

ACTS OF 2022

LEGISLATURE

Acts 001-116

ACT No. 1

SENATE BILL NO. 84
BY SENATORS CORTEZ AND MCMATH
AN ACT

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:
\$463.214. Special prestige license plate; “Maddie’s Footprints”

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, Genetics 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

ACT No. 3

SENATE BILL NO. 26
BY SENATOR HENSGENS
AN ACT

To amend and reenact R.S. 3:2074(D), relative to the Louisiana Equine Promotion and Research Advisory Board; to provide for the terms of the members; to provide for an effective date; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:2074(D) is hereby amended and reenacted to read as follows:

\$2074. Louisiana Equine Promotion and Research Advisory Board; creation and organization

D. Members shall serve at the pleasure of the commissioner and shall serve terms concurrent with the term of the commissioner making the appointment.

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. 4

SENATE BILL NO. 27
BY SENATOR LAMBERT
AN ACT

To enact R.S. 49:191(13)(a) and to repeal R.S. 49:191(10)(f), relative to the Department of Environmental Quality, including provisions to provide for the re-creation of the Department of Environmental Quality 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 Environmental Quality 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 Department of Environmental Quality 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 Environmental Quality 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 Environmental Quality and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(10)(f) 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. 5
- - -
SENATE BILL NO. 38
BY SENATOR HENSGENS
AN ACT

To amend and reenact R.S. 30:10(A)(2)(a), the introductory paragraph of (i) and (aa) and (ee), (ii), and (iii), (b)(i), (ii)(aa), (bb), (dd), (ee), and (ff), and (iii), (e)(ii), (h), and (i) and (3) and (B), and to enact R.S. 30:10(A)(2)(a)(i)(ff) and (b)(ii)(gg), (hh), (ii), and (jj), (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 written notice; to provide for information required to be furnished; to provide for indemnification; to provide for changes of ownership; to provide for title opinions; to provide for subsequent unit operations; to provide terminology; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

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

A.

* * *

(2)

* * *

(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 heretofore or hereafter created by the commissioner, 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 or the actual amount 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.

* * *

(ee) In the event that the well is being drilled or has been drilled at the time of **mailing the risk charge** notice, then a copy of all available logs, core analysis, production data, and well test data from the well which has not been made public.

(ff) At the option of the drilling owner, a statement that payment in full of the notified owner’s share of costs as set forth in the AFE is required to be included with any election to participate.

(ii) An election to participate must be exercised by mailing written notice thereof by registered mail, return receipt requested, or other form of guaranteed delivery and notification method, not including electronic communication or mail, to the owner drilling or intending to drill the proposed well within thirty days after receipt of the initial **risk charge** notice. **If required by the drilling owner in accordance with Subitem (i)(ff) of this Subparagraph, such an election to participate shall include payment of the notified owner’s share of costs as set forth in the AFE.** Failure to give timely written notice of the election to participate **or, if required by the drilling owner in accordance with Subitem (i)(ff) of this Subparagraph, timely delivery of such payment of the notified owner’s share of the costs as set forth in the AFE** shall be deemed to be an election not to participate and the owner shall be deemed a nonparticipating owner. **In cases where some or all of the AFE costs are estimated, financial adjustments shall be made between the drilling owner and the participating owners within sixty days of receipt of detailed invoices in order to account for the difference between any cost estimates and actual costs.**

(iii) If the drilling of the proposed well is not commenced in accordance with the initial **risk charge** notice within ninety days after receipt of the initial **risk charge** notice, then the drilling owner shall send a supplemental **risk charge** notice in order for the provisions of this Subsection to apply.

(b)(i) Should a notified owner elect not to participate, **or be deemed a nonparticipating owner**, in the risk and expense of the unit well, substitute unit well, alternate unit well, or cross-unit well or should such owner elect to participate in the risk and expense of the proposed well but, **except where the drilling owner has required payment with the election in accordance with Subitem (a)(i)(ff) of this Paragraph**, then fail to pay his share of the estimated drilling costs determined by the AFE timely or fail to pay his share of actual reasonable drilling, testing, completing, equipping, and operating expenses within sixty days of receipt of detailed invoices, then such owner shall be deemed a nonparticipating owner, and the drilling owner shall, in addition to any other available legal remedies to enforce collection of such expenses, be entitled to own and recover out of production from such well allocable to the tract under lease to the nonparticipating owner such tract’s allocated 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)(ff) 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 fails to pay any actual costs that were not previously paid by that owner as set forth in the AFE, the drilling 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)(ff) of this Paragraph**, the payment of estimated drilling costs shall be deemed timely if received by the drilling owner within sixty days of the actual spudding of the well or the receipt by the notified owner of the notice required by this Subsection, whichever is later. The risk charge for a unit well, substitute unit well, or cross-unit well that will serve as the unit well or substitute well for the unit shall be two hundred percent of such tract’s allocated share of the cost of drilling, testing, and completing the well, exclusive of amounts the drilling owner remits to the nonparticipating owner for the benefit of the nonparticipating owner’s royalty and overriding royalty owner. The risk charge for an alternate unit well or cross-unit well that will serve as an alternate unit well for the unit shall be one hundred percent of such tract’s allocated share of the cost of drilling, testing, and completing such well, exclusive of amounts the drilling owner remits to the nonparticipating owner for the benefit of the nonparticipating owner’s royalty and overriding royalty owner.

(i)(aa) During the recovery of the actual reasonable expenditures incurred in drilling, testing, completing, equipping, and operating the well, the charge for supervision, and the risk charge, the nonparticipating owner **who has furnished the information set forth in Subitem (gg) of this Item**, shall be entitled to receive from the drilling owner for the benefit of his lessor royalty owner that portion of **the proceeds from the sale or other disposition of** production due to the lessor royalty owner under the terms of the contract or agreement creating the royalty between the **lessor** royalty owner and the nonparticipating owner reflected of record at the time of the **well-proposal risk charge notice**.

(bb) In addition, during the recovery set forth in Subitem (aa) of this Item, the nonparticipating owner shall receive from the drilling owner for the benefit of the overriding royalty owner **a portion of the proceeds from the sale or other disposition of production that is** the lesser of: (I) the nonparticipating owner’s total percentage of actual overriding royalty burdens associated with the existing lease or leases which cover each tract attributed to the nonparticipating owner reflected of record at the time of the **well-proposal risk charge notice**; or (II) the difference between the weighted average percentage of the total actual **lessor** royalty and overriding royalty burdens of the drilling owner’s leasehold within the unit and the **weighted average percentage of the total actual lessor royalty of the** nonparticipating owner’s actual leasehold **royalty burdens within the unit** reflected of record at the time of the **well-proposal risk charge notice. Payment of the amount due shall be made in accordance with the terms of the contract or agreement creating the overriding royalty.**

* * *

(dd) Nothing in this Section shall relieve any lessee of its obligations to pay, from the commencement of production, any lessor royalty and overriding royalty due under the terms of his lease; and other agreements during the ~~recovery of actual well~~ **recoupment of recoverable** costs and the risk charge, or shall relieve any lessee of his ~~its~~ obligation to pay all **lessor** royalty and overriding royalty due under the terms of his lease and other agreements after the recovery of the actual well **recoupment of recoverable** costs and the risk charge. ~~Except as provided in this Paragraph, the drilling owner’s obligation to pay the royalty and the overriding royalty to the nonparticipating owner in no way creates an obligation, duty, or relationship between the drilling owner and any person to whom the nonparticipating owner is liable to, contractually or otherwise. The lessor royalty owner and overriding royalty owner shall follow the same procedure and have the same remedies against the nonparticipating owner provided in Part 6 of Chapter 7 of Title 31 of the Louisiana Revised Statutes of 1950 or Part 2-A of Chapter 13 of Title 31 of the Louisiana Revised Statutes of 1950.~~

(ee) **Except as provided in this Paragraph, the drilling owner’s obligation to pay the lessor royalty and the overriding royalty to the nonparticipating owner in no way creates an obligation, duty, or relationship between the drilling owner and any person to whom the nonparticipating owner is liable, contractually or otherwise.** In the event of nonpayment by the nonparticipating owner of the lessor royalty and overriding royalty due, **and as a prerequisite to a judicial demand for damages against the drilling owner**, the lessor royalty owner and overriding royalty owner shall provide written notice of such failure to the nonparticipating owner and drilling owner as a prerequisite to a judicial demand for damages. The lessor royalty owner and overriding royalty owner shall follow the same procedure and have the same remedies **against the drilling owner, except dissolution**, provided in Part 6 of Chapter 7 of Title 31 of the Louisiana Revised Statutes of 1950 or Part 2-A of Chapter 13 of Title 31 of the Louisiana Revised Statutes of 1950, ~~respectively, against the nonparticipating owner and the drilling owner. The written notice provided to the drilling owner by the lessor royalty owner or overriding royalty owner shall include a true and complete, or redacted, copy of the mineral lease or other agreement creating any lessor royalty or overriding royalty.~~ If the drilling owner provides sufficient proof of payment of the royalties to the nonparticipating owner, then the lessor royalty owner and overriding royalty owner shall have no cause of action against the drilling owner for nonpayment.

(ff) In the event of nonpayment by the drilling owner of the **lessor** royalty and overriding royalty due to the nonparticipating owner for the benefit

* As it appears in the enrolled bill

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

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 due, the nonparticipating owner shall provide written 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 by stating a reasonable cause for nonpayment. If the drilling owner fails to make payment of the royalties or fails to state a reasonable cause for nonpayment within this period, 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 original failure to pay royalties. If the drilling owner provides sufficient proof of payment of the royalties to the nonparticipating owner, then the nonparticipating owner shall have no cause of action against the drilling owner for nonpayment.

(gg) Each nonparticipating owner entitled to receive a portion of the proceeds from the sale or other disposition of production as provided in Subitems (aa) and (bb) 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 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. In its discretion, 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 whole or in part; however doing so shall not relieve the nonparticipating owner of its obligation to provide the sworn statement described in this Subsubitem.

(hh) Each nonparticipating 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 (gg) 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 by the drilling owner to the nonparticipating owner in reliance on the information furnished pursuant to Subitem (gg) of this Item, if and to the extent determined to be incorrect.

(ii) No change or division of the ownership of 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 (aa) and (bb) 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.

(jj) In the event that the drilling owner secures a title opinion from a licensed Louisiana attorney covering a tract of land in a unit burdened by a mineral lease, or other agreement, that creates any lessor royalty or overriding royalty for which a nonparticipating owner is entitled to receive from the drilling owner a portion of the proceeds from the sale or other disposition of production, the actual reasonable costs incurred by the drilling owner in obtaining the title examination and the title opinion may, at the drilling owner's sole discretion, be chargeable as a cost recoverable by the drilling owner out of the tract's allocable share of production. In such case, the drilling owner shall provide the nonparticipating owner applicable excerpts of such title opinion.

(iii) Any owner not notified shall bear only his tract's allocated share of the actual reasonable expenditures incurred in drilling, testing, completing, equipping, and operating the unit well or in connection with any subsequent unit operation, including a charge for supervision, which share shall be 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 whom has not been notified, for the benefit of his lessor royalty owner or overriding royalty owner, the proceeds attributable to his the lessor royalty and overriding royalty burdens as described in this Section.

(iv) 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 such well may notify all other owners in the unit of the conducting or the intent to conduct such operation in the form and manner of the risk charge notice described in Subparagraph (a) of this Paragraph, and in that event, all of the provisions of this Paragraph shall be applicable to that subsequent unit operation to the same extent, and in the same manner, that they would apply to the drilling of a new well, subject to Items (v) and (vi) of this Subparagraph.

(v) The risk charge for any subsequent unit operation shall be one hundred percent of the tract's allocated share of the actual reasonable expenditures incurred in conducting the subsequent unit operation, including a charge for

supervision, regardless of whether the wellbore on which such operations were conducted is a unit well, alternate unit well, substitute unit well, or cross-unit well.

(vi) 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:

(aa) A detailed description identifying the well to which the subsequent unit operation relates, the work associated therewith, and the new location and objective depth of the well if changed as a result of such work.

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

(cc) 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.

(ee) A copy of 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 the notice, the drilling owner may, in addition to recouping the costs of a subsequent unit operation, recoup a risk charge on the costs of the subsequent unit operation from the production from the well attributable to the tract under lease to that nonparticipating owner if it fails to elect timely to participate in the subsequent unit operation, or if it fails to pay timely the entire outstanding balance due for all previous operations on the wellbore, or if it fails to pay timely its share of the estimated costs of the subsequent unit operation determined by the AFE.

* * *

(e)

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(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 for 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, and the unit operator proceeds with the sale of **sells or otherwise disposes of** such unit 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**.

B. Should the owners of separate tracts embraced within a drilling unit fail to agree upon the pooling of the tracts and the drilling of a well on the unit, and should it be established by final and unappealable judgment of court that the commissioner is without authority to require pooling as provided for in Subsection A **of this Section**, then, subject to all other applicable provisions of this Chapter, the owner of each tract embraced within the drilling unit may drill thereon. The allowable production therefrom shall be such proportion of the allowable for the full unit as the area of the separately owned tract bears to the full drilling unit.

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

(1) "Deepening" means an operation whereby an existing wellbore serving as a unit well, alternate unit well, substitute unit well, or cross-unit well is extended to a point within the same unit and unitized interval beyond its previously drilled total vertical depth.

(2) "Extension" means an operation related to a horizontal well whereby a lateral is drilled in the same unitized interval to a greater total measured depth or extent than the lateral was drilled pursuant to a previous proposal.

(3) "Recompletion" means an operation to attempt a completion in a portion of the unitized interval in the existing wellbore different from the initial completion in the unitized interval.

(4) "Rework" means an operation conducted in the wellbore after it is initially completed in the unitized interval in a good faith effort to secure, restore, or improve production in a stratum within the unitized interval that was previously open to production in that wellbore, including re-perforating, hydraulic fracturing and re-fracturing, tubing repair or replacement, casing repair or replacement, squeeze cementing, setting bridge plugs, and any essential preparatory steps. "Rework" does not include routine maintenance

such as acidizing, sand or paraffin removal, repair, or replacement of downhole equipment such as rods, pumps, packers, or other mechanical devices.

(5) “Sidetrack” means the intentional deviation of an existing wellbore serving as a unit well, alternate unit well, or substitute unit well from its actual or permitted bottom hole location within that unit and unitized interval to a different bottom hole location within the same unit and unitized interval or done to drill around junk in the hole or to overcome other mechanical difficulties in order to reach the permitted bottom hole location.

