

ACTS OF 2022 LEGISLATURE

Acts 200-273

ACT No. 200

HOUSE BILL NO. 18
BY REPRESENTATIVE BACALA
AN ACT

To amend and reenact R.S. 11:2220(J)(1) and enact R.S. 11:2220(J)(4), relative to the Municipal Police Employees' Retirement System; to provide relative to reemployment of retirees in the system; to provide for the payment of retirement benefits during reemployment; to provide for compensation and contributions during reemployment; 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. 11:2220(J)(1) is hereby amended and reenacted and R.S. 11:2220(J)(4) is hereby enacted to read as follows:
§2220. Benefits; contribution limit

J.(1)(a) The Except as provided in Paragraph (4) of this Subsection, the benefits of any retiree of this system who retires on or after July 1, 2021, and becomes employed by an employer but does not meet the definition of an employee within the twenty-four twelve-month period immediately following the effective date of his retirement shall be suspended for the duration of such employment or the lapse of twenty-four twelve months from the effective date of retirement, whichever occurs first, even if such service is part-time, based on employment by contract, or in a non-qualifying position.(b) Notwithstanding any provisions of this Subsection that authorizes payment of retirement benefits to a retiree of this system who is reemployed under the conditions specified in Subparagraph (a) of this Paragraph, no such reemployed retiree shall receive a retirement benefit during the sixty-day period following the effective date of his retirement.

(4)(a) The benefits of a retiree of this system who is reemployed under the conditions specified in Subparagraph (1)(a) of this Subsection shall not be suspended for employment as either a police officer for not more than fifty hours per month or as an elected official other than a chief of police. Except as provided in Subparagraph (b) of this Paragraph, during such reemployment, the retiree and his employer shall make contributions to the retirement system as provided by this Chapter, but the retiree shall receive no additional service credit and shall not accrue any additional retirement benefit in the retirement system. Upon termination of reemployment, employee contributions paid since reemployment shall, upon application, be refunded to the retiree without interest. The retirement system shall retain the employer contributions and interest on contributions.
(b) Employer and employee contributions to this system are not required for a retiree reemployed as an elected official if the position is covered by another Louisiana retirement system and contributions are being made to that system.

Approved by the Governor, May 31, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 201

HOUSE BILL NO. 20
BY REPRESENTATIVE ILLG
AN ACT

To amend and reenact R.S. 11:1631(F)(2) and 1651(B)(introductory paragraph) and (3) and (D), relative to the District Attorneys' Retirement System; to provide for reemployment of retirees; to provide for benefits of reemployed retirees; to provide for membership on the board of trustees and their per diem; 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. 11:1631(F)(2) and 1651(B)(introductory paragraph) and (3) and (D) are hereby amended and reenacted to read as follows:
§1631. Retirement benefits; application; eligibility requirements

F.

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection, ~~if any district attorney or assistant district attorney the benefit of a retiree shall not be suspended during reemployment by any district attorney in this state, and he shall not be considered a member, earn additional service credit, or be required to pay contributions, if he meets all of the following requirements:~~
(a) ~~He has retired in accordance with R.S. 11:1633(A)(1)(b) or (c), and is reemployed by any district attorney in this state~~
(b) ~~More than sixty days has passed since the effective date of his retirement.~~
(c) ~~He is and paid a salary of less than one of the following as applicable:~~
(i) ~~If he is younger than the age set for working retirement by 26 U.S.C. 401(a)(36), one half of his final annual salary at the time of his retirement or the annual salary provided for in 16:11(A)(1), whichever is less.~~
(ii) ~~If he is not younger than the age set for working retirement by 26 U.S.C. 401(a)(36), the annual salary provided for in R.S. 16:11(A)(1), his benefit shall not be suspended, and he shall not be considered a member, nor shall he earn additional credit or be required to pay contributions.~~

§1651. Board of trustees; membership; vacancies; compensation

B. The board shall consist of ~~nine~~ ten trustees as follows:

(3) ~~One~~ Two retired member members of the system, ~~who shall have one of whom served as either a district attorney or and one of whom served as an assistant district attorney, and who~~ Both shall be elected by the retired members of the District Attorneys' Retirement System according to rules and regulations as the ~~Board of Trustees~~ board shall adopt to govern such elections; and shall serve as a member for a term of five years.

D. The trustees shall receive for attendance at meetings of the board a per diem of ~~fifty~~ seventy-five dollars per day plus the normal expense allowance allowed state employees by the division of administration, provided funds are available for this purpose.

Section 2. This Act shall become effective on June 30, 2022.
Approved by the Governor, May 31, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 202

HOUSE BILL NO. 64
BY REPRESENTATIVE LANDRY
AN ACT

To amend and reenact Children's Code Articles 323(2)(a), 324(B), and 1103(3), Code of Criminal Procedure Article 571.1, and R.S. 15:440.2(C)(1), relative to the definition of a child; to provide in certain contexts that a child is a person under the age of eighteen years; to provide for definitions; to provide for the videotaping of statements; to provide for time limitations for certain sex offenses; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. Children's Code Articles 323(2)(a), 324(B), and 1103(3) are hereby amended and reenacted to read as follows:
Art. 323. Definitions

(2) "Protected person" means any person who is a victim of a crime or a witness in a juvenile proceeding and who either:
(a) Is under the age of ~~seventeen~~ eighteen years.

Art. 324. Authorization

B. The coroner may, in conjunction with the district attorney and appropriate hospital personnel and pursuant to their duties in R.S. 40:2109.1 and R.S. 40:2113.4, provide for the videotaping of the statements of children under the age of ~~seventeen~~ eighteen who present themselves or who are brought to a hospital for treatment as victims of rape or who have been otherwise physically or sexually abused.

Art. 1103. Definitions
As used in this Title:

(3) "Child" means a person under ~~seventeen~~ eighteen years of age and not emancipated by marriage.

Section 2. Code of Criminal Procedure Article 571.1 is hereby amended and reenacted to read as follows:
Art. 571.1. Time limitation for certain sex offenses
Except as provided by Article 572 of this Chapter, the time within which to institute prosecution of the following sex offenses, regardless of whether the crime involves force, serious physical injury, death, or is punishable by imprisonment at hard labor shall be thirty years: attempted first degree rape, also formerly titled aggravated rape (R.S. 14:27, R.S. 14:42), attempted second degree rape, also formerly titled forcible rape (R.S. 14:27, R.S. 14:42.1), sexual battery (R.S. 14:43.1), second degree sexual battery (R.S. 14:43.2), oral sexual

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

battery (R.S. 14:43.3), human trafficking (R.S. 14:46.2(B)(2) or (3)), trafficking of children for sexual purposes (R.S. 14:46.3), felony carnal knowledge of a juvenile (R.S. 14:80), indecent behavior with juveniles (R.S. 14:81), pornography involving juveniles (R.S. 14:81.1), molestation of a juvenile or a person with a physical or mental disability (R.S. 14:81.2), prostitution of persons under eighteen (R.S. 14:82.1), enticing persons into prostitution (R.S. 14:86), crime against nature (R.S. 14:89), aggravated crime against nature (R.S. 14:89.1), crime against nature by solicitation (R.S. 14:89.2(B)(3)), that involves a victim under ~~seventeen~~ eighteen years of age. This thirty-year period begins to run when the victim attains the age of eighteen.

Section 3. R.S. 15:440.2(C)(1) is hereby amended and reenacted to read as follows:

§440.2. Authorization

* * *

C. For purposes of this Part “protected person” means any person who is a victim of a crime or a witness in a criminal proceeding and who is any of the following:

(1) Under the age of ~~seventeen~~ eighteen years.

* * *

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 203

HOUSE BILL NO. 110

BY REPRESENTATIVES MARCELLE AND FREIBERG AND SENATOR BARROW
AN ACT

To amend and reenact R.S. 13:587.3(A), relative to the Nineteenth Judicial District; to provide for assignment of an additional subject matter division; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:587.3(A) is hereby amended and reenacted to read as follows:

§587.3. Nineteenth Judicial District; divisions; subject matter

A. Respecting seniority and the requirement that all cases be assigned randomly within multi-judge groupings, the judges of the Nineteenth Judicial District Court, by rule adopted by a majority vote of the judges sitting en banc, with the consent of the judge of a division, may assign to that division criminal matters or civil matters or drug court matters or domestic violence matters or any or all types of matters of which the court has jurisdiction.

* * *

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 204

HOUSE BILL NO. 221

BY REPRESENTATIVE MAGEE
AN ACT

To amend and reenact R.S. 38:2212.1(A)(1)(a) and (b), relative to certain purchases of materials or supplies paid by public funds and publicly bid; to increase the purchasing limit for materials and supplies; to increase the purchasing range requiring quotes for the purchase file; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2212.1(A)(1)(a) and (b) are hereby amended and reenacted to read as follows:

§2212.1. Advertisement and letting to lowest responsible bidder; materials and supplies; exemptions

A.(1)(a) All purchases of any materials or supplies exceeding the sum of ~~thirty~~ sixty thousand dollars to be paid out of public funds shall be advertised and let by contract to the lowest responsible bidder who has bid according to the specifications as advertised, and no such purchase shall be made except as provided in this Part.

(b) However, purchases of ~~ten~~ thirty thousand dollars or more, but less than ~~thirty~~ sixty thousand dollars, shall be made by obtaining not less than three quotes by telephone, facsimile, email, or any other printable electronic form. If telephone quotes are received, a written confirmation of the accepted offers shall be obtained and made a part of the purchase file. If quotations lower than the accepted quotation are received, the reasons for their rejection shall be recorded in the purchase file.

* * *

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 205

HOUSE BILL NO. 231
BY REPRESENTATIVES BRASS, ADAMS, BAGLEY, BOYD, BRYANT, ROBBY CARTER, WILFORD CARTER, CORMIER, COX, CREWS, DUPLESSIS, FISHER, FREEMAN, FREIBERG, GAROFALO, GLOVER, GREEN, HORTON, HUGHES, ILLG, JEFFERSON, JENKINS, TRAVIS JOHNSON, JORDAN, LAFLEUR, LYONS, MARCELLE, MCFARLAND, DUSTIN MILLER, NEWELL, PIERRE, SCHEXNAYDER, SEABAUGH, SELDERS, ST. BLANC, STAGNI, THOMPSON, AND WILLARD
AN ACT

To amend and reenact R.S. 17:3161.1(A) and to enact R.S. 17:3161.1(C), relative to the transfer of academic credit between postsecondary education institutions; to require certain institutions to enter transfer agreements; to provide relative to the facilitation of credit transfers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3161.1(A) is hereby amended and reenacted and R.S. 17:3161.1(C) is hereby enacted to read as follows:

§3161.1. Reverse Transfer Agreements

A. Four-year colleges and universities and community colleges ~~are authorized and encouraged to~~ shall enter into reverse articulation or reverse transfer agreements to facilitate the transfer of academic credits earned by a student while enrolled in a four-year postsecondary institution back to a community college for the purpose of enabling a student to complete the requirements for an associate degree from the community college.

* * *

C. The Board of Regents, in collaboration with the Statewide Articulation and Transfer Council, shall develop, coordinate, and maintain processes to facilitate the reverse transfer of academic credits.Section 2. The Board of Regents shall implement the processes for the reverse transfer of academic credits provided for in this Act not later than the beginning of the fall semester of 2023.

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 206

HOUSE BILL NO. 238

BY REPRESENTATIVE ORGERON
AN ACT

To amend and reenact Section 2 of Act No. 569 of the 1976 Regular Session of the Louisiana Legislature, as amended and reenacted by Act No. 622 of the 1980 Regular Session of the Louisiana Legislature and Act 462 of the 1989 Regular Session of the Louisiana Legislature, relative to Special Education District No. 1 of the parish of Lafourche; to provide relative to the membership of the district's board of commissioners; to provide for the method of appointment; 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. Section 2 of Act No. 569 of the 1976 Regular Session of the Louisiana Legislature, as amended and reenacted by Act No. 622 of the 1980 Regular Session of the Louisiana Legislature and Act No. 462 of the 1989 Regular Session of the Louisiana Legislature, is hereby amended and reenacted to read as follows:

Section 2. The powers of the district and the control and management of the affairs of the district shall be vested in a board of commissioners to be composed of seven qualified electors residing within the limits of the district. The initial members of the board and their successors, who shall serve without compensation, shall be appointed as follows:

(1) ~~Three~~ Four commissioners shall be appointed by the Lafourche Parish School Board from a panel of ~~six~~ names submitted by the members of the Lafourche Parish School Board elected from the geographic area comprising ~~Ward Ten of Lafourche Parish the district. One commissioner shall be appointed by the Lafourche Parish School Board from among the members in good standing of the organization, Friends of the Center.~~

(2) ~~Two~~ Three commissioners shall be appointed by the parish governing authority from a panel of ~~four~~ names submitted by the members of the parish governing authority elected from the geographic area comprising ~~Ward Ten of Lafourche Parish the district. One commissioner shall be appointed by the parish governing authority from among the members in good standing of the organization, Friends of the Center.~~

(3) The commissioners shall serve terms of six years each; ~~provided~~ however, ~~that~~ the term of any commissioner shall terminate and his office shall become vacant ipso facto upon such commissioner's failure to attend three consecutive regular monthly meetings of the board, and the vacancy in such office shall be filled in the manner provided for in Paragraphs (1) or (2) of this Section by the Lafourche Parish School Board or the parish governing authority whichever appointed the commissioner whose office has been vacated as provided for herein.

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin

ACT No. 207

HOUSE BILL NO. 313

BY REPRESENTATIVES PRESSLY, BRYANT, WILFORD CARTER,
FISHER, FREEMAN, GAINES, GAROFALO, HUGHES, TRAVIS JOHNSON,
LARVADAIN, LYONS, AND WILLARD

AN ACT

To amend and reenact R.S. 46:1843, 1844(H), (K)(1)(a), (T), and (W)(1)(a), and 1845(B), to enact R.S. 46:1844(X), and to repeal R.S. 46:1845(C) and (D), relative to the rights of victims of criminal offenses; to provide relative to the reporting of a crime; to provide relative to the requirement to register with certain offices and agencies; to provide for access to certain reports; to provide relative to the duties of the district attorney, law enforcement, and judicial agencies with respect to victims of sexual assault; to provide for the rights of sexual assault victims; to provide relative to the admissibility of certain evidence; to provide relative to penalties and causes of action under certain circumstances; to provide for a contingent effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1843, 1844(H), (K)(1)(a), (T), and (W)(1)(a), and 1845(B) are hereby amended and reenacted and R.S. 46:1844(X) is hereby enacted to read as follows:

§1843. Eligibility of victims

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

§1844. Basic rights for victim and witness

* * *

H. Presentence or postsentence reports. ~~If properly registered with the clerk of court, the~~ The victim or designated family member shall have the right to review and comment on the presentence or postsentence reports relating to the crime against the victim. The trial court shall regulate when and how the presentence report is provided to the victim or designated family member. The Department of Public Safety and Corrections shall regulate how the postsentence report is provided to the victim or designated family member.

* * *

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

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

* * *

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

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

(2) All victim notice and registration forms, and the information contained therein, shall be kept confidential by all law enforcement and judicial agencies having possession. The information shall be used only for the purposes required by this Chapter, and shall be released only upon court order after contradictory hearing.

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

* * *

W. Confidentiality of crime victims who are minors, victims of sex offenses,

and victims of human trafficking-related offenses.

(1)(a) In order to protect the identity and provide for the safety and welfare of crime victims who are minors under the age of eighteen years and of victims of sex offenses or human trafficking-related offenses, notwithstanding any provision of law to the contrary, all public officials and officers and public agencies, including but not limited to all law enforcement agencies, sheriffs, district attorneys, judicial officers, clerks of court, the Crime Victims Reparations Board, and the Department of Children and Family Services or any division thereof, shall not publicly disclose the name, address, contact information, or identity of crime victims who at the time of the commission of the offense are minors under eighteen years of age or of victims of sex offenses or human trafficking-related offenses, regardless of the date of commission of the offense. The confidentiality of the identity of the victim who at the time of the commission of the offense is a minor under eighteen years of age or the victim of a sex offense or human trafficking-related offense may be waived by the victim. The public disclosure of the name of the juvenile crime victim by any public official or officer or public agency is not prohibited by this Subsection when the crime resulted in the death of the victim. Nothing in this Subsection shall be construed to require the redaction of a victim's name when the named victim is the one requesting such documents, reports, or any other records.

* * *

X. All victims of violent crime shall have the right to access and obtain a copy of their initial police report at no cost to them.

§1845. Additional rights for victims of sexual assaults; notification of rights

* * *

B. A victim of sexual assault shall have the right to a forensic medical exam as provided in R.S. 40:1216.1. A victim of sexual assault ~~has the right to~~ shall be notified of ~~and the ability to~~ request the presence of a sexual assault advocate during the administration of a forensic medical examination or a scheduled interview by a law enforcement official if a sexual assault advocate is reasonably available. Nothing in this Section shall be construed to prohibit the conducting of a forensic medical examination or an interview by a law enforcement official in the absence of a sexual assault advocate. All victims of sexual assault shall have the right to access and obtain a copy of their forensic medical examination report at no cost to them pursuant to R.S. 40:1216.1(G).

* * *

Section 2. R.S. 46:1845(C) and (D) are hereby repealed in their entirety.

Section 3. This Act shall take effect and become operative if and when the Act which originated as Senate Bill No. 147 of this 2022 Regular Session of the Legislature is enacted and becomes effective.

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 208

HOUSE BILL NO. 332

BY REPRESENTATIVE BOURRIQUE

AN ACT

To amend and reenact R.S. 56:333(G)(1), relative to the frequency of mullet stock assessments; to require the Wildlife and Fisheries Commission to conduct a stock assessment on mullet every five years; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:333(G)(1) is hereby amended and reenacted to read as follows:

§333. Mullet; saltwater areas

* * *

G.(1) Beginning March 1, 2025, and every five years thereafter, the The commission shall make ~~an annual~~ a peer reviewed and evaluated report to the legislature no later than March first that contains the following information on mullet:

(a) The spawning potential ratio.

(b) A biological condition and profile of the species and stock assessment.

* * *

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 209

HOUSE BILL NO. 333

BY REPRESENTATIVE BRASS

AN ACT

To enact R.S. 17:2926(A)(4), relative to curricula; to provide for advising of students; to provide for the scheduling of advanced courses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2926(A)(4) is hereby enacted to read as follows:

§2926. Student counseling; training and professional development

A. The State Board of Elementary and Secondary Education shall develop an advisement policy for the middle and high school grades that local school districts can use to equip school counselors with the skills and information needed to:

* * *

(4) Inform and assist students and their parents in the selection and scheduling of advanced courses and early college opportunities, such as dual enrollment, advanced placement, Cambridge, or international baccalaureate courses, as educational options.

* * *

Approved by the Governor, May 31, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 210

HOUSE BILL NO. 337
BY REPRESENTATIVES HILFERTY, ADAMS, AMEDEE, BAGLEY, BROWN, BRYANT, CARPENTER, CARRIER, CORMIER, COUSSAN, DAVIS, DEVILLIER, EDMONDS, EDMONSTON, EMERSON, FISHER, FREEMAN, FREIBERG, FRIEMAN, GAINES, GOUDEAU, GREEN, HARRIS, HORTON, HUVAL, JEFFERSON, JENKINS, JORDAN, LACOMBE, LARVADAIN, LYONS, MAGEE, MARINO, MCKNIGHT, MCMAHEN, DUSTIN MILLER, NEWELL, CHARLES OWEN, ROBERT OWEN, PHELPS, PIERRE, PRESSLY, RISER, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SELDERS, STAGNI, STEFANSKI, THOMAS, THOMPSON, WHEAT, WHITE, WRIGHT, AND ZERINGUE AND SENATORS BARROW, BERNARD, BOUDREAUX, CARTER, CLOUD, CORTEZ, FESI, FOIL, HENSGENS, HEWITT, JACKSON, LUNEAU, MCMATH, MILLIGAN, ROBERT MILLS, PEACOCK, POPE, PRICE, SMITH, STINE, TALBOT, TARVER, WARD, AND WOMACK

AN ACT

To amend and reenact R.S. 40:1321(S) and to enact R.S. 40:1321(T), relative to a special identification card designation for persons with autism spectrum disorder; to provide for the establishment of an autism spectrum disorder designation on a special identification card; to provide for the criteria for obtaining an autism spectrum disorder designation for new applicants or renewals; to provide penalties for persons making false statements to obtain special designation; to require the implementation of a law enforcement officer training course; to provide for the promulgation of rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1321(S) is hereby amended and reenacted and R.S. 40:1321(T) is hereby enacted to read as follows:

§1321. Special identification cards; issuance; veteran designation; disabled veteran designation; university logo; “I’m a Cajun” designation; needs accommodation designation; autism spectrum disorder designation; fees; expiration and renewal; exceptions; promulgation of rules; promotion of use; persons less than twenty-one years of age; the Protect and Save our Children Program; Selective Service Registration

* * *

S.(1) Upon request of an applicant for a special identification card, a designation that the applicant has autism spectrum disorder shall be exhibited on the special identification card upon presentation of a statement from a qualified medical or mental health professional licensed in Louisiana or any other state or territory of the United States verifying the applicant’s disability as established by administrative rule. The qualified medical or mental health professional shall be authorized to diagnose autism spectrum disorder. No additional fee shall be charged to include such designation.

(2) Upon the renewal of a special identification card, an applicant who has autism spectrum disorder shall provide a statement from a qualified medical or mental health professional licensed in Louisiana or any other state or territory of the United States verifying the applicant’s disability as established by administrative rule.

(3) Any person who has not been diagnosed with autism spectrum disorder who willfully and falsely represents himself as having the qualifications to obtain the special designation authorized by this Subsection shall be fined not less than one hundred dollars nor more than two hundred fifty dollars, or shall be imprisoned for not more than thirty days, or both. Any subsequent offense shall result in a fine of not less than two hundred fifty dollars nor more than five hundred dollars, or imprisonment for not more than ninety days, or both.

(4) In addition to the training requirements contained in R.S. 40:2404.2(C), the Department of Public Safety and Corrections, public safety services, shall establish and implement a law enforcement training course relative to law enforcement officers’ interaction with persons who have autism spectrum disorder. The course shall instruct law enforcement officers on sensitivity and awareness to ensure equitable treatment and how to effectively communicate and interact with persons with autism spectrum disorder. At a minimum, the course shall include the following:

(a) Identification of indicators that a person has autism spectrum disorder.
(b) Identification of procedures that an officer should employ when encountering a person with autism spectrum disorder.
(c) Demonstrations of communication and interactive techniques required

to effectively interact with a person with autism spectrum disorder.

(d) Explanations that provide law enforcement officers with an understanding of the developmental disability and examples of unexpected actions potentially taken by persons diagnosed with autism spectrum disorder.

(e) Explanations of the resources available to assist an officer encountering a person who has autism spectrum disorder.

(f) Descriptions of the procedures an officer should use to ensure compliance with the Americans with Disabilities Act when encountering a person with autism spectrum disorder.

(5) The deputy secretary of the Department of Public Safety and Corrections, public safety services, shall promulgate rules and regulations as necessary to implement the provisions of this Subsection, including a waiver of liability for the release of any medical information. Notwithstanding the provisions of R.S. 49:968(B)(12), the House and Senate committees on transportation, highways and public works shall have oversight of the adoption of rules and regulations required by this Subsection.

T. No fee shall be charged for transactions to issue a duplicate special identification card to correct an address due to the renaming of a street or highway in accordance with a parish or municipal ordinance.

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 211

HOUSE BILL NO. 348
BY REPRESENTATIVE AMEDEE
AN ACT

To enact R.S. 33:4564.8, relative to recreation districts in St. Mary Parish; to increase the per diem paid to the boards of commissioners of such districts; 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. 33:4564.8 is hereby enacted to read as follows:

§4564.8. Recreation districts in St. Mary Parish; per diem
Notwithstanding the provisions of R.S. 33:4564(B), the members of the boards of commissioners of recreation districts in St. Mary Parish may each receive a per diem of not less than ten dollars nor more than sixty-five dollars for attending meetings of the board for a maximum of twelve meetings each year. Per diem paid pursuant to this Section shall be paid out of the funds of the district.

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 212

HOUSE BILL NO. 375
BY REPRESENTATIVE DESHOTEL
AN ACT

To amend and reenact R.S. 33:385.1(B), relative to municipal officers; to provide relative to the office of chief of police of a village; to provide relative to qualifications; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:385.1(B) is hereby amended and reenacted to read as follows:

§385.1. Qualifications of elected chief of police

* * *

B.(1) The elected chief of police of a village shall be an elector of the village who at the time of qualification as a candidate for the office of chief of police shall have been domiciled for at least the immediately preceding six months in the village reside within the boundaries of the parish in which the village is located.

(2) A person who resides outside of the corporate limits of the village of Dodson, but within the boundaries of Winn Parish, may be elected chief of police of the village.

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 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 213

HOUSE BILL NO. 392
BY REPRESENTATIVE HUGHES
AN ACT

To amend and reenact R.S. 33:9103(D) and 9124(B), relative to communications districts; to provide relative to employees of such districts; to provide that certain employees may be considered first responders; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9103(D) and 9124(B) are hereby amended and reenacted to read as follows:

§9103. Board of commissioners; membership; qualifications and terms; powers; parish governing authority as district governing authority

* * *

D.(1) The commission shall have authority to employ such employees, experts, and consultants as it may deem necessary to assist the commission in the discharge of its responsibilities to the extent that funds are made available.

