilizing the Hurricane Mediation Program if there is a disputed residential property insurance claim for property damage.

B. (1) If the governor declares a state of emergency pursuant to R.S. 29:724, an insurer settling a property insurance claim that arises out of the state of emergency shall send to a policyholder settling a property insurance claim, the catastrophe claim process disclosure form promulgated by the commissioner pursuant to Subsection A of this Section.

(2) The insurer shall send the catastrophe claim process disclosure form to the policyholder no later than the date of the initial investigation of the claim by an adjuster. The disclosure form may be sent by United States mail, electronic delivery, or hand delivery.

C. Nothing in this Section shall be construed to provide a policyholder with a civil cause of action.

Approved by the Governor, May 24, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 81

SENATE BILL NO. 165
BY SENATOR TALBOT

AN ACT
To amend and reenact R.S. 22:2436(C)(2)(a), (D)(2), (D)(3), and (E)(2) and 2437(C), to enact R.S. 22:2436(D)(4) and 2439(D), and to repeal R.S. 22:2436(E)(3), relative to an internal claims and appeals process and external procedures for health insurance issuers; to provide requirements for certain processes and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2436(C)(2)(a), (D)(2), (D)(3), and (E)(2) and 2437(C) are hereby amended and reenacted and R.S. 22:2436(D)(4) and 2439(D) are hereby enacted to read as follows:

§2436. Standard external review

* * *

C.(1)

* * *

(1) If the request:
(a) is not complete, the health insurance issuer shall inform the covered person and, if applicable, his authorized representative in writing and include state with specificity in the notice what the information or materials are needed to make the request complete.

* * *

D.(1)

(2) A health insurance issuer shall notify the commissioner in a manner prescribed by the department, if a request is determined not complete pursuant to Subsection C of this Section, and the notice shall state with specificity the information or materials that are needed to make the request complete. If a form required by a health insurance issuer has not been completed, the health insurance issuer shall include in the notice a copy of the form, and copies of any materials submitted by the covered person or, if applicable, his authorized representative that could reasonably be interpreted as pertaining to the same subject matter or purpose of the form. Any notice or form required to be provided by this Paragraph may be provided electronically on the department’s website.

(2) In reaching a decision, the assigned independent review organization shall not be bound by any decisions or conclusions reached during the health insurance issuer’s internal claims and appeals process as provided pursuant to R.S. 22:2401.

(4) The commissioner shall include in the notice provided to the covered person and, if applicable, his authorized representative a statement that the covered person or his authorized representative may submit in writing to the assigned independent review organization, within five business days following the date of receipt of the notice provided pursuant to Subparagraph (1)(b) of this Subsection, additional information that the independent review organization shall consider when conducting the external review. The independent review organization shall be authorized but not required to accept and consider additional information submitted after five business days.

E. (1) Except as provided in Paragraph (2)(c) of this Subsection, failure by the health insurance issuer or its utilization review organization to provide the documents and information within the time frame specified in Paragraph (1) of this Subsection, the assigned independent review organization may terminate the external review process and make a decision to reverse the adverse determination or the final adverse determination, shall not delay the conduct of the external review. This Paragraph does not apply if the issuer’s failure to provide documents or information is due to the covered person’s failure to provide a signed form authorizing the issuer to proceed with an external review or to release the insured’s personal health information to the independent review organization as required by federal law.

(2) Within one business day after making the decision pursuant to Subparagraph (a) of this Paragraph, the independent review organization shall notify the covered person in writing, if applicable, his authorized representative, the health insurance issuer, and the commissioner.

§2437. Expedited external review

* * *

C.(1)

(1) Upon receipt of the notice from the commissioner of the name of the independent review organization assigned to conduct the expedited external review pursuant to Paragraph (B)(4) of this Section, the health insurance issuer or its designee utilization review organization shall provide or transmit all necessary documents and information considered in making the adverse determination or final adverse determination to the assigned independent review organization electronically, by telephone or facsimile, or by any other available expedient method.

(2) Any information required by Paragraph (1) of this Subsection and not received from a health insurance issuer as expeditiously as is necessary for consideration in reaching a decision required in Subsection E of this Section, shall be presumed to include the information that is the most favorable to a covered person in reaching a decision required in Subsection E of this Section.

§2439. Binding nature of external review decision

* * *

D. For any decision by an independent review organization in favor of the covered person, a health insurance issuer may only subsequently deny coverage of the services that were the subject of review, if it is determined that the covered person was ineligible for coverage due to nonpayment of premiums or for suspected fraud or material misrepresentation of fact.

Section 2. R.S. 22:2436(E)(3) is hereby repealed.

Section 3. This Act shall become effective on January 1, 2023.

Approved by the Governor, May 24, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 82

SENATE BILL NO. 169
BY SENATOR MIZEELL

AN ACT
To amend and reenact R.S. 17:407.101(E)(8)(introductory paragraph) and (b)(i), (F), and (G) and to repeal Sections 3 and 4(B) of Act 180 of the 2020 Regular Session, relative to the Early Childhood Care and Education Commission; to provide relative to the officers and duties of a task force of the commission; to provide relative to meetings and reports of the commission; to provide relative to the Early Childhood Care and Education Commission; to provide for related matters.

E. The commission shall study and make recommendations relative to establishing a vision for the future of early childhood care and education in Louisiana. When conducting analysis and making recommendations relative to a vision and framework, the commission shall do all of the following:

(8) Establish and appoint members to a task force to identify and recommend alternative state and local funding strategies for quality early childhood care and education and strategies to address workforce compensation and benefits issues within the early childhood care and education field. The commission shall incorporate the task force recommendations and into the report that the commission produces pursuant to Section F of this Section.

* * *

(9) The two co-chairs of the commission, each of whom may designate someone to serve in his place, shall serve as the co-chairs of the task force.

F. Not later than fourteen thirty days prior to the beginning of the 2021 regular Regular Session of the Legislature, the commission shall produce a report on its findings and recommendations and provided to the governor, the members of the legislature, the state superintendent of education, and the State Board of Elementary and Secondary Education no less than fourteen days prior to the first day of the regular session.

The commission shall meet at least twice between the 2020 and 2021 Regular Sessions.

THE ADVOCATE

* As it appears in the enrolled bill

CODING: Words in small type are deletions from existing law; words underscored (House Bills) and underlined (Senate Bills) are additions.
Regular Sessions of the Legislature and shall meet at least twice between the 2021 and 2022 Regular Sessions of the Legislature during which meetings consecutive regular sessions of the legislature. At each meeting, the State Department of Education shall provide updates on how the commission's recommendations are being implemented. The commission shall make any further recommendations it deems necessary to advance the vision and goals established pursuant to Subsection E of this Section.

Section 2. Sections 3 and 4(B) of Act 180 of the 2020 Regular Session 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, May 24, 2022.

A true copy:
R. Kyle Ardoin Secretary of State

ACT No. 83
SENATE BILL NO. 194
BY SENATOR HEWITT
AN ACT
To enact R.S. 17:2048.51(C)(23), relative to the membership of the Louisiana Health Works Commission; to add a member representing the Louisiana State Nurses Association; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2048.51(C)(23) is hereby enacted to read as follows:
§2048.51. Louisiana Health Works Commission; creation; membership; reporting

C. The following shall serve as members of the Louisiana Health Works Commission:

(23) The president of the Louisiana State Nurses Association or his designee.* * * * Approved by the Governor, May 24, 2022.

A true copy:
R. Kyle Ardoin Secretary of State

ACT No. 84
SENATE BILL NO. 211
BY SENATOR STINE
AN ACT
To amend and reenact R.S. 47:463.61(E)(2) and (3), to provide relative to the “Choose Life” special prestige license plate; to add the needs of expectant mothers considering parenting their child to the approved use of royalty fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.61(E)(2) and (3) are hereby amended and reenacted to read as follows:
§463.61. Special prestige license plates; “Choose Life”; distribution of royalty fees

* * * * * * *

E. (2) An organization wishing to qualify for receipt of funds shall submit, to the Louisiana Right To Life Education Committee, an affidavit affirming its qualifications, which shall include a pledge to spend the money in accordance with the provisions of this Section, and shall qualify as tax exempt under Section 501(c)(3) of the Internal Revenue Code of 1954, as amended. Furthermore, an organization wishing to qualify for receipt of funds shall demonstrate that it provides counseling and other services intended to meet the needs of expectant mothers considering adoption for their unborn child and expectant mothers considering parenting their children. No monies shall be distributed to any organization involved in, or associated with counseling for, or referrals to, abortion clinics, providing medical abortion-related procedures, or pro-abortion advertising.

(3) Organization Organizations receiving monies under this Section shall use at least fifty percent of such funds to provide for the material needs of expectant mothers considering adoption for their unborn child and for the material needs of expectant mothers considering parenting their children, including clothing, house housing, medical care, food, utilities, and transportation. Such monies may also be used to meet the needs of infants awaiting placement with adoptive parents. The remaining funds may be used for counseling, training, and providing pregnancy testing, but shall not be used for administrative, legal, or capital expenditures.

Approved by the Governor, May 24, 2022.

A true copy:

R. Kyle Ardoin Secretary of State

ACT No. 85
SENATE BILL NO. 217
BY SENATOR JACKSON
AN ACT
To enact R.S. 47:305.77 and 337.9(D)(36), relative to local sales and use tax; to provide an exemption from local sales and use tax for the lease, rental, or purchase of tangible personal property or services by the Edward Via College of Osteopathic Medicine (VCOM); to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:305.77 and 337.9(D)(36) are hereby enacted to read as follows:

§305.77. Exemption; lease, rental, or purchase of tangible personal property or services by the Edward Via College of Osteopathic Medicine (VCOM)

The tax imposed by the political subdivisions of the state shall not apply to the lease, rental, or purchase of tangible personal property or services by the Edward Via College of Osteopathic Medicine (VCOM), if the lease, rental, or purchase is directly related to the educational mission of the institution.