(6) “Subsequent unit operation” means a recompletion, rework, deepening, sidetrack, or extension conducted within the unitized interval for a unit or units created under R.S. 30:9(B).

(7) “Unitized interval” means 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 WOMACK AND REPRESENTATIVES
TRAVIS JOHNSON, MCMAHEN, 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 Department of Agriculture and Forestry 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 Department of Agriculture and Forestry 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 Agriculture and Forestry 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:

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, 2028:

(a) The Coastal Protection and Restoration Authority and the Coastal Restoration and Protection Authority Board to be reviewed by and re-creation to be considered by the House Committee on Natural Resources and Environment and the Senate Committee on Natural Resources.

Section 5. R.S. 49:191(11) 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. 8

SENATE BILL NO. 113

BY SENATOR CATHEY AND REPRESENTATIVES BOURRIQUE,
MCMAHEN, ST. BLANC, THOMPSON AND WHITE

AN ACT

To amend and reenact R.S. 3:3368(B), (D), (E), and (G), relative to structural pest control operator's licenses; to provide relative to examinations; to provide relative to license applications; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:3368(B), (D), (E), and (G) are hereby amended and reenacted to read as follows:

§3368. Structural pest control operator's license

* * *

B. A structural pest control operator's license shall be issued only after the applicant has satisfactorily passed a ~~written~~ **an** examination. The examination shall include the general standards examination required by the EPA and a separate examination for the category in which the applicant desires to be licensed.

* * *

D. Each applicant for examination shall submit a ~~written~~ **an** application which shall contain such information as the commission by rule may require and which shall be accompanied by the examination fee and by proof of experience and education acceptable to the commission.

E. The examination shall be administered at the ~~domicile of~~ **any location approved by** the commission ~~within forty-five days~~ after the application for examination is received by the commission.

* * *

G. ~~Persons~~ **Any person** who successfully ~~complete~~ **completes** the examination may apply for a structural pest control operator's license. The application ~~shall be in writing~~; shall contain such information as the commission by rule may require; and shall be accompanied by the license fee.

* * *

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. 9

SENATE BILL NO. 205

BY SENATOR JACKSON AND REPRESENTATIVES MCMAHEN,
THOMPSON AND WHITE

AN ACT

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 Law”; to provide relative to legislative purpose; to provide for definitions; to provide relative to the powers of the state soil and water conservation commission; to provide relative to the powers of the chairman of the state soil and water conservation commission; to provide relative to the powers of the soil and water conservation districts; to remove outdated references; to provide for technical corrections; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 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) are hereby amended and reenacted and R.S. 3:1202(13) and (14) are hereby enacted to read as follows:

§1201. Legislative determinations and declaration of policy
It is hereby declared, as a matter of legislative determination:

* * *

C. The appropriate corrective methods. That to conserve **the soil, soil health, and** soil resources and control and prevent soil erosion, and prevent floodwater and sediment damages, and further the conservation, development, utilization, and disposal of water, it is necessary that land-use practices contributing to soil wastage and soil erosion be discouraged and discontinued, and appropriate soil-conserving land-use practices, and works of improvement for flood prevention or the conservation, development, utilization, and disposal of water be adopted and carried out; that among the procedures necessary for widespread adoption, are the carrying on of engineering operations such as the construction of terraces, terrace outlets, check-dams, desilting basins, floodwater retarding structures, channel improvements, floodways, dikes, ponds, ditches and the like; the utilization of **soil health practices such as** strip cropping, lister furrowing, contour cultivating and contour furrowing; land drainage; land irrigation; seeding and planting of waste, sloping, abandoned or eroded lands to water conserving and erosion preventing plants, trees and grasses; forestation and reforestation; rotation of crops; soil stabilization with trees, grasses, legumes, and other thick-growing, soil-holding crops; retardation of run-off by increasing absorption of rainfall, irrigation where and when necessary; and retirement from cultivation of steep, highly erosive areas and areas now badly gullied or otherwise eroded.

D. Declaration of policy. It is hereby further declared to be the policy of the legislature to provide for the conservation of the soil, **soil health**, and soil resources of this state, and for the control and prevention of soil erosion, and for the prevention of floodwater and sediment damages, and for furthering the conservation, development, utilization, and disposal of water, and thereby to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, to preserve wildlife, protect public lands, and protect and promote the health, safety, and general welfare of the people of this state.

§1202. Terms defined

As used in this Part of Chapter 9, the terms defined in this Section have the meanings here given to them, except where the context expressly indicates otherwise:

* * *

(3) ~~“Committee” or “State Soil Conservation Committee”~~ **“Commission” or “state soil and water conservation commission”** means the agency created in Section ~~R.S. 3:1204.~~

* * *

(13) **“Soil health” means the overall composition of the soil, including the amount of organic matter in and water holding capacity of the soil, and the continued capacity of soil to function as a vital living ecosystem that sustains plants, animals, and humans.**

(14) **“Soil health practices” means agricultural practices that improve the health of soils, including but not limited to consideration of depth of topsoil horizons, water infiltration rate, organic carbon content, nutrient content, bulk density, biological activity, biological and microbiological diversity, and minimization of bare ground.**

§1204. State soil and water conservation commission

A.

* * *

~~(2)(a) The members of the state soil and water conservation commission created by law prior to August 1, 1956, shall continue to serve as a state soil and water conservation commission until the new members of the state soil and water conservation commission are elected and qualify as hereinafter provided.~~

~~(b) Within forty-five days after August 1, 1956, the~~ **The** chairman of the old state soil and water conservation commission shall notify the soil and water conservation district supervisors within the state of the time and the place that an election is to be held as hereinafter provided **in this Section.**

~~(c)(b) A state convention shall be held upon the call of the chairman of the~~

commission. The chairman shall provide notice of the state convention to the soil and water conservation district supervisors. A meeting of each board of soil and water conservation district supervisors shall be held within thirty days after receiving notice of the state convention. The majority of the members of the board of district supervisors shall constitute a quorum and at such meeting, the board of district supervisors shall elect one of its members as a delegate to attend a state convention, at the time and place specified in the notice given by the chairman of the ~~old~~ state soil and water conservation commission. Each such elected delegate shall have one vote at the state convention. Each state area at the state convention shall elect one of its members as a member of the state soil and water conservation commission to represent that area. Each member elected as a member of the state soil and water conservation commission shall be a landowner or operator actively engaged in farming or animal husbandry within the district and area he represents and shall be a qualified voter in that district. He shall be elected as a member of the state soil and water conservation commission by a majority of the votes cast at the state convention. The chairman of the convention shall within ten days certify to the old state soil and water conservation commission and to the secretary of state the name and address of the person so elected as a member of the new state soil and water conservation commission. Each member of the commission shall take the state constitutional oath of office and qualify within thirty days after this election. Within thirty days after the election and qualification of the five members, the commissioner of agriculture and forestry of the state of Louisiana shall call a meeting of the entire commission, at which time one of the said members provided for herein shall be elected chairman of the state soil and water conservation commission, another member shall be elected vice chairman, and a third member secretary-treasurer. The terms of the five members of the state soil and water conservation commission elected under this Section shall be as follows:

The members from State Area Nos. 1 and 2 shall serve for one year;

The members from State Area Nos. 3 and 4 shall serve for two years;

The members from State Area No. 5 shall serve for three years.

Thereafter, each member shall serve for a period of three years after his election and shall be removed only for cause. In the event of a vacancy, the vacancy shall be filled by the state commission until the next convention, and then by election in the same manner, as outlined, for the unexpired term. An elected member of the commission shall not qualify for reelection unless he shall have attended at least sixty-six and two-thirds percent of the scheduled commission meetings during his tenure; however, upon a showing of good cause this condition may be waived by resolution duly adopted by the state soil and water conservation commission.

* * *

D. In addition to the duties and powers hereinafter conferred upon the State Soil and Water Conservation Commission, it shall have the following duties and powers:

(1) To offer such assistance as may be appropriate to the supervisors of soil and water conservation districts, organized as provided hereinafter, 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.

* * *

§1208. Powers of Districts and Supervisors

A soil and water conservation district organized under the provisions of this Part shall constitute a governmental subdivision of this state, and a public body corporate and politic, exercising public powers, and such district, and the supervisors thereof, shall have the following powers, in addition to others granted in other sections of this Part:

(1) To carry out preventive and control measures and works of improvement for flood prevention or the **health**, conservation, development, **or** utilization **of soil, water, and related natural resources** and disposal of water within the district including, but not limited to, engineering operations, methods of cultivation, **soil health practices**, the growing of vegetation, changes in use of land, and the measures listed in ~~R.S. 3:1201(c)~~ **R.S. 3:1201(C)**, on lands owned or controlled by this state or any of its agencies, with the cooperation of the agency administering and having jurisdiction thereof, and on any other lands within the district upon obtaining the consent of the owner as well as occupants of such lands or the necessary rights or interests in such lands;

(2) To cooperate, or enter into agreements with, and within the limits of appropriations duly made available to it by law, to furnish financial or other aid to, any agency, governmental or otherwise, or any owner of lands within the district, in the carrying on of **soil health improvement**, erosion control and prevention operations and works of improvement for flood prevention or the conservation, development, utilization, and disposal of water within the district, subject to such conditions as the supervisor may deem necessary to advance the purposes of this Part;

* * *

(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 avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping 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~~ 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 on 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. 10

SENATE BILL NO. 245

BY SENATOR ALLAIN AND REPRESENTATIVE COUSSAN
AN ACT

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 Law; to provide for the Oilfield Site Restoration Fund; to provide for the powers and duties of the Oilfield Site Restoration Commission and the secretary and assistant secretary of the Department of Natural Resources; to provide for contracts for site assessment or restoration; to provide for an executive director; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:83(F)(7), 86(E)(2), 89(C)(3), and 92(A) and (C) are hereby amended and reenacted and R.S. 30:83(F)(8), 84(A)(3) and (8) are hereby enacted to read as follows:

§83. Oilfield Site Restoration Commission; Department of Natural Resources

* * *

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-third 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.

* * *

§84. 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 defined by the 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 as projects. This authority shall be used to decrease in a cost effective manner 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 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 secretary or assistant secretary may to expend sums from the fund and enter into contracts for the purpose of site restoration on any site declared to be an 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 38 or 39 of the Louisiana Revised Statutes of 1950.

Section 2. R.S. 30:85(B) is hereby repealed.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, May 13, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 11

SENATE BILL NO. 270
BY SENATOR WOMACK
AN ACT

To amend and reenact R.S. 56:329(B)(1), relative to fish and other aquatic life; to provide with respect to sport and commercial fishing; to provide relative to obstruction of streams or lakes; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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 overflowed 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 Economic Development 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 Economic Development 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 datesNotwithstanding 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~~ **2026**:
(a) The Department of Economic Development and all statutory entities made a part of the department by law.

Section 5. R.S. 49:191(10)(e) 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. 13

HOUSE BILL NO. 121
BY REPRESENTATIVE DAVIS
AN ACT

To amend and reenact R.S. 49:191(1) and to repeal R.S. 49:191(10)(h), relative to the Department of Public Service, including provisions to provide for the re-creation of the Department of Public Service 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 Public Service 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~~ **2026**:
(a) The Department of Public Service and all statutory entities made a part of the department by law.

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 (A)(5), 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), 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 (A)(5) 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 disbursed 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 Class “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 with within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

(2) The fee for Class “D” driver’s licenses, 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 twenty 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 by the department to the board of trustees of the police pension funds of the city of New Orleans. Three 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).

B.(1) Every applicant for a Class “A”, “B”, or “C” commercial driver’s license, or for a renewal of a basic Class “A”, “B”, or “C” commercial driver’s license, except for those bona fide residents of the city of New Orleans, shall pay for such basic license a fee of sixty-one dollars and fifty cents. Sixteen dollars and twenty 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 a basic Class “A”, “B”, or “C” commercial driver’s license, or for the renewal of a basic Class “A”, “B”, or “C” commercial driver’s license, issued to bona fide residents of the city of New Orleans shall be seventy-six dollars and fifty cents, fifteen dollars of which fee shall be paid by the department to the board of trustees of the police pension fund of the city of New Orleans. Fifteen dollars 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 with 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 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).

(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 reduction section 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)(15)(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 as 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 ~~litter abatement and environmental~~ education account which is created within the Conservation Fund through the provisions of R.S. 56:10(B)(15)(17), and used solely for the purposes of that fund.

Section 4. R.S. 56:10(B)(15) is hereby amended and reenacted and R.S. 56:10(B)(17) is hereby enacted 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 environmental education.~~
 - (ii) To provide for environmental education litter abatement 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 formal environmental education.~~
 - (vii)(ii) To provide for litter abatement and enforcement.
 - (viii)(iii) To support community-based litter abatement programs.
 - (ix) ~~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

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 (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 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 formal environmental education.
 - (vii) To develop, 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 of the Louisiana Revised Statutes of 1950, R.S. 17:200, 203(7) and 205(Section heading) and (A) and 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 remove litter reduction and litter awareness functions from the Department of Education and 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 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 to 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 commission and perform 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

§1131. 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,

dump, drop, eject, or allow the escape of a substance.

(3) “Litter” means all waste material except as provided and defined in R.S. 30:2173, including but not limited to disposable packages, containers, sand, gravel, rubbish, cans, bottles, refuse, garbage, trash, cigarettes, cigarette butts, cigars, cigarillos, cigar or cigarillo tips, debris, dead animals, furniture or appliances, automotive parts including but not limited to tires and engines, trailers, boats and boating accessories, tools and equipment, and building materials, roofing nails, or other discarded materials of any kind and description. While being used for or distributed in accordance with their intended uses, litter shall not include political pamphlets, handbills, religious tracts and newspapers, and other similar printed materials, the unsolicited distribution of which is protected by the Constitution of the United States or the Constitution of Louisiana. Litter shall not include agricultural products that are being transported from the harvest or collection site to a processing or market site if reasonable measures are taken to prevent the agricultural product from leaving the transporting vehicle. Litter shall also not include recyclable cardboard being transported in compressed bundles to processing facilities. “Agricultural product” as used in this definition means all crops, livestock, poultry, and forestry, and all aquacultural, floricultural, horticultural, silvicultural, and viticultural products.

(4) “Local government” means the governing authority of a parish or the governing authority of the municipality.

(5) “Public or private property” means the right-of-way of any road or highway, levee, body of water or watercourse, or the shores or beaches thereof, any park, playground, building, refuge, or conservation or recreation area, and residential or farm properties, timberlands, or forests.