(2) Any district employee who is an emergency public safety telecommunicator who provides communications support services for an agency by responding to requests for assistance in emergencies may be considered a first responder.

* * *

§9124. Creation of district; jurisdiction; governing authority; powers

* * *

B.(1) The governing authority shall have authority to employ such experts, employees, and consultants as may be deemed necessary to assist the district in the discharge of its responsibilities to the extent that funds are made available.

(2) Any district employee who is an emergency public safety telecommunicator who provides communications support services for an agency by responding to requests for assistance in emergencies may be considered a first responder.

* * *

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 214

HOUSE BILL NO. 419
BY REPRESENTATIVE MCFARLAND
AN ACT

To amend and reenact R.S. 56:320(A)(3) and (C)(1), relative to methods for taking fish; to provide for taking of bream with minnow traps; to allow hand-grabbing of catfish; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:320(A)(3) and (C)(1) are hereby amended and reenacted to read as follows:

§320. Methods of taking freshwater or saltwater fish

A.

* * *

(3) However, notwithstanding Paragraphs (1) and (2) of this Subsection, and any other provision of law to the contrary, bream of any species may be taken when fishing for sport in freshwater by using a minnow trap that does not exceed twenty-four inches in length and having a throat no larger than one inch by three inches for noncommercial bait purposes ~~in any lake not wholly contained within this state which is in excess of one hundred thousand surface acres.~~

* * *

C.(1) No person shall take or possess fish taken by means of spears, poisons, stupefying substances or devices, explosives, guns, tree-topping devices, lead nets, except as provided in R.S. 56:329(B), electricity, or any instrument or device capable of producing an electric current used in shocking said fish; except a barbless spear or a multi-pronged barbed gig that may be used in salt water for taking flounder. No person shall take or possess game fish taken by means of snagging devices, not including bow and arrow. Catfish may be taken by means of snagging devices and hand-grabbing. Garfish may be taken by means of spears and bows and arrows. It shall be unlawful to possess any of the prohibited instruments, weapons, substances, or devices set out ~~hereinabove in this Subsection~~ with the intent to take fish in violation of the provisions of this Section.

* * *

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 215

HOUSE BILL NO. 422
BY REPRESENTATIVES STEFANSKI AND SCHAMERHORN
AN ACT

To amend and reenact R.S. 56:116.1(A)(6) and to enact R.S. 56:8(153) and 116.3(H), relative to the taking of deer by pre-charged pneumatic devices;

to provide for definitions; to provide for methods of taking; to provide for requirements and restrictions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:116.1(A)(6) is hereby amended and reenacted and R.S. 56:8(153) and 116.3(H) are hereby enacted to read as follows:

§8. Definitions

For purposes of this Chapter, the following words and phrases have the meaning ascribed to them in this Section, unless the context clearly shows a different meaning:

* * *

(153) “Pre-charged pneumatic device” means any air gun that fires projectiles, including arrows or bolts, pneumatically with unignited compressed air or other gases that are mechanically pressurized without involving any chemical reactions.

* * *

§116.1. Wild birds and wild quadrupeds; times and methods of taking; penalties

A. Resident game birds, outlaw birds, game quadrupeds, and outlaw quadrupeds may be taken only in accordance with all of the following:

* * *

(6) With a bow and arrow, crossbow, ~~or~~ rifle, ~~or a~~ handgun, pre-charged pneumatic device, ~~or~~ falconry, or a shotgun not larger than a No. 10 gauge fired from the shoulder without a rest, except as otherwise provided in this Chapter.

* * *

§116.3. Special provisions applicable to deer and bear; times and methods of taking; penalties

* * *

H. Deer may be taken with pre-charged pneumatic devices only in accordance with the following:

(1) Pre-charged pneumatic devices must fire a projectile of at least thirty caliber in diameter and at least one hundred fifty grains in weight with a minimum muzzle velocity of eight hundred feet per second or any combination of bullet weight and muzzle velocity that produces muzzle energy of at least two hundred fifteen foot pounds of energy.

(2) Arrows or bolts used with a pre-charged pneumatic device shall conform to the same standards and requirements as provided for in this Section and may be used to hunt deer only during modern firearm deer season.

Section 2. The Louisiana State Law Institute is hereby authorized and directed to renumber in consecutive sequence and to reorder the definitions in R.S. 56:8(153) in alphabetical sequence.

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 216

HOUSE BILL NO. 426
BY REPRESENTATIVE MCKNIGHT
AN ACT

To amend and reenact R.S. 4:202(C)(introductory paragraph) and (2) and 203, relative to horse racing; to provide for funding of the Louisiana Champions Day; to expand the permissible uses of certain fees; to remove a requirement that funds be remitted to the state treasurer; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:202(C)(introductory paragraph) and (2) and 203 are hereby amended and reenacted to read as follows:

§202. Louisiana Champions Day; creation; racing program; funding

* * *

C. Louisiana Champions Day purses shall be determined for each race by the Louisiana Thoroughbred Breeders Association after consultation with the Louisiana Quarterhorse Breeders Association and ~~shall~~ may be funded as follows:

* * *

(2) ~~Matching funds~~ Funds from the appropriate breeders association.

* * *

§203. Louisiana Champions Day Account; funding; use; audit

A. All fees from pari-mutuel wagering due pursuant to R.S. 4:161, 161.1, 161.2, 163.1, 166, 166.1, 166.2, 166.3, and 218 from races held on Kentucky Derby Day, Preakness Day, and Belmont Stakes Day shall be paid instead to the Louisiana Thoroughbred Breeders Association and placed in an interest-bearing account to be known as the “Louisiana Champions Day Account” for use at the next Louisiana Champions Day or for any lawful purpose to enhance the Louisiana horse breeding industry.

~~B. If no Louisiana Champions Day is held within eighteen months of the receipt of such funds each year, the Louisiana Thoroughbred Breeders Association shall remit any and all monies received pursuant to this Section to the state treasurer for deposit in the state general fund.~~

~~C.~~ Monies derived pursuant to this Section may ~~only~~ be used for Louisiana Champions Day and shall be over and above those provided for from other sources as provided in R.S. 4:202.

~~D.~~ C. The Louisiana Champions Day Account shall be subject at all times to audit by the legislative auditor or by a certified public accountant approved

by the legislative auditor, the expenses of such audit to be paid by the Louisiana Thoroughbred Breeders Association.
Approved by the Governor, May 31, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 217

HOUSE BILL NO. 432
BY REPRESENTATIVES PHELPS AND JENKINS
AN ACT

To amend and reenact Children’s Code Article 905(B), relative to progress reports of juveniles; to provide for an increased time period for reports; to provide for an additional recipient; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Article 905(B) is hereby amended and reenacted to read as follows:
Art. 905. Progress reports to court

* * *

B. Any institution, agency, or person to which a child is assigned shall, not less than once every six months, report in writing the whereabouts and condition of the child to the judge who rendered the judgment of disposition and to counsel for the child. Such reports shall be provided to the court and counsel for the child, and the district attorney not less than ~~seventy-two hours~~ one week before any in-court review hearing.

* * *

Approved by the Governor, May 31, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 218

HOUSE BILL NO. 441
BY REPRESENTATIVE STEFANSKI
AN ACT

To amend and reenact R.S. 33:2554(C)(3)(introductory paragraph), relative to the municipal fire and police civil service; to provide relative to the certification and appointment of eligible persons in the police department for the city of Rayne; 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. 33:2554(C)(3)(introductory paragraph) is hereby amended and reenacted to read as follows:
§2554. Certification and appointment

* * *

C.

* * *

(3) Notwithstanding any other provision of law to the contrary, in the cities of Broussard, Carencro, Rayne, Scott, and Youngsville, a vacant position in the police department shall be filled in the following manner:

* * *

Approved by the Governor, May 31, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 219

HOUSE BILL NO. 443
BY REPRESENTATIVE MAGEE
AN ACT

To amend and reenact Code of Criminal Procedure Article 875.1, relative to the financial obligations for criminal offenders; to provide relative to the payment of fines, fees, costs, restitution, and other monetary obligations related to an offender’s conviction; to require the court to determine the offender’s ability to pay the financial obligations imposed; to authorize the court to waive, modify, or create a payment plan for the offender’s financial obligations; to provide relative to the recovery of uncollected monetary obligations at the end of a probation period; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Code of Criminal Procedure Article 875.1 is hereby amended and reenacted to read as follows:

Art. 875.1. Determination of substantial financial hardship to the defendant
A. The purpose of imposing financial obligations on an offender who is convicted of a criminal offense is to hold the offender accountable for his action, to compensate victims for any actual pecuniary loss or costs incurred in connection with a criminal prosecution, to defray the cost of court operations, and to provide services to offenders and victims. These financial obligations should not create a barrier to the offender’s successful rehabilitation and

reentry into society. Financial obligations in excess of what an offender can reasonably pay undermine the primary purpose of the justice system which is to deter criminal behavior and encourage compliance with the law. Financial obligations that cause undue hardship on the offender should be waived, modified, or forgiven. Creating a payment plan for the offender that is based upon the ability to pay, results in financial obligations that the offender is able to comply with and often results in more money collected. Offenders who are consistent in their payments and in good faith try to fulfill their financial obligations should be rewarded for their efforts.

B. For purposes of this Article, “financial obligations” shall include any fine, fee, cost, restitution, or other monetary obligation authorized by this Code or by the Louisiana Revised Statutes of 1950 and imposed upon the defendant as part of a criminal sentence, incarceration, or as a condition of the defendant’s release on probation or parole.

C.(1) Notwithstanding any provision of law to the contrary, prior to ordering the imposition or enforcement of any financial obligations as defined by this Article, the court shall conduct a hearing to determine whether payment in full of the aggregate amount of all the financial obligations to be imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents. The court may consider, among other factors, whether any victim of the crime has incurred a substantial financial hardship as a result of the criminal act or acts and whether the defendant is employed. The court may delay the hearing to determine substantial financial hardship for a period not to exceed ninety days, in order to permit either party to submit relevant evidence.

(2) The defendant or the court may ~~not~~ waive the judicial determination of a substantial financial hardship required by the provisions of this Paragraph. If the court waives the hearing on its own motion, the court shall provide reasons, entered upon the record, for its determination that the defendant is capable of paying the fines, fees, and penalties imposed without causing a substantial financial hardship.

D.(1) If the court determines that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents, the court shall do either of the following:

(a) Waive all or any portion of the financial obligations, except as provided in Paragraph E of this Article.

(b) Order a payment plan that requires the defendant to make a monthly payment to fulfill the financial obligations.

(2)(a) The amount of each monthly payment for the payment plan ordered pursuant to the provisions of Subsubparagraph (1)(b) of this Paragraph shall ~~be equal to the defendant’s average gross daily income for an eight-hour work day determined by the court after considering all relevant factors, including but not limited to the defendant’s average gross daily income for an eight-hour work day.~~

(b) If the court has ordered restitution, half of the defendant’s monthly payment shall be distributed toward the defendant’s restitution obligation.

(c) ~~During~~ Except as provided in Paragraph E of this Article, during any periods of unemployment, homelessness, or other circumstances in which the defendant is unable to make the monthly payment, the court or the defendant’s probation and parole officer is authorized to impose a payment alternative, including but not limited to ~~any of the following:~~ substance abuse treatment, education, job training, or community service.

(3) If, after the initial determination of the defendant’s ability to fulfill his financial obligations, the defendant’s circumstances and ability to pay his financial obligations change, the state, the defendant or his the defendant’s attorney may file a motion with the court to reevaluate the defendant’s circumstances and determine, in the same manner as the initial determination, whether ~~under the defendant’s current circumstances~~ payment in full of the aggregate amount of all the financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents. Upon such motion, if the court determines that the defendant’s current circumstances would cause substantial financial hardship to the defendant or his dependents, the court may either waive or modify the defendant’s financial obligation, or recalculate the amount of the monthly payment made by the defendant under the payment plan set forth in Subsubparagraph (1)(b) of this Paragraph a modification of the monthly financial obligation imposed pursuant to this Section is appropriate under the circumstances.

E. ~~If a defendant is ordered to make monthly payments under a payment plan established pursuant to the provisions of Subsubparagraph (D)(1)(b) of this Article, the defendant’s outstanding financial obligations resulting from his criminal conviction are forgiven and considered paid in full if the defendant makes consistent monthly payments for either twelve consecutive months or consistent monthly payments for half of the defendant’s term of supervision, whichever is longer~~ Notwithstanding any other provision of this Article or any other provision of law to the contrary, a court may not waive nor forgive restitution due to a crime victim unless the victim to whom restitution is due consents to such an action.

F. If, at the termination or end of the defendant’s term of supervision, any restitution ordered by the court remains outstanding, the balance of the unpaid restitution shall be reduced to a civil money judgment in favor of the person to whom restitution is owed, ~~which may be enforced in the same manner as provided for the execution of judgments pursuant to the Code of Civil Procedure which may be enforced in the same manner as provided for the execution of judgments in the Louisiana Code of Civil Procedure.~~ For

any civil money judgment ordered under this Article, the clerk shall send notice of the judgment to the last known address of the person to whom the restitution is ordered to be paid.

G. The provisions of this Article shall apply only to defendants convicted of offenses classified as felonies under applicable law.

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

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 220

HOUSE BILL NO. 447
BY REPRESENTATIVES HUGHES, ADAMS, BACALA, BUTLER, CARRIER, COUSSAN, CREWS, DEVILLIER, DUBUISSON, ECHOLS, EDMONDS, EDMONSTON, FIRMENT, FONTENOT, FREEMAN, FREIBERG, GADBERRY, GAROFALO, GOUDEAU, HILFERTY, HORTON, ILLG, IVEY, TRAVIS JOHNSON, KERNER, MACK, MCKNIGHT, MCMAHEN, NELSON, NEWELL, PIERRE, PRESSLY, ROMERO, SCHAMERHORN, SCHEXNAYDER, SCHLEGEL, SEABAUGH, SELTERS, ST. BLANC, STAGNI, THOMAS, THOMPSON, VILLIO, AND WHITE

AN ACT
To enact R.S. 14:64.2.1 and R.S. 15:1352(A)(69), relative to juveniles; to create crimes relative to the recruitment of juveniles to commit certain offenses; to provide for definitions; to provide for criminal penalties; to provide for additional crimes that are elements of racketeering activity; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:64.2.1 is hereby enacted to read as follows:

§64.2.1. Carjacking; recruitment of juveniles
A. It shall be unlawful for any person over the age of seventeen to intentionally recruit, entice, aid, solicit, or encourage any child under the age of eighteen to commit the offense of carjacking as defined in R.S. 14:64.2.
B. Whoever violates the provisions of this Section shall be imprisoned at hard labor for not less than five years and for not more than twenty years, without benefit of parole, probation, or suspension of sentence.
* * *

Section 2. R.S. 15:1352(A)(69) is hereby enacted to read as follows:
§1352. Definitions

A. As used in this Chapter, “racketeering activity” means committing, attempting to commit, conspiring to commit, or soliciting, coercing, or intimidating another person to commit any crime that is punishable under the following provisions of Title 14 of the Louisiana Revised Statutes of 1950, the Uniform Controlled Dangerous Substances Law, or the Louisiana Securities Law:

* * *
(69) R.S. 14:64.2.1 (Carjacking; recruitment of juveniles)
* * *

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 221

HOUSE BILL NO. 457
BY REPRESENTATIVES CARPENTER, FREIBERG, GLOVER, LYONS, MARCELLE, AND STAGNI AND SENATOR BARROW
AN ACT

To enact R.S. 38:2233.4, relative to the city of Baton Rouge and the parish of East Baton Rouge; to provide relative to the procurement of goods and services; to provide relative to contracts awarded to socially and economically disadvantaged businesses; to authorize certain entities to set-aside a certain percentage of contracts to be awarded to such businesses; to provide relative to rules and regulations regarding the certification of socially and economically disadvantaged businesses; 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. 38:2233.4 is hereby enacted to read as follows:
§2233.4. City of Baton Rouge/parish of East Baton Rouge; socially and economically disadvantaged businesses; procurement set-asides

A. Notwithstanding any other provision of law to the contrary, the governing authority of the city of Baton Rouge and parish of East Baton Rouge, referred to in this Section as the “city-parish”, and any board, agency, or commission of the city-parish, through its respective fiscal officer or director of finance, may for each fiscal year designate and set aside for awarding to socially and economically disadvantaged businesses an amount not less than ten percent of the value of anticipated local procurement of goods and services, including construction or doing of any public work, including alteration or

repair. However, should the governing authority of the city-parish or any board, agency, or commission of the city-parish choose to set aside a greater amount, then nothing in this Section shall be construed to prohibit such set-aside levels above ten percent, but not to exceed twenty-five percent.

B. The procurement set-aside as provided by Subsection A of this Section may be divided into contract award units of economically feasible production runs in order to facilitate offers or bids from socially and economically disadvantaged businesses. In making the annual designation of procurement set-asides, an attempt may be made to vary the included procurements so that a variety of goods and services, including construction or doing of any public work, including alteration or repair, produced by different socially and economically disadvantaged businesses may be set aside each year. The failure to set aside particular procurements shall not be considered to prohibit or discourage socially and economically disadvantaged businesses from seeking the procurement award through the normal solicitation and bidding processes.

C.(1)(a) The governing authority of the city-parish shall adopt rules and regulations to implement the provisions of this Section. Such rules and regulations shall include procedures regarding the certification of socially and economically disadvantaged businesses. The procedure for determination of eligibility may include self-certification by a business if the governing authority retains the ability to verify a self-certification.

(b) No business shall be awarded a contract pursuant to the provisions of this Section unless it has met the certification requirements established by the governing authority of the city-parish.

(2) The rules and regulations adopted by the governing authority may also provide for the establishment of a contract procedure for the awarding of contracts pursuant to this Section. The governing authority may adopt a requirement that the prime contractor award a certain percentage, not to exceed twenty-five percent, of the total dollar bid to socially and economically disadvantaged subcontractors. This requirement may be waived if the prime contractor, after a good faith effort, is unable to comply with the requirement.

D. If the governing authority of the city-parish, or any board, agency, or commission of the city-parish, is unable to award all of its procurement set-asides to socially and economically disadvantaged businesses, then the balance of the procurement set-asides shall be awarded to other businesses in accordance with existing solicitation, bid evaluations, and contract award provisions otherwise provided by law.

E. All laws and rules pertaining to solicitations, bid evaluations, contract awards, and other procurement matters shall apply to procurements set-aside for socially and economically disadvantaged businesses as provided in this Section. If a conflict exists with the provisions of this Section, the provisions of this Section shall govern.

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 222

HOUSE BILL NO. 548
BY REPRESENTATIVES FREEMAN, MOORE, AND SCHLEGEL AND SENATORS BARROW AND MIZELL
AN ACT

To enact R.S. 17:3921.4, relative to digital devices in public schools; to require the state Department of Education to develop health and safety guidelines for the use of digital devices in public schools; to require collaboration with the Louisiana Department of Health and others in developing the guidelines; to provide for the content of the guidelines; to require the state Department of Education to distribute the guidelines to public school governing authorities; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:3921.4 is hereby enacted to read as follows:

§3921.4. Digital devices in public schools; health and safety guidelines
A. The state Department of Education, in collaboration with the Louisiana Department of Health and medical practitioners in relevant specialties such as ophthalmology, optometry, childhood obesity, heart disease, sleep occupational therapy, kinesiology, and ergonomics as well as parents, teachers, and school administrators, shall develop health and safety guidelines relative to best practices for the effective integration of digital devices in public schools. The state Department of Education shall distribute the guidelines to public school governing authorities for implementation.

B. The guidelines shall be based on peer-reviewed, independently funded studies and shall address, at a minimum, digital device use for different age ranges and developmental levels, the amount of time spent on school-issued digital devices in the classroom and at home, appropriate break frequency from the use of digital devices, the physical positioning of digital devices in the classroom, the use of digital devices for homework, and the training of teachers relative to these issues.

C. The department shall review the guidelines at least once annually and revise them based on updated medical information, as needed. The department shall distribute revised guidelines to each public school governing authority.

Section 2. The state Department of Education shall distribute guidelines to

public school governing authorities pursuant to R.S. 17:3291.4(A) as enacted by this Act not later than January 1, 2023.

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 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 223

**HOUSE BILL NO. 563
BY REPRESENTATIVE BACALA
AN ACT**

To amend and reenact R.S. 33:154 and 172(A)(1)(a) and (D), relative to the parish of Ascension; to provide relative to municipal annexations; to require municipal governing authorities to notify the parish governing authority prior to annexing property; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:154 and 172(A)(1)(a) and (D) are hereby amended and reenacted to read as follows:

§154. Notice of election

A. Such Any election shall be held under the general election laws, and preceded by a notice of ten days or more in one or more newspapers published in such city or town, or if there be none by posting as required in sheriff's and constable's sales. The notice shall set forth specifically the manner in which such election is to be conducted, and the boundaries and description of such lots or land proposed to be annexed to and included in the corporate limits of such city or town. It shall designate the polling place and the names of the commissioners of election, as well as the manner of counting the votes and making the returns.

B. In addition to the requirements of Subsection A of this Section, in the parish of Ascension, at least thirty days prior to an election held pursuant to this Section, the municipal governing authority shall provide written notification of the upcoming election to the governing authority of the parish.

* * *

§172. Petition to annex territory; valuation of property; notice of filing petition; hearing concerning proposed ordinance; alternative methods

A.(1)(a)(i) No ordinance enlarging the boundaries of a municipality shall be valid unless, prior to the adoption thereof, a petition has been presented to the governing body of a municipality containing the written assent of a majority of the registered voters and a majority in number of the resident property owners as well as twenty-five percent in value of the property of the resident property owners within the area proposed to be included in the corporate limits, all according to the certificates of the parish assessor and parish registrar of voters.

(ii) In addition to the requirements of Item (i) of this Subparagraph, in the parish of Ascension, at least thirty days prior to the adoption of an ordinance to enlarge the boundaries, the municipal governing authority shall provide written notification of the proposed annexation to the governing authority of the parish.

* * *

D.(1) Notwithstanding the provisions of Paragraphs (1) through (5) of Subsection A of this Section, any municipality may annex contiguous areas without the petitions required by Subsection A, by ordinance, provided prior to the adoption of any such ordinance, the question of the annexation shall be submitted to the qualified voters residing within the area proposed to be annexed in a special election called for that purpose by the municipality, and a majority of those voting at such election shall have voted in favor of the annexation.

(2) Any municipality may also call such an election after being requested to do so through a petition signed by at least twenty-five percent of the resident property owners residing in the area requesting annexation and by the owners of at least twenty-five percent in value of the resident property within such area. The valuation of the property shall be determined as set forth in Subsection A of this Section. The petition presented to the municipality shall contain an accurate description of the area proposed to be annexed. All elections called under the provisions of this Subsection shall be conducted in the same manner as are other special elections called for bond and tax purposes by municipalities.

(3) In addition to the requirements of Paragraphs (1) and (2) of this Subsection, in the parish of Ascension, at least thirty days prior to an election held pursuant to this Subsection, the municipal governing authority shall provide written notification of the upcoming election to the governing authority of the parish.

* * *

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin

Secretary of State

ACT No. 224

**HOUSE BILL NO. 583
BY REPRESENTATIVE BACALA
AN ACT**

To enact R.S. 33:1236(35)(c), relative to Ascension Parish; to provide relative to the administrative office of the parish governing authority; to provide relative to services provided by such office to certain entities within the parish; to increase the amount the parish governing authority is authorized to charge for such services; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1236(35)(c) is hereby enacted to read as follows:

§1236. Powers of parish governing authorities

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

* * *

(35)

* * *

(c)(i) Notwithstanding any other provision of law to the contrary, in the parish of Ascension, if the administrative office of the parish governing authority renders any service, including but not limited to bookkeeping, administrative, or clerical services, to any board, agency, district, subdivision, or any other entity of local government, excluding municipalities, fire protection districts, parish libraries, sheriffs, clerks of court, councils on aging, or assessors, the parish governing authority may assess a charge of not more than five percent of the total revenues of that entity for such services actually rendered by the office. The amount of any such charge shall be established by agreement between the governing authority and such entity and shall not exceed the actual cost, including direct and indirect expenses, incurred by the administrative office of the governing authority in rendering such services to that entity.

(ii) If no agreement can be made by the parish governing authority and such entity upon the amount of the charge to be assessed pursuant to this Subparagraph, the governing authority may relieve its administrative office from any obligation to provide any service to that entity.

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 225

**HOUSE BILL NO. 601
BY REPRESENTATIVE HUGHES
AN ACT**

To amend and reenact R.S. 14:403.10, relative to immunity for certain actions involving drug-related overdose; to provide for persons seeking medical attention for a drug-related overdose; to provide for immunity from arrest; to provide for immunity related to certain drug-related offenses; to provide for exceptions; to provide immunity from certain penalties, sanctions, and civil forfeiture; to provide for suppression of evidence; to provide for mitigating factors; to provide for the admissibility of evidence; to provide for the authority of law enforcement officers to detain persons; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:403.10 is hereby amended and reenacted to read as follows:

§403.10. Drug-related overdoses; medical assistance; immunity from prosecution

A.(1) A person acting in good faith who seeks medical assistance for an individual experiencing a drug-related overdose may not be charged, prosecuted, or penalized for possession or use of a controlled dangerous substance under the Uniform Controlled Dangerous Substances Law or of possession of drug paraphernalia as defined in R.S. 40:1021, if the evidence for ~~possession of a controlled dangerous substance~~ such offenses was obtained as a result of the person's seeking medical assistance, ~~unless the person illegally provided or administered a controlled dangerous substance to the individual.~~

(2) Any such person shall also not be subject to the following, if related to seeking medical assistance:

(a) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole, related to the incident which required medical assistance as provided in Paragraph (1) of this Subsection.