§337.9. Exemptions applicable to local tax in Chapters 2, 2-A, and 2-B; other exemptions applicable

* * * *

D. (36) R.S. 47:305.77, “key words”: lease, rental, or purchase of tangible personal property or services by the Edward Via College of Osteopathic Medicine (VCOM)

* * * *

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

Approved by the Governor, May 24, 2022.

A true copy:
R. Kyle Ardoin Secretary of State

ACT No. 86
SENATE BILL NO. 223
BY SENATORS LAMBERT, FOIL, HEWITT, MCMATH AND TALBOT
AN ACT
To enact R.S. 47:463.214, 463.215, and 463.216, relative to motor vehicle special prestige license plate; to provide for Egg Bowl rivalry prestige license plates; to provide for the establishment of the “Mississippi State University Alumni Association” special prestige license plate; to provide for the establishment of the “University of Mississippi Alumni Association” special prestige license plate; to provide for the establishment of the “University of Southern Mississippi Alumni Association” special prestige license plate; to provide for creation, issuance, design, fees, distribution, and rule promulgation applicable to such license plates; and to provide for related matters.

Section 1. R.S. 47:463.214, 463.215, and 463.216 are hereby enacted to read as follows:
§463.214. Special prestige license plate; “Mississippi State University Alumni Association”
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 “Mississippi State University Alumni Association” plate, provided there are a minimum of one thousand applicants for the plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.
(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 executive director of the Mississippi State University Alumni Association, or his designee, and the state senator for Senate District 18, to select the color and design of the plate, provided the design is in compliance with R.S. 47:463(A)(3).
C. The special prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.
D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section. This fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.
E. The annual royalty fee shall be collected by the department and forwarded in equal disbursements to the Mississippi State Alumni chapters in the state
of Louisiana that are officially sanctioned by the Mississippi State Alumni Association.

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

§463.215. Special prestige license plate: “University of Mississippi Alumni Association”

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the “University of Mississippi Alumni Association” plate, provided there are a minimum of one thousand applicants for the plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans. This 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 shall be disbursed in accordance with Subsection E of this Section. This fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

E. The annual royalty fee shall be collected by the department and forwarded in equal disbursements to the University of Mississippi Alumni Association chapters in the state of Louisiana that are officially sanctioned by the University of Mississippi Alumni Association, and to the University of Mississippi Alumni Association. 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.

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

§463.216. Special prestige license plate: “University of Southern Mississippi Alumni Association”

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the “University of Southern Mississippi Alumni Association” plate, provided there are a minimum of one thousand applicants for the plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans. This 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 shall be disbursed in accordance with Subsection E of this Section. This fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.

E. The annual royalty fee shall be collected by the department and forwarded in equal disbursements to the University of Southern Mississippi Alumni Association chapters in the state of Louisiana that are officially sanctioned by the University of Southern Mississippi Alumni Association, and to the University of Southern Mississippi Alumni Association. 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.

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

Approved by the Governor, May 24, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 87

SENATE BILL NO. 242
BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 47:337.63(A)(3), (D), and (E), 337.69(B), 337.70(A)(1) and (2), and 337.80(A)(4)(b) and (B) and to enact R.S. 47:337.69(C) and 337.70(A)(1) and (4), relative to interest and penalties applicable to local sales and use tax; to provide for remittance of tax under protest; to provide for a limitation on the maximum interest rate on unpaid taxes; to equalize interest rates for taxes due, taxes paid under protest, and refunds of overpayments; to provide for the calculation of late filing and payment penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:337.63(A)(3), (D), and (E), 337.69(B), 337.70(A)(1) and (2), and 337.80(A)(4)(b) and (B) are hereby amended and reenacted and R.S. 47:337.69(C) and 337.70(A)(4) are hereby enacted to read as follows:

§337.63. Remittance of tax under protest; suits to recover

A. * * *

(3) To the extent the taxpayer prevails, the collector shall refund the amount to the claimant, with interest at the rate established pursuant to R.S. 47:337.69(C), except as provided in Subsection E of this Section.

D. (i) Upon request of a taxpayer and upon proper showing by such taxpayer that the principle of law involved in an additional assessment is already pending in a court, the Board of Tax Appeals, or the Board of Tax Appeals, the taxpayer, upon agreement to abide by the decision of the courts, the Board of Tax Appeals, or by a timely appeal of a decision of the Board of Tax Appeals, may remit the additional tax under protest. If the taxpayer not file a final judgment or a final judgment in the Board of Tax Appeals, and shall then be disposed of as therein provided.

(2) Upon request of a collector and if a principle of law involved in a refund claim filed by a taxpayer is already pending before the collector at the administrative stage, before the courts for judicial determination, or before the Board of Tax Appeals, the taxpayer may, upon agreement to abide by the decision of the courts, the Board of Tax Appeals, or by a final judgment of a court upon a timely appeal of a decision from the collector, the courts, or the Board of Tax Appeals, remit the taxes involving the same principle of law for all current and future tax periods under protest, but need not file an additional suit or petition. The tax paid under protest pursuant to this Paragraph shall be placed in an escrow account and held by the collector until the question of law involved has been determined by the courts, the Board of Tax Appeals, or by a final judgment of a court upon a timely appeal of a decision of the Board of Tax Appeals.

E. (i) When the collector has pursued collection of taxes pursuant to any remedy provided for in R.S. 47:337.54(A)(2) or (3) and the taxpayer has made a timely payment under protest concerning the same tax obligation, and if the department has deposited the monies into an interest-bearing account in accordance with this Section, the interest to be paid on the tax obligation to the party or parties adjudged to be entitled to the interest shall be that interest actually earned and received by the collector on the payment.

(ii) When the taxpayer has pursued an appeal remedy provided for in R.S. 47:337.81 and the collector and the taxpayer have entered into an agreement to abide for current and future tax periods, the interest to be paid on the tax obligation to the party or parties adjudged to be entitled to the interest shall be only that interest actually earned and received by the collector on the payments.

§337.69. Interest on unpaid taxes

B. Notwithstanding any provision of law to the contrary, for all taxes that become due on or after January 1, 2023, the rate of interest on any amount of outstanding tax shall not exceed one percent per month.

C. Notwithstanding any provision of this Section or of this Chapter, the interest on any amount of tax outstanding on a specific date shall be computed at the rate applicable on such date.

§337.70. Penalty for failure to make timely return

A. (1) When any taxpayer fails to make and file any return required to be made under the provisions of this Chapter before the time that the return becomes delinquent or when any taxpayer fails to timely remit to the collector the amount of tax that is due and payable which has become delinquent, a penalty shall be imposed, in addition to any other penalties provided, a specific penalty to be added to the tax in the amount of five percent of the tax owed for each thirty-day period after the return was required to be filed or the tax was required to be remitted, subject to the limitations of this Paragraph.

(2) When the taxpayer has pursued an appeal remedy provided for in R.S. 47:337.81 and submitted during any preceding thirty-day period, subject to the limitations of this Paragraph. The penalty provided by this Paragraph shall not be imposed for any thirty-day period for which a penalty for failure to file a tax return or for filing after the return becomes delinquent is assessed.

§337.80. Interest on refunds or credits

A. (1) Interest shall be at the average prime or reference rate as computed by the commissioner of financial institutions pursuant to R.S. 13:4202(B), per year, but without the addition of one percentage point to the average prime or reference rate and without regard to the limitations contained in R.S. 13:4202(B).

(4)(i) Interest shall be at the average prime or reference rate as computed by the commissioner of financial institutions pursuant to R.S. 13:4202(B), per year, but without the addition of one percentage point to the average prime or reference rate and without regard to the limitations contained in R.S. 13:4202(B).

(ii) Notwithstanding any provision of law to the contrary, all taxes that become due on or after January 1, 2023, interest shall be computed at the same rate established for tax obligations pursuant to R.S. 47:337.69(C).
B. No interest on refunds or credits shall be allowed if it is determined that a person taxpayer has deliberately overpaid a tax in order to derive the benefit of interest allowed. The interest allowed under this Section or if a taxpayer has not entered into an agreement to abide authorized by R.S. 47:337.63(D)(2) and the same principle of law is involved. Payments of interest authorized by this Section shall be made from funds derived from current collections of the tax to be refunded or credited.

* * *

Approved by the Governor, May 24, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 88

SENEATE BILL NO. 293
BY SENATOR ALLAIN AND REPRESENTATIVE THOMPSON
AN ACT

To enact R.S. 47:305.77, relative to sales and use tax rebates; to provide for a state sales and use tax rebate for the purchase of certain agricultural fencing materials by commercial farmers; to provide for definitions; to authorize the secretary of the Department of Revenue to promulgate rules; to provide for application deadlines; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:305.77 is hereby enacted to read as follows:

§305.77. Rebates; sales and use tax for certain agricultural fencing materials
A. (1) The purchase of certain agricultural fencing materials by commercial farmers shall be eligible for a rebate of the sales and use tax in order to provide tax relief for commercial farmers recovering from the 2020 and 2021 hurricanes. The amount of the rebate shall equal the sales and use tax paid by a commercial farmer on agricultural fencing materials.
(2) For the purposes of this Section, the following words shall have the following meanings:
(a) “Agricultural fencing materials” means materials used for the enclosure of lands used for agricultural purposes in the production of food and fiber. For the purposes of this Section, “agricultural fencing materials” shall only include materials used to replace or repair enclosures located in federally declared disaster areas that were substantially damaged or destroyed by the 2020 and 2021 hurricanes.
(b) “Commercial farmer” shall have the same meaning as in R.S. 47:201(30), but for purposes of this Section, shall be limited to those persons certified as a commercial farmer on or before January 1, 2022.
(c) “2020 and 2021 hurricanes” means Hurricane Laura, Hurricane Delta, Hurricane Zeta, and Hurricane Ida.