(6) “Secretary” means the office of the secretary of the Department of Culture, Recreation and Tourism.

§1133. Litter control awareness
The secretary may implement litter control awareness measures, including but not limited to the following:

(1) Develop and implement litter prevention, publicity, educational, and motivational campaigns and programs.

(2) Serve as the coordinating agency between various government and private organizations seeking to aid in litter control and reduction and recycling efforts.

(3) Assist local governments in the adoption and revision of ordinances aimed at litter control and reduction.

(4) Encourage, organize, and coordinate voluntary campaigns seeking to focus the attention of the public on programs to control and reduce litter and increase public awareness.

(5) Provide encouragement of and increased funds for litter cleanup and collection, litter prevention, and cleanup equipment.

(6) Promote litter abatement and control and encourage recycling.

(7) Promote public awareness and education.

(8) Assist local governments, industries, and other organizations which aid in anti-litter efforts.

(9) Assist local governments in the coordination of local anti-litter efforts.

(10) Encourage, organize, and coordinate voluntary local anti-litter campaigns seeking to focus the attention and participation of the public on the laws of this state enacted to control and remove litter and to provide for the recycling of trash materials.

(11) Investigate the availability of and apply for funds from any private or public source to be used for the purposes of this Chapter.

(12) Exchange litter enforcement information with judges, district and municipal attorneys, Louisiana state police, and local law enforcement officers on enforcement mechanics.

(13) Award grants and provide financial assistance on a local level in accordance with rules adopted pursuant to this Chapter in order to achieve the purposes of this Chapter and award certificates of achievement for litter abatement.

(14) Investigate methods, and monitor effectiveness of this Chapter and of techniques in the control of litter and develop, encourage, and coordinate litter control within the state.

(15) Provide an annual report to the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality giving details regarding the department’s efforts to implement the provisions of this Chapter.

(16) Approve and disburse financial assistance to any local government or nonprofit organization which, in written application, seeks such assistance to implement a local litter prevention or abatement program.

(17) Support the Keep Louisiana Beautiful Program and network of affiliates in the activation of civilian volunteers and development of organized litter prevention programs.

§1134. Donations and grants; Louisiana Litter Abatement Grant Program

A. The secretary 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 Chapter.

B.(1) The Louisiana Litter Abatement Grant Program is hereby created within the office of the secretary for the purpose of supporting community-based litter abatement programs.

(2) Grants through the program shall be made available to local governments and nonprofit organizations. Funding through the grant program shall be subject to the availability of funds and shall be awarded on a competitive

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. 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.

(i) Salary of the program coordinator and staff.

(4) 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 those 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 effect 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 similar areas. Graffiti removal and 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 promote and encourage inland water cleanups whereby a waterway cleanup may be conducted annually by local groups to clean rivers, bayous, 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

A. 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.

(3) Assistance to the secretary in securing media coverage for the program.

B. Any parish or municipality which develops an “adopt-a-byway” program shall coordinate the adoption of rules governing the program with the secretary.

C. Any parish or municipality which develops an “adopt-a-byway” program may use funds received from the collection of fines provided for under the provisions of R.S. 30:2532(A) to place a sign upon a portion of a road identifying the organization which has adopted such portion of the road.

D. The Department of Transportation and Development may promulgate rules and regulations to implement the provisions of this Section regarding the placement, construction, and maintenance of the signs.

§1143. Adopt-a-waterbody program

A. 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-waterbody”, whereby a business or a private civic organization may adopt a portion of a public bayou, stream, creek, river, or lake for the sole purpose of controlling litter. Included in the responsibilities of any business or private civic organization which chooses to participate in the program may be as follows:

(1) Development of a functional plan to influence and encourage the public to improve the appearance of the adopted portion of a public waterbody.

(2) A general cleanup of the area at least twice a year.

(3) Assistance to the secretary in securing media coverage for the program.

B. Any organization which adopts a portion of a public bayou, stream, creek, river, or lake may place a sign identifying the organization on an interstate highway or state highway within two hundred feet of the adopted waterbody upon approval of the Department of Transportation and Development. Such a sign may also be placed on the bank of the adopted water body with the approval of the riparian landowner.

* * *

Section 3. R.S. 17:203(3) through (6), 204, 205(C), and 206 through 214 are hereby repealed in their entirety.

Approved by the Governor, May 13, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

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(B) 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 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 disbursed as follows:

(1) For simple littering violations cited and prosecuted by the Department of Wildlife and Fisheries:(a) Seventy-five dollars shall be paid to the state treasury for credit to the Conservation Fund.

(b) Twenty-five dollars shall be paid to the state treasury for credit to the Litter Abatement and Education Account.

(2) For all other violations:

(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.

(2)(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.

(3)(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.

(4)(d) Twenty-five dollars shall be paid to the state treasury for credit to the Litter Abatement and Education Account.

(5)(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 which shall be disbursed as follows:

(1)(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.

~~(2)(b)~~ Twenty dollars shall be paid to the office of the district attorney, or to the constable or to the municipal prosecuting attorney, as the case may be.

~~(3)(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.

(2) Notwithstanding the provisions of this Subsection, persons cited and prosecuted for commercial littering violations under this Section by the Department of Wildlife and Fisheries shall be subject to court costs and fees as provided pursuant to R.S. 56:32.1 rather than pay the special court costs provided for in this Subsection.

* * *

§2531.5. Legal enforcement; penalties; payment by mail or credit card

* * *

B. Civil violations under the provisions of this Part shall be prosecuted by the district attorney of the judicial district in which the violation occurred, the prosecuting attorney for a municipality having a city court within the municipality in which the violation occurred, ~~or~~ the constable, if filed in justice of the peace court, or the prosecuting attorney for the Department of Wildlife and Fisheries for citations issued by that department.

* * *

D. An action brought pursuant to R.S. 30:2531(B) or 2531.3 shall be tried as a summary proceeding pursuant to Code of Civil Procedure Article 2591 et seq., except that such actions prosecuted by the Department of Wildlife and Fisheries may be tried in accordance with R.S. 56:32.1.

* * *

§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:

(1) Civil fines recovered by the Department of Wildlife and Fisheries for citations issued by that department shall be deposited into the Conservation Fund.

(2) For all other fines:

(a) Twenty-five percent shall be paid to the law enforcement agency issuing the citation.

~~(2)(a)(b)(i)~~ Fifty percent shall be paid to the law enforcement agency issuing the citation that shall transfer the funds to the retirement system of such law enforcement agency prior to the close of the fiscal year in which the fine was collected. The funds shall be applied to the oldest outstanding positive amortization base of the retirement system without reamortization of such base until all such bases are liquidated.

~~(b)(ii)~~ Upon liquidation of all positive amortization bases for the applicable retirement system, the amount remitted shall be added to the general funds of the retirement system until a new positive amortization base is created. Upon creation of a new positive amortization base, the fines collection shall be distributed in the manner prescribed in Subparagraph (a) of this Paragraph.

~~(3)(a)(c)(i)~~ Fifteen percent shall be paid to the sheriff of the parish, the parish governing authority, or the municipality where the violation occurred if a community service litter abatement program has been established pursuant to R.S. 30:2531.4.

~~(b)(ii)~~ When the law is enforced by a justice of the peace court, then fifteen percent shall be paid to the parish governing authority for reimbursement of expenses of the justice of the peace court.

~~(4)(d)~~ Five percent shall be paid to the office of the district attorney of the judicial district where the violations occurred, or if prosecuted in a justice of the peace court or a city court, then to the parish governing authority for reimbursement of expenses of the constable or to the municipality, as the case may be.

~~(5)(e)~~ The remainder shall be paid to the state treasury for credit to the litter abatement and education account.

* * *

Section 2. R.S. 56:32.1(A) and (B) are hereby amended and reenacted to read as follows:

§32.1. Civil suit for recovery of value

A. The department is authorized to bring a civil action to recover the penalties established by R.S. 56:31 and 32 and R.S. 30:2531(B) and 2531.3.

B. The department may elect to enforce the provisions of R.S. 56:31 and 32 and R.S. 30:2531(B) and 2531.3 by adjudicatory hearing held in accordance with the provisions of the Administrative Procedure Act. The department shall hold the adjudicatory hearing in the regional office for the parish where the defendant is domiciled or where the violation occurred. The defendant may waive the adjudicatory hearing upon payment of the fine.

* * *

Approved by the Governor, May 13, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 18

HOUSE BILL NO. 6
BY REPRESENTATIVE ECHOLS
AN ACT

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 depositing of certain monies into the fund; to provide for investment of monies in the fund; to authorize the withdrawal of earnings; to provide for limitations on appropriations from the fund; to provide for audits of the fund; to provide for the membership and election on the investment advisory board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§5554.8. 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(I).

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 in fixed income investments 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(I) 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.

(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(I) 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.

(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
AN ACT

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 DeSoto 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

ACT No. 20

HOUSE BILL NO. 45
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, ~~2006~~ 2026:
(a) The Department of State 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

ACT No. 21

HOUSE BILL NO. 46
BY REPRESENTATIVE STEFANSKI
AN ACT

To amend and reenact R.S. 49:191(1) and to repeal R.S. 49:191(10)(j), relative to the Department of State Civil Service, including provisions to provide for the re-creation of the Department of State Civil Service 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 Civil Service 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 Civil 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 State Civil 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~~ 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)(j) 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

ACT No. 22

HOUSE BILL NO. 58
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

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

ACT No. 24

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

AN ACT
To designate mile markers 40 through 43, east and westbound, of Interstate Highway 20 in Webster Parish 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 southbound 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 each year.~~ 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 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.
E. The annual royalty fee shall be collected by the department and forwarded to the Louisiana 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 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 “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 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 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". 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.

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

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 30

HOUSE BILL NO. 105
BY REPRESENTATIVE BOURRIQUE
AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§5554.8. Cameron Parish; payment of group insurance premiums; retired sheriffs and 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 sheriff's office of Cameron Parish of the premium costs for eligible retired sheriffs and retired deputy sheriffs as provided in R.S. 13:5554(G) and (II).

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 (II) for retired sheriffs and retired deputy sheriffs of Cameron Parish, legal representation costs for the CREIF Board, or both, 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 thousand 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 (II) 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

HOUSE BILL NO. 111
BY REPRESENTATIVE RISER
AN ACT

To amend and reenact R.S. 13:5554(S)(1)(introductory paragraph) and (2), 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)(1)(introductory paragraph) and (2) are hereby amended and reenacted to read as follows:

§5554. Group insurance; kinds; amounts; subrogation

* * *

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 days 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-seven 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

HOUSE BILL NO. 122
BY REPRESENTATIVE HUVAL
AN ACT

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 to provide 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

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

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, ~~2006~~ 2026:

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

* * *

Section 5. R.S. 49:191(10)(a) 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

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

* * *

~~C. 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 obtained as a result of the offense. If the person ordered to make restitution pursuant to this Section is found to be indigent and therefore unable to make restitution in full at the time of conviction, the court shall order a periodic payment plan consistent with the person's financial ability. Restitution shall be ordered pursuant to Code of Criminal Procedure Article 883.2 and shall be made payable to 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, EDMONSTON, EMERSON, FARNUM, FREEMAN, GADBERRY, HODGES, ILLG, MIKE JOHNSON, KERNER, MACK, MCMAHEN, MINCEY, 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, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, MIZELL, MORRIS, PEACOCK, POPE, REESE, SMITH, STINE, TALBOT, TARVER, WARD, AND WOMACK

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

previous Act of the legislature; to provide for the naming of a certain Act addressing the use of tobacco products by minors; and to provide for related matters.

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:

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

* * *

H. 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.

I. 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.H:

J. 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.

~~I. K.~~ Notwithstanding any provision of law to the contrary, an applicant for the expungement of a record, other than as provided in Paragraphs F and G of this Article, may proceed in forma pauperis in accordance with the

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

provisions of Code of Civil Procedure Article 5181 et seq.
Section 2. Code of Criminal Procedure Article 983(F)(4) is hereby repealed in its entirety.
Approved by the Governor, May 17, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 37

HOUSE BILL NO. 172
BY REPRESENTATIVE GREGORY MILLER
(On Recommendation of the Louisiana State Law Institute)
AN ACT
To amend and reenact R.S. 9:2061, relative to revocable trusts; to provide for the duties of the trustee to the settlor; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 9:2061 is hereby amended and reenacted to read as follows:
§2061. General rule
The nature and extent of the duties and powers of a trustee are determined from the provisions of the trust instrument, except as otherwise expressly provided in this Code, and, in the absence of any provisions of the trust instrument, by the provisions of this Part and by law. Unless the trust instrument provides otherwise, the duties of the trustee are owed exclusively to the settlor while a trust is revocable.

Revision Comments - 2022
This revision is consistent with provisions of law in other states, which treat revocable trusts as substitutes for wills and which provide that the trustee's duties are owed not to the beneficiaries but to the settlor while the settlor is alive and the trust is revocable. The Uniform Trust Code provides that “[w]hile a trust is revocable..., rights of the beneficiaries are subject to the control of, and the duties of the trustee are owed exclusively to, the settlor.” Unif. Trust Code § 603(a); Restatement (Third) of Trusts § 74 cmt (e) (2003) (“For as long as, and to the extent that, the trust is revocable by the settlor and the settlor is legally competent, the settlor may enforce the trust on behalf of all the beneficiaries, and the trustee's duties are owed primarily to the settlor, or solely to the settlor insofar as the rights of other beneficiaries are preempted by the conduct of the settlor.”). Other provisions of the Louisiana Trust Code contain specific examples of this principle. See, e.g., R.S. 9:2088(A) (“If the trust is revocable, the trustee has a duty to account to the settlor only.”).
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; to provide for the denial of motions to recuse; and to provide for related matters.
Be it 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 155.