(b) Civil forfeiture of property, related to the incident which required medical assistance as provided in Paragraph (1) of this Subsection.

B.(1) A person who experiences a drug-related overdose and is in need of medical assistance shall not be ~~arrested~~, charged, prosecuted, or penalized for possession or use of a controlled dangerous substance under the Uniform Controlled Dangerous Substances Law or for possession of drug paraphernalia as defined in R.S. 40:1021 if the evidence for ~~possession of a controlled substance~~ such offenses was obtained as a result of the overdose

and the need for medical assistance.

(2) Any such person shall not be subject to the following, if related to seeking medical assistance:

(a) Sanctions for a violation of a condition of pretrial release, condition of probation, or condition of parole, related to the incident which required medical assistance as provided in Paragraph (1) of this Subsection.

(b) Civil forfeiture of property, related to the incident which required medical assistance as provided in Paragraph (1) of this Subsection.

~~C. Protection from prosecution in this Section from prosecution for possession offenses under the Uniform Controlled Dangerous Substances Law may not be grounds for suppression of evidence in other criminal prosecutions.~~

D. The act of providing or seeking first aid or other medical assistance for someone who is experiencing a drug overdose may be used as a mitigating factor in a criminal prosecution for which immunity provided by Subsection B of this Section is not provided.

E. Nothing in this Section shall limit any seizure of evidence or contraband otherwise permitted by law.

F. Nothing in this Section shall limit or abridge the authority of a law enforcement officer to detain or take into custody a person in the course of an investigation or to effectuate an arrest for any offense except as provided in Subsections A and B of this Section.

G. Nothing in this Section shall limit the admissibility of any evidence in connection with the investigation or prosecution of a crime with regard to a defendant who does not qualify for the protections of Subsections A or B of this Section or with regard to other crimes committed by a person who otherwise qualifies for the protections of Subsection A or B of this Section.

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 226

HOUSE BILL NO. 699
BY REPRESENTATIVE LACOMBE
AN ACT

To amend and reenact R.S. 33:103(C)(1)(l), relative to the town of Addis; to authorize the governing authority of the town of Addis to pay members of the Addis Planning Commission a per diem; to provide for the amount of the per diem and the number of meetings for which members may be paid; 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. 33:103(C)(1)(l) is hereby amended and reenacted to read as follows:

§103. Planning commission; membership; appointment

* * *

C.(1) All members of a commission, whether a parish or a municipal planning commission, shall serve without compensation, except as otherwise provided by this Paragraph or as otherwise provided by law, and shall hold no other public office, except they may also serve as members of any duly constituted regional commission of which their parish or municipality forms a part.

* * *

(l) Notwithstanding any other provision of law to the contrary, the governing authorities of the municipalities of Addis, Arcadia, Brusly, Delhi, Gramercy, Haughton, Haynesville, Iowa, Jena, Lake Arthur, Lockport, and Many may pay a per diem to members of their respective municipal planning commissions for attending meetings of any such commission. The rate of per diem to be paid to such members and the number of meetings for which per diem shall be paid shall be established by ordinance of the governing authority of each municipality.

* * *

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 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 227

HOUSE BILL NO. 704
BY REPRESENTATIVES NEWELL, BOYD, FREIBERG, LANDRY, MOORE,
AND SCHLEGEL AND SENATOR BARROW
AN ACT

To amend and reenact R.S. 47:463.108(A), (D), and (E) and to repeal R.S. 47:463.108(F), relative to the breast cancer awareness special prestige

THE ADVOCATE * As it appears in the enrolled bill
PAGE 9

license plate; provides relative to monies received from the royalty fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.108(A), (D), and (E) are hereby amended and reenacted to read as follows:

§463.108. Special prestige license plate; breast cancer awareness

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate for breast cancer awareness when the department has received a minimum of one thousand applications for such plate. The license plate shall be restricted to passenger cars, pickup trucks, vans, and recreational vehicles. The license plate shall be of a color and design selected by the Louisiana Susan G. Komen Affiliates Louisiana, provided that it is in compliance with R.S. 47:463(A)(3).

* * *

D. The annual royalty fee shall be collected by the department and forwarded to the Louisiana Susan G. Komen Affiliates Breast and Cervical Health Program for use of the group's logo. The monies received from the royalty fees shall be divided equally among the Susan G. Komen Affiliate groups in Louisiana and shall be used solely for the support of programs established and administered by the Louisiana Susan G. Komen Affiliates Breast and Cervical Health Program.

~~E. Upon the signing of a contract authorizing the use of the logo of the Louisiana Susan G. Komen Affiliates, the secretary shall establish the special prestige plate in accordance with this Section. The contract shall include an agreement on the part of the Louisiana Susan G. Komen Affiliates to use the royalty fees as provided for in this Section.~~

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

Section 2. R.S. 47:463.108(F) is hereby repealed in its entirety.

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 228

HOUSE BILL NO. 713
BY REPRESENTATIVE ZERINGUE AND SENATOR FOIL
AN ACT

To enact R.S. 33:4161.1, relative to stormwater utility systems; to authorize political subdivisions to create stormwater utility systems and adopt utility fees relative to stormwater management systems; to provide relative to definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4161.1 is hereby enacted to read as follows:

§4161.1. Stormwater utility systems; political subdivisions

For the purpose of managing stormwater flooding, including abatement of litter and other flood-causing sediments, a political subdivision may create one or more stormwater utility systems and adopt stormwater utility fees sufficient to plan, construct, acquire, extend, improve, operate, and maintain stormwater management systems, either within or without its boundaries. Any stormwater utility system created pursuant to this Section shall be a revenue-producing public utility pursuant to R.S. 33:4161 and shall have all the rights, powers, and privileges granted to such utilities by this Part and any other applicable provisions of law.

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as 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 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 229

HOUSE BILL NO. 718
BY REPRESENTATIVE CHARLES OWEN AND SENATORS BARROW,
BERNARD, BOUDREAUX, BOUIE, CATHEY, CORTEZ, FESI, FOIL,
HARRIS, HENRY, HEWITT, JACKSON, LUNEAU, MCMATH, MILLIGAN,
ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, REESE, SMITH,
STINE, TALBOT, AND WOMACK
AN ACT

To amend and reenact R.S. 56:3000(G), 3001, 3002, and 3004(Section heading), (A)(introductory paragraph), (2), and (3), and (B)(introductory paragraph) and to enact R.S. 56:3000(F)(4) and (5), relative to hunting and fishing licenses; to provide additional eligibility for resident recreational license rates; to provide for the cost of a Senior/Retired Military combination license; to provide for conflicts with other law; to provide for effective date and conditions of enactment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:3000(G), 3001, 3002, and 3004(Section heading), (A)

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

(introductory paragraph), (2), and (3), and (B)(introductory paragraph) are hereby amended and reenacted and R.S. 56:3000(F)(4) and (5) are hereby enacted to read as follows:

§3000. Recreational license requirements; definitions

F. In addition to a person who qualifies as a resident of Louisiana, the following people qualify for resident licenses:

(4) Any person who has been awarded a Purple Heart may be issued an annual hunting and fishing license at the resident rate. The applicant must provide identification and proof of eligibility satisfactory to the department.

(5) Any honorably discharged member of the United States Armed Forces or National Guard who either enlisted for service while residing in Louisiana or was discharged from service while residing in Louisiana may be issued an annual hunting and fishing license at the resident rate. The applicant must provide identification and proof of eligibility satisfactory to the department. In addition to any other documentation accepted by the department as satisfactory proof of military service, government-issued separation and discharge documentation, such as a DD-214 or NGB-22, showing enlistment or discharge in the state of Louisiana shall be considered satisfactory proof of eligibility under this Paragraph.

G. A person may qualify for a Senior/Retired Military Hunting and Fishing license as follows:

(1) A resident who reaches age sixty prior to June 1, 2000, may obtain an annual Senior license for no cost.

(2) A resident who reaches age sixty between June 1, 2000, and May 31, 2022, may obtain an annual Senior Hunting and Fishing license for the cost of five dollars.

(3) A resident who reaches age sixty-five on or after June 1, 2027, may obtain an annual Senior Hunting and Fishing license for the cost of twenty dollars.

(4) Upon application to the department and showing identification and proof of military service satisfactory to the department, any person who is a retired member of the United States Armed Forces, including the Louisiana Army National Guard or the Louisiana Air National Guard, and was either born in Louisiana or is a bona fide resident of Louisiana, may obtain an annual license at one-half the cost of an annual resident license for the cost of twenty dollars.

§3001. Recreational fishing licenses; fees
Fishing licenses:

(A) Resident licenses including bona fide residents, active and native-born retired members of the United States Armed Forces, including the Louisiana Army National Guard or the Louisiana Air National Guard, and nonresident students:

- (1) Hook and line license \$5.00/year (allows using a pole, hook and line, without a reel and without using artificial bait, dip nets, landing nets, minnow traps, crab nets, or crab lines)
 - (2) Basic fishing license \$17.00/year (includes all legal recreational freshwater gear)
 - (3) Saltwater fishing license \$15.00/year (includes all legal recreational saltwater gear)
 - (4) Charter three-day saltwater fishing license \$20.00
 - (5) Charter three-day freshwater fishing license \$10.00
- B. Nonresident licenses:
- (1) Basic fishing license \$68.00/year (includes all legal recreational freshwater gear)
 - (2) Saltwater fishing license \$60.00/year (includes all legal recreational saltwater gear)
 - (3) Five-day basic fishing \$30.00 (includes all legal freshwater recreational gear)
 - (4) Five-day saltwater fishing \$30.00 (includes all legal saltwater recreational gear)
 - (5) Charter boat three-day saltwater fishing license \$20.00
 - (6) Charter boat three-day freshwater fishing license \$10.00

§3002. Recreational hunting licenses; fees

(A) Resident licenses including Louisiana residents, active and reserve members of the United States Armed Forces including the National Guard, and nonresident students:

- (1) Basic hunting license \$20.00/year
 - (2) Deer hunting license \$15.00/year (includes deer tags, archery and primitive privileges)
 - (3) Waterfowl license \$12.00/year
 - (4) Turkey license (includes tags) \$12.00/year
 - (5) Youth hunting license \$5.00/year (required for hunting deer, turkey, trapping, and youth lottery hunts)
- B. Nonresident licenses:
- (1) Basic hunting license \$200.00/year
 - (2) Deer hunting license \$100.00/year (includes deer tags, archery and primitive privileges)
 - (3) Waterfowl hunting license \$50.00/year
 - (4) Turkey hunting license (includes tags) \$50.00/year
 - (5) Five-day basic hunting license \$65.00
 - (6) Five-day deer hunting license \$35.00
 - (7) Five-day waterfowl hunting license \$35.00
 - (8) Five-day turkey hunting license \$35.00

§3004. Combination licenses (includes all hunting, fishing, and WMA access privileges); fees

A. Resident licenses including Louisiana residents, active and reserve members of the United States Armed Forces including the National Guard, and nonresident students:

- (2) Seniors and Senior/Retired Military \$20.00/year
 - (3) Disabled/Special Needs and special needs \$4.00/year
- B. Nonresident licenses:

Section 2. If enacted on or before June 1, 2022, this Act shall become effective on June 1, 2022, and the provisions of this Act shall supercede any conflicting provisions of Act No. 356 of the 2021 Regular Session.

Section 3. If enacted on or after June 2, 2022, 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 31, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 230

HOUSE BILL NO. 719
BY REPRESENTATIVE SEABAUGH
AN ACT

To amend and reenact R.S. 13:1883(D)(1) and to enact R.S. 13:1883(D)(3), relative to certain marshals of city courts; to provide for the salary of the marshal of the city court of Shreveport; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1883(D)(1) is hereby amended and reenacted and R.S. 13:1883(D)(3) is hereby enacted to read as follows:

§1883. Compensation of marshal

D.(1) The marshals of the city courts enumerated in Subsections A, B, and C of this Section, except the marshal of the City Court of Shreveport, shall also receive the same fees as are payable to constables of justice of the peace courts.

(3) Notwithstanding any other provision of law to the contrary, and in addition to the salary paid to him by the city of Shreveport, the marshal of the city court of Shreveport may receive the same fees as are payable to constables of justice of the peace courts, not to exceed fifty percent of the salary paid to the marshal by the city of Shreveport. The remainder of the fees and commissions collected shall be used to defray the operational and necessary related expenses of the office of the marshal.

Approved by the Governor, May 31, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 231

HOUSE BILL NO. 757
BY REPRESENTATIVE SCHEXNAYDER
AN ACT

To amend and reenact R.S. 22:347(A)(2) and (3), 837(C), and 1462(E), R.S. 37:1732(A) and (C), and R.S. 40:1541(A), (B), (C)(7), and (D), 1543, 1544, 1546, 1547, 1551(C), 1563(C)(2)(b), 1666.1(A)(2), (4)(a), (6)(a), and (B), to enact R.S. 40:1541(E) and (F) and 1562.1(E), and to repeal R.S. 36:651(K)(9), relative to firefighter training; to provide for the transfer of the Fire and Emergency Training Institute; to provide that the responsibility and administration of firefighter training programs be transferred from Louisiana State University to the office of state fire marshal; to provide that the office of state fire marshal is officially designated as the official agency for firefighter training; to provide for the appointment of the superintendent of the Louisiana Fire and Emergency Training Commission; to replace references of Louisiana State University as the state agency, program administrator, administrator for funds, or training coordinator for firefighter training with the office of state fire marshal; to rename the Fire and Emergency Training Institute to the Fire and Emergency Training Academy; to rename the Louisiana State University Firemen Training Program Film Library Fund to the Office of State Fire Marshal Training Program Film Library Fund; to provide for the addition of the fire and emergency training section in the office of state fire marshal; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:347(A)(2) and (3), 837(C), and 1462(E) are hereby amended and reenacted to read as follows:

§347. Disposition of tax money
A. Monies collected under R.S. 22:342 through 349, after being first credited

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to the Bond Security and Redemption Fund in accordance with Article VII, Section 9(B) of the Constitution of Louisiana, shall be credited to a special fund hereby established in the state treasury and known as the “Two Percent Fire Insurance Fund” hereinafter the “fund”. Monies in the fund shall be available in amounts appropriated annually by the legislature for the following purposes in the following order of priority:

(2)(a) For the Fire and Emergency Training ~~Institute at Louisiana State University at Baton Rouge Academy administered by the office of state fire marshal~~ for allocation to the Pine Country Education Center in the parish of Webster, the sum of seventy thousand dollars per year, which shall be transferred without imposition of administrative fee or cost, to be used to develop and operate a firefighter training center operated in accordance with the standards and requirements of the Fire and Emergency Training ~~Institute at Louisiana State University at Baton Rouge Academy administered by the office of state fire marshal.~~

(b) For the Fire and Emergency Training ~~Institute at Louisiana State University at Baton Rouge Academy administered by the office of state fire marshal~~ for allocation to Delgado Community College, the sum of seventy thousand dollars per year, which shall be transferred without imposition of administrative fee or cost, to be used to develop and operate a firefighter training center operated in accordance with the standards and requirements of the Fire and Emergency Training ~~Institute at Louisiana State University at Baton Rouge Academy administered by the office of state fire marshal.~~

(3) For the Fire and Emergency Training ~~Institute at Louisiana State University at Baton Rouge Academy administered by the office of state fire marshal~~, the sum of seventy thousand dollars per year for support of the firefighter training program.

§837. Assessment on insurance premiums; method of collection; disbursement

C. The state treasurer shall credit the proceeds from such assessment to a ~~special account established in the state treasury from which disbursement shall be made by the state treasurer of all the funds collected from such assessment to the Louisiana State University and Agricultural and Mechanical College, Division of Continuing Education the Louisiana State Fire Marshal Fund as provided in R.S. 22:835,~~ to be used solely for the expenses in connection with the in-service fireman training program and the necessary facilities in connection therewith.

§1462. Request for review of public fire protection grading

E. A fire chief shall not have authority to request the board to review a public fire protection grading unless he or his designee has attended the Professional Grading Assistance Program class, or has attended a class on the fire suppression grading schedule sponsored by the Louisiana Fire Chiefs Association or the Louisiana State Firemen’s Association, or has attended a training seminar related to fire suppression grading that has been approved by either the Property Insurance Association of Louisiana or the ~~Louisiana State University office of state fire marshal Fire and Emergency Training Institute Academy.~~

Section 2. R.S. 37:1732(A) and (C) are hereby amended and reenacted to read as follows:

§1732. Immunity from liability for emergency medical assistance or first aid

A. Any fireman, policeman, or member of an ambulance or rescue squad who holds a valid current certification by the American Red Cross, ~~L.S.U. Fireman Training Rescue Program the office of state fire marshal Fire and Emergency Training Academy,~~ United States Bureau of Mines, or any equivalent training program approved by the Louisiana Department of Health who renders emergency care, first aid, or rescue while in the performance of his duties at the scene of an emergency or moves a person receiving such care, first aid, or rescue to a hospital or other place of medical care shall not be individually liable to such person for civil damages as a result of acts or omissions in rendering the emergency care, first aid, rescue, or movement of such person receiving same to a hospital or other place of medical care except for acts or omissions intentionally designed to harm or grossly negligent acts or omissions that result in harm to such person, but nothing herein shall relieve the driver of an ambulance or other emergency or rescue vehicle from liability arising from the operation or use of such vehicle.

C. In order for any fireman, policeman, or member of an ambulance or rescue squad to receive the benefit of the exemption from civil liability provided for herein, he ~~must~~ shall first have taken, successfully completed, and hold a valid certificate of completion of the standard first aid course recognized or approved by the American Red Cross, the United States Bureau of Mines, the ~~L.S.U. Fireman Training Rescue Program office of state fire marshal Fire and Emergency Training Academy,~~ or any equivalent training program approved by the Louisiana Department of Health, and further he shall have a valid certification from the Red Cross, the United States Bureau of Mines, the ~~L.S.U. Fireman Training Rescue Program office of state fire marshal Fire and Emergency Training Academy,~~ or the Louisiana Department of Health that he has successfully completed any necessary training or refresher courses. Any such certification or refresher courses shall have standards at least equal to the standard first aid course recognized or approved by the American Red

Cross, United States Bureau of Mines, or the ~~L.S.U. Fireman Training Rescue Program office of state fire marshal Fire and Emergency Training Program.~~

Section 3. R.S. 40:1541(A), (B), (C)(7), and (D), 1543, 1544, 1546, 1547, 1551(C), 1563(C)(2)(b), and 1666.1(A)(2), (4)(a), (6)(a), and (B) are hereby amended and reenacted and R.S. 40:1541(E) and (F) and 1562.1(E) are hereby enacted to read as follows:

PART II-A. ~~FIREMEN FIREFIGHTER; TRAINING AND CERTIFICATION; LOUISIANA STATE UNIVERSITY; LOUISIANA FIRE AND EMERGENCY TRAINING COMMISSION~~

§1541. ~~Louisiana State University State fire marshal;~~ official agency for training

A. ~~Louisiana State University The office of state fire marshal~~ is hereby officially designated as the agency of this state to conduct ~~at its Baton Rouge campus training for in-service firemen firefighters~~ on a statewide basis in which ~~firemen firefighters~~ from any and all duly constituted fire departments and private or commercial industrial and allied emergency services may participate, and to coordinate and conduct other ~~firemen firefighter~~ training programs at other training locations as provided in this Part and transfer such ~~training to the office of state fire marshal.~~ This Part shall not be construed as affecting the authority of any fire department to conduct training for its own personnel.

B. ~~Louisiana State University The office of state fire marshal~~ shall conduct training programs and perform its functions as provided in this Part with the advice and guidance of the Louisiana Fire and Emergency Training Commission created by this Section.

C.

(7) The commission shall meet at least ~~once each month~~ quarterly. Other meetings may be called by the chairman on his own initiative and shall be called by him at the request of three or more members of the commission within fourteen days of such request. Each member shall be notified by the chairman in writing of the time and place of a meeting at least seven days before the meeting.

D. The commission shall provide advice, guidance, and recommendations to the ~~university office of state fire marshal~~ relative to the approval of matters including but not limited to the following:

(1) ~~Hiring a qualified person to serve as executive director, including review of candidates for the position, fixing the salary, defining the duties, and recommending to Louisiana State University the final selection of a candidate. The commission shall be given not less than sixty days after the posting of a vacancy in the position to recommend a candidate to fill the vacancy;~~

(2) ~~Employment of management, other directors, and clerical, technical, legal, and other assistance for the conduct of the university’s functions pursuant to this Part, including the defining of duties. The commission shall be given not less than sixty days after the posting of a vacancy in any position to recommend a candidate to fill the vacancy. Approval of an organizational chart outlining the arrangement of personnel needed for the conduct of the office of state fire marshal’s functions pursuant to this Part.~~

(3) ~~(2) All aspects of the conduct of fire and emergency training and training programs, including curricula and performance of the university’s office of state fire marshal functions pursuant to this Part.~~

(4) ~~(3) Prioritization of training throughout the state.~~

(5) ~~The annual budget for the conduct of the university’s functions pursuant to this Part, including management of funds and recovery of the cost of classes. The university shall submit the proposed annual budget for the program to the commission for review prior to its final adoption.~~

(6) ~~(4) Recommendations to be made by the university office of state fire marshal to the legislature relative to the university’s office of state fire marshal’s functions pursuant to this Part.~~

(7) ~~(5) The acceptance of any and all appropriate donations and grants of money, equipment, supplies, materials, and services and their receipt, use, and disposal. The commission shall be apprised of all grant opportunities available to the Louisiana State University office of state fire marshal Fire and Emergency Training Institute Academy and all grant applications submitted on behalf of the institute academy individually or in conjunction with other institutions or programs of the university office of state fire marshal.~~

E. ~~The state fire marshal, subject to the approval of the commission, shall appoint a qualified person to serve as the superintendent of the Louisiana Fire and Emergency Training Academy.~~

F. ~~Notwithstanding any provision of law to the contrary, the commission may certify educators to conduct fire-based emergency medical services training in preparation for licensure and such training shall be accepted by the Bureau of Emergency Medical Services.~~

§1543. Certification

A. Certification for successful completion of prescribed courses shall be issued by the ~~Office of Academic Affairs, Louisiana State University, Baton Rouge office of state fire marshal.~~

B. The ~~Office of Academic Affairs, Louisiana State University office of state fire marshal;~~ shall develop a program to issue a reciprocity certification to a person who has been timely certified by an accreditation by the International Fire Service Accreditation Congress, at the appropriate accredited certification level.

§1544. Administration of federal funds
The ~~Office of Academic Affairs, Louisiana State University, Baton Rouge,~~ office of state fire marshal is designated as administrator for all federal fire training and education funds; however, this Section shall not prohibit local governmental subdivisions or Delgado Vocational Technical Junior College from applying for, receiving, and administering federal funds for fire training and education.

§1546. Coordination of state, private, and federal efforts
Each state institution, state agency, or private agency, providing training for the fire service shall coordinate such efforts with the ~~firemen firefighter~~ training program through the ~~Office of Academic Affairs at Louisiana State University~~ office of state fire marshal to prevent duplication of efforts, duplication of cost, and to ensure standardization. ~~Louisiana State University~~ The office of state fire marshal is hereby designated as the state agency for the coordination of training for the fire service provided by any federal government agency.

§1547. ~~Louisiana State University Firemen Training Program~~ Office of state fire marshal Fire and Emergency Training Academy Film Library Fund; creation

A. The ~~Louisiana State University Firemen Training Program~~ office of state fire marshal Fire and Emergency Training Academy located at Baton Rouge is hereby authorized to create a ~~Louisiana State University Firemen Training Program~~ office of state fire marshal Fire and Emergency Training Academy Film Library Fund for the establishment of a film library.

B. Out of the funds remaining in the Bond Security and Redemption Fund after a sufficient amount is allocated to pay all obligations secured by the full faith and credit of the state which become due and payable within a fiscal year, the treasurer in each fiscal year, shall pay into a special fund, which is hereby created in the state treasury and designated as the ~~Louisiana State University Firemen Training Program~~ office of state fire marshal Fire and Emergency Training Program Film Library Fund, the sum of Fifty Thousand Dollars to be appropriated by the legislature. The sum herein appropriated shall be in addition to any other appropriations made to the ~~Louisiana State University Firemen Training Program~~ office of state fire marshal Fire and Emergency Training Academy.

C. The Film Library herein created shall provide training films, public education fire service films, and fire prevention films to be used by the volunteer fire departments, paid fire departments, and industrial fire brigades of the state of Louisiana. The library shall be operated by and under the jurisdiction of the ~~Firemen Training Program of Louisiana State University~~ Fire and Emergency Training Program of the office of state fire marshal located at Baton Rouge.

§1551. Creation; authority of parish governing authorities; purpose

C. In providing training for the fire service, the district shall coordinate such efforts with the ~~Louisiana State University~~ office of state fire marshal Fire and Emergency Training Institute, through the office of Academic Affairs Academy, to prevent duplication of efforts and duplication of cost, and to insure standardization in accordance with R.S. 40:1541 et seq. In addition, all aspects of the training, including but not limited to personnel, participants, programs, and courses, shall be certified by and through the ~~Fire and Emergency Training Institute at Louisiana State University~~ Academy of the office of state fire marshal.

§1562.1. Organization of fire marshal’s office
The fire marshal’s office shall be organized into the following sections:

E. Fire and emergency training

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

C.