B. The rebate shall not be allowed for any portion of the purchase of agricultural fencing materials that is paid for with insurance proceeds or state or federal funds, unless the state or federal funds are reported as taxable income or are structured as repayable loans.

C. The rebate may be claimed only after the fencing repairs have been completed and shall be claimed no more than once per calendar year.

B. Applications for the rebate of state sales and use taxes pursuant to the provisions of this Section shall be processed by the Department of Revenue. A purchaser shall claim a rebate using the form and in the manner prescribed by the Department of Revenue. The purchaser who claims a rebate shall submit documentation to the secretary of the Department of Revenue evidencing the purchase of agricultural fencing materials and documentation evidencing the fencing was substantially damaged or destroyed in the 2020 and 2021 hurricanes.

C. The rebate shall be calculated as follows:

A. To amend and reenact Code of Criminal Procedure Art. 331(I), (J), and (K) and to enact Code of Criminal Procedure Art. 331(L), relative to the discharge of bail obligations; to provide relative to the surrender of the defendant during a state of emergency; to provide relative to bond forfeiture due to the defendant's failure to appear; to provide for procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Art. 331(I), (J), and (K) are hereby amended and reenacted and Code of Criminal Procedure Art. 331(L) is hereby enacted to read as follows:

Art. 331. Discharge of bail obligation

I. In all cases and by operation of law, during the period of time declared by the governor to be a statewide public health emergency due to COVID-19, the time period for the appearance or surrender of a defendant is interrupted. Disregarding the period to resolve a failure to appear by surrendering, constructively surrendering, or otherwise satisfying the bail obligation is automatically extended for one hundred eighty days following the declared end of the state of emergency or from the date of proper notice of a failure to appear to the defendant, surety agent and surety, whichever is later, without need for the filing of any motion shall be calculated as follows:

(1) For cases when the defendant failed to appear in court and one hundred eighty days from the date the notice of warrant for arrest was sent has not elapsed prior to March 11, 2020, the one hundred eighty day period required before filing a rule to show cause to obtain a judgment of bond forfeiture shall not begin to run until March 17, 2022.

(2) For cases when the defendant failed to appear in court between March 11, 2020, and August 31, 2020, the one hundred eighty day period required before filing a rule to show cause to obtain a judgment of bond forfeiture shall not begin to run until October 1, 2022.

(3) For cases when the defendant failed to appear in court between September 1, 2020, and February 28, 2021, the one hundred eighty day period required before filing a rule to show cause to obtain a judgment of bond forfeiture shall not begin to run until June 1, 2022.

(4) For cases when the defendant failed to appear in court between March 1, 2021, and August 31, 2021, the one hundred eighty day period required before filing a rule to show cause to obtain a judgment of bond forfeiture shall not begin to run until December 1, 2022.

(5) For cases when the defendant failed to appear in court between September 1, 2021, and March 16, 2022, the one hundred eighty day period required before filing a rule to show cause to obtain a judgment of bond forfeiture shall not begin to run until December 1, 2022.

(6) For cases when the defendant failed to appear in court or on or after March 17, 2022, the one hundred eighty day period required before filing a rule to show cause to obtain a judgment of bond forfeiture shall not begin to run until October 1, 2022.

(7) For cases when the defendant failed to appear in court between September 1, 2021, and March 16, 2022, the one hundred eighty day period required before filing a rule to show cause to obtain a judgment of bond forfeiture shall not begin to run until December 1, 2022.

(8) For cases when the defendant failed to appear in court or on or after March 17, 2022, the one hundred eighty day period required before filing a rule to show cause to obtain a judgment of bond forfeiture shall not begin to run until October 1, 2022.
the court grants an extension of time, the rule to show cause hearing shall be continued after the expiration of the time period declared by the governor to be a statewide public health emergency due to COVID-19, it is required that notice of any new date be provided to the defendant or his duly appointed agent and his personal surety or the commercial surety or the agent or bondsmen who posted the bail undertaking for the commercial surety in accordance with Article 330(D).

The court shall order the bail obligation canceled when there is no further liability thereon.

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, May 24, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 91

SENATE BILL NO. 363
BY SENATOR FOIL

AN ACT

To amend and reenact R.S. 6:333(A) as it pertains to enforce Code of Civil Procedure Art. 2336.1, relative to the judicial sale of property; to provide for the determination of superior encumbrances or privileges; to provide for issuance of a subpoena duces tecum upon the owner or servicer of an obligation secured by a superior encumbrance; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 2336.1 is hereby enacted to read as follows:

Art. 2336.1. Determination of superior encumbrances or privileges

A. To determine the amount due to the owner of any mortgage, security interest, lien, privilege, or other encumbrance that is superior to that of the seizing creditor, hereinafter “superior encumbrance”, the sheriff or the seizing creditor may cause a subpoena duces tecum to be issued by the clerk of court to the owner or servicer of an obligation secured by a superior encumbrance, requiring that the owner or servicer of any such obligation produce to the sheriff or to the seizing creditor a document setting forth the amount due to the owner of the obligations secured by the superior encumbrance, as of the scheduled date of the sheriff’s sale. The subpoena duces tecum shall be served on the owner or servicer of the superior encumbrance at least fourteen calendar days before the response is due, and shall be made returnable at least seven calendar days prior to the scheduled date of the sheriff’s sale, at the office of the sheriff or at the office of the seizing creditor or its attorney. If the owner or servicer of the superior encumbrance has a registered agent for service of process in the state, service of process shall be made by one of the following methods:

(1) The subpoena shall be served on the registered agent by the sheriff.

(2) If service is made through certified mail or overnight courier, the envelope shall be directed to the attention of the registered agent.

B. The owner or servicer shall respond to the sheriff or the seizing creditor, depending on who has caused the subpoena duces tecum to issue, at least seven calendar days prior to the scheduled sheriff’s sale. The response shall include the total amount of all obligations secured by the superior encumbrance, and shall itemize the amount due on each obligation by setting out the principal, accrued interest, any negative or positive escrow, any other charges or expenses of all obligations secured by the superior encumbrance, and any attorney fees, court costs, and sheriff’s costs that have been incurred in connection with the enforcement of the superior encumbrance or the obligations secured by the superior encumbrance. If a response is timely made, no personal appearance shall be required in connection with the subpoena duces tecum.

C. The subpoena duces tecum may be served by the sheriff or by the seizing creditor either in accordance with the procedure for subpoenas in Chapter 1 of Title III of Book II of this Code, or by certified mail, return receipt requested, or by commercial courier. The subpoena duces tecum may be served within or outside of the state.

D. More than one subpoena duces tecum may be issued in connection with a superior encumbrance.

E. If the date of the sheriff’s sale is postponed, or stopped and thereafter rescheduled, the seizing creditor may request that the owner or servicer of the superior encumbrance be served with a new subpoena duces tecum. The response shall be made in writing and served on the owner or servicer of the superior encumbrance either in the manner required for subpoenas, or by certified mail, return receipt requested, or by recognized overnight courier, at least fourteen days before the response is due. The response shall be made returnable at least seven days prior to the sale date. If the owner or servicer of the superior encumbrance has a registered agent for service of process in the state, service of process shall be made by one of the following methods:

(1) The request shall be served on the registered agent by the sheriff.

(2) If service is made through certified mail or overnight courier, the envelope shall be directed to the attention of the registered agent.

F. If the owner or servicer of the superior encumbrance may update or correct its latest response by providing the owner or servicer of the superior encumbrance voluntarily providing the requested information without the necessity of a subpoena duces tecum or written request, or from voluntarily waiving or accepting service of the subpoena duces tecum or written request.

G. The owner or servicer of the superior encumbrance may update or correct its latest response by providing the owner or servicer of the seizing creditor, depending on at which request the latest subpoena duces tecum or written request was issued, with an updated or corrected response, if the updated or corrected response is received at least twenty-four hours before the time scheduled for the sheriff’s sale.

H. If the owner or servicer of the superior encumbrance is a bank as defined in R.S. 6:333(A)(2) or an affiliate as defined in R.S. 6:333(A)(1), then it will be entitled to charge a reasonable fee, not to exceed twenty-five dollars, for each time that information is requested or updates of information provided. The fee shall be payable only after the requested information has been provided to the person requesting the information, which fees shall be taxed as costs.

Section 2. R.S. 6:333(B) is hereby amended and reenacted to read as follows:

§333. Disclosure of financial records; reimbursement of costs

A. Notwithstanding any other provision of law to the contrary, except R.S. 9:151 et seq. and 3854(B)(2), R.S. 13:3921 et seq., Code of Civil Procedure Article Articles 2356, 2356.1, and 2411 et seq., R.S. 46:236.1, and R.S. 47:1676(D)

(2) and 1677, no bank or its affiliate shall disclose any financial records to any person other than the customer to whom the financial records pertain, unless such financial records are disclosed;

Approved by the Governor, May 24, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 92

SENATE BILL NO. 431
BY SENATOR ROBERT MILLS

AN ACT

To amend and reenact R.S. 4:228(F), relative to horse racing; to provide for offtrack wagering facility locations; to provide for prohibitions; to provide for exceptions; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 4:228(F) is hereby amended and reenacted to read as follows:

§228. Offtrack wagering facility locations; prohibited distances; prohibited structures

F(1) If application for licensing is made after July 1, 2021, the prohibition in Subsection A of this Section shall apply.