* * *
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

A. When a written motion is made to recuse a ~~judge of a parish court~~ or city court judge or a justice of the peace, not later than seven days after the judge or justice of the peace receives 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 a 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 of the peace who is the subject of the motion to recuse to act within seven days after receiving the motion from the clerk of court.
(b) Paragraph B of this Article is similar to Article 154 in that it allows a judge of a parish or city court or a 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. 39

HOUSE BILL NO. 188
BY REPRESENTATIVE VILLIO
AN ACT
To amend and reenact R.S. 18:1463(C)(1), (E), and (F) and to enact R.S. 18:1463(G), relative to political material; to provide for prohibitions relative to political materials, to provide for requirements and prohibitions relative to digital materials; to provide for penalties; to provide for an effective date; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 18:1463(C)(1), (E), and (F) are hereby amended and reenacted to read as follows and R.S. 18:1463(G) is hereby enacted to read as follows:
§1463. Political material; ethics; prohibitions
* * *

C.(1) No person shall cause to be distributed, or transmitted, any oral, visual, digital, or written material containing any statement which he knows or should be reasonably expected to know makes a false statement about a candidate for election in a primary or general election or about a proposition to be submitted to the voters.
* * *

E.(1) No person shall cause to be distributed or transmitted for or on behalf of a candidate for political office any oral, visual, digital, or written material constituting a paid political announcement or advertisement, which is paid for by a third-party entity, without providing the name of the third-party entity on the face of the advertisement. The name of the third-party entity shall be included on written and digital material, political announcements, and advertisements so that it is clear and understandable.

(2) The name of the third-party entity in visual and oral political announcements or advertisements shall be included so that it is clearly understandable as well as audible and visible for not less than three seconds. If the advertisement is placed by a public relations firm, advertising agency, media buyer, or other person who purchases media advertising or time or space for such advertising, such person shall provide the information required by this Section.

(3) In digital announcements or advertisements, the name of the third-party entity shall appear in a text sized at least as large as the smallest text in the digital material or in a heading or similar section of text displayed above or within the digital material that is visually distinct from the remainder of the digital material's text and shall have a reasonable degree of color contrast between the background and the name of the third-party entity.

(4) For the purposes of this Subsection, “person” means any individual, partnership, association, labor union, political committee, corporation, or other legal entity, including its subsidiaries; ~~however, “person” shall not mean any radio station, television broadcast station, cable television company, or newspaper.~~

(5)(a) A media entity, who broadcasts a paid political announcement or advertisement, the content of which the broadcaster has no input in or control over, is not subject to the provisions of this Subsection.

(b) For purposes of this Subsection, a media entity includes a radio broadcast station, television broadcast station, cable or satellite television company, or other video service provider, streaming video provider, newspaper company, periodical company, billboard company, advertisement agency, or media platform responsible for the production or publication of any advertisement, voice, data, or other communications, information services, or internet access

provider, or bona fide news or public interest website operator.

F. For the purposes of this Section, the term “digital material” means any material or communication that, for a fee, is placed or promoted on a public facing website, web application, or digital application, including a social network, advertising network, or search engine.

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.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 40

HOUSE BILL NO. 225

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.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 41

HOUSE BILL NO. 240

BY REPRESENTATIVE EMERSON

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

* * *

E. 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.

Section 2. The provisions of this Act shall cease to be effective on December 31, 2025.

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 42

HOUSE BILL NO. 247

BY REPRESENTATIVE MAGEE

(On Recommendation of the Louisiana State Law Institute)

AN ACT

To amend and reenact the heading of Title XXII of the Code of Criminal Procedure, the heading of Chapter 1 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

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 1 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

RECUSATION RECUSAL OF JUDGES AND DISTRICT ATTORNEYS

CHAPTER 1. RECUSATION RECUSAL OF JUDGES

Art. 671. Grounds for ~~recusation~~ recusal of judge

A. In a criminal ~~case~~ cause, a judge of any ~~trial or appellate court, trial or appellate~~, shall be recused ~~when he~~ upon any of the following grounds:

(1) ~~Is~~ The judge is biased, prejudiced, or personally interested in the cause to such an extent that ~~he~~ the judge would be unable to conduct a fair and impartial trial;

(2) ~~Is~~ The judge is the spouse of the accused, of the party injured, of an attorney employed in the cause, or of the district attorney; or is related to the accused or the party injured, or to the spouse of the accused or party injured, within the fourth degree; or is related to an attorney employed in the cause or to the district attorney, or to the spouse of either, within the second degree;

(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) ~~Is~~ The judge is a witness in the cause;

(5) ~~Has~~ The judge performed a judicial act in the ~~case~~ cause in another court; ~~or~~.

(6) ~~Would~~ The judge would be unable, for any other reason, to conduct a fair and impartial trial.

B. In a criminal cause, 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.

~~B.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 the political subdivision, or pays taxes thereto, or is a member of the religious body is not of itself a ground for recusation 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 must be of a substantial nature.

(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 and before the court - 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,” the judge would not be recused if he had been called 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 “case” is limited to the particular criminal prosecution at bar. “Case is more of a limited signification, importing 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).

(h) Subparagraph (A)(6) is a catchall provision to include circumstances that clearly indicate that the judge would not be 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 reasonably be expected to prevent the judge from conducting any aspect of 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 Canon 3C of the Code of Judicial Conduct, which provides that a judge should 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 not, in any case in which a ground for recusation exists.

~~On the written application of a trial judge, the supreme court may recuse him for any reason that it 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 therefor to the judicial administrator of the supreme court.

Comments - 2022

(a) Paragraph A of this Article conforms with the generally accepted view that a judge may recuse himself only if there is a valid ground for recusal. State ex rel. Jones v. Judge, 6 So. 22 (La. 1889). This provision is broad enough to allow a judge to recuse himself without a motion being filed.

(b) Paragraph B of this Article is new and 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. 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 has full power and authority to act, even though a ground for ~~recusation recusal~~ exists, until he is recused, or a motion for his ~~recusation recusal~~ is filed. The judge to whom the motion to recuse is assigned shall have full power and authority to act in the cause pending the disposition of the motion to recuse.

Comments - 2022

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 selected to hear the recusal to act on other matters in the cause.

Art. 674. ~~Procedure for recusation recusal~~ of trial judge

A. A party desiring to recuse a trial judge shall file a written motion therefor assigning the ground for ~~recusation recusal~~ under Article 671. The motion shall be filed not later than thirty days 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, unless the party discovers in the event that the facts constituting the ground for ~~recusation recusal~~ occur thereafter, in which event it or the party moving for recusal could not, in the exercise of due diligence, have discovered such facts, the motion to recuse shall be filed immediately after the facts occur or are discovered, but prior to verdict or judgment.

B. If a valid ground for recusation is set forth in the motion to recuse sets forth facts constituting a ground for recusal under Article 671, 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 refer the motion for hearing to another judge or to an ad hoc judge ad hoc, as provided in Article 675.

C. If the motion to recuse is not timely filed in accordance with Paragraph A of this Article or fails to set forth facts constituting a ground for recusal under Article 671, the judge may deny the motion without referring the motion to

another judge or to an ad hoc judge for hearing but shall provide written reasons for the denial.

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 no later than thirty days 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 using a late-filed motion to recuse as a manner of obtaining a continuance of 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 cases that fall under this exception, Paragraph A provides that the motion to recuse shall be filed immediately after such 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(5), 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 or to an ad hoc judge for hearing, but the judge must give 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 decision.

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 having one judge is that he is biased, prejudiced, 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 of an adjoining district or a lawyer domiciled in the judicial district who has the qualifications of a district judge to try the motion to recuse. In a city court, a separate juvenile court, or a family court, when the court has a single judge, the judge shall refer the motion to recuse to a district judge of his district. In a court having only one judge, the judge shall make a written request to the supreme court for the appointment of an ad hoc judge to try the motion to recuse.~~

D. The order of the court appointing an ad hoc judge ad hoc shall be entered on the minutes of the court, and the clerk of court shall forward a certified copy of the order to the appointed ad hoc judge ad hoc. The motion to recuse shall be tried promptly in a contradictory hearing in the court in which the case cause is pending.

Comments - 2022

This Article is similar to the corresponding provisions of Code of Civil Procedure Articles 155 (applicable to district courts) and 4863 (applicable to city courts) with such changes as are necessary in criminal proceedings.

Art. 676. Judge ad hoc Ad hoc judge to try case cause when judge recused

~~A. When a district court judge, or a judge of a separate juvenile court or of a family court, recuses himself, a judge ad hoc shall be assigned 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 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 the parish and has the qualifications of a city court judge.~~

~~B. When a district court judge or a judge of a separate juvenile court or of a family court When a judge of a court having more than two judges recuses himself or is recused after a trial of the motion, the matter shall be randomly reassigned to another judge for trial of the case cause in accordance with the procedures contained in Code of Criminal Procedure Article 675.~~

~~B. When a judge of a court having two judges recuses himself or is recused after a trial of the motion, the cause shall be tried by the other judge of that court.~~

~~C. When a city court the judge of a court having a single only one judge recuses himself or is recused after a trial on of the motion, the supreme court shall appoint an ad hoc judge ad hoc who tried the motion to recuse shall appoint to try the case cause either a city court judge from an adjoining parish or a lawyer who is domiciled in the parish and has the qualifications of a city court judge.~~

~~C. When a city court has two judges, if a judge recuses himself or is recused, the case shall be tried by the other judge of that court.~~

~~D. When a city court has more than two judges, if a judge recuses himself~~

~~or is recused, the case shall be tried by another judge of that court through a random reassignment process.~~

~~E.D.~~ The ad hoc judge ~~ad hoc~~ has the same power and authority to dispose of the ~~case~~ cause as the recused judge would have.

Comments - 2022

The provisions of this Article are similar to Code of Civil Procedure Articles 156 and 4864. 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. ~~Recusation of judge~~ Recusal of ad hoc judge

~~A judge~~ An ad hoc ~~judge~~ appointed to try a motion to recuse a judge, or appointed to try the ~~case~~ cause, may be recused on the grounds and in the manner provided in this Chapter for the ~~recusation~~ recusal of judges.

Comments - 2022

This Article is taken verbatim from Code of Civil Procedure Article 159.

Art. 679. ~~Recusation~~ Recusal of an appellate judge and a supreme court justice

A. ~~A party desiring to recuse a judge of a court of appeal shall file a written motion therefor assigning the ground for recusal under Article 671.~~ When a written motion is filed to recuse a judge of a court of appeal, ~~he the judge~~ may recuse himself or the motion shall be heard by the other judges on the panel to which the cause is assigned, or by all judges of the court, except the judge sought to be recused, sitting en banc.

B. When a judge of a court of appeal recuses himself or is recused, the court shall ~~appoint randomly allot~~ another of its judges to act for the recused judge in the hearing and disposition of the ~~case~~ cause.

C. ~~If the motion to recuse fails to set forth facts constituting a ground for recusal under Article 671, the judge may deny the motion without a hearing but shall provide written reasons for the denial.~~

D. ~~A party desiring to recuse a justice of the supreme court shall file a written motion therefore assigning the ground for recusal under Article 671.~~ When a written motion is filed to recuse a justice of the supreme court, ~~he the justice~~ may recuse himself or the motion shall be heard by the other justices of the court.

~~D-E.~~ When a justice of the supreme court recuses himself, or is recused, the court may have the ~~case~~ cause argued before and disposed of by the other justices or appoint a ~~sitting or retired~~ judge of a district court or of a court of appeal ~~having the qualifications of a justice of the supreme court to sit as a member of the court in the hearing and disposition of the case~~ cause.

Comments - 2022

(a) Neither this Article nor its source provision states the time when the motion to recuse a judge of a court of appeal or a justice of the supreme court must be filed. However, it is certain that the motion must be filed before the court has rendered its decision. State v. Jefferson Parish School Board, 19 So. 2d 153 (La. 1943). The general limitation of Article 674, that the motion for recusal shall be filed “at least thirty days prior to commencement of the trial,” does not apply to this special situation. A ground for recusal of a judge of a court of appeal or a supreme court justice will sometimes become apparent, for the first time, during the hearing before that court.

(b) This Article includes language from Code of Civil Procedure Article 158 that provides a specific procedure for the resolution of a motion to recuse an appellate judge.

(c) Paragraph C of this Article is similar to Article 674 in that it allows a judge of a court of appeal to deny a motion to recuse that fails to set forth facts constituting a ground for recusal without a hearing, but the judge must give written reasons for the denial.

* * *

CHAPTER 3. REVIEW OF ~~RECUSATION~~ RECUSAL RULING

Art. 684. Review of ~~recusation~~ recusal ruling

~~A.~~ If a ~~judge or a~~ district attorney is recused over the objection of the state, ~~or if an application by the state for recusation of a judge is denied,~~ the state may apply for a review of the ruling by supervisory writs. 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 writs.~~ 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 to the appellate court and shall not be raised on appeal.

Comments - 2022

(a) Under Paragraph A of this Article, the manner in which rulings concerning recusals of district attorneys are reviewed remains the same and has not been changed.

(b) Paragraph B of this Article provides that if either party seeks to challenge a ruling concerning the recusal of a judge, the party must do so in the form of a timely filed supervisory writ. This is the party's exclusive remedy. This revision is intended to ensure that rulings concerning the recusal of a judge are reviewed prior to the trial on the merits.

(c) Because Paragraph B of this Article creates an exception to a defendant's constitutional right to an appeal, Paragraph C requires the judge to advise the defendant that the recusal 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 Criminal Procedure Article 677 is hereby repealed in its entirety.

Section 3. The existing Comments to Code of Criminal 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

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:

§1132. Board of Ethics

* * *

B. Membership; terms; vacancies; qualifications.

* * *

(2) 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:

(a)(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 Seminary College, and Tulane University the 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 no fewer than five different 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. ~~Should If the governor fail 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 If the Senate or House of Representatives, whichever is appropriate, fail applicable, fails to elect a member from the list of nominees in the sixty-day period, the nominee listed first on the list of nominees shall be deemed elected to fill the vacancy.~~

(b) A vacancy on the board for any cause shall be filled in the same manner as the original appointment and from the same source for the remainder of the original term. If the nominating committee fails to submit eligible nominees in the time number, manner, and time required by this Section, the governor, if applicable, shall make the appointment or the Senate or the House of Representatives, whichever is applicable, shall elect a person eligible to serve on the board.