(2) The local governing authority may properly establish a fire prevention bureau by special ordinance and accompanying resolution as provided in this Section and a fire prevention bureau thus established may apply for certification by the fire marshal to perform inspections on behalf of the fire marshal solely through adoption of the special ordinance which conforms to the following requirements which are applicable to existing fire prevention bureaus:

(b) The fire prevention bureau shall be staffed with qualified individuals whose credentials have been reviewed by the fire marshal and who have successfully completed, according to criteria established by the fire marshal, special training in fire inspection and fire codes in a course approved by the fire marshal at the ~~Louisiana State University~~ office of state fire marshal Fire and Emergency Training Institute Academy or a course deemed equivalent or superseding by the fire marshal.

§1666.1. Extra compensation

A.

(2) The term “employee” as used herein expressly excludes any person hired primarily to perform secretarial and clerical duties, switchboard operators, secretaries, record clerks, maintenance personnel, and mechanics;

it shall expressly exclude employees hired after March 31, 1986, who have not completed and passed a certified fireman’s training program equal to National Fire Protection Association Standard 1001 Firefighter I Certification or a ~~firemen’s firefighter’s~~ training program as approved by the ~~Louisiana State University Firemen Training Program~~ office of state fire marshal Fire and Emergency Training Academy in accordance with R.S. 40:1541 et seq.; and it shall also expressly exclude part-time employees and volunteers of such municipal, parish, tribe, or fire protection district fire departments.

(4)(a) Every fire protection officer who is employed on a full-time basis by a port authority headquartered in the city of New Orleans shall be paid by the state extra compensation in the amount of five hundred dollars per month in addition to the compensation now paid to him by his employer out of self-generated revenue attributable to the agency employing such fire protection officers. To be eligible for the extra compensation, each such fire protection officer shall have completed one year of service, and any such fire protection officer hired after March 31, 1986, shall also have completed and passed a certified fireman’s training program equal to National Fire Protection Association Standard 1001 Firefighter I Certification or a ~~firemen’s firefighter’s~~ training program as approved by the ~~Louisiana State University Firemen Training Program~~ office of state fire marshal Fire and Emergency Training Academy in accordance with R.S. 40:1541 et seq., or other state or federally approved maritime firefighter training program.

(6)(a) Every fire protection officer who is employed on a full-time basis by the Plaquemines Port Harbor and Terminal District shall be paid by the state extra compensation in the amount of five hundred dollars per month in addition to the compensation now paid to him by his employer out of self-generated revenue attributable to the agency employing the fire protection officers. To be eligible for the extra compensation, each fire protection officer shall have completed one year of service, and any fire protection officer hired after March 31, 1986, shall also have completed and passed a certified fireman’s training program equal to National Fire Protection Association Standard 1001 Firefighter I Certification or a ~~firemen’s firefighter’s~~ training program as approved by the ~~Louisiana State University Firemen Training Program~~ office of state fire marshal Fire and Emergency Training Academy in accordance with R.S. 40:1541 et seq., or other state or federally approved maritime firefighter training program.

B. In computing the period of service required by Subsection A of this Section, prior service of employees who have returned or who hereafter return to such service shall be included; provided that service in any municipal, parish, tribe, or fire protection district fire department, whether with the same fire department or not, shall be used in computing such prior service. Notwithstanding the provisions of Subsection A of this Section to the contrary, any employee who received state supplemental pay prior to March 31, 1986, and returns to such service shall be entitled to receive state supplemental pay whether or not such employee completes training for and obtains National Fire Protection Association Standard 1001 Firefighter I certification Certification or completes training and receives certification from a ~~fireman’s firefighter’s~~ training program as approved by the ~~Louisiana State University Firemen Training Program~~ office of state fire marshal Fire and Emergency Training Academy in accordance with R.S. 40:1541 et seq.

Section 4. R.S. 36:651(K)(9) is hereby repealed in its entirety.
Approved by the Governor, May 31, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 232

HOUSE BILL NO. 848
BY REPRESENTATIVE BRYANT
AN ACT

To amend and reenact Children’s Code Article 615(E)(introductory paragraph) and to enact Children’s Code Article 615(E)(4) and (G), relative to the disposition of reports of child abuse; to provide for the release of inconclusive or not justified reports to certain entities when in the course of investigation or legal proceedings; to provide for confidentiality; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Article 615(E)(introductory paragraph) is hereby amended and reenacted and Children’s Code Article 615(E)(4) and (G) are hereby enacted to read as follows:

Art. 615. Disposition of reports

E. When after the investigation of a report, the determination is made that the report is inconclusive or not justified, as provided in Subparagraphs (B)(4) and (5) of this Article, the files, records, and pertinent information regarding the report and investigation shall be strictly confidential, shall not become part of the central registry except as otherwise provided in Subparagraph (1) of this Paragraph or in Article 616(F), shall not be disclosed or ordered to be produced in conjunction with any legal proceeding or other matter except as provided in Subparagraph (4) of this Paragraph, and shall be maintained only

for the following purposes:

* * *

(4)(a) All files, records, and information regarding a report that has been determined to be inconclusive or not justified shall be released to local, state, and federal law enforcement agencies, military authorities, prosecuting authorities, and coroners upon request when such entity is in the course of investigations or legal proceedings and the requesting entity has good cause to believe that the files, records, or information contain information which may be constitutionally required to be disclosed pursuant to Brady v. Maryland, 373 U.S. 83 (1963) and its progeny. The requesting agency shall request the information in writing and state the purpose for which the information is being requested.

(b) Files, records, and information released pursuant to this Subsection shall be confidential and shall not be further disclosed except as expressly authorized by Article 412. Notwithstanding any other provision of law to the contrary, files, records, and information released pursuant to this Subsection shall not be subject to disclosure pursuant to R.S. 44:1 et seq.

* * *

G. Except as provided in Subparagraph (B)(6) of this Article, the name of the reporter shall not be disclosed.

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 233

HOUSE BILL NO. 855
BY REPRESENTATIVE THOMAS
AN ACT

To amend and reenact R.S. 32:361.2(A)(3)(c), relative to tinting of motor vehicle windows for a medical exemption; to provide for an exemption relative to certain diagnosed medical or physical conditions; to provide for the duration of the medical exemption applicable to window tinting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:361.2(A)(3)(c) is hereby amended and reenacted to read as follows:

§361.2. Medical exemption
A.

(3)

* * *

(c) Any exemption granted under the provisions of this Section shall be subject to review every three years unless deemed otherwise by the department; however, an exemption granted to a person with a diagnosed light-sensitive porphyria shall be valid for the duration of the ownership of a vehicle.

* * *

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 234

HOUSE BILL NO. 919
BY REPRESENTATIVE TURNER
AN ACT

To enact R.S. 41:906, relative to the exchange of school land; to authorize the Union Parish School Board to exchange school land, including but not limited to sixteenth section land; to provide for procedures, terms, and conditions, including advertisement, appraisals, and public hearing for such exchange; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 41:906 is hereby enacted to read as follows:

§906. Union Parish School Board; exchange of unused school land

A. Whenever the Union Parish School Board determines that a parcel of its property in Union Parish, including but not limited to sixteenth section land, is no longer needed for school purposes and that the best interest of the public school system would be served by the exchange of such land for other land of comparable value, the school board may exchange such land for other land in Union Parish in accordance with the procedures set forth in this Section.

B. The Union Parish School Board shall hold a public hearing to receive public comment concerning the exchange of school land. Prior to the public hearing, the school board shall obtain an appraisal from a certified appraiser of the land being considered for exchange, and such appraisal shall be available for public inspection at the hearing.

C. The school board shall provide notice of the public hearing and notice of its intent to consider the exchange of land as well as a brief description of both parcels of land by advertisement in the official journal of Union Parish on at least three separate days at least thirty days prior to the date on which the hearing is held.

* As it appears in the enrolled bill

D. After such hearing and after giving due consideration to any public comment, the school board may, at a regularly scheduled meeting, authorize the exchange of land provided that a majority of the elected membership of the school board determines that the exchange is for a valid purpose, is in the best interest of the school board, and that the lands to be exchanged are of comparable value.

E. The powers and rights conferred by this Section shall be in addition to the powers and rights conferred by any other general or special law. This Section does and shall be construed to provide a complete and additional method for the exchange of unused school land, including but not limited to sixteenth section land, by the school board. No proceeding, notice, or approval shall be required for the exchange of unused school land by the school board, except as provided in this Section. The provisions of this Section shall be liberally construed for the accomplishment of its purposes.

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 235

HOUSE BILL NO. 1071
(Substitute for House Bill No. 840 by Representative Bagley)
BY REPRESENTATIVES BAGLEY, ECHOLS, PRESSLY, SEABAUGH, AND
TURNER AND SENATORS MILLIGAN AND PEACOCK
AN ACT

To amend and reenact R.S. 40:2266.1(F), relative to criminalistics laboratory commissions; to provide for additional funding for optional revenues for criminalistics laboratories; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2266.1 is hereby amended and reenacted to read as follows:
§2266.1. Optional revenues; collection, handling, and disbursement thereof

* * *

F. The sheriff of each parish, each municipality that operates a police department, and each district attorney who represents one or more parishes within the respective criminalistics laboratory commission area may make a direct contribution to the respective criminalistics laboratory commission, the sheriff from his salary fund, and the district attorney and municipality that operates a police department, from any funds available to defray expenses of his their office, including but not limited to pre-trial intervention or diversion, from time to time in order to assist in alleviating any deficit that may be existing in the operating funds of the laboratory commission.

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 236

SENATE BILL NO. 196
BY SENATOR CATHEY AND REPRESENTATIVE GAROFALO
AN ACT

To enact Chapter 62 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3221 and 3222, relative to import restrictions; to prohibit the importation of products from the Russian Federation into this state; to provide for termination of this Chapter; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 62 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3221 and 3222, is hereby enacted to read as follows:

CHAPTER 62. IMPORT RESTRICTIONS
§3221. Imports from the Russian Federation
The importation of any product into this state produced in or originating from the Russian Federation is prohibited. This prohibition includes imports of oil and gas, iron and steel, precious metals, and agricultural products.

§3222. Chapter termination
The provisions of this Chapter shall terminate and have no effect upon the expiration, removal, or lifting of all sanctions imposed by the United States Department of Treasury in accordance with 31 CFR Part 587.

Section 2. The provisions of Section 1 of this Act shall have prospective application only and shall not apply to any contract for the importation of any product into the state produced in or originating from the Russian Federation executed prior to the effective date of this Act.

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

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 237

SENATE BILL NO. 206

BY SENATORS JACKSON, BOUIE, CARTER, CATHEY, FIELDS, MCMATH,
MORRIS AND STINE
AN ACT

To enact R.S. 15:147(B)(20), relative to the powers and duties of the Louisiana Public Defender Board; to provide for entering into contracts with the University of Louisiana at Monroe; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:147(B)(20) is hereby enacted to read as follows:

§147. Powers, duties, responsibilities

* * *

B. In addition to the powers and duties provided for in Subsection A of this Section, the board shall:

* * *

(20) Enter into a contract or contracts with the University of Louisiana at Monroe, for the purpose of providing certain statewide training to attorneys, investigators, social workers, and staff. Any contract or contracts formed pursuant to this Paragraph shall use existing funds appropriated by the legislature.

* * *

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 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 238

SENATE BILL NO. 216

BY SENATOR JACKSON
AN ACT

To enact R.S. 15:255(X), relative to compulsory process of certain courts; to provide for the witness fee fund for the Bastrop City Court; to provide for excess funds to be used for operating expenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:255(X) is hereby enacted to read as follows:

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

* * *

X. Notwithstanding any provision of law to the contrary, the city of Bastrop may adopt an ordinance which provides that on January first of each year, the amount of money in the witness fee fund for the City Court of Bastrop that exceeds five thousand dollars shall be transferred to the operating fund of the city of Bastrop to be used solely for the operating expenses of the court. For the purposes of this Subsection, the balance of five thousand dollars required to be kept in the witness fee fund shall mean five thousand dollars in unexpended and unencumbered funds, and under no circumstances shall the balance in the witness fee fund be reduced below five thousand dollars as a result of a transfer made pursuant to the provisions of this Subsection.

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 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 239

SENATE BILL NO. 219

BY SENATOR JACKSON
AN ACT

To enact R.S. 15:168(F), relative to the judicial district indigent defender fund; to provide for payments to expert witnesses; to provide for who qualifies for the funds; to provide for disbursement of the funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:168(F) is hereby enacted to read as follows:

§168. Judicial district indigent defender fund

* * *

E.(1) Notwithstanding any provision of law to the contrary, each judicial district is allowed to accumulate funds for the purposes of retaining expert witnesses. The district public defender, in his discretion, shall determine how payments shall be administered and which experts shall be paid.

THE ADVOCATE
PAGE 14

* As it appears in the enrolled bill

(2) Any person who has retained private counsel, but is found to be indigent, may apply for funds for expert witnesses in the same manner as public defender clients. Each person shall apply for the funds by making application to the district defender of the district having jurisdiction and shall be subject to the same requirements as indigent clients.

(3) No court shall have jurisdiction to order the payment of any funds administered by the Louisiana Public Defender Board or district public defender for expert witnesses.

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 240

SENATE BILL NO. 237

BY SENATOR FIELDS
AN ACT

To enact R.S. 33:9097.35, relative to East Baton Rouge Parish; to create the Sagefield 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 authority to impose a parcel fee within the district, 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.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9097.35 is hereby enacted to read as follows:

§9097.35. Sagefield 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 Sagefield 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 boundaries of the district are coterminous with the boundaries of the Sagefield Subdivision as established in the official subdivision plat filed with the clerk of court for East Baton Rouge Parish.

C. Purpose. The purpose of the district is to aid in crime prevention and to add to the security of the district residents by providing for an increase in the presence of law enforcement personnel in the district and to add to the overall betterment of the district by providing for beautification and other improvements within 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 president of the Sagefield Homeowners Association.

(b) The board of directors of the Sagefield Homeowners Association shall appoint one member.

(c) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member.

(d) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member.

(e) The member of the governing authority of the city of Baton Rouge, parish of East Baton Rouge whose district encompasses all or the greater portion of the area of the district shall appoint one member.

(f) The assessor for the parish of East Baton Rouge shall appoint one member.

(g) The mayor-president for the city of Baton Rouge, parish of East Baton Rouge, shall appoint one member.

(2) All members of the board shall be residents and qualified voters within the district.

(3)(a) Members appointed pursuant to Subparagraphs (1)(b) through (g) of this Subsection shall serve three-year terms after initial terms as provided in Subparagraph (b) of this Paragraph. Vacancies resulting from the expiration of a term or any other reason shall be filled in the manner of the original appointment. Members shall be eligible for reappointment.

(b) Two members shall serve an initial term of one year; two shall serve two years; and two shall serve three years as determined by lot at the first meeting of the board.

(c) The member serving pursuant to Subparagraph (1)(a) of this Subsection shall serve during his term of office.

(3) 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.

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

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

(6) 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

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

make them available through the secretary of the board.

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

E. 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 Subsection F 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, improvement, or other programs in the district.

(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; and to provide for improvements in the district; and to provide generally for the overall betterment of the district.

(6) To purchase, lease, rent, or otherwise acquire items, supplies, and services necessary or deemed appropriate for achieving any purpose of the district.

(7) To accept private grants and donations.

(8) 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.

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

(1) The fee shall be imposed by duly adopted resolution of the board. The fee shall be a flat fee not to exceed three hundred dollars per parcel per year.

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

(3) For purposes of this Section, “parcel” means a lot, a subdivided portion of ground, an individual tract, or a “condominium parcel” as defined in R.S. 9:1121.103.

(4) The fee shall be imposed only after its imposition has been approved by a majority of the registered voters of the district voting on the proposition at an election held for that purpose in accordance with the Louisiana Election Code.

(5) The term of the imposition of the fee shall be as provided in the proposition authorizing the fee, not to exceed ten years. The fee may be renewed if the renewal is approved by the voters in the manner provided in Paragraph (4) of this Subsection. If renewed, the term of the imposition of the fee shall be as provided in the proposition authorizing such renewal, not to exceed ten years.

(6) 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 the retention of an annual collection fee, not to exceed one percent of the amount collected.

(7) 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 its purposes.

H. Budget. (1) The board shall adopt an annual budget in accordance with the Louisiana Local Government Budget Act pursuant to 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 of the district shall be transmitted to the governing authority of the city of Baton Rouge, parish of East Baton Rouge, and shall be used for law enforcement purposes in the area which comprised the district.

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 shall be liable to the district or to any individual who resides, owns property, visits, or otherwise conducts business in the district for monetary damages, for breach of his duties as a board member or officer, provided that this provision shall not eliminate or limit the liability of a board member or officer for any of the following:

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

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

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

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 241

SENATE BILL NO. 257

BY SENATOR FRED MILLS AND REPRESENTATIVE GLOVER
AN ACT

To enact R.S. 46:450.8, relative to Medicaid coverage for continuous glucose monitors; to require Medicaid coverage for continuous glucose monitors; to provide for the method of coverage; to provide for duties of the Louisiana Department of Health; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:450.8 is hereby enacted to read as follows:

§450.8. Continuous glucose monitors; Medicaid coverage

A. Except as provided in Subsection B of this Section, the Louisiana Medicaid program shall provide coverage for a continuous glucose monitor for the treatment of an enrollee who has one of the following conditions:

(1) Any type of diabetes with the use of insulin more than two times daily or evidence of level 2 or level 3 hypoglycemia.

(2) Glycogen storage disease type 1a.

B. To qualify for coverage pursuant to Subsection A of this Section, the enrollee shall attend regular follow-up visits with a healthcare provider at a minimum of every six months to assess the ongoing benefit of the enrollee’s use of a continuous glucose monitor.

C.(1) The Louisiana Department of Health shall implement the provisions of this Section using the most cost-effective solution available to the department.

(2) The secretary of the department shall submit to the Centers for Medicare and Medicaid Services all state plan amendments, promulgate all rules and regulations in accordance with the Administrative Procedure Act, and take any other actions necessary to implement the provisions of this Section.

D. For the purposes of this Section, “continuous glucose monitor” means an instrument or device, including repair and replacement parts, that is designed and offered for the purpose of measuring glucose levels at set intervals by means of a small electrode placed under the skin and held in place by an adhesive.

Approved by the Governor, May 31, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 242

SENATE BILL NO. 260

BY SENATORS HEWITT AND BARROW
AN ACT

To amend and reenact R.S. 28:826, relative to the Community and Family Support System Fund; to change the name of the fund from the Community and Family Support System Fund to the Disability Services Fund; to provide for the purposes of the Disability Services Fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:826 is hereby amended and reenacted to read as follows:

~~§826. Community and Family Support System~~ **Disability Services** Fund

~~A. There is hereby created, as a special fund in the state treasury, the Community and Family Support System~~ **Disability Services** Fund, hereafter sometimes referred to as “the fund.”

~~B.(1) Notwithstanding any other provision of law to the contrary, after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund, and after a sufficient amount is allocated from that fund to pay all of the obligations secured by the full faith and credit of the state which become due and payable within any fiscal year, the treasurer shall pay deposit into the~~ **fund** ~~an amount equal to the amount collected by the state attributable to the sale or lease of all or part of any movable and immovable property previously operated by the office for citizens with developmental disabilities within the Louisiana Department of Health, and the proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a), and the proceeds of the taxes levied pursuant to R.S. 47:9105(A) and (B).~~

(2)(a) The state treasurer shall establish separate accounts within the fund.

(b) The state treasurer shall deposit monies attributable to the collections by the state for the sale or lease of all or part of any movable and immovable property previously operated by the office for citizens with developmental disabilities within the Louisiana Department of Health into a separate account within the fund.

(c) The state treasurer shall deposit one-half of the monies attributable to the proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a) into a separate account within the fund.

(d) The state treasurer shall deposit one-half of the monies attributable to the proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a) and the proceeds of the taxes levied pursuant to R.S. 47:9105(A) and (B) into a separate account within the fund.

~~(2)(3) Monies appropriated from the fund shall be used solely as provided by Subsection~~ **Subsections C and D** ~~of this Section and only in the amounts appropriated by the legislature. All unexpended and unencumbered monies in remaining in the separate accounts of the fund at the end of the fiscal year shall remain in the~~ **separate accounts of the** fund. The monies in the fund shall

be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to the fund following compliance with the requirements of Article VII, Section 9(B) relative to the Bond Security and Redemption Fund **and allocated to each separate account on a pro rata basis.**

C.(1) Subject to annual appropriation by the legislature, the monies in the Community and Family Support System Fund **The legislature shall appropriate monies from the separate accounts of the fund as follows:**

(a) **The account containing the monies attributable to the collections by the state for the sale or lease of all or part of any movable and immovable property previously operated by the office for citizens with developmental disabilities within the Louisiana Department of Health** shall be used solely to improve the capacity of the state to meet the varying and complex needs of individuals with developmental disabilities, with emphasis on increasing the number of recipients of waiver services and no less than fifty percent of the proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a) deposited into the fund shall be used to provide funding for the Early Steps intervention program for infants and toddlers with disabilities and their families as established in R.S. 28:461 et seq.

(b) **The account containing the monies attributable to one-half of the proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a) shall be used solely to provide funding for the Early Steps intervention program for infants and toddlers with disabilities and their families as established in R.S. 28:461 et seq.**

(c) **The account containing the monies attributable to one-half of the proceeds of the fee assessed pursuant to the provisions of R.S. 40:1046(H)(8)(a) and the proceeds of the taxes levied pursuant to R.S. 47:9105(A) and (B) shall be used solely to support and enhance developmental disabilities services within the Medicaid program or the Office for Citizens with Developmental Disabilities, or its successor.**

(2) The monies in the fund shall not be used to displace, replace, or supplant appropriations from the state general fund for the state and Medicaid community-based developmental services below the amount of state general fund appropriations for the 2006-2007 Fiscal Year.

~~3~~**D.** For the purposes of this Section “waiver services” means Medicaid services provided under the New Opportunities Waiver, the Children’s Choice Waiver, or any other Medicaid home and community-based waiver for persons with developmental disabilities as promulgated by rule by the Louisiana Department of Health.

Section 2. The Louisiana State Law Institute is hereby directed to change the name of the Community and Family Support System Fund to the Disability Services Fund wherever it may appear in law.

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 243

SENATE BILL NO. 302
BY SENATOR BARROW
AN ACT

To amend and reenact R.S. 47:463.56(A), (D), and (F), and to enact R.S. 47:463.56(H), relative to the “Girl Scouts of U.S.A.” special prestige license plate; to change the distribution of the royalty fee to Girl Scouts Louisiana East and Girl Scouts of Louisiana - Pines to the Gulf; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.56(A), (D), and (F) are hereby amended and reenacted and R.S. 47:463.56(H) is hereby enacted to read as follows:

§463.56. Special prestige license plate for Girl Scouts of U.S.A.

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plates for the Girl Scouts of U.S.A. ~~plate to be known as the “Girl Scouts of U.S.A.” plate, when the applicable statutory provisions are met and its system is updated to accommodate the creation of new plates.~~ The license plates plate shall be restricted to passenger cars, pick-up trucks, vans, and recreational vehicles. ~~The license plate shall be of a secretary shall work in conjunction with the executive director of Girl Scouts Louisiana East and the executive director of Girl Scouts of Louisiana - Pines to the Gulf to select the color and design of the plate selected by the Girl Scout Councils of Louisiana; provided that it is in compliance with R.S. 47:463(A)(3), and shall include the Girl Scouts of U.S.A. logo and the words “FOR HER FUTURE Making the World a Better Place”.~~

* * *

D. A royalty fee of twenty-five dollars ~~for the use of the official logo of the Girl Scouts of U.S.A. shall be collected by the department and shall be forwarded to the Audubon Girl Scout Council, Inc. Girl Scouts Louisiana East or Girl Scouts of Louisiana - Pines to the Gulf based on the parish domicile of the vehicle as set forth in Subsection H of this Section~~ for each license plate issued as provided in 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.**

* * *

F. The monies received from the royalty fees by Audubon Girl Scout

Council shall be used solely for the support of programs established and administered by the Girl Scout Councils of Louisiana **Girl Scouts Louisiana East or Girl Scouts of Louisiana - Pines to the Gulf.**

* * *

H.(1) The royalty fee provided for in Subsection D of this Section shall be remitted to the Girl Scouts Louisiana East if the parish domicile of the vehicle is Ascension, Assumption, East Baton Rouge, East Feliciana, Iberville, Jefferson, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Mary Parish, St. Tammany, Tangipahoa, Terrebonne, Washington, West Baton Rouge, or West Feliciana.

(2) The royalty fee provided for in Subsection D of this Section shall be remitted to the Girl Scouts of Louisiana - Pines to the Gulf if the parish domicile of the vehicle is Acadia, Allen, Avoyelles, Beauregard, Bienville, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Catahoula, Claiborne, Concordia, DeSoto, East Carroll, Evangeline, Franklin, Grant, Iberia, Jackson, Jefferson Davis, LaSalle, Lafayette, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, St. Landry, St. Martin, Tensas, Union, Vermilion, Vernon, Webster, West Carroll, or Winn.