(2) Notwithstanding the prohibitions in Subsections A and D of this Section and Paragraph (1) of this Subsection, if the owner of the equity of the primary licensee on July 1, 2021, sold the equity of the primary licensee to a new owner, and the transaction was approved by the commission prior to November 1, 2021, and Paragraph (1) of this Subsection, if the owner of the equity of the primary licensee on July 1, 2021, sold the equity of the primary licensee to a new owner, and the transaction was approved by the commission prior to November 1, 2021, the prohibition in Subsection A of this Section shall apply.

F(2) Notwithstanding the prohibitions in Subsections A and D of this Section and Paragraph (1) of this Subsection, if the owner of the equity of the primary licensee on July 1, 2021, sold the equity of the primary licensee to a new owner, and the transaction was approved by the commission prior to November 1, 2021, the prohibition in Subsection A of this Section shall apply.

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, May 24, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 93

HOUSE BILL NO. 870
BY REPRESENTATIVE LACOMBE

AN ACT

To enact R.S. 22:1296.1, relative to automobile insurance; to provide for the application of certain insurance coverages to an insured when operating a vehicle not owned by the insured; to provide certain requirements for such coverages to apply to the insured’s conduct; to provide for a determination as to which insurance is primary; to provide legislative intent; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1296.1 is hereby enacted to read as follows:

§1296.1. Coverage for drivers of non-owned vehicles; requirements

A. An approved insurance company, reciprocal or exchange, writing automobile liability, uninsured, underinsured, or medical payments
coverage shall not exclude the benefits of such coverage under its policy to an insured operating a vehicle not owned by the insured if all of the following requirements are satisfied:

(1) The coverage is in full force and effect.
(2) The insured is operating a vehicle not owned by the insured with the express or implied permission of the vehicle’s owner.
(3) The vehicle not owned by the insured that is being operated by the insured is not provided, furnished, or available to the insured on a regular basis.

B. Coverage provided pursuant to this Section shall be secondary to the vehicle owner’s insurance policy.

C. If the coverage provided pursuant to this Section is included within the coverage provided pursuant to R.S. 22:1296, the provisions of R.S. 22:1296 shall determine which coverage is primary.

Section 2. R.S. 22:1296.1 as enacted by Section 1 of this Act is enacted in direct response to the Louisiana Supreme Court decision in Calvin Landry & Mary Landry v. Progressive Security Insurance Company, et al. Docket Number 2021-C-00621 (January 28, 2022) to declare that it is the intent of the Legislature of Louisiana in enacting this Act clearly required that under Louisiana law, automobile insurance liability coverage related to a defendant’s negligent operation of a vehicle not owned by the insured is covered under the conditions addressed by R.S. 22:1296.1.

Approved by the Governor, May 24, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 94

HOUSE BILL NO. 5
BY REPRESENTATIVE BACALA
AN ACT

To enact R.S. 13:783(F)(11), relative to group insurance expenses of the clerk of court’s office; to provide for the payment of group insurance premiums for certain retirees of the Ascension Parish Clerk of Court; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:783(F)(11) is hereby enacted to read as follows:

§783. Expenses of clerk’s office

* * *

F.

* * *

(11) The clerk of court of Ascension Parish shall pay from the clerk’s salary fund one hundred percent of the premium costs of the group life and accidental death and dismemberment, group health, accident, dental, hospital, surgical, or other medical expense insurance for any clerk or employee who was a covered employee, who elects to continue coverage, and who retires from the Ascension Parish Clerk of Court’s office and begins receiving monthly benefits from the Louisiana Clerks’ of Court Retirement and Relief Fund immediately upon retirement from active employment with at least twenty years of full-time service with the clerk of court’s office in Ascension Parish, and who is at least fifty-five years of age. The provisions of this Paragraph shall not apply to any other insurance, such as supplemental insurance, that an employee may elect to purchase.

Approved by the Governor, May 25, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 95

HOUSE BILL NO. 10
BY REPRESENTATIVE MCFARLAND
AN ACT

To amend and reenact R.S. 13:5554(J), relative to the Winn Parish Sheriff’s Office; for insurance for premium payments for sheriff and deputy sheriff retirees; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554(J) is hereby amended and reenacted to read as follows:

§5554. Group insurance; kinds; amounts; subrogation

* * *

J. Notwithstanding the provisions of Subsection D of this Section, one hundred percent of the premium costs of group hospital, surgical, medical expense, and dental insurance, and at least ten thousand dollars of life insurance contracted for under the provisions of this Section shall be paid in full by the sheriff of Winn Parish, from the sheriff’s general fund, for all sheriffs and deputy sheriffs retired from the Winn Parish sheriff’s office who are at least fifty-five years of age, with at least thirty years of service, and who are entitled to receive benefits from the Sheriffs’ Pension and Relief Fund. The provisions of this Subsection shall be applicable only to the sheriff’s office of the parish of Winn, who retire from the Winn Parish Sheriff’s Office, who are entitled to receive benefits from the Sheriffs’ Pension and Relief Fund, and who meet any of the following conditions:

(1) Twelve years of service and are at least sixty-two years of age.
(2) Twenty years of service and are at least sixty years of age.
(3) Thirty years of service and are at least fifty-five years of age.

Approved by the Governor, May 25, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 96

HOUSE BILL NO. 19
BY REPRESENTATIVE DEVILLIER
AN ACT

To enact R.S. 11:6122(n) and (o), relative to the Louisiana State Employees’ Retirement System; to provide for membership in the Hazardous Duty Services Plan; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:6122(n) is hereby enacted to read as follows:

§612. Application; definitions

Terms not specifically defined in this Section but defined in R.S. 11:403 shall have the meanings provided in R.S. 11:403 unless a different meaning is clearly required by the context. For purposes of this Subpart:

* * *

(2) “Member” or “members” shall include the following persons whose first employment making them eligible for membership in one of the state systems occurred on or after January 1, 2011:

* * *

(n) Employees of the office of state fire marshal who are Firefighter I certified and who provide emergency response or conduct fire and emergency training.

* * *

Section 2. R.S. 11:6122(o) is hereby enacted to read as follows:

§612. Application; definitions

Terms not specifically defined in this Section but defined in R.S. 11:403 shall have the meanings provided in R.S. 11:403 unless a different meaning is clearly required by the context. For purposes of this Subpart:

* * *

(2) “Member” or “members” shall include the following persons whose first employment making them eligible for membership in one of the state systems occurred on or after January 1, 2011:

* * *

(o) The director of capital security and security officers employed by the legislature upon recommendation of the director as provided in R.S. 24:681 et seq.

* * *

Section 3. The cost of this Act, if any, shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

Section 4. The provisions of Section 2 of this Act shall become effective on the effective date of the Act which originated as Senate Bill No. 490 of the 2022 Regular Session; if this instrument is vetoed by the governor and subsequently approved by the legislature, the provisions of Section 2 of this Act shall become effective on the day following such approval by the legislature or the effective date of the Act which originated as Senate Bill No. 490 of the 2022 Regular Session, whichever is later.

Section 5. The provisions of Sections 1, 3, and 4 of this Section shall become effective on June 30, 2022, if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or June 30, 2022, whichever is later.

Approved by the Governor, May 25, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 97

HOUSE BILL NO. 24
BY REPRESENTATIVE ILLG
AN ACT

To amend and reenact R.S. 11:1644(C)(8) and to enact R.S. 11:1615, relative to the District Attorneys’ Retirement System; to provide for the transfer of service credit and the accrual rate applicable to such service; to provide for Back-Deferred Retirement Option Plan; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1644(C)(8) is hereby amended and reenacted and R.S. 11:1615 is hereby enacted to read as follows:

§1615. Transfer of service credit; purchase of accrual rate

Notwithstanding any provision of R.S. 11:143(D), any member of this system

THE ADVOCATE

* As it appears in the enrolled bill

PAGE 96

CODING: Words in strikethrough type are deletions from existing law; words underscored (House Bills) and underlined and boldfaced (Senate Bills) are additions.
who, pursuant to R.S. 11:143, transfers service credit from another retirement system, fund, or plan at an accrual rate lower than the accrual rate applicable to the member's service credit earned in this system may purchase the accrual rate of this system for application to all of the member's transferred service credit by paying an amount calculated on an actuarial basis that totally offsets the increase in accrued liability of this system resulting from the upgrade in the accrual rate applicable to the member's transferred service credit. All payments for the purchase of the accrual rate upgrade shall be received by the system within forty-five days after written notice is given to the system that the member intends to transfer and upgrade all service credit.

§1644. Back-Deferred Retirement Option Program

C. The member's Back-DROP monthly benefit accrual shall be calculated based on the provisions applicable for service retirement set forth in R.S. 11:1632 and 1633, subject to the following conditions:

(8) The member may defer receipt of all or a part of the lump-sum Back-DROP payment for no more than ninety days from the date the account is funded by the system. No part of the lump sum may be withdrawn prior to confirmation of the member's benefit by the actuary. All amounts which remain credited to the individual's Back-DROP subaccount after termination of participation in the program shall be segregated into a subaccount identified for the benefit of the individual, and such funds shall be placed in liquid asset money market investments at the discretion of the board of trustees. Such subaccounts shall be credited with interest at the actual rate of return earned in such subaccount investments. The total amount of any disbursements from the member's subaccount shall in no case be less than the amount of funds credited to the member's subaccount at the time of termination of participation in the program.