* * *

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

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

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

reenacted to read as follows:
Art. 3434. Endorsed copy of affidavit authority for delivery of property
* * *
C.(1) A multiple original of the affidavit, to which has been attached a certified copy of the deceased's death certificate, shall be recorded in the conveyance records in the office of the clerk of court in the parish where any immovable property described therein is situated, after at least ninety days have elapsed from the date of the deceased's death. For recordation 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:
§56. 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)(80) through (99), (C)(66), (E)(12), 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)(80) 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 opiates or other substances, by whatever official name, common or usual name, chemical name, or brand name designated:

SCHEDULE I
A. Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, or salts of isomers, esters, and ethers, whenever the existence of such isomers, esters, ethers, or salts is possible within the specific chemical designation:
* * *
(80) Phenylfentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylbenzamide
(81) para-methylfentanyl (N-(4-methylphenyl)-N-(1-phenethylpiperidin-4-yl)propanamide)
(82) Thiofuranylfentanyl (N-(1-phenethylpiperidin-4-yl)-N-phenylthiophene-2-carboxamide)
(83) beta-methylfentanyl (N-phenyl-N-(1-(2-phenylpropyl)piperidin-4-yl)propanamide)
(84) beta-phenylfentanyl (N-(1-phenethylpiperidin-4-yl)-N,3-diphenylpropanamide)
(85) 2-fluoro-ortho fluorofentanyl (N-(1-(2-fluorophenethyl)piperidin-4-yl)-N-(2-fluorophenyl)propanamide)
(86) 4-methylacetyl fentanyl (N-(1-(4-methylphenethyl)piperidin-4-yl)-N-phenylacetamide)
(87) Orthomethylacetyl fentanyl (N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide)
(88) Orthomethylmethoxyacetyl fentanyl (2-methoxy-N-(2-methylphenyl)-N-(1-phenethylpiperidin-4-yl)acetamide)
(89) Orthofluoroacryl fentanyl (N-(2-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)acrylamide)

(90) Fentanyl carbamate (ethyl(1-phenethylpiperidin-4-yl)(phenyl) carbamate)
(91) para-fluorofuranylfentanyl (N-(4-fluorophenyl)-N-(1-phenethylpiperidin-4-yl)furan-2-carboxamide)
(92) Isotonitazene (N,N-diethyl-2-[(4-isopropoxyphenyl)methyl]-5-nitro-1H-benzimidazole-1-ethanamine)
(93) Metonitazene (N,N-diethyl-2-[(4-methoxyphenyl)methyl]-5-nitro-1H-benzimidazole-1-ethanamine)
(94) Butonitazene (N,N-diethyl-2-[(4-butoxyphenyl)methyl]-5-nitro-1H-benzimidazole-1-ethanamine)
(95) Flunitazene (N,N-diethyl-2-(4-fluorophenyl)methyl]-5-nitro-1H-benzimidazole-1-ethanamine)
(96) Protonitazene (N,N-diethyl-2-[(4-propoxyphenyl)methyl]-5-nitro-1H-benzimidazole-1-ethanamine)
(97) N-pyrrolidino etonitazene (2-[(4-ethoxyphenyl)methyl]-5-nitro-1-[2-(pyrrolidino-1-yl)ethyl]-1H-benzimidazole)
(98) Etodesnitazene (N,N-diethyl-2-[(4-ethoxyphenyl)methyl]-1H-benzimidazole-1-ethanamine)
(99) 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-methoxymethamphetamine (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 ethers and salts of isomers, esters, or ethers whenever the existence of such salts, isomers, esters, or ethers and salts of isomers, esters, or ethers is possible within the specific chemical designation:

* * *
(12) 4,4-dimethylaminorex (4,4-DMAR)
F. Synthetic cannabinoids. Unless specifically excepted, or contained within a pharmaceutical product approved by the United States Food and Drug Administration, or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of a synthetic cannabinoid found to be in any of the following individual compounds or chemical groups, or any of those individual compounds or groups which contain any synthetic cannabinoid salts, isomers, salts of isomers, or nitrogen-heterocyclic analogs, whenever the existence of such salts, isomers, salts of isomers, or nitrogen-heterocyclic analogs is possible within the specific compounds or chemical groups:
* * *
(29) 1-(5-fluoropentyl)-N-(2-phenylpropan-2-yl)-1H-pyrrolo[2,3-B]pyridine-3-carboxamide [5FCUMYL-P7AICA]
* * *

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, dextrorphan, nalbuphine, naldemedine, nalmefene, naloxegol, naloxone, 6 -naltrexol, ~~and~~ naltrexone, and samidorphan, and their respective salts, but including the following:

* * *
SCHEDULE IV
* * *

D. Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers:

(15) Serdexmethylphenidate
* * *

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

ACT No. 47

HOUSE BILL NO. 411
BY REPRESENTATIVE THOMAS
AN ACT

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

* * *

B.

* * *

(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 is 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 disqualify 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
AN ACT

To designate a portion of the United States Highway 165 in Caldwell Parish as the “SPC Torey Jonteal 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 Jonteal 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
AN ACT

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

THE ADVOCATE
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* As it appears in the enrolled bill

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
AN ACT

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

* * *

B.

* * *

(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
AN ACT

To designate a portion of Louisiana Highway 527 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 527 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
AN ACT

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:

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

* * *

(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 centers serving the area in which the proposed excavation or demolition is to take place. Such notice shall be given to the notification center at least forty-eight hours, but not more than one hundred twenty hours, excluding weekends and holidays, in advance of the commencement of any excavation or demolition activity. Holidays shall consist of the following: New Year’s Day; Martin Luther King, Jr. Day; Good Friday; Memorial Day; Independence Day; Labor Day; Thanksgiving Day; Christmas Eve; and Christmas Day, ~~or the days on which those holidays are observed by the state.~~

* * *

§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 orally 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 an emergency 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 emergency.

D. The owner or operator of the underground utilities, facilities, or submerged 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

HOUSE BILL NO. 603

BY REPRESENTATIVES GADBERRY, ADAMS, AMEDEE, BAGLEY, BEAULLIEU, BRYANT, BUTLER, CARRIER, ROBBY CARTER, CORMIER, COUSSAN, COX, DUPLESSIS, ECHOLS, EDMONDS, FIRMENT, FISHER, FREIBERG, FRIEMAN, GAINES, GLOVER, HARRIS, HODGES, HORTON, ILLG, JEFFERSON, JENKINS, KERNER, LYONS, MACK, MARINO, MCFARLAND, DUSTIN MILLER, MOORE, NEWELL, CHARLES OWEN, PIERRE, RISER, SCHAMERHORN, SELDERS, THOMPSON, WHEAT, AND WHITE AND SENATORS BARROW, BERNARD, BOUIE, CARTER, FESI, HENRY, HEWITT, LAMBERT, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, PRICE, REESE, SMITH, STINE, TALBOT, TARVER, WARD, AND WOMACK

AN ACT

To enact R.S. 47:490.34 through 490.36, relative to military honor license plates; to provide for the establishment of a military honor license plate for women veterans, Commemorative Service recipients, and Military Medal Award recipients; 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 include 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 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.

§490.35. Military honor license plates; “Commemorative Service” recipients

A.(1) The secretary of the Department of Public Safety and Corrections shall establish a military honor license plate to be known as the “Commemorative Service” plate.

(2) This plate shall be made available to honorably discharged veterans who served in the following conflicts:

- (a) Global War on Terrorism.
- (b) War in Iraq.
- (c) War in Afghanistan.

B. 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 military honor license plate shall be known as the “Commemorative Service” license plate and shall include the seal of the veteran’s branch of service, the name of the conflict, and the campaign ribbon.

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 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.

§490.36. Military honor license plates; “Military Medal Award” recipients

A.(1) The secretary of the Department of Public Safety and Corrections shall establish a military honor license plate to be known as the “Military Medal Award” plate.

(2) 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) Air Force 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.

(p) Navy and Marine Corps Medal.
(q) Coast Guard Medal.
B. Upon application of a “Military Medal Award” recipient, as certified by the Department of Veteran’s Affairs, 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 military honor license plate shall be known as the “Military Medal Award” license plate and shall include the name of the veteran’s branch of service and the name and image of the medal.
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 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.
Section 2. The Department of Public Safety and Corrections, office of motor vehicles, is hereby directed to create these military honor license plates when the applicable statutory provisions are met and its system is updated to accommodate the creation of new plates.
Approved by the Governor, May 17, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 54

HOUSE BILL NO. 659
BY REPRESENTATIVE STEFANSKI
AN ACT

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 board who shall be paid compensation in an amount to be determined by the board which shall not exceed forty ninety 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

HOUSE BILL NO. 684
BY REPRESENTATIVE DAVIS
AN ACT

To amend and reenact R.S. 4:1, relative to the sale of admission tickets; to require the ticket value to be printed on its face; to provide for a penalty; to authorize the resale of tickets via the internet pursuant to certain requirements; to provide for certain exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 4:1 is hereby amended and reenacted to read as follows:
§1. Unlawful to sell tickets for more than the price; total cost of tickets to be printed on each
A. All admission tickets to any athletic contest, dance, theater, concert, circus, or other amusement shall have the price paid for the ticket, excluding order processing and delivery charges, printed on the face of the ticket; except as otherwise provided in Subsection D of this Section.
B. Except as provided in Subsection E of this Section, no person shall resell

or offer to resell such admission ticket for an amount in excess of the price printed on the face of the ticket.
E. Whoever violates this Section shall be fined not less than one hundred dollars and imprisoned for thirty days, nor more than five hundred dollars and imprisoned for ninety days.
D. In connection with the sale of tickets to athletic contests of institutions of higher education, contributions or other payments in excess of the printed price requested by or made to the institution or to an alumni organization or foundation which is organized for the primary purpose of providing support to the institution and which has been recognized as an approved support organization by the board of the institution shall be allowed.
E. C. Nothing shall prohibit the resale or offering for resale via the Internet internet of an admission ticket, at any price, to an athletic contest, dance, theater, concert, circus, or other amusement, if the organizer of the event and the operator of the location where the event is occurring authorize admission tickets to such event to be resold for more than the price printed on the face of the ticket. If such resale is authorized, any admission ticket to the event may be the ticket is resold or offered for resale through any web-site website if such web-site’s website’s operator guarantees a full refund of the amount paid for the ticket under each of the following conditions:
(1) The ticketed event is canceled.
(2) The purchaser is denied admission to the ticketed event, unless such denial is due to the action or omission of the purchaser.
(3) The ticket is not delivered to the purchaser in the manner described on such web-site website or pursuant to the delivery guarantee made by the reseller and such failure results in the purchaser’s inability to attend the ticketed event.
F. D. A web-site website operator’s guarantee pursuant to Subsection E C of this Section shall be posted on the operator’s web-site website and a prospective purchaser shall be directed to such guaranty before completion of the resale transaction.
G. E. A refund issued by a web-site website operator pursuant to any of the conditions provided for in Subsection E C of this Section shall include any servicing, handling, or processing fees unless such fees are declared nonrefundable under the terms of the guarantee.
H. F. The provisions of Subsection E C of this Section shall not apply to:
(1) University sports event tickets specially allocated to Louisiana legislators.
(2) Student tickets issued by Louisiana universities for sporting events.
I. If authorization to resell an admission ticket for more than the price printed on the face of the ticket is not granted by the organizer of the event and the operator of the location of the event pursuant to Subsection E of this Section, no person or entity shall resell an admission ticket for more than the price printed on the face of the ticket.
Approved by the Governor, May 17, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 56

HOUSE BILL NO. 695
BY REPRESENTATIVE WRIGHT
AN ACT

To amend and reenact R.S. 22:456, 1547(F) and (I)(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 exemptions from examinations, licensing, 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 (I)(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 under pursuant to this Subpart may contract with and appoint as its representatives in this state, as its producer or producers, any person or persons licensed as a life and health producer under producer for the line of accident and health or sickness pursuant to Chapter 5 of this Title, R.S. 22:1541 et seq. No solicitation of insurance shall be made by any producer prior to notification of such self-insurer that its appointment has been recorded by the commissioner of insurance. If the commissioner has not notified the self-insurer of his disapproval of a particular producer within thirty days after receipt of the self-insurer’s appointment of such producer, the producer thereafter may commence solicitation of insurance.
B. On or before the first day of March of each year, each self-insurer shall submit to the commissioner of insurance by certified mail an alphabetical list of the licensed producers which it wishes to appoint, together with a fee of ten dollars for each such appointment. Any appointment shall remain in full force and effect until the thirtieth day of April following the date of recordation by the commissioner of insurance, unless the license of the appointed producer is revoked by the commissioner or until cancelled by

~~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. 22:821.~~

~~C. Any self-insurer 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 in the partnership, corporation, or other business entity actively engaged in soliciting, negotiating, or effecting contracts of insurance or renewals thereof 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. 22:821.~~

~~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. 22:821.~~

~~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. 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 of insurance deems necessary.~~

~~I. Any licensed property and casualty or 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 are 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 life, health, and or accident and health or sickness insurance on borrowers or debtors or with respect to property and casualty insurance on collateral and involuntary unemployment, commonly known as credit insurance.~~

~~(4) 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 contracts 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. A person who holds a combination of life or health accident and health or sickness insurance producer licenses and life or health accident and health or sickness 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.~~

~~E. For producers authorized to write life, health and or 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 or 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 is 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 who hold 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 MCMAHEN, CORMIER, EDMONSTON, FIRMENT,
GLOVER, HORTON, LARVADAIN, 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, AMEDEE, BRYANT, COUSSAN,
EDMONSTON, EMERSON, FISHER, GAINES, GLOVER, GOUDEAU,
GREEN, HORTON, HUGHES, JORDAN, LARVADAIN, RISER, ROMERO,
AND THOMPSON AND SENATORS BARROW, BERNARD, BOUDREAUX,
CARTER, FIELDS, FOIL, HARRIS, HENRY, HEWITT, JACKSON,
LUNEAU, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS,
PEACOCK, SMITH, STINE, TALBOT, TARVER, AND WOMACK
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”

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

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 significant losses 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.

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. 59

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 relative to animal abuse and reporting; 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, 102.23, 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.
C. 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

ACT No. 60

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.
E. Domestic stock 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.
* * *

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

D. Domestic mutual insurers authorized to transact homeowners' insurance or fire and allied lines prior to September 1, 1989, shall have an initial 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 an initial 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.

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 an initial minimum surplus and an operating surplus totaling at least ten million dollars.
* * *

§165. Minimum application and surplus requirements
* * *

~~B. Insurers already organized and qualified under the laws of this state as of July 27, 1966, shall continue to have the same underwriting powers they had as of that date, provided all such insurers shall increase the surplus requirements to the amounts set out in Subsection A of this Section on or before August 1, 1967.~~ Domestic reciprocal insurers authorized to transact homeowners' insurance or fire and allied lines after August 1, 1967, shall have an initial minimum surplus of at least five million dollars by December 31, 2026, and at least ten million dollars by December 31, 2031.

C. Domestic reciprocal insurers who apply for a certificate of authority that includes homeowners' insurance or fire and allied lines after September 1, 2022, shall have an initial minimum surplus of at least ten million dollars.