Approved by the Governor, May 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 244

SENATE BILL NO. 377

BY SENATORS PEACOCK, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CATHEY, CLOUD, CONNICK, CORTEZ, FESI, FIELDS, HEWITT, JACKSON, LAMBERT, MCMATH, FRED MILLS, ROBERT MILLS, MIZELL, POPE, PRICE, REESE, SMITH, STINE, TALBOT, TARVER AND WOMACK AND REPRESENTATIVES AMEDEE, DEVILLIER, EDMONDS, HARRIS, MCFARLAND, CHARLES OWEN, SCHAMERHORN, THOMPSON AND WHITE

AN ACT

To amend and reenact R.S. 17:7(6)(b), (c), and (e), 7.1(A)(3)(b) and (B)(1), to enact R.S. 17:7.1(A)(1) and 7.2(A)(7), and to repeal R.S. 17:7.1(A)(7) and 7.2(A)(4), relative to the certification of teachers; to provide relative to the responsibilities of the State Board of Elementary and Secondary Education; to provide for teaching certification qualifications and requirements; to provide eligibility criteria; to provide for the granting of teaching certifications; to provide relative to approved teacher education programs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7(6)(b), (c), and (e), 7.1(A)(3)(b) and (B)(1) are hereby amended and reenacted and R.S. 17:7.1(A)(1) and 7.2(A)(7) are hereby enacted to read as follows:

§7. Duties, functions, and responsibilities of board

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

* * *

* * *

(6) ~~(b)(i)(aa)~~ A person applying for initial certification as a teacher in a public school shall have passed satisfactorily an examination, which shall include ~~English proficiency~~, pedagogical knowledge, and knowledge in his area of specialization, as a prerequisite to the granting of such certificate. However, a person who is employed as a foreign language teacher in a Certified Foreign Language Immersion Program pursuant to R.S. 17:273.2, and who is not otherwise eligible to receive state authorization to teach through participation in the Foreign Associate Teacher Program, shall not be required to pass the examination required by this Subitem, but shall at least have a baccalaureate degree and shall be subject to all provisions of state law relative to background checks and criminal history review applicable to the employment of public school personnel.

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

~~(ee)(ii) Any teacher who holds a valid out-of-state teaching certificate; and has at least three years of successful teaching experience in another state as determined by the board, and has completed one year of employment as a teacher in the Louisiana public school system or as a teacher in a Louisiana nonpublic school approved by the board as provided by law shall not be required to take the examination administered in accordance with the provisions of this Paragraph or to submit any examination scores from any examination previously taken in another state as a prerequisite to the granting of certification in Louisiana. Upon application and verification of successful teaching experience in another state by the board, the teacher shall be granted a valid standard Louisiana teaching certificate provided that all of~~

the following conditions are met:

(aaa) The ~~the~~ teacher meets all other requirements for **background checks and criminal history reviews** a Louisiana certificate as may be required by law and board policy.

(bbb) ~~The local superintendent or his designee of the public school system employing the teacher, the local superintendent of the school system operating the nonpublic school employing the teacher, if applicable, or, if not applicable, the principal of the approved nonpublic school employing the teacher has recommended the teacher for employment for the following school year subject to the receipt of a valid Louisiana teaching certificate.~~

(ccc) ~~The local superintendent or his designee of the public school system employing the teacher, the local superintendent of the school system operating the nonpublic school employing the teacher, if applicable, or, if not applicable, the principal of the approved nonpublic school employing the teacher has requested, on behalf of the teacher, that the teacher be granted a valid Louisiana teaching certificate.~~

(dd)(iii) The examination shall be administered to each student in a teacher education program at a public college or university in Louisiana prior to graduation and shall be administered to **other applicants** teachers certified in other states at any time such examination is offered. The board shall prescribe other qualifications and requirements and shall consider other factors.

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

(iii)(v) Any applicant seeking certification may apply for and take any required test or tests without limitation as to the frequency of applications or testing.

(iv)(vi) The state superintendent of education shall annually submit a report to the House Committee on Education and the Senate Committee on Education relative to the examination administered pursuant to this Paragraph. Such report shall include but not be limited to the following: the number of persons to whom the examination was administered; the educational background and teaching experience of such persons; the number of persons successfully completing the examination; the effectiveness of the examination; and any suggestions for improving the examination.

(c) Any person who fails **holds at least a masters degree in the subject area in which he is seeking employment or any person who meets all other certification requirements except he failed** to successfully pass the original examination required by Subparagraph (b) of this Paragraph, but who meets all other certification requirements and **but** who scored within ten percent of the score required for passage on the original examination selected by the state superintendent of education, may be employed **as a teacher** for a period not to exceed one year **five years** in the following manner:

(i) The state superintendent of education, upon receipt of a signed affidavit by the president and superintendent of the school board to which such person has applied for employment that there is no other applicant available for employment for a specific teaching position who has met the requirements of this Section **and who has agreed to participate in a mentorship program offered by the school board**, may issue an emergency teaching permit to such person. Such permit shall be in effect for not more than one year **five years** but may be renewed twice. Such renewal of the permit shall be accomplished in the same manner as the granting of the original permit. The granting of such emergency teaching permit shall in no way affect, reduce, or waive the requirement that the person successfully complete the aforementioned examination. **Each teacher issued an emergency teaching permit who has not completed an approved teacher education program shall be required to complete a preservice training session offered by the school board prior to the teacher's first day of teaching students.**

(ii) At any time the person **who failed to pass the exam** successfully passes the examination, he **shall be certified and** may be employed on a permanent basis.

(iii) **After five years of effective teaching evaluations pursuant to R.S. 17:3902 and upon a signed affidavit of a superintendent of a school system recommending to employ the person for the following school year subject to the receipt of a valid Louisiana teaching certificate, the person shall be granted a valid standard professional level teaching certificate by the state superintendent of education, subject only to passing all provisions of law relative to background checks and criminal history review.**

(ii)(iv) The period herein provided for the employment of **during which** a teacher **is working** with an emergency teaching permit granted under the provisions of this Paragraph shall not count toward tenure.

which position there is no other applicant available for employment who has met the requirements of this Paragraph, has the recommendation of the superintendent of the school system employing such teacher, and has had a successful local evaluation for the previous four years prior to such issuance. Any such policy, rule, regulation, or other measure in effect on July 1, 1993 shall be null and void.

* * *

§7.1. Certification of teachers; certification of principals and superintendents; certification of school psychologists

A. In carrying out its responsibility to prescribe the qualifications and provide for the certification of teachers under authority of R.S. 17:7(6), the qualifications and requirements established by the State Board of Elementary and Secondary Education for certification of any applicant for certification who completes an approved teacher education program in Louisiana shall include but not be limited to the following:

(1) Beginning with the 2024-2025 academic year, that each approved teacher education program shall not require more than one hundred twenty semester hours of college credit for degree completion, inclusive of any classroom observation time or mentorship requirements. Programs designated by the Board of Regents as dual degrees or dual certifications shall be permitted to exceed the one hundred twenty semester hour credit limit.

* * *

(3)

(b) An applicant who has passed all requisite examinations covering pre-professional skills and content knowledge but who does not meet the requirement of Subparagraph (a) of this Paragraph may be certified if he completes a post-baccalaureate program as provided in this Subparagraph. **or he may be employed as a teacher for a period not to exceed five years in the following manner:**

(i) The state superintendent of education, upon receipt of a signed affidavit by the president and superintendent of the school board to which such person has applied for employment that there is no other applicant available for employment for a specific teaching position who has met the requirements of this Section, may issue an emergency teaching permit to such person. Such permit shall be in effect for not more than five years.

(ii) After five years of effective teaching evaluations pursuant to R.S. 17:3902 and upon a signed affidavit of a superintendent of a school system recommending to employ the person for the following school year subject to the receipt of a valid Louisiana teaching certificate, the person shall be granted a valid standard professional level teaching certificate by the state superintendent of education, subject only to passing all provisions of law relative to background checks and criminal history review.

(i) Such an applicant for admission to a post-baccalaureate program may be granted conditional admission following a satisfactory personal interview by the program's admissions officer.

(ii) If the program awards credit hours, the applicant shall achieve a grade point average of 3.00 or higher in post-baccalaureate program courses by the end of his first twelve credit hours and successfully complete the program.

(iii) If the program does not award credit hours, the applicant shall demonstrate mastery of competencies as required by the program administrator and by the school system in which the applicant completes required clinical practice, and satisfactorily completes all program requirements as set forth by the state board, including any requirements for clinical practice, at graduation.

* * *

B.(1) ~~After August 15, 1986, except as otherwise provided in Paragraph (2) of this Subsection, any~~ **Any** persons applying for initial certification as a principal or vice, assistant, or deputy principal, hereafter referred to as a principal, in addition to any other requirements of the State Board of Elementary and Secondary Education, shall have passed the administrative portion of the National Teachers Examination produced by the Educational Testing Service **educational leadership exam adopted by and** at a level determined by the State Board of Elementary and Secondary Education not later than August 1, 1986, which determination shall be based on a validation study to be completed by the board no later than July 31, 1986. The validation study shall be submitted to the Joint Committee on Education for its review prior to adoption of a passage score.

* * *

§7.2. Approved teacher education programs

A. In carrying out its responsibility to prescribe the qualifications and provide for the certification of teachers under authority of R.S. 17:7(6), the State Board of Elementary and Secondary Education, subject to the constitutional power and authority of the Board of Regents, the Board of Supervisors for the University of Louisiana System, the Board of Supervisors of Louisiana State University and Agricultural and Mechanical College, and the Board of Supervisors of Southern University and Agricultural and Mechanical College, shall establish qualifications and requirements for the approval of teacher education programs from which graduates may be certified. The qualifications and requirements established by the State Board of Elementary and Secondary Education for an approved teacher education program shall include but not be limited to the following:

* * *

(7) Beginning with the 2024-2025 academic year, that an approved teacher education program shall be no more than one hundred twenty semester hours of college credit for degree completion, inclusive of any classroom observation time or mentorship requirements. Programs designated by the Board of Regents

as dual degrees or dual certifications shall be permitted to exceed the one hundred twenty semester hour credit limit.

* * *

Section 2. R.S. 17:7.1(A)(7) and 7.2(A)(4) 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 31, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 245

SENATE BILL NO. 392

BY SENATORS BOUDREAUX AND CLOUD AND REPRESENTATIVES
BOYD, BUTLER, CORMIER, COUSSAN, DEVILLIER, DUBUISSON,
EMERSON, FISHER, FRIEMAN, GLOVER, GREEN, JORDAN,
LARVADAIN, MCMAHEN, DUSTIN MILLER, NEWELL, CHARLES
OWEN, ROBERT OWEN, PIERRE, STEFANSKI AND WHITE
AN ACT

To enact R.S. 49:170.20 and 170.21, relative to state symbols; to designate St. Landry Parish as the Equine Capital of Louisiana; to designate St. Tammany Parish as the Thoroughbred Breeding Capital of Louisiana; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 49:170.20 and 170.21 are hereby enacted to read as follows:
§170.20. Equine Capital of Louisiana; St. Landry Parish
The parish of St. Landry is hereby designated as the “Equine Capital of Louisiana”.

§170.21. Thoroughbred Breeding Capital of Louisiana; St. Tammany Parish
St. Tammany Parish is hereby designated as the “Thoroughbred Breeding Capital of Louisiana”.

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 31, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 246

HOUSE BILL NO. 298

BY REPRESENTATIVES JORDAN, BOYD, WILFORD CARTER, CORMIER,
DUPLESSIS, FISHER, GAINES, GREEN, HUGHES, JEFFERSON,
JENKINS, LANDRY, LARVADAIN, LYONS, NELSON, NEWELL, PIERRE,
SELDERS, AND WILLARD AND SENATORS BARROW, BOUDREAUX,
BOUIE, CARTER, CONNICK, HEWITT, JACKSON, LUNEAU, PRICE,
TALBOT, AND TARVER

A JOINT RESOLUTION

To amend Article I, Section 3 of the Constitution of Louisiana, relative to the prohibition of slavery and involuntary servitude; to provide relative to the administration of criminal justice; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state of Louisiana, for their approval or rejection in the manner provided by law, a proposal to amend Article I, Section 3 of the Constitution of Louisiana, to read as follows:

§3. Right to Individual Dignity
Section 3. (A) No person shall be denied the equal protection of the laws. No law shall discriminate against a person because of race or religious ideas, beliefs, or affiliations. No law shall arbitrarily, capriciously, or unreasonably discriminate against a person because of birth, age, sex, culture, physical condition, or political ideas or affiliations.
(B)(1) Slavery and involuntary servitude are prohibited, ~~except in the latter case as punishment for crime.~~
(2) Subparagraph (1) of this Paragraph does not apply to the otherwise lawful administration of criminal justice.

Section 2. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 8, 2022.

Section 3. Be it further resolved that on the official ballot to be used at the election, there shall be printed a proposition, upon which the electors of the state shall be permitted to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as follows:

Do you support an amendment to prohibit the use of involuntary servitude except as it applies to the otherwise lawful administration of criminal justice? (Amends Article I, Section 3)
SPEAKER OF THE HOUSE OF REPRESENTATIVES
PRESIDENT OF THE SENATE
Approved by the Governor, N/A.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 247

SENATE BILL NO. 8

BY SENATOR PRICE AND REPRESENTATIVES ADAMS, BOYD, ILLG,
LAFLEUR AND NELSON
AN ACT

To amend and reenact R.S. 11:1307(E), 1310(A)(2)(a), 1312.1(A)(2) and the introductory paragraph of (D)(2), 1318, 1321(A)(1), 1322(B) and (D), 1323(B)(1), (C), and (D)(1), and 1345.8(B)(1), and to enact R.S. 11:1322.1, relative to the Louisiana State Police Retirement System; to provide with respect to benefits; to provide relative to qualifications for payment; to provide for clarification of statutory language; to provide relative to payment of benefits to a trust for specific beneficiaries; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1307(E), 1310(A)(2)(a), 1312.1(A)(2) and the introductory paragraph of (D)(2), 1318, 1321(A)(1), 1322(B) and (D), 1323(B)(1), (C), and (D)(1), and 1345.8(B)(1) are hereby amended and reenacted and R.S. 11:1322.1 is hereby enacted to read as follows:

§1307. Persons eligible to retire on basis of service and age; retirement benefits

* * *

E. In lieu of receiving the regular retirement salary computed pursuant to Subsection A of this Section, a member of the system who does not participate in the Back-Deferred Retirement Option Program provided by the provisions of this Chapter and who is eligible for a regular retirement salary computed pursuant to Subsection A of this Section ~~or R.S. 11:1345.4~~ may elect to receive a reduced retirement salary plus an initial benefit, provided the initial benefit, together with the reduced retirement salary, shall be certified by the actuary to be actuarially equivalent to the member's regular retirement salary computed pursuant to Subsection A of this Section ~~or R.S. 11:1345.4~~. The amount of the initial benefit, as determined by the member, shall not exceed an amount equal to the member's maximum monthly retirement salary multiplied by thirty-six. The initial benefit shall, at the option of the member, be paid as a lump sum or placed in an interest-earning account in accordance with R.S. 11:1312.1(D)(4). Cost-of-living adjustments granted by the board of trustees to retirees who elect to receive a reduced retirement salary and an initial benefit shall be based only on the reduced retirement salary and shall not be based on the initial benefit.

* * *

§1310. Average salary; method of determining
A.

* * *

(2)(a) With respect to persons becoming employed on and after September 8, 1978, and whose first employment making them eligible for membership in one of the state systems occurred on or before December 31, 2010, the term “average salary” as used in this Chapter for the purpose of determining pension payments and retirement is the average salary including any additional pay or salary provided by the legislature over and above that set by the Civil Service Commission, received for the ~~thirty-six month period ending on the last day of the month immediately preceding the date of retirement or date of death or for any thirty-six consecutive months~~ **thirty-six highest months of successive employment, or for the highest thirty-six successive joined months of employment where interruption of service occurred**, whichever is the greatest. For the purposes of computation, “average salary” shall not include overtime, expenses, or clothing allowances.

* * *

§1312.1. Back-Deferred Retirement Option Program
A.(1)

* * *

(2) In lieu of receiving a normal retirement benefit pursuant to R.S. 11:1307 through 1310 ~~or R. S. 11:1345.4 and 1345.5~~, an eligible member of the system may elect to retire and have his benefits structured, calculated, and paid as provided in this Section.

* * *

D.(1)

* * *

(2) The member's Back-DROP monthly benefit shall be calculated pursuant to the provisions applicable for service retirement set forth in R.S. 11:1307 through 1310 ~~or R.S. 11:1345.4 and 1345.5~~, subject to the following conditions:

* * *

§1318. Pension of children with physical or mental disabilities of deceased employee hired on or before December 31, 2010

A. Any child of a deceased member whose first employment making him eligible for membership in one of the state systems occurred on or before December 31, 2010, whether under or over the age of eighteen years, shall be

entitled to the same benefits, payable in the same manner as provided by this Chapter for surviving spouses, if the child has a total **and permanent** physical disability or mental disability.

B. The applicant shall provide adequate proof of **total and permanent** physical or mental disability of such surviving child or children and shall notify the board of any subsequent changes in the child's condition. The board may require a certified statement of the child's eligibility status at the end of each calendar year.

* * *

§1321. Surviving spouse remarrying; forfeiture of pension; employees hired on or before December 31, 2010

A.(1) This Section shall apply to the surviving spouse of any member whose first employment making him eligible for membership in one of the state systems occurred on or before December 31, 2010. If the surviving spouse of a deceased employee remarries while receiving the surviving spouse's pension under the provisions of this Chapter, such spouse thereupon forfeits all rights to the spouse's pension, **except as provided in R.S. 11:234.**

* * *

§1322. Death of former or retired employee hired on or before December 31, 2010; pension payable to survivors

* * *

B. The surviving spouse of a deceased retired employee shall receive a pension in an amount equal to the monthly retirement pay that was being paid to the decedent on the date of death, **not to exceed one hundred percent of the member's average compensation**, provided the surviving spouse was married to the decedent for at least two years prior to the decedent's death.

* * *

D. Remarriage of the surviving spouse acts as a forfeiture of any rights to receive any further benefits hereunder, except as provided in **R.S. 11:234 and R.S. 11:1321(B).**

* * *

§1322.1. Children's benefits; payment to trust

The benefits payable to a child under this Chapter shall be paid to the person having legal custody of the property of the child, unless a trust created under Louisiana law has been created by the deceased member for the benefit of the child, the terms of the instrument creating the trust so provide and the system has been provided with a certified copy of the trust document, then the survivor benefit shall be paid to the trust under the terms of the trust for addition to the trust property. In the event that the trust is contested by any party, the system shall withhold all survivor benefit payments or deposit them in the registry of the court if a concursus proceeding is filed, until there is a final binding legal agreement or judgment regarding the proper payment of the survivor benefits.

§1323. Death of employee not in performance of duty; employees hired on or after January 1, 2011

* * *

B.(1) A surviving spouse with a minor child or child with a **total and permanent** physical **or mental** disability, ~~or a child with a mental disability~~, or children shall be paid per month, for so long as one or more children remain eligible for benefits under Subsection C of this Section, fifty percent of the benefit to which the member would have been entitled if he had retired on the date of his death using the member's applicable accrual rate regardless of years of service or age, or six hundred dollars per month, whichever is greater, provided the deceased member was an active member at the time of death and had five or more years of service credit, at least two years of which were earned immediately prior to death or provided the deceased member had twenty or more years of service credit regardless of when earned or whether the deceased member was in active service at the time of death.

* * *

C.(1) In addition to the amount payable in accordance with Subsection B of this Section, for the benefit of the surviving minor child, or children, there shall be paid for each such child, ~~subject to a maximum of two children~~, per month fifty percent of the benefit to which a spouse would be entitled under Subsection B of this Section. Benefits shall be payable to such children even if no spouse eligible for survivor benefits is present, provided the member had at least five years of service credit. Benefits for a child shall cease when the child is no longer a minor child as defined by this Chapter. No surviving minor child shall receive more than one survivor's benefit at any one time. If two benefits are applicable, only the larger shall be paid.

(2)(a) In addition to the amount payable in accordance with Subsection B of this Section, any surviving child of a deceased member, whether under or over the age of eighteen years, shall be entitled to the same benefits, payable in the same manner, as are provided by this Section for minor children, if the child has a total **and permanent** physical disability or mental disability, and had such disability at the time of the death of the member and is dependent upon the surviving spouse or other legal guardian.

(b) The applicant shall provide adequate proof of physical or mental disability of such surviving child or children and shall notify the board of any subsequent changes in the child's condition to such an extent that the child is no longer dependent upon the surviving spouse or legal guardian and any changes in the assistance being received from other state agencies. The board may require a certified statement of the child's eligibility status at the end of each calendar year.

(3) In no event shall the benefits payable under this Subsection be more than the benefit payable under Subsection B of this Section. In the event that more than two children are eligible for a benefit under this Subsection, the eligible children shall share equally in the benefit.

D.(1) A surviving spouse without a minor child or a child with a **total and permanent** physical **or mental** disability, ~~or a child with a mental disability~~, or children shall be paid per month, for the remainder of his life, a benefit based on years of service that the member had earned to the date of his death using the applicable accrual rate, or six hundred dollars per month, whichever is greater, provided the surviving spouse had been married to the deceased member for at least one year prior to death, and provided the deceased member was an active member at the time of death and had ten or more years of service credit, at least two years of which were earned immediately prior to death or provided the deceased member had twenty or more years of service credit regardless of when earned or whether the deceased member was in active service at the time of death.

* * *

§1345.8. Survivors' benefit for members killed in the line of duty; death by an intentional act of violence

* * *

B.(1) If the member has a surviving spouse, a child or children who are minors, have a **total and permanent physical or mental** disability, ~~or are mentally incapacitated~~, or both a surviving spouse and a child or children, the amount of the total benefit shall equal eighty percent of the member's average compensation. The benefit shall be shared equally by the surviving spouse and any children. When a child who ~~neither has a disability nor is mentally incapacitated~~ **does not have a total and permanent physical or mental disability** no longer meets the definition of minor child under R.S. 11:1301, his benefit shall cease, and the remaining beneficiaries shall have their shares adjusted accordingly.

* * *

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 June 30, 2022, or on the day following such approval by the legislature, whichever is earlier.

Approved by the Governor, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 248

**SENATE BILL NO. 9
BY SENATOR ROBERT MILLS
AN ACT**

To amend and reenact R.S. 11:1755(E)(1)(a) and (5), 1821(E), 1823(22), 1826(B), 1842, 1843, and 2003, to enact R.S. 11:1756(D), and to repeal R.S. 11:1823(23), relative to statewide retirement systems; to provide with respect to administration of and benefits provided by the systems; to provide relative to creditable service, conversion of leave, and benefit payments; to provide relative to the powers, duties, and responsibilities of members of system boards of trustees; to provide for expenditure of system funds; to provide for actuarial investigations; to provide relative to cash deposit available for payment of benefits; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:1756(D) is hereby enacted to read as follows:

§1756. Application for benefits; commencement of benefits; payment of benefits

* * *

D. If a written application for any benefit is received by the board sixty or fewer days after the date the applicant became eligible for the benefit, benefits shall be paid retroactive to the date of eligibility. If an application for any benefit is received by the board more than sixty days after the date the applicant attained eligibility, retroactive benefits shall be paid only for the sixty days prior to the date the application is received by the board.

* * *

Section 2. R.S. 11:1755(E)(1)(a) and (5), 1821(E), 1823(22), 1826(B), 1842, 1843, and 2003 are hereby amended and reenacted to read as follows:

§1755. Creditable service; service certificate; adjusted service date; repayment of withdrawn contributions

* * *

E.(1)(a) The provisions of this Subsection are limited in scope and shall ~~only~~ **only** apply **only** to members of this system whose ~~employing municipality participating employer~~ irrevocably elects such coverage. The board of trustees shall cause to be promulgated all regulations necessary to govern the procedures for ~~municipalities participating employers~~ **participating employers** to irrevocably elect coverage under the provisions of this Subsection.

* * *

(5) The actuarial cost of providing the conversion authorized by this Subsection shall be borne solely by and shall be paid to the board by the ~~municipality that employed the member~~ **member's employer** within thirty days of the date that the member retires.

* * *

§1821. Board of trustees; membership; term of office; oath of office; compensation; voting power; vacancies

* * *

E. The trustee shall serve without compensation but shall be reimbursed

as provided by R.S. 11:181(D). ~~Notwithstanding the exceptions provided in R.S. 42:1102(22) and 1123(41), no trustee shall accept any thing of economic value from any person identified in R.S. 42:1115(A)(1) unless the thing of value is food, drink, or refreshments consumed by the trustee while the personal guest of some person during an educational or professional development seminar or conference.~~

* * *

§1823. Board responsibilities; powers and duties

Each board member shall discharge his fiduciary duties solely in the interest of the system's members and beneficiaries and for the exclusive purpose of providing benefits to the members and their beneficiaries, and defraying reasonable expenses of administering the system, with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent man acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The board shall have the following powers and duties in administering the system:

* * *

~~(22) To include in the financial statement submitted to the legislature pursuant to R.S. 11:171(A) an itemized schedule of all amounts paid by the system to or on behalf of the system's board members.~~

~~(23) To deduct monthly life and health insurance premiums from the benefits payable to any retiree or other beneficiary and to transmit them to the agency to which the premiums are due. The board shall have full authority to formulate and promulgate any and all necessary rules and regulations to facilitate these deductions, including but not limited to requirements for written documentation for deductions.~~

* * *

§1826. Actuary

* * *

B. ~~Immediately after the revision date~~ **In Fiscal Year 2023-2024**, and at least once every ~~three~~ **five** years thereafter, the actuary shall make an actuarial investigation of the members as to mortality, disability, retirement, separation, marital status of employees, marriage of surviving spouses, interest, and employee earning rates.