Section 2. This Act shall become effective on June 30, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or June 30, 2022, whichever is later. Approved by the Governor, May 25, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 98

HOUSE BILL NO. 36
BY REPRESENTATIVE MAGEE

AN ACT
To amend and reenact Code of Civil Procedure Article 4843(D) and (F), relative to city court jurisdiction; to provide for the amount in dispute when the civil jurisdiction is concurrent with the district court; to provide for the jurisdictional amount in dispute for the City Court of Houma; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Code of Civil Procedure Article 4843(D) and (F) are hereby amended and reenacted to read as follows:

§700.2. Establishment, continuance, and purposes of fund; and underwater obstruction removal program and the Fishermen's Gear Compensation and Underwater Obstruction Removal Program and the Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account; to provide for effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:700.2(A)(4) and 700.6 are hereby amended and reenacted to read as follows:

Section 2. Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or political subdivision

D. In the City Court of Houma and the City Court of Lafayette, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed twenty thousand dollars.

F. In the City Court of Breaux Bridge, the City Court of Crowley, the City Court of Hammond, the City Court of Houma, the City Court of Jeanerette, the City Court of Jennings, the City Court of New Iberia, the City Court of Monroe, the City Court of Oakdale, the City Court of Rayne, and the City Court of Winnfield, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed thirty thousand dollars.

Approved by the Governor, May 25, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 99

HOUSE BILL NO. 59
BY REPRESENTATIVE GREGORY MILLER

AN ACT
To repeal R.S. 13:3671, relative to fees and mileage rates for witnesses residing or employed in a certain distance of the courthouse; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

THE ADVOCATE

As it appears in the enrolled bill

Page 57

CODING: Words in single type are deletions from existing law; words underlined (House Bills) and underscored and boldfaced (Senate Bills) are additions.
§101.4. Fishermen’s Gear Compensation and Underwater Obstruction Removal Program
A. The Fishermen’s Gear Compensation and Underwater Obstruction Removal Program is hereby created within the office of the secretary of the Department of Natural Resources, and shall be administered, for purposes of compounding and disposing of a state-owned underwater obstruction, by the assistant secretary of the office of coastal management and, for purposes of underwater obstruction, by the assistant secretary of the office of conservation.

§101.5. Powers of the secretary
A. The powers of the secretary shall include without limitation the power to do the following:

1. Administer general oversight of expenditures or commitments to make expenditures from the dedicated fund account for the identification, inventory, and removal of underwater obstructions as he deems necessary and appropriate.

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

1. The fishing vessel was being used for fishing in Louisiana territorial waters within the boundaries established for this dedicated fund account.
2. The fisherman made a report to the assistant secretary on the location of the obstruction postmarked within ninety days of the loss. If good cause is shown, the secretary, when there are extenuating circumstances, may waive the ninety-day limit on the reporting period, such waiver period not to exceed forty-five days.

C. The Fishermen’s Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account
A. There is hereby established a statutorily dedicated fund account in the custody of the state treasurer to be known as the Fishermen’s Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account, hereafter referred to in this Section as the “account”, into which the state treasurer shall, each fiscal year, deposit the revenues received from the collection of the monies enumerated in Subsection C of this Section, after which the revenues have been deposited in the Bond Security and Redemption Fund. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer shall pay into the account an amount equal to the revenues generated as provided for in Subsection C of this Section. Such funds shall constitute a special custodial trust account which shall be administered by the secretary who shall make disbursements from the account solely in accordance with the purposes and uses authorized by this Part.

C. The following monies shall be placed into the account:

(1) Any monies deposited into the account pursuant to R.S. 30:101.11(B)(2).

(2) Any fully justified claim made in accordance with procedures established in this Section for actual damages suffered by a commercial fisherman as a result of hitting or snagging an obstruction or hazard in the waters of the state resulting from natural occurrences, oil and gas activities, or other activities where the owner of said obstruction is unknown.

(3) Payment of any fully justified claim made in accordance with procedures established in this Section for actual damages suffered by a commercial fisherman as a result of hitting or snagging an obstruction or hazard in the waters of the state resulting from natural occurrences, oil and gas activities, or other activities where the owner of said obstruction is unknown.

§101.11. Geographical coverage; annual assessments
A. The dedicated fund account, as established in R.S. 30:101.9, shall be utilized to compensate commercial fishermen operating in Louisiana territorial waters which overlie state-owned waterbottoms in which actual damages have occurred in the coastal zone boundaries as described and established in R.S. 49:214.24.

B. The secretary is authorized and empowered to levy an annual fee in the amount of four hundred dollars upon each lessee or operator for any agreement for mineral or energy production or for subsurface storage entered into by the State Mineral and Energy Board and each grantee of a state right-of-way, for each lease and right-of-way on July 1, 2023, located within the coastal zone boundary. The secretary shall not levy the fee upon a political subdivision of the state.

§101.12. Promulgation and adoption of rules and regulations
A. In carrying out the provisions of this Part applicable to compensation for damage to their fishing gear, the secretary shall promulgate rules and regulations as required for the fitting processing and the fair and expeditious settlement of claims pursuant to this Part, including a time limitation on the filing of such claims and the appointment of a hearing examiner. These regulations shall ensure that the whole claim procedure is as simple as possible. Any designee of the secretary authorized to prescribe and amend such rules and regulations shall do so under the overall supervision and control of the secretary.

B. In the promulgation of regulations pursuant to this Part, the secretary shall establish a procedure whereby a fisherman may recover for damages from an obstruction encountered previously.

C. Any rule, regulation, or guideline shall be proposed or adopted pursuant to the rulemaking procedures set forth in the Administrative Procedure Act.

§101.13. Disbursement of funds; eligibility; hearings
A. Payments may be disbursed by the assistant secretary from the dedicated fund account to compensate commercial fishermen for actual property damage suffered as a result of hitting or snagging an obstruction or hazard in the territorial waters of the state within the boundaries established for the fund but shall not be extended to speculative loss such as anticipated profit or income.

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

(1) The fishing vessel was being used for fishing in Louisiana territorial waters within the boundaries established for this dedicated fund account.
(2) The fisherman made a report to the assistant secretary on the location of the obstruction postmarked within ninety days of the loss. If good cause is shown, the secretary, when there are extenuating circumstances, may waive the ninety-day limit on the reporting period, such waiver period not to exceed forty-five days.

C. The Fishermen’s Gear Compensation and Underwater Obstruction Removal Program, the assistant secretary shall make a good faith effort to locate the financially responsible party. Evidence of a good faith effort shall be established by regulation, and shall include attempts to identify the responsible party with the assistance of the Department of Natural Resources where necessary.

D. Notwithstanding the provisions of Subsections A and B of this Section, no payments shall be made if it is determined that:

(1) The fishing vessel was being used for fishing in Louisiana territorial waters within the boundaries established for this dedicated fund account.
(2) The fisherman made a report to the assistant secretary on the location of the obstruction postmarked within ninety days of the loss. If good cause is shown, the secretary, when there are extenuating circumstances, may waive the ninety-day limit on the reporting period, such waiver period not to exceed forty-five days.

§101.14. Facilities reports; survey of obstruction; labeling
A. The assistant secretary shall submit a detailed file of all structures and facilities located on state waterbottoms within the boundaries of this dedicated fund account. In developing the file, the secretary may require the owners of rights-of-way and other sums payable to the state as lessor of mineral leases and grants of rights-of-way as required pursuant to R.S. 30:136(B) and 136.1(A), (B), and (C), after a sufficient amount has been allocated from the Bond Security and Redemption Fund to pay all obligations secured by the full faith and credit of the state which become due and payable within the fiscal year.

B. The assistant secretary shall establish and classify all potential hazards to commercial fishing caused by oil and gas exploration, development, and
production activities in Louisiana waters, including all obstructions on the bottom, throughout the water column, and on the surface.

C. The secretary shall establish regulations for all materials, equipment, tools, containers, pipelines, and other items used within Louisiana waters by the oil and gas industry to be properly stamped or labeled, wherever practicable, with the owner's identification prior to actual use. These regulations shall be consistent with labeling regulations promulgated by the U.S. Department of Interior pursuant to the provisions of Title IV of the Outer Continental Shelf Lands Act Amendments of 1978.

$101.15. Termination date
The provisions of this Part shall terminate and have no effect after June 30, 2027.

Section 3. R.S. 36:354(E)(2) is hereby amended and reenacted to read as follows: §354. Powers and duties of secretary of natural resources

E. The secretary or his designee shall perform and exercise the following powers, duties, functions, and responsibilities relative to land, water, and research, all in accordance with law:

(2) Administer and implement laws relating to the foregoing, including without limitation the laws relative to research and development of solar energy sources, building energy conservation, including the regulation of training, certification, and quality control of home energy raters throughout the state, and energy impacted area assistance; the laws relative to coastal energy impact assistance: the laws relative to power plants and industrial fuel use; the laws relative to the Fishermen's Gear Compensation and Underwater Obstruction Removal Program and the Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account; and the laws relative to the Fishermen's Gear Compensation Fund.

Section 4. Part XIV of Chapter 1 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S 56:700.1 through 700.6, is hereby repealed in its entirety.

Section 5. The state treasurer is authorized and directed to transfer any balances remaining in the Fishermen's Gear Compensation Fund repealed and abolished in Section 4 of this Act to the Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account created in Section 2 of this Act.

Section 6. The Louisiana State Law Institute is hereby authorized and directed to arrange in alphabetical order and renumber the definitions provided in R.S. 30:101.3.

Section 7. This Section and Sections 1 and 6 of this Act shall become effective July 1, 2022, if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2022, or on the day following such approval by the legislature, whichever is later.

Section 8. This Section and Sections 2, 3, 4, and 5 of this Act shall become effective July 1, 2023, if vetoed by the governor and subsequently approved by the legislature.