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

Approved by the Governor, May 17, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 61

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 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 prices of hearing aids, and material used in 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~~

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

as defined in R.S. 37:2442 shall hereafter be required to be registered and licensed as hereinafter provided, and it shall be unlawful for any person to engage in or offer to engage in the state hearing aid sales and repair service as defined in R.S. 37:2442 unless duly registered and licensed in accordance with this Chapter or as an audiologist under the provisions of Chapter 34 of 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.

A. Any person engaging in the practice of selling and fitting of any type of hearing aid, as defined in R.S. 37:2442, shall be registered and licensed by the Louisiana Board for Hearing Aid Dealers.

B. The provisions of this Section are enacted to:

- (1) Protect the public.
- (2) 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.
- (3) 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,
FIRMONT, 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 to Louisiana Highway 1 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 384 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 law to the contrary, the Black Bayou Bridge on Louisiana Highway 384 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 WOMACK AND REPRESENTATIVES
CORMIER, LARVADAIN, PIERRE, SCHAMERHORN AND SELTERS
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 SENATOR 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 from the Tangipahoa Parish line to the Livingston Parish line is hereby designated as the “Trooper George Baker Memorial Highway” 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 2. The Department of Transportation and Development is hereby directed to erect and maintain appropriate signs of this designation.

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

Louisiana Revised Statutes of 1950, to be comprised of R.S. 47:120.181, relative to individual income tax refund checkoff donations; to authorize a refund checkoff donation for Maddie's Footprints; to provide relative to the expiration of the checkoff donation; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Subpart KK of Part 1 of Chapter 1 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, comprised of R.S. 47:120.181, is hereby enacted to read as follows:

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 lieu of that amount being paid to him as a refund, in which case the refund shall be reduced by the amount so designated. The designation shall be made at the time of the filing of the current year tax return and shall be made on the income tax return form as prescribed by the secretary of the Department of Revenue. Donated monies shall be administered by the secretary and distributed to 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

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

* * *

(6) "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 engineer ~~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.

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. 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~~ **the** insurer:

* * *

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 69

SENATE BILL NO. 264
BY SENATOR BOUIE
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 homeowner's 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, minimum surplus, and operating surplus in the amount of five million dollars on or after December 31, 2026, and ten million dollars on or after 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, minimum surplus, and operating surplus in the amount of five million dollars on or after December 31, 2026, and ten million dollars on or after December 31, 2031.

E. Domestic stock insurers who apply for a certificate of authority on or after September 1, 2022, that includes the lines of homeowners' insurance or fire and allied lines shall have paid-in capital, minimum surplus, and operating surplus in the amount of ten million dollars.

* * *

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

* * *

D. Domestic mutual insurers authorized to transact homeowners' insurance or fire and allied lines prior to September 1, 1989, shall have initial minimum surplus and operating surplus in the amount of five million dollars on or after December 31, 2026, and ten million dollars on or after 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 initial minimum surplus and operating surplus in the amount of five million dollars on or after December 31, 2026, and ten million dollars on or after December 31, 2031.

E. Domestic mutual insurers who apply for a certificate of authority on or after September 1, 2022, that includes the lines of homeowners' insurance or fire and allied lines shall have initial minimum surplus and operating surplus in the amount of ten million dollars.

* * *

§165. Minimum application and surplus requirements

* * *

~~B. Insurers already organized and qualified under the laws of this state as of July 27, 1966, shall continue to have the same underwriting powers they had as of that date, provided all such insurers shall increase the surplus requirements to the amounts set out in Subsection A of this Section on or before August 1, 1967. Domestic reciprocal insurers authorized to transact homeowners' insurance or fire and allied lines after August 1, 1967, shall have initial minimum surplus in the amount of five million dollars on or after December 31, 2026, and ten million dollars on or after December 31, 2031.~~

C. Domestic reciprocal insurers who apply for a certificate of authority on or after September 1, 2022, that includes the lines of homeowners' insurance or fire and allied lines shall have initial minimum surplus in the amount of ten million dollars.

Approved by the Governor, May 17, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 70

SENATE BILL NO. 399
BY SENATOR FIELDS
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in East Baton Rouge 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 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 SENATOR 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 or 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 in the Succession of Edward E. Chargois, and recorded as Act No. 297736 in Records 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 525 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. 72

HOUSE BILL NO. 632
BY REPRESENTATIVE MCFARLAND
AN ACT

To enact R.S. 30:2004(19) and R.S. 47:301(31) and 818.2(74), relative to small refineries; to provide definitions applicable to the La. Environmental Quality Act; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2004(19) is hereby enacted to read as follows:

§2004. Definitions

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

* * *

(19) “Small refinery” means a refinery for which the average aggregate daily crude oil throughput for a calendar year, as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year, does not exceed seventy-five thousand barrels.

Section 2. R.S. 47:301(31) and 818.2(74) are hereby enacted to read as follows:

§301. Definitions

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

* * *

(31) “Small refinery” means a refinery for which the average aggregate daily crude oil throughput for a calendar year, as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year, does not exceed seventy-five thousand barrels.

* * *

§818.2. Definitions

As used in this Part, unless the context requires otherwise, the following terms have the meanings ascribed herein:

* * *

(74) “Small refinery” means a refinery for which the average aggregate daily crude oil throughput for a calendar year, as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year, does not exceed seventy-five thousand barrels.

Section 3. The Louisiana State Law Institute is hereby authorized and directed to arrange in alphabetical order and renumber the definitions provided in R.S. 30:2004, R.S. 47:301, and R.S. 47:818.2.

Approved by the Governor, May 23, 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 propane and other fuels; to provide for the sale, transportation, and acceptance of propane and other fuels to individuals in affected areas during a declared natural disaster; 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, comprised 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 diversion, sale, transport, delivery, or acceptance of gasoline, diesel fuel, liquified petroleum gas, motor fuel, special fuel, gasohol, liquified natural gas, and other types of fuel, across jurisdictional boundaries within this 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)(5), relative to requirements for approved unauthorized

insurers; to provide for the submission of contact information; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 22:436(B) is hereby amended and reenacted and R.S. 22:436(B)(5) is hereby enacted to read as follows:

§436. Approved unauthorized insurers; list; requirements; removal

* * *

B. To obtain and maintain placement on the list of approved unauthorized insurers, an unauthorized insurer shall comply with the provisions of R.S. 22:435 applicable to foreign or alien insurers, respectively, and shall annually file with the commissioner **all of** the following, unless available to the commissioner through the ~~NAIC~~ **National Association of Insurance Commissioners** or from public sources:

* * *

(5) The contact information required for submission pursuant to R.S. 22:41.2.

* * *

Section 2. 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. 75

SENATE BILL NO. 66

BY SENATORS CONNICK, ALLAIN, BARROW, BERNARD, CATHEY,
CORTEZ, FESI, HARRIS, HENRY, HEWITT, MILLIGAN, MIZELL,
PEACOCK, POPE, SMITH, STINE, TALBOT AND WHITE

AN ACT

To amend and reenact R.S. 14:2(B)(50) and R.S. 14:79(B) and (C), relative to the crime of violation of protective orders; to provide for enhanced penalties for violations of a protective order when committed while in possession of a firearm; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:2(B)(50) and R.S. 14:79(B) and (C) are hereby amended and reenacted to read as follows:

§2. Definitions

* * *

B.

* * *

(50) Violation of a protective order **punishable under R.S. 14:79(C) if the violation involves a battery or any crime of violence as defined by this Subsection against the person for whose benefit the protective order is in effect.**

* * *

§79. Violation of protective orders

* * *

B.(1) On a first conviction for violation of protective orders, **except as provided in Subsection C of this Section, which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order,** the offender shall be fined not more than five hundred dollars or imprisoned for not more than six months, or both.

(2) On a second or subsequent conviction for violation of protective orders, **except as provided in Subsection C of this Section, which does not involve a battery or any crime of violence as defined by R.S. 14:2(B) against the person protected by the protective order,** regardless of whether the current offense occurred before or after the earlier convictions, the offender shall be fined not more than one thousand dollars and imprisoned with or without hard labor for not less than fourteen days nor more than two years. At least fourteen days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.

C.(1) ~~Whoever~~ **Except as provided in Paragraph (2) of this Subsection, whoever** is convicted of the offense of violation of protective orders where the violation involves a battery or any crime of violence as defined by R.S. 14:2(B) against the person for whose benefit the protective order is in effect, **or where the violation involves the offender going to the residence or household, school, or place of employment of the person for whose benefit the protective order is in effect while in possession of a firearm,** shall be fined not more than one thousand dollars and imprisoned with or without hard labor for not less than three months nor more than two years. At least thirty days of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence. If a portion of the sentence is imposed with benefit of probation, parole, or suspension of sentence, the court shall require the offender to participate in a court-monitored domestic abuse intervention program as defined by R.S. 14:35.3.

(2) Whoever is convicted of the offense of violation of protective orders where the violation involves a battery or any crime of violence as defined by R.S. 14:2(B) against the person for whose benefit the protective order is in effect, **or where the violation involves the offender going to the residence or household, school, or place of employment of the person for whose benefit the protective order is in effect while in possession of a firearm,** and who has a conviction of violating a protective order or of an assault or battery upon the person for whose benefit the protective order is in effect during the five-year

period prior to commission of the instant offense, regardless of whether the instant offense occurred before or after the earlier convictions, the offender shall be fined not more than two thousand dollars and imprisoned with or without hard labor for not less than one year nor more than five years. At least one year of the sentence of imprisonment imposed under this Paragraph shall be without benefit of probation, parole, or suspension of sentence.

* * *

Approved by the Governor, May 24, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 76

SENATE BILL NO. 77

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

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.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:153.3(C)(2) is hereby enacted to read as follows:

§153.3. Medical vendor reimbursements; allowable restrictions; peer-based prescribing and dispensing practice patterns; Medicaid Pharmaceutical and Therapeutics Committee

* * *

* * *

C.

(2) The department shall not restrict by prior authorization any prescription drug prescribed to an adult patient and determined by a prescribing practitioner licensed by the state to be medically necessary for the treatment and prevention of schizophrenia and schizotypal or any delusion disorders, including but not limited to first episode psychosis, if either of the following conditions are met and the request is in accordance with federal requirements:

(a) During the preceding year, the patient was prescribed and unsuccessfully treated with a preferred drug, whether a brand or generic drug.

(b) The patient has previously been prescribed and obtained prior authorization for the nonpreferred prescribed drug.

* * *

Approved by the Governor, May 24, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

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.

Be it 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 to clearly establish that under Louisiana law, automobile insurance liability coverage related to a defendant driver'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.

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

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 78

SENATE BILL NO. 123
BY SENATOR ABRAHAM

AN ACT

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, 28.58 seconds, North, 93 degrees, 19 minutes, 50.74 seconds, West. From the southeast corner the boundary shall then run to the southwest corner located at 29 degrees, 50 minutes, 24.37 seconds, North, 93 degrees, 19 minutes, 56.94 seconds, West. From the southwest corner the boundary shall then run northwest to a point 29 degrees, 50 minutes, 29.15 seconds, North, 93 degrees, 20 minutes, 1.24 seconds, West, and from there to a north, northwest point 29 degrees, 50 seconds, 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

ACT No. 79

SENATE BILL NO. 129
BY SENATOR MORRIS

AN ACT

To amend and reenact R.S. 47:305.76(A) and 337.9(D)(34) and to enact R.S. 47:305.76(B)(24) through (46), relative to local sales and use tax; to provide an exemption from local sales and use tax for the purchase of certain infused or injected prescription drugs; to provide for applicable diseases and conditions; to provide for effectiveness; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:305.76(A) and 337.9(D)(34) are hereby amended and reenacted and R.S. 47:305.76(B)(24) through (46) are hereby enacted to read as follows:

§305.76. Exemption; infused **or injected** prescription drugs for treating certain diseases and conditions

A. The tax imposed by the political subdivisions of the state shall not apply to the procurement and administration of prescription drugs used exclusively by the patient in his medical treatment when administered exclusively to the

patient by a physician, nurse, or other health care professional by infusion **or injection** in a physician’s office **medical clinic** where patients are not regularly kept as bed patients for twenty-four hours or more. **For purposes of this Section, the term “medical clinic” shall mean a facility used for the reception and care of persons who are sick, wounded, or infirm and used for the treatment of the diseases and conditions set forth in Subsection B of this Section or an outpatient facility licensed to administer drugs for the treatment of the diseases and conditions set forth in Subsection B of this Section.**

B. The exemption provided for in Subsection A of this Section shall apply only to prescription drugs that are prescribed for the treatment of the following diseases and conditions:

* * *

- (24) **Cancer.**
- (25) **Alzheimer’s Disease and Dementia.**
- (26) **Migraine.**
- (27) **Acute Bacterial Skin and Skin Structure Infection.**
- (28) **Hypercholesterolemia.**
- (29) **Plaque Psoriasis.**
- (30) **Thyroid Eye Disease.**
- (31) **Polyneuropathy of Hereditary Transthyretin Mediated Amyloidosis.**
- (32) **Neuromyelitis Optica Spectrum Disorder.**
- (33) **Alpha-1 Antitrypsin Deficiency.**
- (34) **Gaucher’s Disease.**
- (35) **Fabry Disease.**
- (36) **Pompe’s Disease.**
- (37) **Porphyria.**
- (38) **Paroxysmal Nocturnal Hemoglobinuria.**
- (39) **Wet Age-related Macular Degeneration.**
- (40) **Diabetic Macular Edema.**
- (41) **Diabetic Retinopathy.**
- (42) **Retinal Vein Occlusion.**
- (43) **Glaucoma.**
- (44) **Ocular hypertension.**
- (45) **Mucopolysaccharidosis type I (MPS I).**
- (46) **Granulomatosis with Polyangiitis.**

* * *

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

* * *

D.

* * *

(34) R.S. 47:305.76, “key words”: infused **or injected** prescription drugs for treating certain diseases and conditions.

* * *

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. 80

SENATE BILL NO. 163
BY SENATORS TALBOT, BERNARD, FESI, JACKSON, ROBERT MILLS,
PEACOCK, SMITH AND STINE

AN ACT

To enact R.S. 22:1897, relative to the insurance claims process; to provide a policyholder a catastrophe claim process disclosure form; to provide for rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1897 is hereby enacted to read as follows:

§1897. Catastrophe claim process disclosure form; rules and regulations

A. The commissioner shall promulgate all rules and regulations for a catastrophe claims process disclosure form that shall include but not be limited to the following:

(1) An explanation of the claims process, and the manner through which the insurer should communicate with the insured, subject to the terms and conditions of the insurance policy.