* * *

§1842. Board of trustees as custodian of funds

~~A. The board of trustees shall be the custodian of the several funds. All expense vouchers and pension payrolls shall be certified by the administrative director. The administrative director shall furnish the board of trustees a surety bond in a company authorized to do business in Louisiana and in such an amount as shall be required by the board, the premium to be paid from the expenses of the fund.~~

~~B. The board shall not authorize the use of system funds to pay for a board member's attendance at more than one educational or professional development seminar or conference per fiscal year held outside of the state of Louisiana. The board shall not authorize the use of system funds to pay for a board member's attendance at any educational or professional development seminar or conference that is not affiliated with an association related to state retirement systems.~~

§1843. Cash deposit for payment of benefits

For the purpose of meeting disbursements for pensions, annuities, and other payments there may be kept available cash, not exceeding ~~one~~ **ten** percent of the total amount in the several funds of the retirement system, on deposit in one or more banks or trust companies of the state of Louisiana organized under the laws of the state of Louisiana or of the United States, provided, that the sum on deposit in any one bank or trust company shall not exceed ten percent of the paid up capital and surplus of such bank or trust company.

* * *

§2003. Cash deposit for payment of benefits

For the purpose of meeting disbursements for pensions, annuities, and other payments there may be kept available cash, not exceeding ~~one per centum~~ **ten percent** of the total amount in the several funds of the retirement system, on deposit in one or more banks or trust companies of the state of Louisiana organized under the laws of the state of Louisiana or of the United States, provided, that the sum on deposit in any one bank or trust company shall not exceed ten percent of the paid up capital and surplus of such bank or trust company.

Section 3. R.S. 11:1823(23) is hereby repealed.

Section 4. 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, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 249

SENATE BILL NO. 12
BY SENATOR REESE
AN ACT

To amend and reenact R.S. 51:3121(C)(3)(a), relative to the Competitive

THE ADVOCATE

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Projects Payroll Incentive Program; to extend the termination date of the program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:3121(C)(3)(a) is hereby amended and reenacted to read as follows:

§3121. Competitive Projects Payroll Incentive Program

* * *

C.

* * *

(3)(a)(i) Upon the approval by the Joint Legislative Committee on the Budget of participation in the program by the business, the secretary shall execute the contract with the business, and provide a copy to the Department of Revenue prior to the payment of any benefits under the contract.

(ii) No new contract shall be approved on or after July 1, ~~2022~~ **2026**, but contracts existing on that date may continue and may be renewed.

* * *

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

Approved by the Governor, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 250

SENATE BILL NO. 19
BY SENATOR MORRIS
AN ACT

To amend and reenact R.S. 32:415.2(A)(2)(a) and 863.1(C)(1)(a), relative to issuing of citations; to provide for electronic citations; to provide for issuance of a notice of suspension or revocation of driving privilege; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:415.2(A)(2)(a) and 863.1(C)(1)(a) are hereby amended and reenacted to read as follows:

§415.2. Operating vehicle while under suspension or revocation; removal of license plate

A.

* * *

(2)(a) If the law enforcement officer determines the driver's license of the operator of a motor vehicle registered in this state is suspended or revoked at the time of the stop, pursuant to any provision of this Title or any court order, and ~~such~~ **the** motor vehicle registered in this state is registered in the name of the operator in the department's vehicle registration records, the law enforcement officer shall remove the license plate from the motor vehicle, and the operator of the motor vehicle shall be issued a notice of suspension or revocation of his driving privileges on a ~~form to be promulgated by the department~~ **physical form or a similar electronic form that is provided by the department**.

* * *

§863.1. Evidence of compulsory motor vehicle liability security contained in vehicle; enforcement; penalty; fees

* * *

C.(1)(a) If the operator of a motor vehicle is unable to show compliance with the provisions of this Part by displaying the required document when requested to do so, the motor vehicle shall be impounded and the operator shall be issued a notice of noncompliance with the provisions of this Part on a ~~form to be~~ **physical or electronic form** provided by the department. Notwithstanding the provisions of R.S. 32:852(E), ~~such~~ **the** notice may be sent by first class mail. A copy of the notice of noncompliance shall be provided to the towing or storage company and a copy shall be forwarded to the office of motor vehicles within three calendar days after the notice of noncompliance was served. The notice of noncompliance shall serve as notice of administrative hearings rights. In addition, the law enforcement officer shall remove the license plate from the vehicle if the vehicle is registered in Louisiana. The law enforcement officer shall deliver the vehicle license plate to the chief of the agency which employs the officer, or to a person in that agency designated to receive ~~such~~ **confiscated** license plates. In those cases in which a motor vehicle is not impounded, a copy of the notice of noncompliance shall be attached to the vehicle license plate and both shall be delivered to the nearest office of motor vehicles within three calendar days after the notice of noncompliance was served.

* * *

Approved by the Governor, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 251

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

SENATE BILL NO. 23
BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 30:86(C) and (E)(7) and to enact R.S. 30:86(D)(11) and (H), relative to the Oilfield Site Restoration Fund; to provide for the deposit of monies into the fund; to provide for technical changes; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:86(C) and (E)(7) are hereby amended and reenacted and R.S. 30:86(D)(11) and (H) are hereby enacted to read as follows:

§86. Oilfield Site Restoration Fund

C. The treasurer of the state of Louisiana shall certify to the secretary of the Department of Revenue the date on which the balance in the fund equals or exceeds fourteen million dollars. The oilfield site restoration fees on oil and gas provided for in R.S. 30:87 shall not be collected or required to be paid on or after the first day of the second month following the certification, except that the secretary of the Department of Revenue shall resume collecting the fees on receipt of a certification from the treasurer that, based on the expenditures or commitments to expend monies, the fund has fallen below ten million dollars. The secretary of the Department of Revenue shall continue collecting the fees until collections are again suspended in the manner provided by this Section. The **following sums in the site-specific shall not be counted to determine the balance of the fund for the purposes of this Subsection:**

- (1) **Site-specific** trust accounts within the fund, ~~the sums collected from financial,~~
- (2) **Financial** security instruments required by rules and regulations adopted by the assistant secretary pursuant to R.S. 30:4(R) and 4.3, ~~sums deposited,~~
- (3) **Deposits** pursuant to ~~Paragraph Paragraphs (D)(9), (10), or (11) of this Section, any sums deposited from federal appropriations, or any federal grant program established by the United States Congress for the purpose of restoring orphan oilfield sites, and sums,~~
- (4) **Monies** generated from the issuance of bonds pursuant to R.S. 30:83.1 ~~shall not be counted to determine the balance of the fund for the purposes of this Subsection.~~

D. The following monies shall be placed into the Oilfield Site Restoration Fund:

(11) **Any other source of funding for which restoring orphan oilfield sites is an allowable use, as determined by the Joint Legislative Committee on the Budget.**

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:

(7) Except for the costs of administration of this Part by the Department of Natural Resources not exceeding ~~five percent of the limitations set by the United States Congress or administering federal agency for~~ the federal funds appropriated or granted, the monies deposited into the fund pursuant to ~~Paragraph Paragraphs (D)(9), (10), and (11) of this Section, any other monies deposited from federal appropriations, or from federal grant programs authorized by the United States Congress for the purpose of restoring orphan oilfield sites,~~ shall be used only for the purposes of assessing and restoring orphan oilfield sites. Notwithstanding any other requirements in this Part, such monies may be expended by the secretary through a contract entered into under any competitive process authorized by Title 38 or 39 of the Louisiana Revised Statutes of 1950. The contract may be awarded to any qualified party ~~regardless as to whether or not such the party has been approved to be on the is on the approved~~ list of contractors acceptable to conduct site assessment and restoration by the commission.

H. At the direction of the secretary, federal monies dedicated pursuant to Subsections (D)(9) or (10) of this Section shall be placed into the department's federal funds account instead of the Oilfield Site Restoration Fund but such money shall otherwise be subject to the same requirements applicable to money identified in Subsection (D)(9) or (10) 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, June 3, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 252

SENATE BILL NO. 31
BY SENATOR FRED MILLS
AN ACT

To repeal R.S. 28:4, 237, Chapter 2 of Title 28 of the Louisiana Revised Statutes of 1950, consisting of R.S. 28:241 through 249, and 824(A) through (H), R.S. 36:259(B)(12), (23), (27), (28), (29), and (33), R.S. 40:31.65(A), 642, 700.12,

Part XI of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1051 through 1055, 1057.12, 1058, 1105.10(C), 1105.11(C), 1135.13, Part III of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1185.1 through 1185.6, 1189.6, Part III of Subchapter D of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1215.1 and 1215.2, Part VI of Subchapter D of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1221.1 through 1221.11, 1249.3(B), 1261.1, 1263.5, Part IX of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1277.1, Part X of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1279.1, 1283.2, Part V of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1290.1 through 1290.4, Part I-A of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1312.1 through 1312.27, Subpart E of Part III of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1460.1 and 1460.2, 1597.2(B), 2001, 2009.1, 2013.4 through 2013.6, 2016, 2018.4, 2108, 2116.34(B), 2120.9, Part VI-B of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2175.11 through 2175.15, Part VI-C of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2176.1, Part IX of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2194 through 2194.5, Part X-A of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2195.6, Part XI of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2196 through 2196.7, Part XV of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2200.11 through 2200.15, Chapter 16 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2331 and 2332, Chapter 17 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2351 through 2355, 2405.2, Chapter 21 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2481 through 2483, Chapter 23 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2501 through 2505, and Chapter 24 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2511 through 2519, and R.S. 46:52.2, Subpart A-1 of Part I of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:160 through 160.11, Subpart B of Part I of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:161 through 165, Subpart C of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:261, Subpart D-3 of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:287.1 through 287.9, Subpart D-1 of Part VI-A of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:440.4 through 440.8, 1094(D), 1442.3, Chapter 25 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:1991 through 1996, 2405.1, Chapter 35-A of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:2431 through 2434, Chapter 52 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:2671 through 2675, and 2758.2(E) and (F), relative to health care; to repeal certain inactive or obsolete laws; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:4, 237, Chapter 2 of Title 28 of the Louisiana Revised Statutes of 1950, consisting of R.S. 28:241 through 249, and 824(A) through (H) are hereby repealed.

Section 2. R.S. 36:259(B)(12), (23), (27), (28), (29), and (33) are hereby repealed.

Section 3. R.S. 40:31.65(A), 642, 700.12, Part XI of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1051 through 1055, 1057.12, 1058, 1105.10(C), 1105.11(C), 1135.13, Part III of Subchapter B of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1185.1 through 1185.6, 1189.6, Part III of Subchapter D of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1215.1 and 1215.2, Part VI of Subchapter D of Chapter 5-D of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1221.1 through 1221.11, 1249.3(B), 1261.1, 1263.5, Part IX of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1277.1, Part X of Subchapter A of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1279.1, 1283.2, Part V of Subchapter B of Chapter 5-F of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1290.1 through 1290.4, Part I-A of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1312.1 through 1312.27, Subpart E of Part III of Chapter 6 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:1460.1 and 1460.2, 1597.2(B), 2001, 2009.1, 2013.4 through 2013.6, 2016, 2018.4, 2108, 2116.34(B), 2120.9, Part VI-B of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2175.11 through 2175.15, Part VI-C of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2176.1, Part IX of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2194 through 2194.5, Part X-A of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2195.6, Part XI of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2196 through 2196.7, Part XV of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2200.11 through 2200.15, Chapter 16 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2331 and 2332, Chapter 17 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2351 through 2355, 2405.2, Chapter 21 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2481 through 2483, Chapter 23 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2501 through 2505, and Chapter

24 of Title 40 of the Louisiana Revised Statutes of 1950, consisting of R.S. 40:2511 through 2519 are hereby repealed.

Section 4. R.S. 46:52.2, Subpart A-1 of Part I of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:160 through 160.11, Subpart B of Part I of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:161 through 165, Subpart C of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:261, Subpart D-3 of Part II of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:287.1 through 287.9, Subpart D-1 of Part VI-A of Chapter 3 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:440.4 through 440.8, 1094(D), 1442.3, Chapter 25 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:1991 through 1996, 2405.1, Chapter 35-A of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:2431 through 2434, Chapter 52 of Title 46 of the Louisiana Revised Statutes of 1950, consisting of R.S. 46:2671 through 2675, and 2758.2(E) and (F) are hereby repealed.

Approved by the Governor, June 3, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 253

SENATE BILL NO. 33
BY SENATOR FRED MILLS AND REPRESENTATIVE GLOVER
AN ACT

To enact R.S. 40:2009.24, relative to nursing facilities; to require an emergency alternative electrical power source; to provide for minimum requirements; to provide for fuel; to provide for waivers; to provide for a compliance deadline; to provide for an extension; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2009.24 is hereby enacted to read as follows:

§2009.24. Alternative electrical power source required

A. Nursing facilities shall have a generator or other Louisiana Department of Health approved alternate electrical power source in the event of the loss of primary electrical power in accordance with this Section.

B. The generator or alternate electrical power source shall have a simultaneous capability of providing sufficient electrical power for all of the following:

- (1) Life safety systems.**
- (2) Lighting in patient care areas.**
- (3) Medical equipment in patient care areas.**
- (4) Electrical components of the approved potable water system.**
- (5) Electrical components of the approved sewer systems.**
- (6) Operation of the nursing facility's medication dispensing and medication refrigeration systems.**
- (7) Operation of the nursing facility's dietary services and related refrigeration.**
- (8) Operation of the nursing facility's laundry services.**

(9)(a) For nursing facilities built or whose construction plans have been approved by the department prior to August 1, 2022, HVAC systems or portions of systems required to maintain a safe indoor temperature to be powered at a minimum fifty percent of the air conditioning systems and fifty percent of the heating systems in the facility.

(b) For nursing facilities approved for construction and built on or after August 1, 2022, HVAC systems or portions of systems required to maintain a safe indoor temperature to be powered at a minimum ninety percent of the air conditioning systems and ninety percent of the heating systems in the facility.

C.(1) The generator or alternate electrical power source shall be permanently installed onsite at the nursing facility and shall have fuel stored onsite at the nursing facility or delivered prior to the emergency event, in the following quantities:

(a) For nursing facilities built or whose construction plans have been approved by the department prior to August 1, 2022, an amount sufficient to operate the generator or alternative electrical power source under full load for forty-eight hours.

(b) For nursing facilities approved for construction and built on or after August 1, 2022, an amount sufficient to operate the generator or alternative electrical power source under full load for seventy-two hours.

(2) Natural gas is an allowable fuel source and meets the onsite fuel requirement if there is an onsite propane tank sufficient in size to meet the fuel requirements provided for in this Section.

D. Each nursing facility shall have fuel delivery agreements in place that will extend the uninterrupted operation of the generator or alternative electrical power source under full load to a total period of one hundred sixty-eight hours for a single emergency event. Nursing facilities may interrupt operation of the generator or alternative electrical power source to conduct routine maintenance as recommended by manufacturer's specifications.

E.(1) For nursing facilities built or whose construction plans have been approved by the department prior to August 1, 2022, the Louisiana Department of Health may provide a waiver for the permanently installed generator or alternative electrical power source required by this Section if it is determined that there is not sufficient physical space available or a governmental ordinance exists that makes it impossible to place a generator or alternative electrical power source and the fuel required by this Section on the premises of the nursing facility.

* As it appears in the enrolled bill

(2) Each nursing facility which receives a waiver pursuant to this Subsection shall annually submit to the department for review and approval a plan to provide for the health and safety of the facility's residents in the event of power loss. The annual plan may incorporate but is not limited to mobile generators, chillers, or evacuation.

F. Nursing facilities shall meet the requirements of this Section no later than June 30, 2023. The department may grant a one-time extension, not to exceed six months, upon written application by a nursing facility that compliance with this Section has been delayed due to extraordinary and unforeseen circumstances. No extension shall be granted if the nursing facility fails to provide sufficient evidence of substantial compliance or good faith efforts to comply with the requirement deadline provided for in this Subsection.

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

Approved by the Governor, June 3, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 254

SENATE BILL NO. 41
BY SENATOR REESE AND REPRESENTATIVE BISHOP
AN ACT

To amend and reenact R.S. 51:2461, relative to the Louisiana Quality Jobs Program Act; to provide for an extension of the program application deadline; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:2461 is hereby amended and reenacted to read as follows: §2461. Application deadline

~~On and after July 1, 2022, no~~ **No** new advance notifications under this Chapter shall be accepted by the Department of Economic Development ~~after June 30, 2026.~~ However, an employer which, prior to July 1, 2022, has been that was approved by the department to receive incentive tax credits or rebates **incentives** under the program **on or before June 30, 2026,** shall continue to receive tax credits or rebates **incentives** pursuant to the terms of its agreement with the state of Louisiana as long as the employer retains its eligibility.

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

Approved by the Governor, June 3, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 255

SENATE BILL NO. 110
BY SENATORS REESE, LUNEAU, MCMATH AND MILLIGAN
AN ACT

To amend and reenact the introductory paragraph of R.S. 10:9-109(c)(6), 9-109(c)(6)(C), the introductory paragraph of (c)(7) and (c)(7)(C) and to enact R.S. 10:9-109(c)(8) and Part VII-A of Chapter 9 of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1271 through 1281, relative to utilities; to provide relative to secured transactions; to provide for security interests in energy transition property; to provide relative to energy transition property bonds; to provide for financing orders of the Public Service Commission; to provide for appeals of financing orders; to provide for the sale and perfection of true sale status of energy transition property; to provide for conflict of laws; to provide for nonimpairment of bonds by the state; to provide relative to the jurisdiction of the Public Service Commission; to provide for definitions, terms, requirements, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 10:9-109(c)(6), 9-109(c)(6)(C), the introductory paragraph of (c)(7) and (c)(7)(C) are hereby amended and reenacted and R.S. 10:9-109(c)(8) is hereby enacted to read as follows: §9-109. Scope

* * *

(c) Extent to which Chapter does not apply. This Chapter does not apply to the extent that:

* * *

(6) R.S. 45:1226 through 1240, the Louisiana Electric Utility Storm Recovery Securitization Act, expressly governs the creation, perfection, priority, or enforcement of a security interest in storm recovery property as defined therein or any interest or right in any storm recovery property, but except to

the extent contrary to express provisions in the Act, **the following provisions of this Chapter nonetheless do apply:**

* * *

(C) This Chapter applies to the enforcement of security interests in storm recovery property; or

(7) R.S. 45:1251 through 1261, the Louisiana Electric Utility Investment Recovery Securitization Act, expressly governs the creation, perfection, priority, or enforcement of a security interest in investment recovery property as defined therein or any interest or right in any investment recovery property, but, except to the extent contrary to express provisions in said the Act, the following provisions of this Chapter nonetheless do apply:

* * *

(C) This Chapter applies to the enforcement of security interests in investment recovery property; or

(8) R.S. 45:1271 through 1281, the Louisiana Electric Utility Energy Transition Securitization Act, expressly governs the creation, perfection, priority, or enforcement of a security interest in energy transition property as defined therein or any interest or right in any energy transition property, but, except to the extent contrary to express provisions in the Act, the following provisions of this Chapter nonetheless do apply:

(A) Part 5 of this Chapter applies with respect to financing statements pertaining to energy transition property.

(B) This Chapter applies to perfection, the effect of perfection or nonperfection, and the priority of a security interest held by a secured party having control of a deposit account or securities account as original collateral.

(C) This Chapter applies to the enforcement of security interests in energy transition property.

* * *

Section 2. Part VII-A of Chapter 9 of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:1271 through 1281, is hereby enacted to read as follows:

**PART VII-A. LOUISIANA ELECTRIC UTILITY ENERGY
TRANSITION SECURITIZATION ACT**

§1271. Short title; purpose

A. This Part shall be known and may be cited as the “Louisiana Electric Utility Energy Transition Securitization Act”.

B. The purpose of this Part is to enable Louisiana electric utilities, if authorized by a financing order issued by the commission, to use securitization financing for certain energy transition costs, because this type of debt may lower the total amount of costs being included in customers’ rates in comparison with conventional utility financing methods or alternative methods of recovery, thereby benefiting ratepayers. The energy transition bonds will not be public debt or a pledge of the full faith and credit of the state or any political or governmental unit thereof. Energy transition bonds will be solely the obligation of the issuer, an affiliate of an electric utility. The proceeds of the energy transition bonds shall be used for the purpose of recovering certain energy transition costs, solely as allowed by the commission. Securitization financing for energy transition costs is hereby recognized to be a valid public purpose. Federal tax laws and revenue procedures expressly require that special state legislation be enacted in order for such transactions to receive certain tax benefits. The legislature finds a need to promote securitization financing, if authorized by the commission, by providing clear and exclusive methods to create, transfer, and encumber interests in energy transition property as defined in this Part. This need is met by providing in this Part for such methods and by establishing that any conflict between the rules governing sales, assignments, or transfers of, or security interests, privileges, or other encumbrances of any nature upon incorporeal movable property pursuant to other laws of this state and the methods provided in this Part, including without limitation with regard to creation, perfection, priority, or enforcement, shall be resolved in favor of the rules and methods established in this Part with regard to energy transition property.

C. The intent of this Part is to provide benefits to Louisiana ratepayers by allowing a Louisiana electric utility, if authorized by a financing order, to achieve certain tax and credit benefits of financing energy transition costs. This Part does not in any way limit, impair, or impact the commission’s plenary jurisdiction over the rates charged and services rendered by public utilities in this state. Instead, this Part addresses certain property, security interest, and other matters to ensure that the financial and federal income tax benefits of financing energy transition costs through securitization are available in this state. The beneficial income tax and credit characteristics that may be achieved include the following:

(1) Treating the energy transition bonds as debt of the electric utility for income tax purposes.

(2) Treating the energy transition charges as gross income to the electric utility recognized under the utility’s usual method of accounting for federal and state income tax purposes, rather than recognizing gross income upon the receipt of the financing order or of cash in exchange for the sale of the energy transition property or the issuance of the energy transition bonds.

(3) Avoiding the recognition of debt on the electric utility’s balance sheet for certain credit and regulatory purposes by reason of the energy transition bonds.

(4) Treating the sale, assignment, or transfer of the energy transition property by the electric utility as a true sale for state law and bankruptcy purposes.

(5) Mitigating any adverse impact of the financing on the electric utility’s credit rating.

D. This Part does not impose fees or energy transition charges, but instead only authorizes the commission to approve energy transition charges in its

discretion.

§1272. Definitions

As used in this Part:

(1) “Ancillary agreement” means any bond, insurance policy, letter of credit, reserve account, surety bond, swap arrangement, hedging arrangement, liquidity or credit support arrangement, or other financial arrangement entered into in connection with the issuance or payment of energy transition bonds.

(2) “Assignee” means any legal or commercial entity, including but not limited to a corporation, limited liability company, partnership, limited partnership, or other legally recognized entity to which an electric utility sells, assigns, or transfers, other than as security, all or a portion of its interest in or right to energy transition property. The assignee may be a new subsidiary created by the electric utility for this purpose. The term also includes any legal or commercial entity to which an assignee sells, assigns, or transfers, other than as security, all or a portion of its interest in or right to energy transition property.

(3) “Commission” means the Louisiana Public Service Commission.

(4) “Electric utility” or “utility” means an “electric public utility” as defined in R.S. 45:121.

(5) “Eligible electric generating facility” means a coal-fired or lignite-fired electric generating facility owned entirely or in indivision by an electric utility furnishing electric service to customers within the state.

(6) “Eligible mine” means a coal or lignite mine that services a mine-mouth eligible electric generating facility furnishing electric service to customers within this state.

(7) “Energy transition bonds” means bonds, notes, certificates of participation, or other evidences of indebtedness that are issued pursuant to an indenture or other contract of an electric utility or an issuer pursuant to a financing order, the proceeds of which are used directly or indirectly to provide, recover, finance, or refinance commission-approved energy transition costs and financing costs, and costs to fund energy transition reserves to such levels as the commission may authorize in a financing order, and that are secured by or payable from energy transition property. If certificates of participation are issued, references in this Part to principal, interest, or premium shall refer to comparable amounts under those certificates. Energy transition bonds shall be nonrecourse to the credit or any assets of the electric utility other than the energy transition property as specified in the financing order and any rights under any ancillary agreement. Energy transition bonds shall be legal investments for all governmental units, financial institutions, insurance companies, fiduciaries, and other persons that require statutory authority regarding legal investment.

(8) “Energy transition charge” means the amounts authorized by the commission to recover, finance, or refinance energy transition costs and financing costs, and to fund any energy transition reserves to such levels as the commission may authorize in a financing order. To the extent determined appropriate by the commission and provided for in a financing order, such amounts are to be imposed on, and be a part of, all customer bills, be periodically adjusted, and be collected by an electric utility or its successors or assignees, or a collection agent, through a nonbypassable charge collected as part of the electric utility’s retail rates, whether in base rates, fuel adjustment clauses, or in any other manner considered appropriate by the commission, for the time period specified in the financing order, paid by all existing and future customers receiving retail electric service from the electric utility or its successors under rate schedules or special contracts authorized or approved by the commission.

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

(a) Costs caused by or associated with the following:

(i) The retirement of an eligible electric generating facility.

(ii) The decommissioning, demolition, remediation, and cleanup of a retired eligible electric generating facility and related improvements and waterworks and restoring its site.

(iii) The unrecovered capitalized costs of or undepreciated investments in a retired eligible electric generating facility that were being recovered in rates as of the date of retirement.

(iv) Obsolete or unnecessary stores inventory previously serving the eligible electric generating facility.

(b) Costs not previously collected from the electric utility’s customers for previously mined coal or lignite or for the closure and reclamation of an eligible mine, including land remediation and liabilities. Energy transition costs shall not include any monetary penalty, fine, or forfeiture assessed against an electric utility or its affiliate by a government agency or a court under a federal or state environmental statute, rule, or regulation.