Approved by the Governor, May 25, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 101

HOUSE BILL NO. 69
BY REPRESENTATIVE DEVILLIER
AN ACT
To amend and reenact R.S. 30:2531(D)(1) and 2531.1(D)(1), relative to photographic evidence of littering from a vehicle; to provide for an inference of guilt for the registered owner of the vehicle from which the littering occurred; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2531(D)(1) and 2531.1(D)(1) are hereby amended and reenacted to read as follows:

§2531. Intentional littering prohibited; criminal penalties; simple littering prohibited; civil penalties; special court costs

D.(1) If the litter is disposed from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined in R.S. 32:1, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing. If there is photographic evidence of the license plate of a vehicle from which litter is disposed, there shall be an inference that the registered owner of the vehicle has violated this Section.

§2531.1. Gross littering prohibited; criminal penalties; indemnification

B.(1) If the litter listed in Subsection A of this Section is disposed of from a motor vehicle, boat, or conveyance, except a bus or large passenger vehicle or a school bus, all as defined by law, there shall be an inference that the driver of the conveyance disposed of the litter. If such litter was possessed by a specific person immediately before the act of disposing, there shall be an inference that the possessor committed the act of disposing. If there is photographic evidence of the license plate of a vehicle from which litter is disposed, there shall be an inference that the registered owner of the vehicle has violated this Section.

Approved by the Governor, May 25, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 102

HOUSE BILL NO. 119
BY REPRESENTATIVE CARPENTER
AN ACT
To amend and reenact R.S. 23:1553(G) and R.S. 49:191(1) and to repeal R.S. 49:191(10)(l), relative to the Louisiana Workforce Commission, including provisions to provide for the re-creation of the Louisiana Workforce Commission and the statutory entities made a part of the department by law; to provide for the effective termination date for all statutory authority for the existence of such statutory entities; to provide for the re-authorization of the Incumbent Worker Training Program within the Louisiana Workforce Commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1553(G) is hereby amended and reenacted to read as follows:

§1553. Noncharging of benefits; recoupment; social charge account; social charge tax rate

G. The Incumbent Worker Training Program reauthorization shall be expressly renewed by the legislature prior to July 1, 2026, in order for amounts to be charged and credited to the Incumbent Worker Training Account in the following calendar year for use in funding the program.

Section 2. Pursuant to R.S. 49:193, the Louisiana Workforce Commission and the statutory entities made a part of the department by law shall be re-created effective June 30, 2022, and all statutory authority therefor is continued in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1960.

Section 3. All statutory authority for the existence of the Louisiana Workforce Commission and the statutory entities made a part of the department as re-created by Section 2 of this Act shall cease as of July 1, 2027, pursuant to R.S. 49:191. However, the Louisiana Workforce Commission may be re-created prior to such date in accordance with the provisions of Part XII of Chapter 1 of Title 49 of the Louisiana Revised Statutes of 1960.

Section 4. The provisions of R.S. 49:193 are hereby superseded to the extent that those provisions are in conflict with the provisions of this Act.

Section 5. R.S. 49:191(1) is hereby amended and reenacted to read as follows: §191. Termination of legislative authority for existence of any statutory entity, as defined in R.S. 49:190, shall cease as of July first of the following year, which shall be the termination date:

(1) July 1, 2026

(a) The Louisiana Workforce Commission and all statutory entities made a part of the department by law.

Section 6. R.S. 49:191(10)(l) is hereby repealed in its entirety.

Section 7. This Act shall become effective on June 30, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on June 30, 2022, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, May 25, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 103

HOUSE BILL NO. 143
BY REPRESENTATIVE BUTLER
AN ACT
To amend and reenact R.S. 44:4.1(B)(31) and R.S. 46:2592 and to enact R.S. 46:2594 through 2597, relative to executive branch agency compliance with the Americans with Disabilities Act; to provide for mandatory agency policies, training plans, and reporting related to the Americans with Disabilities Act; to provide for an effective date; 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,or limitations are hereby continued in effect by incorporation into this Chapter by citation:  

(31) R.S. 46:56, 236:1.1 through 238, 284, 286:1, 438:1, 446:1, 1073, 1355, 1806, 1844, 1862, 1923, 2124:1, 2134, 2137, 2356, 2416, 2597, 2603, 2625

Section 2. R.S. 46:2592 is hereby amended and reenacted and R.S. 46:2594 through 2597 are hereby enacted to read as follows:  

§2592. Definitions  
For purposes of this Chapter, the following terms have the meaning ascribed to them in this Section:  

(1) “Agency” means a department, office, division, agency, commission, board, committee, or other organizational unit of the executive branch of state government.  
(2) “Americans with Disabilities Act agency coordinator” means an individual designated to ensure Americans with Disabilities Act compliance for his assigned agency.  
(4) “Elected official” means any person holding an office in the executive branch of state government that is filled by the vote of the appropriate electorate. If also includes any person appointed to fill a vacancy in such an office.  
(6) “Public employee” means anyone who is one of the following:  
(a) An administrative officer or official of an agency who is not an elected official.  
(b) Appointed to a post or position created by rule, law, resolution, ordinance, chapter, or executive order.  
(c) Employed by an agency.  
(7) “Public servant” means a public employee or an elected official.  
(8) “Supervisor” means a public employee or an elected official responsible for overseeing the productivity, work behavior, and attendance of other public employees of the agency.  

§2594. Mandatory policy ensuring compliance with Americans with Disabilities Act  
A. Each agency head shall develop and implement a policy to ensure compliance with the Americans with Disabilities Act which is applicable to all employees of the agency. The policy shall be provided to all applicants for employment at the agency and members of the general public who seek or receive services or benefits from the agency.  
B. The policy shall include a general description of the accommodation request process and indicate to whom such requests should be addressed if not to the Americans with Disabilities Act agency coordinator.  
C. Each agency head shall ensure that each public servant in the agency is notified of the agency's Americans with Disabilities Act policy. Additionally, each agency head shall ensure that each supervisor and Americans with Disabilities Act agency coordinator are notified of the mandatory training requirement. The agency head shall maintain records of compliance with the mandatory training requirement by each supervisor and Americans with Disabilities Act agency coordinator. Each supervisor’s and Americans with Disabilities Act agency coordinator’s record of compliance shall be a public record and available to the public in accordance with the Public Records Law.  
D. Each agency head shall ensure that its Americans with Disabilities Act policy and complaint procedures are prominently posted on its publicly accessible website. If the agency does not have a website, a notice providing instruction on how to obtain these documents shall be posted in a conspicuous location in each of the agency’s offices.  

BY REPRESENTATIVE EDMONDS

ACT No. 104

TO ENSURE ACCESSIBILITY

To enact R.S. 33:4712.24, relative to St. George Fire Protection District No. 2; to authorize the governing board of the district to name facilities in honor of a living person; to provide for an effective date; and to provide for related matters.  

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

Be it enacted by the Legislature of Louisiana:  
Section 1. R.S. 33:4712.24 is hereby enacted to read as follows:  

33:4712.24 St. George Fire Protection District No. 2  
Notwithstanding R.S. 42:267 or any other law to the contrary, the governing board of St. George Fire Protection District No. 2 may name facilities that are part of the district’s headquarters in honor of a living person.
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 a law without the governor's 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, May 25, 2022.

R. Kyle Ardoin
Secretary of State

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ACT No. 105

HOUSE BILL NO. 148
BY REPRESENTATIVE FREEMAN
AN ACT

To enact R.S. 33:9901.27, relative to Orleans Parish; to create the Bouiligny Improvement District; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding, including the authority to levy taxes or fees, subject to voter approval; to provide for an effective date; and to provide for related matters.

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

Section 1. R.S. 33:9901.27 is hereby enacted to read as follows:

§9901.27. Bouiligny Improvement District in Orleans Parish
A. Creation. 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 Bouiligny Improvement District, referred to in this Section as the “district.” The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

B. Boundaries. The boundaries of the district shall encompass the area included within the following perimeter: Upperline Street (both sides) to Prytania Street (river side only) to Napoleon Avenue (upper side only) to Tchoupitoulas Street (both sides) and back to Upperline Street. All municipal numbers on Prytania Street and Napoleon Avenue are excluded from this district.

C. Purpose. The district is established for the primary object and purpose of promoting and encouraging security in the area included within the district.

(1) Governance. (1) In order to provide for the orderly development of the area included within the district, the district shall be managed by a seven-member board of commissioners, referred to in this Section as the “board.” The board shall be composed as follows:

(a) The president of the Bouiligny Improvement Association or its successor, referred to in this Section as the “association”, who shall serve during his term of office as president of the association.

(b) The board of directors of the association shall appoint two members.

(c) The mayor of the city of New Orleans shall appoint one member from a list of nominations submitted by the 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 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 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 association.

(2) All members of the board shall be residents of the district.

(3)(a) Board members serving pursuant to Subparagraphs (1)(b) through (f) of this Subsection shall serve four-year terms after initial terms as provided in this Subparagraph. Two members shall serve an initial term of four years; two shall serve an initial term of three years; one shall serve an initial term of two years; and the term of office of the member appointed by the mayor of the city of New Orleans shall be one year, as determined by lot at the first meeting of the board.

(b) The member serving pursuant to Subparagraph (1)(a) of this Subsection shall serve during his term of office as president of the association.

(4) Vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment.

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

(6) The books and archives of the district shall be maintained by the secretary of the board. The minutes, 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. It 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 of the board to residents of the district.

(9) The members of the board shall serve without compensation but may be reimbursed for out-of-pocket expenses.

(10) Powers and duties. The district, acting through its board of commissioners, shall have the following powers and duties:

(a) To purchase, lease, or acquire and hold real property.

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

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

(d) 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 for the provision of security patrols in the district.

(e) To purchase items or supplies which the board deems instrumental in achieving the purpose of the district.