(2) An explanation of the supplemental claims process and the manner through which insurer should communicate with the insured, subject to the terms and conditions of the insurance policy.

(3) An explanation of the methodology used to calculate the percentage of the insured value of the property applicable to the insured’s hurricane, named storm, wind, and hail deductibles.

(4) An explanation of the difference between the actual cash valuation and the replacement cost valuation.

(5) The rights and protections a policyholder has under state law.

(6) An explanation of the duties a policyholder has in order to settle an insurance claim.

(7) An explanation of the items necessary to properly document an insurance claim.

(8) An explanation of the procedure for filing a complaint with the department if the policyholder is not satisfied with either the claim process or the claim

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settlement.

(9) A statement that informs the policyholder that if he files a claim for damage to a 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 a 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 disbursement 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 filing 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.

Section 2. 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. 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)

(2) 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 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.

(3) 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)

(2)(a) ~~Except as provided in Paragraph (3) of this Subsection, failure by the health insurance issuer or its utilization review organization~~ If a health insurance issuer or its utilization review organization fails to provide the documents and information within the time frame specified in Paragraph (1) of this Subsection, the assigned independent review organization may

THE ADVOCATE
PAGE 31

* As it appears in the enrolled bill

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 shall 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.

(b) 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) 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 expeditious 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 MIZELL
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 repeal the termination date of the commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:407.101(E)(8)(introductory paragraph) and (b)(i), (F), and (G) are hereby amended and reenacted to read as follows:

§407.101. Early Childhood Care and Education Commission

* * *

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's findings and recommendations into the report that the commission produces pursuant to Subsection F of this Section.

* * *

(b)

(i) 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 each Regular Session of the Legislature, the commission shall produce a report of its findings and recommendations. Not later than fourteen days prior to the beginning of the 2022 Regular Session of the Legislature, regular session of the legislature,~~ the commission shall ~~produce~~ provide a report ~~on of its findings and recommendations and~~ the status of the implementation of its recommendations. ~~The reports shall be 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.~~

G. The commission shall meet at least twice between ~~the 2020 and 2021~~

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~~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; compensation; staff and facilities; powers and duties; data collection and 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 fee; 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.
Be it enacted by the Legislature of Louisiana:
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.

B. The secretary shall work in conjunction with the executive director of the University of Mississippi 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 University of Mississippi Alumni Association chapters in the state of Louisiana that are officially sanctioned by the University of Mississippi Alumni Association.

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.

B. The secretary shall work in conjunction with the executive director of the University of Southern Mississippi Alumni Association, or his designee, to select the color and design of the plate, provided the design is in compliance with R.S. 47:463(A)(3).

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

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

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

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)(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. 47:337.80~~ **R.S. 47:337.69(C)**, except as provided in Subsection E of this Section. **To the**

extent the collector prevails, the taxpayer shall pay the collector additional interest calculated on the disputed amount at the same rate established for tax obligations pursuant to R.S. 47:337.69(C), except as provided in Subsection E of this Section.

* * *

D.(1) 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 before the courts for judicial determination or before 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 final judgment of a court upon a timely appeal of a decision of the Board of Tax Appeals, may remit the additional assessment under protest, but need not file an additional suit or petition. In such cases, the tax so paid under protest 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, 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 principle 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.(1) When the collector has pursued collection of taxes pursuant to any remedy provided for in R.S. 47:337.45(A)(2) or (3) and the taxpayer has made a timely payment under protest concerning the same tax obligation, and if the collector 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.

(2) 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.

B.(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 total amount of tax that is due on a return which he has filed, there 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 and every 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) In the case of the filing of a return without remittance of the full amount due, the specific penalty imposed by this Paragraph **in the amount of five percent of the tax owed** for each thirty-day period shall be calculated only on the additional amount due from the taxpayer after the deduction of payments timely submitted, or 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.

* * *

(4) The penalties for delinquent returns and failure to remit the total amount of tax due shall accrue beginning the day after the due date subject to the limitations of this Subsection.

* * *

§337.80. Interest on refunds or credits

A.

* * *

(4)

* * *

(b)(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 the interest allowed by 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

SENATE 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 limitations and conditions; 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 state sales and use taxes 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. 47:301(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.

(3) 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.

(4) 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. The secretary of the Department of Revenue may promulgate rules in accordance with the Administrative Procedure Act as are necessary to implement the provisions of this Section, including rules to provide for the form and manner for claiming a rebate.

C. No rebate shall be issued for purchases made after December 31, 2022.

D. No rebate shall be issued for applications submitted after December 31, 2023.

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. 89

SENATE BILL NO. 320
BY SENATOR HENRY
AN ACT

To enact R.S. 27:244(D), relative to the casino operating contract; to temporarily suspend the requirement of certain provisions; to clarify that certain activities are not suspended; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:244(D) is hereby enacted to read as follows:

§244. Contract to conduct casino gaming operations; other requirements; breach of contract

* * *

D.(1) Paragraphs (A)(11) and (A)(12) of this Section shall be temporarily suspended in force and effect from July 1, 2022, thru June 30, 2024.

(2) At all times, including the suspension period provided in Paragraph (1) of this Subsection, R.S. 27:248(C) shall remain in full force and effect.

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. 90

SENATE BILL NO. 360
BY SENATOR FOIL
AN ACT

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 statewide public health 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 here by 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. The surety's opportunity 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 June 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 August 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 October 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 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 begin to run after the notice of warrant for arrest is sent pursuant to Article 335.

J.(1) Additionally, a surety may file a motion in the criminal court of records seeking additional time to surrender a defendant citing specific circumstances related to COVID-19 and pertaining to the defendant in a the criminal matter. A motion seeking relief pursuant to this Paragraph shall be filed prior to or at a hearing on a rule to show cause to obtain a judgment of bond forfeiture. The motion shall include all of the following as a bona fide effort of active investigation in the recovery of the defendant:

(a) A sworn affidavit affirming efforts to locate and recover the defendant.

(b) A signed agreement of the engagement contract between the bail bondsman surety and the fugitive recovery team.

(c) Evidence of the last contact between the bail bondsman and either the defendant's next of kin or the indemnitor of the defendant.

(2) If the motion meets the requirements of this Paragraph, the court may grant an additional extension of time not to exceed one hundred eighty days. If

the court grants an extension of time, the rule to show cause hearing shall be continued after the expiration of the extension of time. If the motion does not meet the requirements of this Paragraph, the court may deny the motion.

~~J.K.~~ In cases which were continued by the court during 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 bondsman who posted the bail undertaking for the commercial surety in accordance with Article 330(D).

~~K.L.~~ 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(B) and to enact 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 it 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 update the amounts due. The request 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 due 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. Nothing in this article shall prohibit the owner or servicer of a superior encumbrance from 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 to the sheriff or the seizing creditor, depending on at whose 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.

* * *

B. 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~~ **2336, 2336.1, and** 2411 et seq., R.S. 46:236.1.4, 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 it 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, then the primary licensee shall have until August 1, 2022, to apply for licensing of offtrack wagering facility locations and the prohibitions in Subsections A and D of this Section and Paragraph (1) of this Subsection shall not apply to those applications.

* * *

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 it 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 to clearly establish that under Louisiana law, automobile insurance liability coverage related to a defendant driver'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; to provide for insurance 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 the first 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 Sheriff's 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. 11:612(2)(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. 11:612(2)(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. 11:612(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 capitol 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 and 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

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 relative to 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:
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; to repeal certain fees and mileage rates for witnesses residing or employed within a certain distance of the courthouse; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3671 is hereby repealed in its entirety.
Approved by the Governor, May 25, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 100

HOUSE BILL NO. 61
BY REPRESENTATIVES KERNER, BOURRIQUE, BRYANT, BUTLER,
CARRIER, FISHER, GREEN, ILLG, NEWELL, ORGERON, SELTERS, ST.
BLANC, THOMPSON, AND ZERINGUE
AN ACT

To amend and reenact the heading of Part VIII of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950, R.S. 30:101.1, 101.2(A), 101.3(1) and (4), 101.4(Section heading) and (A), 101.5(A)(1), 101.6(A)(5) and (6), and 101.9(Section heading), (A) and (C)(4), R.S. 36:354(E)(2), and R.S. 56:700.2(A) (4) and 700.6, to enact R.S. 30:101.3(7) and (8), 101.6(A)(8) and (9), 101.9(D)(5), and 101.11 through 101.15, and to repeal 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, relative to the Fishermen's Gear Compensation Fund; to extend the existence of such fund; to repeal such fund after a certain date; to extend payments into the Underwater Obstruction Removal Fund; to create 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 definitions; to provide for the transfer of funds from the Fishermen's Gear Compensation Fund to 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. 56:700.2(A)(4) and 700.6 are hereby amended and reenacted to read as follows:§700.2. Establishment, continuance, and purposes of fund; geographical coverage; assessments
A. There is hereby established in the state treasury a Fishermen's Gear Compensation Fund into which amounts paid pursuant to this Section shall be deposited. The fund shall be available to the secretary only for the following purposes:
* * *

(4) On July 1, 2014, and on each July first thereafter and ending on June 30, 2022, 2023, the state treasurer shall annually deposit the amount of two hundred fifty thousand dollars into the Underwater Obstruction Removal Fund as provided in R.S. 30:101.9. The department shall seek to match these funds with whatever federal or state funds may be available for such purposes.
* * *

§700.6. Termination date
The provisions of this Part shall terminate and have no effect after June 30, 2022, 2023.

Section 2. The heading of Part VIII of Chapter 1 of Title 30 of the Louisiana Revised Statutes of 1950, R.S. 30:101.1, 101.2(A), 101.3(1) and (4), 101.4(Section heading) and (A), 101.5(A)(1), 101.6(A)(5) and (6), and 101.9(Section heading), (A) and (C)(4) are hereby amended and reenacted and R.S. 30:101.3(7) and (8), 101.6(A)(8) and (9), 101.9(D)(5), and 101.11 through 101.15 are hereby enacted to read as follows:

PART VIII. LOUISIANA FISHERMEN'S GEAR COMPENSATION AND UNDERWATER OBSTRUCTION REMOVAL PROGRAM

§101.1. Citation
This Part may be cited as the "Louisiana Fishermen's Gear Compensation and Underwater Obstruction Removal Program".

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

§101.3. Definitions
As used in this Part, the following terms shall have the meanings ascribed to them in this Section, unless the context or use clearly indicates otherwise:
(1) "Account" means the Fishermen's Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account.
* * *

(4) "Program" means the Fishermen's Gear Compensation and Underwater Obstruction Removal Program.
* * *

(7) "Commercial fisherman" means any citizen of the state of Louisiana whose primary source of earnings is from the harvesting of living marine resources for commercial purposes. For purposes of this Paragraph, "earnings"

means the earnings derived solely by the personal efforts of the commercial fisherman, exclusive of the income of a spouse or of any community property interest in the income of a spouse.

(8) “Fishing gear” means any vessel and any equipment, whether or not attached to a vessel, which is used in the commercial handling or harvesting of living marine resources.

§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 fishermen’s gear compensation, by the assistant secretary of the office of coastal management and, for purposes of underwater obstruction, by the assistant secretary of the office of conservation.

* * *

§101.5. 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 ~~fund~~ dedicated fund account for the identification, inventory, and removal of underwater obstructions as he deems necessary and appropriate.

* * *

§101.6. Powers of the assistant secretary

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

* * *

(5) Administer and manage the Fishermen’s Gear Compensation and Underwater Obstruction Removal Program for identification, inventory, and removal of underwater obstructions in the navigable coastal waters of the state.

(6) Administer and manage the Fishermen’s Gear Compensation and Underwater Obstruction Removal Dedicated Fund Account.

* * *

(8) Maintain a file on the location of known underwater obstructions.

(9) Administer the payment of appropriate compensation for commercial fishermen whose fishing gear is damaged by underwater obstructions in the Louisiana territorial waters that overlie state-owned waterbottoms that are contained within the coastal zone boundaries as defined in R.S. 49:214.24.

* * *

§101.9. 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 those 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:

* * *

(4) Any monies deposited into the account pursuant to R.S. 56:700.2(A)(4) R.S. 30:101.11(B)(2).

D. The monies in the account may be disbursed and expended pursuant to the authority and direction of the assistant secretary for the following purposes and uses:

* * *

(5) 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 which are contained within the coastal zone boundaries as described and established by R.S. 49:214.24.

B.(1) 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.

(2) The state treasurer shall be authorized to deposit into the account a sum

in the amount of one hundred thousand dollars from proceeds remaining in the Bond Security and Redemption Fund after compliance with dedications of mineral royalties, leases, bonuses, and rights-of-way and other sums payable to the state as lessor of mineral leases and grantor 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.

§101.12. Promulgation and adoption of rules and regulations

A. In carrying out the provisions of this Part applicable to compensation to commercial fishermen for damage to their fishing gear, the secretary shall prescribe, and from time to time amend, regulations for the filing, 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.

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

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

(1) Shall be made from the fund when the damage set forth in a claim was caused by materials, equipment, structures, or other items attributable to a financially responsible party and unless evidence is submitted that the party responsible for the obstruction cannot be determined.

(2) Shall exceed five thousand dollars for any incident.

(3) Shall be made unless the claimant shows by a preponderance of evidence that he is free from contributory negligence in causing the loss.

(4) Shall be made for any claim at a site that has been certified by the assistant secretary of the office of conservation for the Department of Natural Resources as having been cleared under the provisions of this Part. Once a site has been cleared under the Louisiana Fishermen’s Gear Compensation and Underwater Obstruction Removal Program, the assistant secretary shall certify that the site of at least two hundred yards in diameter is free of obstructions and future claims at a site so certified shall be denied. Whenever four or more claims are reported after a site has been certified as clear, the site shall be revisited and the new or leftover obstruction shall be located and, if the department determines it is feasible, removed.

D. Upon receipt of a claim against the fund, the secretary shall assign the matter to a hearing examiner for disposition. Claimants shall submit such documentary evidence as the hearing examiner requires to prove a valid claim justifying payment from the fund. In the event that a dispute arises over any claim that cannot otherwise be resolved, the hearing examiner shall hold a hearing, after giving public notice. At such hearing, the claimant and any other interested person may submit evidence. The hearing examiner shall have the power to administer oaths and subpoena witnesses and books, records, and other evidence pertinent to the issue. The hearing shall be held in the state at a place and time determined by the secretary. After the hearing, a prompt decision shall be made, all in accordance with rules and regulations adopted pursuant to this Part and the Administrative Procedure Act.