(c) Costs of repurchasing equity or retiring any existing indebtedness relating to any costs as provided in Subparagraphs (a) and (b) of this Paragraph.

(d) Costs to fund and finance one or more energy transition reserves if the commission determines appropriate.

(e) Carrying costs pertaining to any costs included in this Paragraph not otherwise being recovered in rates, from the respective dates on which such costs were incurred until the date that energy transition bonds are issued.

(f) Costs for severance, retention payments, or early retirement payments and job retraining and education for employees whose existing jobs are eliminated due to the retirement of the eligible electric generating facility or the eligible mine, or to fund and finance a reserve therefor.

(g) Any other costs determined by the commission to be reasonably associated with the retirement of an eligible mine or an eligible energy electric generating facility.

(10) “Energy transition property” means the contract right constituting

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

incorporeal movable property newly created pursuant to this Part which consists of all of the following:

(a) The rights and interests of an electric utility or successors or assignees of the electric utility specified as being energy transition property in a financing order, including the right to impose, bill, charge, collect, and receive energy transition charges authorized in the financing order, the right to enforce the obligations of the utility to collect and service the energy transition charges, and the right to obtain periodic adjustments to such charges as may be provided in the financing order and this Part.

(b) All revenues, collections, claims, rights to payment, payments, money, or proceeds arising from the rights and interests specified in Subparagraph (a) of this Paragraph, regardless of whether such revenues, collections, claims, rights to payment, payments, money, or proceeds are imposed, billed, received, collected, or maintained together with or commingled with other revenues, collections, rights to payment, payments, money, or proceeds.

(11) “Energy transition reserve” means a reserve established pursuant to an order of the commission for energy transition costs. An energy transition reserve shall be a restricted segregated fund, the use of which may be limited by the commission to specific types of incurred or future energy transition costs, such as future employee payments or future closure or remediation costs for an eligible mine or an eligible electric generating facility.

(12) “Financing costs” means, if approved by the commission, whether incurred or paid on issuance of the energy transition bonds or ongoing over the life of the energy transition bonds, any of the following:

(a) Interest and acquisition, defeasance, or redemption premiums that are payable on energy transition bonds and any other amounts owing in respect of energy transition bonds.

(b) Any payment required under an ancillary agreement and any amount required to fund initially or replenish from time to time any sinking fund, overcollateralization fund, reserve, or other accounts established under the terms of any indenture, ancillary agreement, or other financing documents pertaining to energy transition bonds.

(c) Any other cost related to issuing, supporting, repaying, servicing, and refunding energy transition bonds, including but not limited to servicing fees, accounting and auditing fees, fees and other amounts payable to a trustee, legal fees, consulting fees, administrative fees, printing and edgarizing fees, financial advisor fees, placement and underwriting fees, capitalized interest, rating agency fees, government registration fees, stock exchange listing and compliance fees, and filing fees, including costs related to obtaining the financing order. Financing costs may be, without limitation, costs of the issuer, the electric utility, or the commission.

(d) Any income taxes and license fees imposed on the revenues generated from the collection of energy transition charges or otherwise resulting from the collection of energy transition charges, in any such case whether paid, payable, or accrued.

(e) Any state and local taxes, franchise, gross receipts, and other taxes or similar charges, including but not limited to regulatory assessment fees, in any such case whether paid, payable, or accrued.

(f) The fees, costs, and related expenses to obtain any waiver, consent, release, or approval from any lender related to any existing debt agreement pertaining to an eligible mine or its operation.

(13) “Financing order” means an order of the commission, if granted by the commission in its sole discretion, which allows for all of the following:

(a) The issuance of energy transition bonds.

(b) The imposition, collection, and periodic adjustments of energy transition charges.

(c) The creation of energy transition property.

(d) The sale, assignment, or transfer of energy transition property to an assignee.

(e) The disposition of the proceeds of the energy transition bonds.

(14) “Financing party” means any holder of energy transition bonds, any party to or beneficiary of an ancillary agreement, and any trustee, collateral agent, or other person acting for the benefit of any of the foregoing.

(15) “Financing statement” has the same meaning as that provided in the Uniform Commercial Code-Secured Transactions. All financing statements referenced in this Part shall be filed in accordance with Part 5 of Chapter 9 of Title 10 of the Louisiana Revised Statutes of 1950 and shall be filed in this state.

(16) “Issuer” means any assignee that is a wholly owned subsidiary of an electric utility and that issues energy transition bonds approved by a financing order.

(17) “Lien creditor” means any of the following:

(a) A creditor that has acquired a lien on the property involved by attachment, sequestration, seizure, levy, or by similar means.

(b) A person receiving an assignment for benefit of creditors from the time of assignment.

(c) A trustee in bankruptcy from the date of the filing of the petition.

(d) A receiver in equity from the time of appointment.

(18) “Secured party” means a financing party in favor of which an electric utility or an issuer creates a security interest in any or all portions of its interest in or right to energy transition property. A secured party may be granted a security interest in energy transition property under this Part and a security interest in other collateral subject to the Uniform Commercial Code-Secured Transactions in one security agreement.

(19) “Security interest” means an encumbrance of and a right of preference over any portion of energy transition property created by contract to secure the payment or performance of an obligation.

(20) “Uniform Commercial Code-Secured Transactions” means Chapter 9 of Title 10 of the Louisiana Revised Statutes of 1950.

§1273. Financing orders

A. An electric utility may petition the commission for a financing order. Application by an electric utility for authority for the electric utility or its issuer to issue energy transition bonds shall be made in such form as the commission prescribes. Every application shall be made under oath and shall be signed and filed on behalf of the electric utility by its president or by a vice president, treasurer, or other executive officer having knowledge of the matters set forth. No electric utility or issuer shall issue any energy transition bonds until it has been specifically authorized to do so by order of the commission. No electric utility shall, without the consent of the commission granted in a commission order, apply any proceeds of energy transition bonds to any purpose not specified in the commission’s order or supplemental order, or to any purpose in excess of the amount allowed for such purpose in the order or supplemental order, or to any purpose in contravention of the order or supplemental order.

B. The commission may grant an application under Subsection A of this Section in whole or in part by a financing order, and with such modifications thereto and upon such terms and conditions as the commission prescribes, and may from time to time, after opportunity for hearing and for good cause shown, make such supplemental orders in the premises as it finds necessary or appropriate, subject, if the commission so provides, to Paragraph (C)(5) of this Section. If the commission issues a financing order approving any issuance of energy transition bonds under this Part, the commission may consider whether the proposed structuring, expected pricing, and financing costs of the energy transition bonds are reasonably expected to result in lower overall costs to customers as compared with conventional methods of financing or recovering energy transition costs. The commission may determine what degree of flexibility to afford to the electric utility in establishing the terms and conditions of the energy transition bonds, including but not limited to repayment schedules, interest rates, and other financing costs. A copy of any financing order made and entered by the commission under this Part duly certified by the executive secretary or director of the records division, as applicable, of the commission shall be sufficient evidence for all purposes of whole and complete compliance by the electric utility with all procedural and other matters required precedent to the entry of the order.

C. For a financing order issued to an electric utility by the commission to create energy transition property, the financing order shall:

(1) Specify the amount of energy transition costs and any levels of energy transition reserves determined appropriate by the commission, and provide with respect to the amount of principal of the energy transition bonds and of financing costs that may be recovered through energy transition charges, and specify the time period over which all such amounts may be recovered. This time period may be until the energy transition bonds and financing costs are paid in full. To the extent the commission considers appropriate, the commission may take into consideration any other methods used to recover these amounts and any offsets or credits to those amounts including salvage proceeds and tax benefits.

(2) Specify and create the energy transition property of an electric utility and its assignees that shall be used to pay or secure energy transition bonds and financing costs as they become due, and authorize the electric utility to impose the energy transition charges on its customers.

(3) Provide that such energy transition property shall be sold, assigned, or transferred by the electric utility to a subsidiary assignee that is wholly owned, directly or indirectly, by the electric utility and that will be the issuer of the energy transition bonds.

(4) Provide that the energy transition charges shall be sufficient at all times to pay the scheduled principal of and interest on the energy transition bonds as the same become due and payable and all other financing costs, and, if determined appropriate by the commission, establish a formulaic true-up mechanism requiring that the energy transition charges be reviewed and adjusted at least annually, in order to correct any over-collection or under-collection during the period after the bonds’ issuance or preceding true-up adjustment and to ensure the projected recovery of amounts sufficient to provide timely payment of the scheduled principal of and interest on the pertinent energy transition bonds and all other financing costs.

(5) Provide and pledge that after the earlier of the transfer of energy transition property to an assignee or the issuance of authorized energy transition bonds, a financing order shall be irrevocable until the indefeasible payment in full of the energy transition bonds, any ancillary agreements, and the financing costs. The financing order shall provide that, except as provided in Subsection F of this Section or to implement any true-up mechanism adopted by the commission as described in Paragraph (4) of this Subsection, the commission may not amend, modify, or terminate the financing order by any subsequent action or reduce, impair, postpone, terminate, or otherwise adjust energy transition charges approved in the financing order, provided nothing shall preclude limitation or alteration if and when full compensation is made for the full protection of the energy transition charges imposed, charged, and collected pursuant to a financing order and the full protection of the holders of energy transition bonds and any assignee or financing party.

(6) Specify how amounts collected from a customer shall be allocated between energy transition charges and other charges.

(7) Provide that a financing order remains in effect until the energy transition bonds issued pursuant to the order have been indefeasibly paid in full and the financing costs of such bonds have been recovered in full.

(8) Provide that a financing order shall remain in effect and unabated,

notwithstanding the reorganization, bankruptcy, or other insolvency proceedings, or merger or sale, of the applicable electric utility or its successors.

(9) Authorize and require the electric utility, to the extent that any interest in energy transition property is sold or assigned, to contract with the assignee or any financing party that it shall continue to operate its system to provide service to its customers, shall collect amounts in respect of the energy transition charges for the benefit and account of such assignee or financing party, and shall account for and remit such amounts to or for the account of such assignee or financing party, including pursuant to a sequestration order authorized by this Part.

(10) Include terms and conditions satisfactory to the commission in its discretion ensuring that the imposition and collection of energy transition charges authorized in the financing order shall be nonbypassable to the fullest extent consistent with the Constitution of Louisiana and the commission's jurisdiction. To the extent determined appropriate by the commission and provided for in the financing order, such nonbypassable charges shall be imposed by the electric utility on, and be a part of, all retail customer bills, be periodically adjusted as described in Paragraph (4) of this Subsection, and be collected by the electric utility or its successors or assignees, or other collection agent, as part of the utility's retail rates, whether in base rates, fuel adjustment clauses, or in any other manner considered appropriate by the commission, paid by all existing and future customers receiving retail electric service from the electric utility or its successors under rate schedules or special contracts authorized or approved by the commission. The commission may provide for payment of such nonbypassable charges even if the customer elects to purchase electricity from an alternative supplier, including as a result of a fundamental change in the manner of regulation of public utilities in this state, or even if the customer elects to self-generate either individually or collectively with other customers. Such terms and conditions may include whether the energy transition charges are to be shown as a separate line item on individual customer bills.

D. In a financing order issued to an electric utility, the commission may:

(1) Prescribe any limitations on potential assignees of energy transition property.

(2) Authorize an issuer that is organized pursuant to the laws of this state to provide and establish in its articles of incorporation, partnership agreement, or operating agreement, as applicable, that in order for a person to file a voluntary bankruptcy petition on behalf of that issuer, the prior unanimous consent of the directors, partners, or managers, as applicable, shall be required. If authorized in a financing order, the following apply:

(a) Any such provision set forth in the articles of incorporation, partnership agreement, or operating agreement of such an issuer shall constitute a legal, valid, and binding agreement of the shareholders and directors, partners, or members and managers, as applicable, of such issuer and is enforceable against such shareholders and directors, partners, or members and managers.

(b) A person shall have authority under the laws of this state to file a voluntary bankruptcy petition on behalf of such issuer only after compliance with any such provision and prerequisite.

(3) Provide that the creation of the electric utility's energy transition property pursuant to Paragraph (C)(2) of this Section is conditioned upon, and shall be simultaneous with, the sale, assignment, or other transfer of the energy transition property to an issuer and the security interest created in the energy transition property to secure energy transition bonds and financing costs.

(4) Establish the portion of energy transition costs allocated to this state of an electric utility that has an eligible electric generating facility and eligible mine used to furnish electric service to customers within the state.

(5) Additionally provide with respect to any matters pertaining to and within the commission's constitutional jurisdiction over electric utilities and plenary power to regulate electric utilities or such other jurisdiction as may be conferred on the commission by law.

E. After the issuance of a financing order, and within such time and subject to any other limitations set forth in the financing order, the electric utility retains discretion regarding whether to sell, assign, or otherwise transfer energy transition property or to cause the energy transition bonds to be issued, including the right to defer or postpone such sale, assignment, transfer, or issuance, provided that nothing shall limit in any manner the commission's authority to review any such decision for rate-making purposes.

F. At the request of an electric utility or on the commission's own motion or the motion of any party affected by the financing order, the commission may commence a proceeding and issue a subsequent financing order that provides for the refinancing, retiring, or refunding of energy transition bonds issued pursuant to the original financing order if the commission finds that the subsequent financing order satisfies all of the criteria specified in Subsection B of this Section, or provides for an accounting, refunding, or crediting to customers of any excess collections of any true-up mechanism adopted by the commission consistent with Paragraph (C)(4) of this Section. Effective on retirement of the refunded energy transition bonds and the issuance of new energy transition bonds, the commission may adjust the related energy transition charges accordingly or establish substitute energy transition charges.

G. All financing orders by the commission shall be operative and in full force and effect from the time fixed for them to become effective by the commission.

H.(1) An aggrieved party or intervenor may as its sole remedy, within fifteen days after the financing order or a supplemental order made by the commission becomes effective, file in the district court of the domicile of the commission, a petition setting forth the particular cause of objection to the order. When a timely application for a rehearing has been made at the commission, the fifteen-day time period for such appeal shall not commence until the effective date of

the commission order disposing of the rehearing application. Inasmuch as delay in the determination of the appeal of a financing order may delay the issuance of energy transition bonds, thereby diminishing savings to customers which might be achieved if such bonds were issued as contemplated by a financing order, all such cases shall be given precedence over all other civil cases in the court and shall be heard and determined as speedily as possible. The court may affirm the commission's order or set it aside.

(2) A right of direct appeal from any judgment of the district court shall be allowed to the Louisiana Supreme Court as provided in Article IV, Section 21 of the Constitution of Louisiana on the terms set out in this Paragraph. No appeal to the Louisiana Supreme Court shall be allowed unless the petition is filed within fifteen days from the date on which the judgment of the district court is entered and only if the party taking the appeal has the record certified to the Louisiana Supreme Court and such party's brief filed therein within twenty days from the date on which the judgment of the district court is entered. Review on appeal from the commission shall be in accordance with R.S. 45:1193 through 1195.

§1274. Energy transition property

A. All energy transition property that is specified in a financing order shall constitute an existing, present contract right constituting an individualized, separate incorporeal movable susceptible of ownership, sale, assignment, transfer, and security interest, including, without limitation, for purposes of contracts concerning the sale of property and security interests in property, notwithstanding that the value of the property and the imposition and collection of energy transition charges depends on future acts such as the electric utility to which the order is issued performing its servicing functions relating to the collection of energy transition charges and on future electricity consumption. Such property shall exist whether or not the revenues or proceeds arising from the property have been billed, have accrued, or have been collected, notwithstanding the fact that the value or amount of the property is or may be dependent on the future provision of service to customers by the electric utility or its successors and the future consumption by customers of electricity. Energy transition property created by a financing order shall be a vested contract right, and such financing order shall create a contractual obligation of irrevocability by the commission in favor of the electric utility and its assignees and financing parties.

B. Energy transition property specified in a financing order shall continue to exist until the energy transition bonds issued pursuant to the financing order are paid in full and all financing costs of the bonds have been recovered in full.

C. All or any portion of energy transition property specified in a financing order issued to an electric utility may be sold, assigned, or transferred to an assignee, including an issuer that is an affiliate of the electric utility and that is created for the limited purpose of acquiring, owning, or administering energy transition property or issuing energy transition bonds under the financing order. All or any portion of energy transition property may be encumbered by a security interest to secure energy transition bonds issued pursuant to the order and other financing costs. Each such sale, assignment, transfer, or security interest granted by an electric utility or assignee shall be considered to be a transaction in the ordinary course of business.

D. The description of energy transition property being sold, assigned, or transferred to an assignee in any sale agreement, purchase agreement, or other transfer agreement, being encumbered to a secured party in any security agreement, or indicated in any financing statement shall be sufficient only if such description or indication refers to the specific financing order that created the energy transition property and states that such agreement or financing statement covers all or part of such energy transition property described in such financing order. A description of investment property in a financing statement shall be sufficient if it refers to the financing order creating the energy transition property. This Subsection applies to all purported sales, assignments, or transfers of, and all purported liens or security interests in, energy transition property, regardless of whether the related sale agreement, purchase agreement, other transfer agreement, security agreement, pledge agreement, or other security document or judgment was entered into, or any financing statement was filed, before or after the effective date of this Part.

E.(1) Energy transition property shall be an individualized, separate incorporeal movable susceptible of ownership, sale, assignment, transfer, and security interest encumbrance, notwithstanding any of the following:

(a) That the energy transition charges may be authorized by the commission and included as part of the electric utility's base rates or fuel adjustment clause and are not shown as a separate line item on individual electric bills.

(b) That notice is not given to customers that the energy transition property has been transferred to an assignee and that such assignee is the owner of the rights to the energy transition charges.

(c) That notice is not given to customers that the electric utility or another entity, if applicable, is acting as a collection agent or servicer or in a similar capacity for an assignee.

(d) That funds arising from the collection of energy transition property by the electric utility as collection agent are commingled with other monies of the electric utility prior to the electric utility's transfer as collection agent of such funds to the assignee or financing party.

(e) That the energy transition charges are subject to a true-up mechanism authorized by the commission pursuant to R.S. 45:1273(C)(4).

(2) A description of energy transition property, and a sale, assignment, or transfer or grant of security interest, shall not be denied legal effect, enforceability, perfection, or priority due to the factors provided for in Paragraph (1) of this Subsection applying in whole or in part to such energy transition property.

F. If an electric utility defaults on any required payment of charges arising from energy transition property specified in a financing order, the district court of the domicile of the commission, upon application by an interested party, and without limiting any other remedies available to the applying party, shall order the sequestration and payment of the revenues arising from the energy transition property to the financing parties or their representatives. Any such order shall remain in full force and effect, notwithstanding any reorganization, bankruptcy, or other insolvency proceedings with respect to the electric utility or its successors or the assignees.

G. To the extent provided in a financing order, the interest of an assignee or secured party in energy transition property specified in a financing order shall not be subject to setoff, counterclaim, surcharge, or defense by the electric utility or by any customer of the electric utility or other person, or in connection with the reorganization, bankruptcy, or other insolvency of the electric utility or any other person.

H. To the extent provided in a financing order, any successors to an electric utility, whether pursuant to any reorganization, bankruptcy, or other insolvency proceeding, or whether pursuant to any merger or acquisition, sale, or other business combination, or transfer by operation of law, as a result of electric utility restructuring or otherwise, shall perform and satisfy all obligations of, and have the same rights under a financing order as, the electric utility under the financing order in the same manner and to the same extent as the electric utility, including collecting and paying to the persons entitled to receive them, the revenues, collections, payments, or proceeds of the energy transition property. Nothing in this Section shall be intended to limit or impair any authority of the commission concerning the transfer or succession of interests of electric utilities.

§1275. Sale

The sale, assignment, or other transfer of energy transition property shall be governed by this Section. All of the following apply to a sale, assignment, or other transfer:

(1) The sale, assignment, or other transfer of energy transition property by an electric utility to an assignee that the parties have in the governing contract expressly stated to be a sale shall be an absolute transfer and true sale of, and not a security interest in, the transferor's right, title, and interest in, to, and under the energy transition property, other than for federal and state income tax and state franchise tax purposes. For all purposes other than federal and state income tax and state franchise tax purposes, the parties' characterization of a transaction as a sale of an interest in energy transition property shall be conclusive that the transaction is a true sale and that ownership has passed to the party characterized as the purchaser, regardless of whether the purchaser has possession of any documents evidencing or pertaining to the interest. After such a transaction, the energy transition property shall not be subject to any claims of the transferor or the transferor's creditors, other than creditors holding a prior security interest in the energy transition property perfected under R.S. 45:1276.

(2) The characterization of the sale, assignment, or other transfer as a true sale or other absolute transfer pursuant to Paragraph (1) of this Section and the corresponding characterization of the assignee's property interest shall be determinative and conclusive irrespective of, and shall not be affected or impaired by, the existence of any of the following circumstances:

(a) Commingling of funds arising with respect to the energy transition property with other monies of the electric utility prior to the electric utility's transfer as collection agent of such funds to the assignee or financing party.

(b) The retention by the transferor of a partial or residual interest, including an equity interest or entitlement to any surplus, in the energy transition property, whether direct or indirect, or whether subordinate or otherwise.

(c) Any recourse that the assignee may have against the transferor, except that any such recourse shall not be created, contingent upon, or otherwise occurring or resulting from the inability or failure of one or more of the transferor's customers to timely pay all or a portion of the energy transition charge.

(d) Any indemnifications, obligations, or repurchase rights made or provided by the transferor, except that such indemnity or repurchase rights shall not be based solely upon the inability or failure of a transferor's customers to timely pay all or a portion of the energy transition charge.

(e) The transferor acting as the collector of the energy transition charges or the existence of any contract described in R.S. 45:1273(C)(9).

(f) The contrary or other treatment of the sale, assignment, or other transfer for tax, financial reporting, or other purposes.

(g) The granting or providing to holders of the energy transition bonds of a preferred right to the energy transition property, or credit enhancement by the electric utility or its affiliates with respect to the energy transition bonds.

(h) The status of the issuer as a direct or indirect wholly owned subsidiary or other affiliate of the electric utility. The separate juridical personality of any issuer that is an assignee of energy transition property shall not be disregarded due to the fact that the issuer and the electric utility share any one or more incidents of control, including common managers, officers, directors, members, accounting or administrative systems, consolidated tax returns, or office space, that the issuer may be a disregarded entity for tax purposes, that the utility caused the formation of the issuer, that a contract by the utility and the issuer described in R.S. 45:1273(C)(9) exists, that the issuer has no other business other than pertaining to the energy transition property, that the capitalization of the issuer is limited to amounts required for compliance with certain applicable federal income tax laws and revenue procedures, or that other factors used in applying a single business enterprise test to juridical persons are present.

(i) The matters described in R.S. 45:1274(E).

(j) Any other term of the contract under Paragraph (1) of this Section.

(3) Any right that an electric utility has in the energy transition property prior to its sale, assignment, or transfer shall be incorporeal movable property in the form of a present vested contract right, notwithstanding any contrary treatment for accounting or tax purposes. The ownership of an interest in energy transition property is voluntarily transferred by a contract between the owner and the assignee that purports to transfer the ownership of that interest. Unless otherwise provided, the transfer of ownership takes place as between the parties as soon as there is written agreement on the interest, the purchase price is fixed, and the financing order has been issued. Such transfer is perfected and takes effect against all third parties including without limitation subsequent lien creditors when the transfer has become effective between the parties and when a financing statement giving notice of the sale, assignment, or transfer is filed in accordance with Paragraph (4) of this Section. Delivery of such an interest in energy transition property takes place by operation of law upon the transfer becoming effective against third parties.

(4) Financing statements required to be filed pursuant to this Section shall be filed, indexed, maintained, amended, assigned, continued, and terminated in the same manner and in the same system of records maintained for the filing of financing statements under the Uniform Commercial Code-Secured Transactions. The filing of such a financing statement shall be the only method of perfecting a sale, assignment, or transfer of energy transition property. The sale, assignment, or transfer of an interest in energy transition property perfected by filing a financing statement shall be effective against the customers owing payment of the energy transition charges, creditors of the transferor, subsequent transferees, and all other third persons, notwithstanding the absence of actual knowledge of or notice to the customers of the sale, assignment, or transfer.

(5) The priority of the conflicting ownership interests of assignees in the same interest or rights in any energy transition property is determined as follows:

(a) Conflicting perfected interests or rights of assignees rank according to priority in time of perfection.

(b) A perfected interest or right of an assignee has priority over a conflicting unperfected interest or right of an assignee.

(c) A perfected interest or right of an assignee shall have priority over a person who becomes a lien creditor after the perfection of such assignee's interest or right.

(6) The priority of a sale, assignment, or transfer perfected pursuant to this Section shall not be impaired by any later modification of the financing order or energy transition property or by the commingling of funds arising from energy transition property with other funds. Any other security interest that may apply to those funds, other than a security interest perfected under R.S. 45:1276, shall be terminated when those funds are transferred to a segregated account for the assignee or a financing party. If energy transition property has been transferred to an assignee or financing party, the utility or other person serving as collection agent under any contract described in R.S. 45:1273(C)(9) shall hold any proceeds of that property as a mandatory and fiduciary and deliver such proceeds to the assignee or financing party.

(7) No customer of an electric utility owing payment of an energy transition charge may, by agreement with the electric utility or otherwise, prohibit, restrict, or require the consent of such customer to the sale, assignment, or transfer of or security interest in the energy transition charge.