(f) To perform or have performed any other function or activity necessary for the achievement of the purpose of the district.

(11) To acquire, purchase, lease and sell immovable property within its boundaries in accordance with district plans.

(12) To provide 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 for the provision of security patrols in the district.

(13) To purchase items or supplies which the board deems instrumental in achieving the purpose of the district.

(14) To enter into contracts with individuals or entities private or public for the provision of security patrol services in the district. The district, through the board, may contract with the New Orleans Police Department or with a private security company for the provision of security patrol services in the district.

(15) To purchase items or supplies which the board deems instrumental in achieving the purpose of the district.

(16) To perform or have performed any other function or activity necessary for the achievement of the purpose of the district.

(17) To acquire, purchase, lease and sell immovable property within its boundaries in accordance with district plans.

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

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

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

(3) 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 for the provision of security patrols in the district.

(4) To purchase items or supplies which the board deems instrumental in achieving the purpose of the district.

(5) To perform or have performed any other function or activity necessary for the achievement of the purpose of the district.

(6) To acquire, purchase, lease and sell immovable property within its boundaries in accordance with district plans.

F. Plan. (1) The board shall prepare or cause to be prepared a plan or plans, such plan or plans, referred to collectively in this Section as the “plan,” specifying the public improvements, facilities, and services proposed to be furnished, constructed, or acquired for the district. The board shall conduct such hearings, publish such notice with respect thereto, and disseminate such information as it, in the exercise of its sound discretion, may deem to be appropriate or advisable in the public interest.

(2) Any plans included:

(a) An estimate of the annual and aggregate cost of acquiring, constructing, or providing the services, improvements, or facilities set forth therein.

(b) An estimate of the aggregate number of mils or fees required to be levied in each year on the taxable immovable property within the district in order to provide the funds required for the implementation or effectuation of the plan for furnishing the services specified and for capital improvements, or both.

(3) Granting authority. (1)(a) The governing authority of the city of New Orleans may levy and collect, as authorized by the district and as specifically provided for in this Section, for a term not to exceed eight years, in the same manner and at the same time as all other ad valorem taxes on property subject to taxation by the city are levied and collected, a special ad valorem tax not to exceed twenty mills or fees upon all taxable immovable property situated within the boundaries of the district. A tax or fee authorized by this Subsection shall be levied and collected only after the question of its imposition has been submitted to and approved by a majority of the registered voters of the district voting on the question at a regularly scheduled election to be conducted in accordance with provisions of the Louisiana Election Code. The amount of the tax or fee shall be as requested by duly adopted resolution of the board.

(b) The tax or fee may be renewed subject to the provisions of Subparagraph (a) of this Paragraph.

(2) No fee shall be imposed upon any parcel whose owner qualifies for and receives the special assessment level provided by Article VII, Section 18(G)(1) of the Constitution of Louisiana.

(3) The proceeds of a tax or fee shall be used solely and exclusively for the purpose and benefit of the district; however, the city may retain one percent of the amount collected as a collection fee. The city of New Orleans shall remit to the district all amounts collected not more than sixty days after collection.

G. Taxing authority. (1)(a) The governing authority of the city of New Orleans shall be authorized to levy and collect, as authorized by the district and as specifically provided for in this Section, for a term not to exceed eight years, in the same manner and at the same time as all other ad valorem taxes on property subject to taxation by the city are levied and collected, a special ad valorem tax not to exceed twenty mills or fees upon all taxable immovable property situated within the boundaries of the district. A tax or fee authorized by this Subsection shall be levied and collected only after the question of its imposition has been submitted to and approved by a majority of the registered voters of the district voting on the question at a regularly scheduled election to be conducted in accordance with provisions of the Louisiana Election Code. The amount of the tax or fee shall be as requested by duly adopted resolution of the board.

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

I. Miscellaneous. It is the purpose and intent of this Section that any additional security patrols, public or private, provided by the district shall be supplemental to and not in lieu of personnel and services provided in the district by the New Orleans Police Department.

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 a 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, May 25, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 106

HOUSE BILL NO. 151
BY REPRESENTATIVE EDMONDS
AN ACT

To enact R.S. 33:9907.35, relative to East Baton Rouge Parish; to create the Old Jefferson Crime Prevention and Improvement District; to provide relative to...
to the boundaries, purpose, governance, and powers of the district; to provide relative to district funding, including the imposition of a special assessed fee; to provide for the election of the board; to provide for an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9097.35 is hereby enacted to read as follows:

§9097.35. Old Jefferson Crime Prevention and Improvement District

A. Creation. There is hereby created within the parish of East Baton Rouge, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the Old Jefferson Crime Prevention and Improvement District, referred to in this Section as the “district.”

B. Boundaries. The district shall include all property in the filings of the Old Jefferson subdivision S/D, Belle Grove S/D, Lagniappe Square S/D, Jefferson Garden Homes, Townes End Corner and the ten town houses located on the eastern side of Baringer Road, which are legally identified as being part of the Jefferson Park Subdivision filed with the East Baton Rouge Parish Clerk of Court.

C. Purpose. The purpose of the district shall be to aid in crime prevention, to enhance security within the district, to provide for an increase in security patrols in the district, and to provide for the overall betterment of the district.

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

(a) The board of directors of the Old Jefferson Neighborhood Association shall appoint four members.

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

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

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

(2) All members of the board shall own property and reside within the district. The term of any member of the board shall expire in ten years, but the fee and the board’s authority to increase the fee shall expire in ten years, but the fee and the board’s authority to increase the fee. (3) The district shall elect from its members a chairman, a vice chairman, a secretary, a treasurer, and such other officers as it deems necessary. The duties of the officers shall be fixed by the bylaws adopted by the board.

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

(5) Any vacancy in the membership of the board shall be filled in the manner of the original appointment. If the appointing authority responsible for the appointment of a member fails to fill a vacancy within thirty days, the remaining members of the board may appoint an interim successor to serve until the position is filled by the appointing authority.

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

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

(1) To sue and be sued.

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

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

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

(5) To provide or enhance security patrols in the district, to provide for the beautification of and improvement to the district, and to provide generally for the overall betterment of the district.

(6) To enter into contracts and agreements with one or more other districts for the joint use, improvement, and betterment of the participating districts.

(7) To provide for such services and make such expenditures as the board deems proper to carry out the purposes of the district.

(8) To acquire or lease items and supplies which the board deems proper to carry out the purposes of the district.

(9) To procure and maintain liability insurance against any personal or legal liability of a board member that may be asserted or incurred based on the board member’s good faith in the discharge of duties as a member of the board.

(10) To perform or have performed any other function or activity necessary or appropriate to carry out the purposes of the district or for the overall betterment of the district.

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

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

(2) For purposes of this Section, a parcel shall be defined as a lot, a subdivided portion of ground, or an individual tract within filings of Old Jefferson Subdivision, and which is listed on the tax rolls for assessment of property taxes. The owner of the parcel shall be responsible for payment of the fee.

(3) The amount of the fee shall be as provided in a duly adopted resolution of the board. The fee shall be a flat fee per parcel not to exceed one hundred dollars per parcel; however, the initial fee for the first calendar year shall not exceed one hundred dollars per parcel.

(b) The board may increase the fee one time during each subsequent calendar year not to exceed five percent of the amount of the fee imposed during the previous calendar year; however, the amount of the fee shall not exceed the maximum amount authorized in Subparagraph (a) of this Paragraph.

(c) Notwithstanding the provisions of Subparagraphs (a) and (b) of this Paragraph, owners who have been granted the Louisiana Special Assessment Law pursuant to Article VII, Section 16(6)(C) of the Constitution of Louisiana shall be exempt from the imposition of the fee adopted by the board.

(d) No fee may be imposed or increased pursuant to the provisions of this Subsection unless the question of its imposition and the board’s authority to increase the fee has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code.

(e) If approved, the fee and the board’s authority to increase the fee shall expire in ten years, but the fee and the board’s authority to increase the fee may be renewed. (f) The board may increase the fee one time during each subsequent calendar year not to exceed one percent of the amount of the fee collected during the previous calendar year.

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

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

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

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

I. Miscellaneous provisions. (1) It is the purpose and intent of this Section that the district be a non-political body politic and corporate which shall be known as the Old Jefferson Crime Prevention and Improvement District.

(2) Any transaction from which he or she derived an improper personal benefit.

(3) To the fullest extent permitted by R.S. 29:2792 et seq., including R.S. 9:2892.1 through 2792.9, a person serving the district as a board member or officer shall not be individually liable for any act or omission arising out of
the performance of his duties.

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

Approved by the Governor, May 25, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 107

HOUSE BILL NO. 152
BY REPRESENTATIVE FIRMENT
AN ACT

To enact R.S. 40:539(C)(8)(m), relative to employees of the Colfax Housing Authority; to provide that employees of the authority shall not be included in the state civil service; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:539(C)(8)(m) is hereby enacted to read as follows:

\(539. \) Selection of chairman and vice chairman; executive director; hiring of employees

\( * * * \)

C.

\( * * * \)

(8) * * *

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

Approved by the Governor, May 25, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 108

HOUSE BILL NO. 154
BY REPRESENTATIVE TURNER AND SENATOR CATHEY
AN ACT

To amend and reenact R.S. 34:581.25A and to enact R.S. 38:2558(11)(f), relative to the powers of the Bayou D’Arbonne Lake Watershed District; to prohibit the operation of certain motor vessels when Lake D’Arbonne is above flood stage; to prohibit the operation of certain motor vessels when the operation may cause flooding to certain structures; 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. 34:581.25(A) is hereby amended and reenacted to read as follows:

\(581.25. \) Prohibited operation

A.(1) Notwithstanding any provisions of law to the contrary, the governing authority of any parish or municipality may prohibit the operation of any motor vessel in an area that is inundated from a body of water that is above flood stage when the operation of such motor vessel causes or may cause inundations of dwellings, camps, business establishments or similar structures.