§101.14. Facilities reports; survey of obstruction; labeling

A. The assistant secretary shall prepare 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 and operators of state mineral leases and pipeline rights-of-way to furnish information relative to the location, description, and nature of facilities, both active and abandoned, on and beneath the state’s waterbottoms.

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.

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(B)(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(B)(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 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.

* * *

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, ~~2022~~ 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 1950.

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 1950.

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 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~~ 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, and 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, 439.1, 446.1, 1073, 1355, 1806, 1844, 1862, 1923, 2124.1, 2134, 2187, 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) (3) “Americans with Disabilities Act” and “ADA” mean the Americans with Disabilities Act of 1990, as amended, 42 U.S.C. 12101 et seq.

(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. It also includes any person appointed to fill a vacancy in such an office.

(2) (5) “Office” means the office of the state Americans with Disabilities Act coordinator within the office of the governor, division of administration.

(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, charter, 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 public servants of the agency, applicants for employment at the agency and members of the general public who seek or receive services or benefits from the agency.

B. Based on the business needs and organizational structure of the agency, the required policy may be formatted as a single policy, comprehensive policy, or comprised of multiple policies tailored to the specific facility, audience, or Titles of the Americans with Disabilities Act. At a minimum, the policy shall contain all of the following:

(1) It shall express the agency’s commitment to engaging in the interactive process and providing reasonable accommodations to any individual with a disability for purposes of participating in the application and interview process, performing the essential functions of the job, providing equal opportunity to access the benefits and privileges of employment, ensuring effective communication, and providing equal opportunity to access the agency’s programs, services, activities, and facilities.

(2) It shall provide for designating an Americans with Disabilities Act agency coordinator.

(3) It 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.

(4) It shall provide for documentation of the interactive process, including: accommodation requested and discussed, any other equally effective accommodations identified, business reasons for decisions made, and actions taken on the accommodation request.

(5) It shall specify an effective grievance process for prompt resolution of complaints regarding disposition of accommodation requests or alleging any action prohibited by the Americans with Disabilities Act.

(6) It shall include a clear prohibition against harassment, discrimination, or retaliation against an individual related to exercising or aiding in the exercise of Americans with Disabilities Act rights or for having a relationship or association with another individual with a known disability.

§2595. Mandatory training requirements

A. (1) An agency head shall require all supervisors in his agency to receive a minimum of one hour of education and training on the Americans with Disabilities Act within ninety days of hire or appointment to a supervisory position and every three years thereafter.

(2) An agency head shall require Americans with Disabilities Act agency coordinators in his agency to receive a minimum of one hour of education and training on the Americans with Disabilities Act within ninety days of hire or appointment to the role of Americans with Disabilities Act agency coordinator and every three years thereafter.

B. The education and training required by this Section may be received in person or via the internet through training and education materials approved by the public servant’s agency head.

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.

§2596. Mandatory reports for Americans with Disabilities Act

A. Each agency head shall compile an annual report containing information from the previous calendar year regarding his agency’s compliance with the requirements of this Chapter. The report shall include: the number and percentage of supervisors and Americans with Disabilities Act agency coordinators, respectively, in his agency who have completed the training requirements; the number of accommodation requests received by his agency; the number, nature, and cost of accommodation requests granted; the number of accommodation requests denied; and the amount of time required to resolve each request from date of receipt to the date the individual was notified in writing of the final determination of the request. The report shall also include the number of Americans with Disabilities Act-related charges of discrimination filed with the U.S. Equal Employment Opportunity Commission, Louisiana Commission on Human Rights, and the U.S. Department of Justice and civil actions filed in state or federal court. The data provided shall be used for tracking purposes only and shall not include personally identifying information such as the requestor’s name or references to confidential medical conditions or impairments. These reports shall be a public record and available to the public in accordance with the Public Records Law.

B. An agency head shall submit the report required by Subsection A of this Section by February first of each year, with the initial report being due by February 1, 2024, for the 2023 calendar year, to the office.

§2597. State as a model employer
Agency heads shall:

(1) Ensure that all employees, at the time of employment and every five years thereafter, complete a voluntary self-identification of disability form for effective data collection and analysis of the percentage of individuals with disabilities employed by the agency. The form shall only request disclosure regarding whether an employee has a disability, without reference to or identification of the actual impairment, disability, or medical condition. The completed form shall be confidential and filed in a folder separate from the employee’s personnel file.

(2) Prepare and submit an agency plan, by December first of each year, to the office that includes the strategies and goals for the upcoming year and the progress and outcomes for the current year, related to employment of individuals with disabilities. The agency plan shall be formatted in the manner prescribed by the office and include a comparison of the percentage of individuals with disabilities employed by his agency from the previous to current year based on data from the self-identification process outlined in Paragraph (1) of this Section.

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. 104

HOUSE BILL NO. 147
BY REPRESENTATIVE EDMONDS
AN ACT

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:

§4712.24. Naming of facilities that are part of the district headquarters; 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 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. 105

HOUSE BILL NO. 148
BY REPRESENTATIVE FREEMAN
AN ACT

To enact R.S. 33:9091.27, relative to Orleans Parish; to create the Bouligny 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. 33:9091.27 is hereby enacted to read as follows:

§9091.27. Bouligny 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 Bouligny 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.
D. Governance. (1) In order to provide for the orderly development of the district and effectuation of the services to be furnished by the district and to provide for the representation in the affairs of the district of those persons and interests immediately concerned with and affected by security in the area, the district shall be managed by a 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 Bouligny Improvement Association or its successor, referred to in this Section as 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 one shall serve an initial term of 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.

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

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

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

(6) The board shall adopt such 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.

(7) A majority of the members of the board shall constitute a quorum for the

transaction of business. The board shall keep minutes of all meetings and shall make them available through the secretary of the board to residents of the district.

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

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

(1) To sue and be sued.

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

(3) To receive and expend funds collected pursuant to Subsection 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 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.

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

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

(7) To acquire, lease, insure, 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 and in the public interest.

(2) Any plan shall include:

(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 mills 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.

G. Taxing 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.

H. Budget. (1) The board of commissioners shall adopt an annual budget in accordance with the 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. 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 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. 106

HOUSE BILL NO. 151
BY REPRESENTATIVE EDMONDS
AN ACT

To enact R.S. 33:9097.35, relative to East Baton Rouge Parish; to create the Old Jefferson Crime Prevention and Improvement District; to provide relative

to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding, including the imposition of a parcel fee, 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. 33:9097.35 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”. The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

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 House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member.

(c) The member of the Louisiana Senate 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 and shall be qualified voters of the district.

(3)(a) Members shall serve 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.

(b) Members shall be eligible for reappointment.

(4) 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.

(5) 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.

(6) The members of the board shall serve without compensation but shall be reimbursed for reasonable out-of-pocket expenses directly related to the governance of the district, not to exceed one hundred dollars per year.

(7) The board shall keep minutes of all meetings and shall make them available through the secretary of the board. The minute books and archives of the district shall be maintained by the secretary of the board. The monies, funds, and accounts of the district shall be in the official custody of the board.

(8) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs. The board shall hold regular meetings as shall be provided for in the bylaws and may hold special meetings at such times and places within East Baton Rouge Parish as may be prescribed in the bylaws.

(9) A majority of the membership of the board shall constitute a quorum for the transaction of business, and an official action of the board requires the favorable vote of a majority of those members present and voting. All members of the board shall be voting members.

(10) The domicile of the board shall be in East Baton Rouge Parish.

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 improved lighting, signage, or matters relating to the security of 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 security, improvement, or betterment of all 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 upon service as a member of the board or that may arise as a result of actions taken within the scope and discharge of duties as a member of the board.

(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. Parcel fee. 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)(a) The fee shall be imposed on each improved and unimproved parcel located within the district.

(b) 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.

(2)(a) 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 fifty dollars per year for each 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 Level pursuant to Article VII, Section 18(G)(1) of the Constitution of Louisiana shall be charged fifty percent of the parcel fee charged to other owners.

(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 who vote 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 if approved by a majority of the registered voters of the district voting on the proposition at an election as provided in Subparagraph (d) of this Paragraph. If the fee and board’s authority to increase the fee is renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed ten years.

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

(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 board 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 any additional law enforcement personnel and services provided for through the fees authorized in this Section shall be supplemental to, and not in lieu of, personnel and services to be provided in the district by publicly funded law enforcement agencies.

(2) If the district ceases to exist, any funds, equipment, and property of the district shall be transmitted to the governing authority of the municipality in which the district is located if the district was located within the boundaries of an incorporated area or to the governing authority of the parish of East Baton Rouge if the district was not located within the boundaries of an incorporated area and shall be used only within the district for the purposes set forth in this Section.

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

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

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

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

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

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

Approved by the Governor, 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 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. 34:851.25(A) 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. 34:851.25(A) is hereby amended and reenacted to read as follows:
§851.25. 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:
* * *

(f) 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.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 109

HOUSE BILL NO. 163
BY REPRESENTATIVE PHELPS AND SENATORS BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CONNICK, FIELDS, FOIL, HARRIS, JACKSON, LUNEAU, MCMATH, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, PEACOCK, PRICE, REESE, SMITH, STINE, TALBOT, TARVER, AND WOMACK
AN ACT

To enact R.S. 47:463.214, relative to motor vehicle special prestige license plates; to establish the “Sickle Cell Disease Association” specialty license plate; to provide for the creation, issuance, design, fees, implementation, distribution, and rule promulgation applicable to such license plate; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:463.214 is hereby enacted to read as follows:
§463.214. Special prestige license plate: “Sickle Cell Disease 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 “Sickle Cell Disease Association” 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 Sickle Cell Disease Association of America, Inc., Northwest Louisiana Chapter to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The plate shall include the Sickle Cell Disease of America, Inc. official logo.
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 Baton Rouge Sickle Cell Anemia Foundation, the Sickle Cell Disease Association of America, Inc., Northwest Louisiana Chapter, the Southwest Louisiana Sickle Cell Anemia, Inc., the Northeast Louisiana Sickle Cell Anemia Technical Resource Foundation, Inc., and the Sickle Cell Anemia Research Foundation in equal payments. The monies received from the royalty fees shall be used to assist the local sickle cell foundations with operational costs and to support programs for sickle cell clients and their families in their efforts to live productive and stable lives.
F. The secretary shall promulgate and adopt rules and regulations as are necessary to implement the provisions of this Section.

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.

Section 3. 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 25, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 110

HOUSE BILL NO. 186
BY REPRESENTATIVES STEFANSKI AND LANDRY
AN ACT

To amend and reenact R.S. 42:1130.4, relative to unethical election practices; to provide for the standard of knowledge of a false statement; to provide for penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 42:1130.4 is hereby amended and reenacted to read as follows:
§1130.4. False statements by candidate
No candidate in an election shall, with the intent to mislead the voters, distribute or cause to be distributed any oral, visual, digital, or written material containing any statement which he knows or should be reasonably expected to know makes a false statement about another candidate in the election.

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

ACT No. 111

**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

ACT No. 112

**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 applicant 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. 40:2009.3 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. 40:2009.3; 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

Persons 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 ~~nursing homes~~ licensed long-term care facilities. The ratio of supervising licensed personnel to certified medication attendants shall be specified in department rules.

* * *

§1026.6. Promulgation of rules and regulations

A. The department, in consultation with an advisory committee to be comprised of one representative each, designated by the chief elected or administrative officer, of the Louisiana State ~~Nurses’~~ Nurses Association, Louisiana Board of Pharmacy, Louisiana State Board of Practical Nurse Examiners, Louisiana State Board of Nursing, Louisiana State Long-Term Care Ombudsman Program in the office of the governor, Board of Supervisors of Community and Technical Colleges, ~~and~~ Louisiana Nursing Home Association, and Louisiana Assisted Living Association shall promulgate rules and regulations pursuant to the Administrative Procedure Act for the enforcement of this Part ~~by March 31, 2008.~~

B. The rules and regulations shall include but not be limited to:

* * *

(6) Ratios of supervising licensed nurses to medication attendants in licensed ~~nursing homes~~ long-term care facilities.

* * *

§1026.7. Medication administration course; qualifications of applicants

Each person accepted to participate in the medication administration course shall meet the following minimum qualifications:

* * *

(8) Have a minimum of one year’s experience in a ~~nursing home~~ licensed long-term care facility as a certified nursing assistant or graduated from a nursing program.

* * *

§1026.8. Registry

A permanent register of all persons certified to practice as a medication attendant shall be maintained by the department as part of the nurse aide registry. Any ~~nursing homes~~ licensed long-term care facility utilizing a medication attendant shall verify with this registry that the person has a current certification.

Approved by the Governor, May 25, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 113

**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 athletics; 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:

§1087.1. Comprehensive sports injury management program for student athletics

* * *

B. The injury management program shall:

* * *

(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 ~~occur on~~ 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) “Intrastate game” means any regular season game played in the state.

(4) “Jamboree” means a preseason football contest that serves as an official rehearsal for the upcoming regular season where teams compete against regular season opponents.

(5) “Regular season game” means any intrastate or interstate game played during the regular sports season.

(2) (6) “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.

Approved by the Governor, May 25, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 114

HOUSE BILL NO. 198
BY REPRESENTATIVE WILLARD
AN ACT

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 offered 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 26, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 115

HOUSE BILL NO. 164
BY REPRESENTATIVE PRESSLY
AN ACT

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 25, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 116

HOUSE BILL NO. 192
BY REPRESENTATIVE ZERINGUE
AN ACT

To enact R.S. 23:1474(J)(3), relative to unemployment compensation; to provide for the determination of benefits, taxes, and discounts; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1474(J)(3) is hereby enacted to read as follows:

§1474. Administrator; Revenue Estimating Conference; "wages"; weekly benefit amounts

* * *

* * *

J.

(3) Notwithstanding any other provision of this Section or any other law to the contrary, the administrator shall apply Procedure 2 from the table in Subsection I of this Section for the calendar year beginning on January 1, 2023, for the maximum dollar amount of "wages", maximum weekly benefit amount, with any applicable discounts under R.S. 23:1592, and the formula for computation of benefits.

Section 2. This Act shall become effective if the Legislature of Louisiana deposits funds into the clearing account of the Unemployment Compensation Fund pursuant to R.S. 23:1491. Section 3. This Act shall become effective on January 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or January 1, 2023, whichever is later.

Approved by the Governor, May 26, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State