(2) Notwithstanding any provisions of law to the contrary, the governing authority of the Bayou D’Arbonne Lake Watershed District may prohibit the operation of any motor vessel in an area that is inundated from Lake D’Arbonne when it is above flood stage and when the operation of such motor vessel causes or may cause inundations of dwellings, camps, business establishments, or similar structures

\( * * * \)

Section 2. R.S. 38:2558(11)(f) is hereby enacted to read as follows:

\(2558. \) Powers of board

In order to accomplish the purposes for which the district is created, the board of commissioners may:

\( * * * \)

(11) The board of commissioners of the Bayou D’Arbonne Lake Watershed District shall have the care, management and control of the said lake or reservoir formed by the damming of Bayou D’Arbonne and its property and finances. They shall have power:

(1) To prohibit the operation of any motor vessel in an area that is inundated from Lake D’Arbonne when it is above flood stage and when the operation of such motor vessel causes or may cause inundations of dwellings, camps, business establishments, or similar structures.

Approved by the Governor, May 25, 2022.
To enact R.S. 3:266(25), relative to the powers of authority of the Louisiana Agricultural Finance Authority; to expand the powers of the Louisiana Agricultural Finance Authority to authorize the acquisition and distribution of fuel through different methods during a natural disaster; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:266(25) is hereby enacted to read as follows:

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

(25) Acquire fuel through purchase at fair market prices and to sell, deliver, or transfer acquired fuel to any person, firm, corporation, municipality, or federal or state agency for emergency purposes related to a natural disaster, provided that such fuel is not reasonably available for acquisition by such person, firm, corporation, municipality, or federal or state agency from private sector sources.

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, May 25, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 111
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HOUSE BILL NO. 187
BY REPRESENTATIVE TURNER
AN ACT
To enact R.S. 3:266(25), relative to the powers of authority of the Louisiana Agricultural Finance Authority; to expand the powers of the Louisiana Agricultural Finance Authority to authorize the acquisition and distribution of fuel through different methods during a natural disaster; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:266(25) is hereby enacted to read as follows:

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

(25) Acquire fuel through purchase at fair market prices and to sell, deliver, or transfer acquired fuel to any person, firm, corporation, municipality, or federal or state agency for emergency purposes related to a natural disaster, provided that such fuel is not reasonably available for acquisition by such person, firm, corporation, municipality, or federal or state agency from private sector sources.

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, May 25, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 112
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HOUSE BILL NO. 189
BY REPRESENTATIVES BAGLEY, TRAVIS JOHNSON, AND MCMAHEN
AN ACT
To amend and reenact the heading of Part I-A of Chapter 11-A of Title 37 of the Louisiana Revised Statutes of 1950 and R.S. 37:1026.1, 1026.2, 1026.3(4), 1026.4, 1026.6(A) and (B)(6), 1026.7(8), and 1026.8, relative to medication attendant services; to provide for applicable facilities; to provide for definitions; to provide for authorizations and prohibitions of medication attendants; to provide for the promulgation of rules and regulations; to provide for applicable qualifications for the Medication administration course; to provide for registration information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The heading of Part I-A of Chapter 11-A of Title 37 of the Louisiana Revised Statutes of 1950 and R.S. 37:1026.1, 1026.2, 1026.3(4), 1026.4, 1026.6(A) and (B)(6), 1026.7(8), and 1026.8 are hereby amended and reenacted to read as follows:

PART I-A. MEDICATION ATTENDANTS IN LICENSED NURSING HOMES LICENSED LONG-TERM CARE FACILITIES

§1026.1. Purpose. The purpose of this Part is to create a program that shall authorize certification of medication attendants to perform certain functions in licensed nursing homes long-term care facilities. This program shall be administered by the Louisiana Department of Health.

§1026.2. Applicability
This Part shall apply only to nursing homes licensed long-term care facilities licensed by the Louisiana Department of Health pursuant to R.S. 40:2009.2 as defined in R.S. 37:1026.3.

§1026.3. Definitions
As used in this Part:

(4) “Licensed nursing home long-term care facility” means a facility established and licensed pursuant to R.S. 40:2009.2, any of the following:

(a) Nursing home as defined in R.S. 40:2009.2.
(b) Adult residential care provider as defined in R.S. 40:2166.3.

§1026.4. Medication attendants
Person(s) who have successfully completed an approved medication administration course, passed a qualifying certification examination, and been issued a current certification by the department pursuant to this Part shall be permitted to administer certain medications to residents of licensed nursing homes long-term care facilities and shall be considered direct care staff with regard to this part. The ratio of supervising licensed personnel to certified medication attendants shall be specified in department rules.

§1026.6. Promulgation of rules and regulations

THE ADVOCATE

As it appears in the enrolled bill

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 113
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HOUSE BILL NO. 197
BY REPRESENTATIVE TURNER
AN ACT
To amend and reenact R.S. 40:1087.1(B)(6) and (I), relative to the comprehensive sports injury management program for student athletes; to provide for definitions; to provide for the applicability of certain policies and practices of the program; to provide for exemption; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1087.1(B)(6) and (I) are hereby amended and reenacted to read as follows:

(6) Require that each school participating in interscholastic athletics, follow best practices for any activity that does not occur in a climate-controlled facility. These practices shall follow the modified guidelines of the American College of Sports Medicine and the National Athletic Trainers' Association regarding the heat acclimatization and wet bulb globe temperature policy.

These policies shall apply to all school campuses where summer conditioning, pre-season and regular season practices or games, or fall or spring sports take place, or when a coach is present. Football jamborees and regular season games shall be exempt from the provisions of this Paragraph.

I. As used in this Subpart, the following terms have the meaning ascribed to them in this Section:

(1) “Heat acclimatization” means a series of changes or adaptations that occur in response to heat stress in a controlled environment over the course of seven to fourteen days. These adaptations are beneficial to exercise in the heat and allow the body to cope with heat stress.

(2) “Interstate game” means any regular season game played out of state.

(3) “Wet bulb globe temperature” means a measure of the heat stress in direct sunlight which takes into account temperature, humidity, wind speed, sun angle, and solar radiation.

§1087.1. Comprehensive sports injury management program for student athletes

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 114
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An Act

As it appears in the enrolled bill

A true copy:

R. Kyle Ardoin
Secretary of State

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To enact R.S. 22:941(A)(5), relative to group life insurance; to authorize discretionary group life insurance; to require out-of-state policies to meet in-state standards; to prescribe certain payment requirements; to authorize exclusions and limitations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:941(A)(5) is hereby enacted to read as follows:

§941. Group life insurance defined; eligibility; payment of premiums; limits and coverage.

A. A policy of group life insurance may be issued to any of the following groups or combination thereof, or to the trustees thereof who shall be deemed the policyholder:

(5) Members of a group other than one described in Paragraphs (1) through (4) of this Subsection subject to the following requirements:

(a) A policy of group life insurance shall not be delivered in this state unless the commissioner finds all of the following:

(i) The issuance of the group policy is not contrary to the best interest of the public;

(ii) The issuance of the group policy would result in economies of acquisition or administration;

(iii) The benefits are reasonable in relation to the premiums charged.

(b) A policy of group life insurance shall not be delivered in this state by an insurer under a policy issued in another state unless the state has requirements substantially similar to those in Subparagraph (a) of this Paragraph, and this state has determined that the requirements have been met.

(c) The premium for the policy shall be paid from either or both of the following sources:

(i) The policyholder’s funds.

(ii) Funds contributed by the covered persons.

(d) An insurer may exclude or limit the coverage on any person as to whom evidence of individual insurability is not satisfactory to the insurer.

(e) The issuance of the group policy shall be actuarially sound.

Approved by the Governor, May 25, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 115

To amend and reenact R.S. 13:850(A) and (D) and to enact R.S. 13:850(E), relative to electronic filing and recording; to provide relative to electronic filing received at certain times; to provide for the acceptance at time of receipt; to provide for summary proceedings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:850(A) and (D) are hereby amended and reenacted and R.S. 13:850(E) is hereby enacted to read as follows:

§850. Facsimile transmission; filings in civil actions; fees; equipment and supplies.

A. Any document in a civil action may be filed with the clerk of court by facsimile transmission. All clerks of court shall make available for their use equipment to accommodate facsimile filing in civil actions and the clerks of court shall not intentionally turn off or disconnect the equipment used to receive facsimile filings. Filing shall be deemed complete at the time the facsimile transmission is received by the clerk of court on the date and time indicated on the clerk of court facsimile transmission receipt. No later than on the first business day after receiving a facsimile filing, the clerk of court shall transmit to the filing party via facsimile a confirmation of receipt and include a statement of the fees for the facsimile filing and filing of the original document. The facsimile filing fee and transmission fee are incurred upon receipt of the facsimile filing by the clerk of court and payable as provided in Subsection B of this Section. The facsimile filing shall have the same force and effect as filing the original document, if the filing party complies with Subsection B of this Section.

D. In the event the filing party does not receive a confirmation of receipt pursuant to Subsection A of this Section, and the clerk’s office asserts that it never received the facsimile transmission, the filing party may file a contradictory motion if he has electronic or other evidence that the facsimile filing was transmitted to the clerk’s office on a particular day and at a specified time. The motion shall be filed with the section of court in which the case is assigned and the motion shall be conducted pursuant to C.C.P. Art. 2591 et seq.

E. The clerk may purchase equipment and supplies necessary to accommodate facsimile filings out of the clerk’s salary fund.

Approved by the Governor, May 26, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State