§1276. Security interests

A. The Uniform Commercial Code-Secured Transactions shall not apply to energy transition property or any right, title, or interest of a utility or assignee, whether before or after the issuance of the financing order, except to the extent specified in R. S. 45:1277(A). In addition, such right, title, or interest pertaining to a financing order, including but not limited to the associated energy transition property including any revenues, collections, claims, rights to payment, payments, money, or proceeds of or arising from energy transition charges pursuant to such order, shall not be treated as proceeds of any right or interest other than of the financing order and the energy transition property arising from the financing order. All revenues and collections resulting from energy transition property shall constitute proceeds only of the energy transition property arising from the financing order.

B. Except to the extent provided in this Part with respect to filings of financing statements or control of deposit accounts or investment property as original collateral, the creation, attachment, granting, perfection, and priority of security interests in energy transition property to secure energy transition bonds and financing costs shall be governed solely by this Part and not by the Uniform Commercial Code-Secured Transactions. Energy transition property shall not be susceptible of pledge under Title XX-A of Book III of the Civil Code.

C.(1) A security interest in energy transition property shall be valid and enforceable against the electric utility and its successors, any assignee, and any third parties and attaches to energy transition property only after all of the following conditions are met:

(a) The issuance of a financing order.

(b) The execution and delivery of a security agreement with a financing party in connection with the issuance of energy transition bonds.

(c) The receipt of value for the energy transition bonds.

(2) A security interest attaches to energy transition property when all of the conditions of Paragraph (1) of this Subsection have been met, unless the security agreement expressly postpones the time of attachment.

D. A security interest in energy transition property shall be perfected only if it has attached and a financing statement indicating the energy transition property collateral covered has been filed. A financing statement shall be filed to perfect all security interests and liens in energy transition property.

A security interest in energy transition property shall be perfected when it has attached and when the applicable financing statement has been filed. The interest of a secured party shall not be perfected unless a financing statement sufficient pursuant to this Part and otherwise in accordance with the Uniform Commercial Code-Secured Transactions is filed, and after perfection, the secured party's interest continues in the energy transition property and all proceeds of such energy transition property, whether or not billed, accrued, or collected, and whether or not deposited into a deposit account and however evidenced. A security interest in proceeds of energy transition property shall be a perfected security interest if the security interest in the energy transition property was perfected pursuant to this Part. Financing statements required to be filed pursuant to this Section shall be filed, indexed, maintained, amended, assigned, continued, and terminated in the same manner and in the same system of records maintained for the filing of financing statements pursuant to the Uniform Commercial Code-Secured Transactions. The filing of the financing statement shall be the only method of perfecting a lien or security interest on energy transition property. The financing statement shall be filed as if the debtor named therein were located in this state.

E. The priority of the conflicting security interests of secured parties in the same interest or rights in any energy transition property shall be determined as follows:

(1) Conflicting perfected security interests of secured parties rank according to priority in time of perfection.

(2) A perfected security interest of a secured party shall have priority over a conflicting unperfected security interest of a secured party.

(3) A perfected security interest of a secured party shall have priority over a person who becomes a lien creditor after the perfection of such secured party's security interest.

F. A perfected security interest in energy transition property and all proceeds of such energy transition property, whether or not billed, accrued, or collected, and whether or not deposited into a deposit account and however evidenced, shall have priority over a conflicting lien or privilege of any nature in the same collateral property, except a security interest shall be subordinate to the rights of a person that becomes a lien creditor before the perfection of such security interest. A security interest in energy transition property which qualifies for priority over a conflicting security interest, lien, or privilege also has priority over the conflicting security interest, lien, or privilege in proceeds of the investment recovery property. The relative priority of a perfected security interest of a secured party shall not be adversely affected by any security interest, lien, or privilege in a deposit account of the electric utility that is a collector as described in R.S. 45:1273(C)(9) and into which the revenues are deposited. The priority of a security interest perfected pursuant to this Section shall not be defeated or impaired by any later modification of the financing order or energy transition property or by the commingling of funds arising from energy transition property with other funds. Any other security interest that may apply to those funds shall be terminated as to all funds transferred to a segregated account for the benefit of an assignee or a financing party or to an assignee or financing party directly. The perfection by control, the effect of perfection by control, and the priority of a security interest granted by the issuer of and securing energy transition bonds held by a secured party having control of a segregated deposit account or securities account as original collateral into which revenues, collections, or proceeds of energy transition property are deposited or credited shall be governed by the Uniform Commercial Code-Secured Transactions, including the choice of law rules in Part III thereof.

G. If a default occurs under the terms of the energy transition bonds, the secured party may foreclose on or otherwise enforce the security interest in any energy transition property as if it was a secured party under the Uniform Commercial Code-Secured Transactions. A secured party holding a security interest in energy transition property shall be entitled to exercise all of the same rights and remedies as are available to a secured party pursuant to the Uniform Commercial Code-Secured Transactions, to the same extent as if those rights and remedies were set forth in this Part. A court of competent jurisdiction may order that amounts arising from energy transition property be transferred to a separate account of the secured party for the financing parties' benefit, to which their security interest shall apply. On application by or on behalf of a secured party to the district court of the domicile of the commission, the court shall order the sequestration and payment to the financing parties of revenues arising from the energy transition property.

H. A security interest created under this Part may provide for a security interest in after-acquired collateral. A security interest granted pursuant to this Part shall not be invalid or fraudulent against creditors solely because the grantor or the electric utility as collector or servicer has the right or ability to commingle the collateral or proceeds, or collect, compromise, enforce, and otherwise deal with collateral.

I. Any action arising under the provisions of this Part to enforce a security interest in any energy transition property, or which otherwise asserts an interest in, or a right in, to, or against any energy transition property, wherever located or deemed located, or any security interest governed by this Part, shall be brought in the district court of the domicile of the commission. The suits shall be governed by the provisions of the Code of Civil Procedure and other law applicable to executory proceedings, including provisional remedies, but only to the extent such laws are consistent with the language and purposes of this Part. Nothing in this Subsection shall be construed to deny to the commission any jurisdiction conferred upon it by law or the Constitution of Louisiana.

§1277. Choice of law; conflicts

A. The law governing the validity, enforceability, attachment, creation,

perfection, the effect of perfection or nonperfection, priority, exercise of remedies, and venue with respect to the sale, assignment, or transfer of an interest or right or the creation of a security interest in any energy transition property shall be exclusively the laws of this state, without applying this state's laws of conflicts of laws and notwithstanding any contrary contractual provision, except as provided in R.S. 45:1276(F). The validity, enforceability, attachment, creation, perfection, the effect of perfection or nonperfection, priority, exercise of remedies, and venue with respect to the sale, assignment, or transfer of an interest or right or the creation of a security interest in any energy transition property shall be governed by this Part, and solely to the extent not addressed by this Part, by the Uniform Commercial Code-Secured Transactions and other laws of this state. The contents and sufficiency of financing statements referenced in this Part shall be governed by this Part and to the extent not addressed by this Part by the Uniform Commercial Code-Secured Transactions. Notwithstanding any other law to the contrary, this Part provides that the Uniform Commercial Code-Secured Transactions applies to the filings of financing statements referenced in this Part, to perfection, the effect of perfection or nonperfection, and the priority of security interests held by a secured party having control of deposit accounts or securities accounts as original collateral securing energy transition bonds, notwithstanding that proceeds of energy transition charges are deposited therein, and to the enforcement of security interests in energy transition property, in each case subject to Subsection B of this Section.

B. In the event of conflict between this Part and any other law regarding the validity, enforceability, attachment, creation, perfection, the effect of perfection or nonperfection, or priority of, a sale, assignment, or transfer of, or security interest in, energy transition property, or the exercise of remedies or venue with respect thereto, this Part shall govern to the extent of the conflict.

C. This Section shall not be interpreted to conflict with or modify R.S. 45:1276(B).

§1278. Energy transition bonds

Energy transition bonds shall not be a debt or a general obligation of the state or any of its political subdivisions, agencies, or instrumentalities and shall not be a charge on their full faith and credit. An issue of energy transition bonds shall not, directly, indirectly, or contingently, obligate the state or any agency, political subdivision, or instrumentality of the state to levy any tax or make any appropriation for payment of the bonds, other than for paying energy transition charges in their capacity as consumers of electricity. All energy transition bonds authorized by a financing order by the commission shall contain on the face of a statement the following: "Neither the full faith and credit nor the taxing power of the state of Louisiana is pledged to the payment of the principal of, or interest on, this bond".

§1279. State pledge

A. For purposes of this Section, the term "bondholder" means a person who holds an energy transition bond, including in book entry form.

B.(1) The state and the Legislature of Louisiana each pledge to and agree with bondholders, the owners of the energy transition property, and other financing parties that, until the financing costs and the energy transition bonds and any ancillary agreements have been paid and performed in full, the state and the Legislature of Louisiana shall not do any of the following:

(a) Alter the provisions of this Part that authorize the commission to create an irrevocable contract right by the issuance of a financing order, to create energy transition property, and to make the energy transition charges imposed by a financing order irrevocable, binding, and nonbypassable charges.

(b) Take or permit any action that impairs or would impair the value of energy transition property.

(c) Take or permit any action that impairs or would impair the rights and remedies of the issuer, any other assignee, such bondholders or other financing parties, or the security for the energy transition bonds or ancillary agreements.

(d) Except as provided for in this Section and except for adjustments under any true-up mechanism established by the commission, reduce, alter, or impair energy transition charges that are to be imposed, collected, and remitted for the benefit of the bondholders and other financing parties until any and all principal, interest, premium, financing costs, and other fees, expenses, or charges incurred, and any contracts to be performed, in connection with the related energy transition bonds have been paid and performed in full.

(2) Nothing in this Subsection shall preclude limitation or alteration if and when full compensation is made by law for the full protection of the energy transition charges imposed, charged, and collected pursuant to a financing order and full protection of the holders of energy transition bonds and any assignee or financing party.

C. Any person or entity that issues energy transition bonds may include the pledges specified in Subsection B of this Section and in R.S. 45:1273(C)(5) in the bonds and related documentation.

§1280. Electric utility applicability

An assignee or financing party shall not be considered an electric utility or person providing electric service by virtue of engaging in the transactions described in this Part.

§1281. No impairment of commission jurisdiction

A. Nothing in this Part is intended to be nor shall be construed to constitute any limitation, derogation, or diminution of the jurisdiction or authority of the commission provided by law, including that provided in or exercised by the commission pursuant to the Constitution of Louisiana.

B. A utility may finance energy transition costs that were incurred before August 1, 2022. To the extent that a utility has made application for a determination of energy transition costs before August 1, 2022, that application may provide the basis in part for the commission's financing order pursuant to

this Part. Further, to the extent that the commission has made a determination of prudent recoverable energy transition costs of a utility before August 1, 2022, that determination may provide the basis for the utility's application for a financing order under this Part.

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

Approved by the Governor, June 3, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 256

SENATE BILL NO. 127
BY SENATOR CARTER
AN ACT

To amend and reenact R.S. 48:205(A) and (B), relative to certain advertising requirements for small purchase bids; to provide for technical corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:205(A) and (B) are hereby amended and reenacted to read as follows:

§205. Bids

A. ~~When~~ **Except as otherwise provided in this Chapter, when** the purchase exceeds twenty-five thousand dollars; **or exceeds a higher dollar amount established by the governor's most recent and effective executive order relative to small purchase procedures,** the department, ~~except as otherwise provided in this Chapter,~~ shall give reasonable notice through the chief purchasing agent by advertising and **by either of the following:**

~~(1) by written~~ **Written** notice mailed to persons ~~which~~ **who** furnish the class of commodities involved; ~~or,~~

~~(2) by notice~~ **Notice** sent through an electronic interactive environment to persons ~~which~~ **who** furnish the class of commodities involved.

B. ~~Such purchases shall, except~~ **Except** as otherwise provided in this Chapter, **such purchases shall** be made only on award to the lowest responsible bidder in response to requests for bids published in the state. Requests for bids shall be published ~~not less than ten days~~ **ten days or more** prior to the date set for opening the bids. The published advertisement and the specifications shall fix the exact place and time for presenting and opening of the bids. The presenting and opening of the bids shall be publicly performed on that day. Bids will be publicly read whenever interested parties are present. The practice of dividing proposed or needed purchases into separate installments of less than twenty-five thousand dollars each **or the higher effective amount determined by the governor's executive order,** for the purpose of evading this provision is expressly prohibited.

* * *

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

Approved by the Governor, June 3, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 257

SENATE BILL NO. 133
BY SENATOR MILLIGAN
AN ACT

To amend and reenact R.S. 6:314(A) and 766.1(A), relative to banking; to provide for state banks; to provide for savings and loan associations; to provide for payable on death accounts; to provide for affidavit requirements; to provide for requirements, procedures, and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:314(A) and 766.1(A) are hereby amended and reenacted to read as follows:

§314. Trust deposits; death of depositor; payment

A. Upon the death of a depositor who has deposited a sum in any bank account evidencing **by the depositor's signature** an intention that upon the death of the depositor, the funds shall belong to one or more named beneficiaries of the depositor, the bank may pay the deposit, together with the dividends or interest accruing thereto, to the named beneficiaries for whom the deposit was made. ~~The depositor shall give to the depository bank an affidavit in authentic form or an act under private signature executed in the presence of an officer or a branch manager of the depository bank and two additional persons, stating the names of one or more beneficiaries. The~~

~~bank may conclusively rely on this affidavit or act for the disbursal of funds. Upon receiving a death certificate, the bank may disburse funds to the named beneficiaries. **The beneficiaries shall be specifically named in the deposit account records of the bank.**~~

* * *

§766.1. Payable on death accounts

A. Upon the death of a depositor who has deposited a sum in any account evidencing **by the depositor's signature** an intention that upon the death of the depositor, the funds shall belong to one or more named beneficiaries of the depositor, the association may pay the deposit, together with the dividends or interest accruing thereto, to the named beneficiaries for whom the deposit was made. ~~The depositor shall give to the association an affidavit in authentic form or an act under private signature executed in the presence of an officer or a branch manager of the association and two additional persons, stating the names of one or more beneficiaries. The association may conclusively rely on this affidavit or act for the disbursal of funds. Upon receiving a death certificate, the association may disburse funds to the named beneficiaries. **The beneficiaries shall be specifically named in the deposit account records of the association.**~~

* * *

Approved by the Governor, June 3, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 258

SENATE BILL NO. 152
BY SENATOR ABRAHAM
AN ACT

To amend and reenact R.S. 32:1261(A)(1)(I), relative to unauthorized acts of manufacturers, distributors, wholesalers, distributor branches, factory branches, and converters; to provide for protests; to provide for hearings performed by the Louisiana Motor Vehicle Commission; to provide for terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1261(A)(1)(I) is hereby amended and reenacted to read as follows:

§1261. Unauthorized acts

A. It shall be a violation of this Chapter:

(1) For a manufacturer, a distributor, a wholesaler, distributor branch, factory branch, converter or officer, agent, or other representative thereof:

* * *

~~(I)(i) To condition the renewal or extension of a franchise on a new motor vehicle dealer's substantial renovation of the dealer's place of business or on the construction, purchase, acquisition, or rental of a new place of business by the new motor vehicle dealer, unless the manufacturer has advised the new motor vehicle dealer in writing of its intent to impose such a condition within a reasonable time prior to the effective date of the proposed date of renewal or extension, but in no case less than one hundred eighty days, and provided the manufacturer demonstrates the need for such demand in view of the need to service the public and the economic conditions existing in the motor vehicle industry at the time such action would be required of the new motor vehicle dealer. As part of any such condition the manufacturer shall agree, in writing, to supply the dealer with an adequate supply and marketable model mix of motor vehicles to meet the sales levels necessary to support the increased overhead incurred by the dealer by reason of such renovation, construction, purchase, or rental of a new place of business.~~

To condition the renewal or extension of a franchise on a dealer's substantial renovation of a facility or premises, if the renovation would be unreasonable under the circumstances.

(ii) To require, coerce, or attempt to coerce a dealer or successor dealer to construct or substantially alter a facility or premises, if the construction or alteration would be unreasonable under the circumstances.

(iii) To require, coerce, or attempt to coerce a dealer or successor dealer to construct or substantially alter a facility or premises, if the same area of the facility or premises has been constructed or substantially altered within the last ten years and the construction or alteration was required and approved by the manufacturer as a part of a facility upgrade program, standard, or policy. The provisions of this Subparagraph shall not apply to any construction, alteration, or improvement made to comply with any state or federal health or safety law, a manufacturer's or distributor's health or safety requirement, or to accommodate the technology requirements necessary to sell or to service a motor vehicle. For the purposes of this Subparagraph, "substantially alter" means to perform an alteration that substantially impacts the architectural features, characteristics, or integrity of a structure or lot. The term shall not include routine maintenance reasonably necessary to maintain a dealership in attractive condition or any item directly protected by federal intellectual property rights of the manufacturer.

(aa) If a facility upgrade program, standard, or policy under which the dealer completed a facility construction or substantial alteration does not contain a specific time period during which the manufacturer or distributor shall provide payments or benefits to a participating dealer, the manufacturer or distributor shall not deny the participating dealer any payment or benefit under the terms of the program, standard, or policy as it existed when the dealer began to perform

under the program, standard, or policy for the balance of the ten-year period, regardless of whether the manufacturer's or distributor's program, standard, or policy has been changed or canceled, unless the manufacturer and dealer agree, in writing, to the change in payment or benefit.

(bb) As part of any facility upgrade program, standard, or policy, the manufacturer or distributor shall agree, in writing, to supply the dealer with an adequate supply and marketable model mix of motor vehicles to meet the sales levels necessary to support the increased overhead incurred by the dealer by reason of the facility construction or substantial alteration.

(iv) To require, coerce, or attempt to coerce a dealer to purchase facility construction or maintenance goods or services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer from a vendor that is selected, identified, or designated by a manufacturer, distributor, affiliate, or captive finance source when the dealer may obtain facility construction or maintenance goods or services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer of the same quality, material, and design from a vendor selected by the dealer, provided the dealer obtains prior approval from the manufacturer, distributor, or affiliate, for the use of the dealer's selected vendor. The approval by the manufacturer, distributor, or affiliate shall not be unreasonably withheld.

(aa) If the manufacturer, distributor, or affiliate does not approve the vendor chosen by the dealer and claims the vendor cannot supply facility construction or maintenance goods or services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer that are the same quality, material, and design, the dealer may file a protest with the commission.

(bb) If a protest is filed, the commission shall promptly inform the manufacturer, distributor, affiliate, or captive finance source that a protest has been filed. The commission shall conduct a hearing on the merits of the protest within ninety days following the filing of a response to the protest. The manufacturer, distributor, or affiliate shall bear the burden of proving that the facility construction or maintenance goods or services for items not trademarked or otherwise directly protected by federal intellectual property rights of the manufacturer chosen by the dealer are not of the same quality, material, or design to those required by the manufacturer, distributor, or affiliate.

(cc) For the purposes of this Subparagraph, "goods" shall include signs or sign components to be purchased or leased by the dealer that are not trademarked or otherwise directly protected by the federal intellectual property rights of the manufacturer or distributor. The term shall not include moveable displays, brochures, and promotional materials containing material subject to the intellectual property rights of a manufacturer or distributor, special tools as reasonably required by the manufacturer, or parts to be used in repairs under warranty or recall obligations of a manufacturer or distributor.

Approved by the Governor, June 3, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 259

SENATE BILL NO. 168
BY SENATOR ABRAHAM
AN ACT

To amend and reenact R.S. 22:1267.1(B) and to enact R.S. 22:1267.1(E), relative to the application of named storm, hurricane, wind, and hail deductibles in commercial property and commercial multi-peril insurance policies; to provide for a separate deductible for commercial coverage; to provide for a limitation of the separate deductible to property in this state; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1267.1(B) is hereby amended and reenacted and R.S. 22:1267.1(E) is hereby enacted to read as follows:

§1267.1. Commercial insurance deductibles applied to named storm, hurricane, and wind and hail deductibles

B. For all authorized commercial property insurance policies and authorized commercial multi-peril insurance policies issued or issued for delivery in this state renewed by an authorized insurer on or after August 1, 2021, January 1, 2023, except for policies with a total insured value equal to or greater than twenty million dollars, any separate deductible that applies in place of any other deductible to direct physical loss or damage resulting from a named storm or hurricane shall be applied on an annual basis to all named storm or hurricane losses that are subject to the separate deductible during the calendar year.

E. This Section shall apply only to property located in this state.

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

Approved by the Governor, June 3, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 260

SENATE BILL NO. 172
BY SENATOR REESE
AN ACT

To amend and reenact R.S. 39:1405.4(A) and (E), and to repeal R.S. 39:1405.4(H), relative to the costs of issuance and reporting requirements for bonds approved or sold by the State Bond Commission; to remove penalty provisions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:1405.4(A) and (E) are hereby amended and reenacted to read as follows:

§1405.4. Costs of issuance and reporting requirements

A. Bonds, notes, or other issuances of indebtedness of any issuer required by the constitution or laws of Louisiana to be sold or approved by the State Bond Commission, shall not be sold or approved unless and until the estimated costs of issuance have been presented to the issuer in a written report compiled by bond counsel in a public sale of securities or by bond counsel with the assistance of the underwriter in a private sale of securities.

E.(1) If the total actual costs of issuance exceed the total approved costs of issuance or the actual costs of issuance in any line item exceed the approved costs of issuance by a variance of ten percent or more, the issuer shall obtain supplemental approval of provide a written explanation to the State Bond Commission prior to paying any individual item in excess of the approved costs of issuance; and may be required to appear at a meeting thereof for purposes of further explanation.

(2) If the issuer is advised of an increase pursuant to Paragraph (1) of this Subsection and the increased costs of issuance can be timely submitted for approval, the increased costs of issuance shall be resubmitted to the State Bond Commission for approval prior to closing.

Section 2. R.S. 39:1405.4(H) is hereby repealed.

Section 3. 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, June 3, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 261

SENATE BILL NO. 174
BY SENATOR REESE
AN ACT

To amend and reenact R.S. 12:1-1435(I) and to enact R.S. 6:518, 908, and 1153, relative to oppressed shareholders; to provide for shareholder's remedies regarding holding companies; to provide for shareholder's rights to withdraw shares; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:518, 908, and 1153 are hereby enacted to read as follows:

§518. Oppressed shareholder's remedies

A. For the purposes of R.S. 12:1-1435(I), if the corporation is a bank holding company, any obligation to purchase a withdrawing shareholder's shares shall be subject to any policy, limitation, requirement, order, plan, directive, or enforcement action of any regulatory agency having jurisdiction over the bank holding company or any subsidiary insured by the Federal Deposit Insurance Corporation and shall not cause the bank holding company or any subsidiary insured by the Federal Deposit Insurance Corporation to cease to be sufficiently capitalized under applicable law and regulations, or otherwise jeopardize the safety and soundness of the bank holding company or any of its subsidiaries insured by the Federal Deposit Insurance Corporation.

B. For the purposes of this Section, the term "bank holding company" has the meaning as set forth in 12 U.S.C. 1841.

§908. Oppressed shareholder's remedies

The provisions of R.S. 6:518 shall be applicable to savings and loan holding companies and their subsidiaries insured by the Federal Deposit Insurance Corporation.

§1153. Oppressed shareholder's remedies

The provisions of R.S. 6:518 shall be applicable to savings and loan holding companies and their subsidiaries insured by the Federal Deposit Insurance Corporation.

Section 2. R.S. 12:1-1435(I) is hereby amended and reenacted to read as follows:

§1-1435. Oppressed shareholder's right to withdraw

I. A corporation's obligation to purchase a withdrawing shareholder's shares as provided in this Section or R.S. 12:1-1436 is subject to any limitation or requirement respecting a corporation's acquisition of its own shares as

imposed by R.S. 12:1-631, R.S. 12:1-640, **R.S. 6:518**, or any other provision of state or federal law applicable to the corporation, including any order, plan, directive, or enforcement action issued by an administrative or regulatory agency pursuant to state or federal law.

Approved by the Governor, June 3, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 262

SENATE BILL NO. 179
BY SENATOR REESE
AN ACT

To enact Chapter 24-A of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:1909.11, relative to annual filings and reporting requirements by charitable organizations; to provide for legislative approval of certain requirements; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Chapter 24-A of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:1909.11, is hereby enacted to read as follows:

CHAPTER 24-A. ANNUAL FILINGS BY CHARITABLE ORGANIZATIONS

§1909.11. Charitable organizations; requirements
A. Absent the showing of a compelling state interest, no state agency or state official shall impose any additional annual filing or reporting requirements by rule or policy on a charitable organization that are more restrictive than the specific requirements for charitable organizations under federal or state law.
B. Notwithstanding any other provisions of law to the contrary, any such filing or reporting requirement that is more restrictive may be reviewed by the Senate Committee on Commerce, Consumer Protection and International Affairs and the House Committee on Commerce.
C. The provisions of Subsection A of this Section shall not apply to the state's direct spending programs including state grants and state contracts nor to fraud investigations, and shall not restrict enforcement actions against a specific nonprofit organization.
D. For the purposes of this Chapter, "charitable organization" means a person who is or holds himself out to be a benevolent, civic, recreational, educational, voluntary, health, law enforcement, social service, philanthropic, fraternal, humane, patriotic, religious, or eleemosynary organization.

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

Approved by the Governor, June 3, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 263

SENATE BILL NO. 198
BY SENATORS TALBOT, BERNARD, FESI, JACKSON, PEACOCK, SMITH
AND STINE AND REPRESENTATIVE WILLARD
AN ACT

To enact R.S. 22:46(14.1) and 1897, relative to the adjustment of claims; to provide for definitions; to provide for a written status report; to provide for a primary contact with the insurer; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:46(14.1) and 1897 are hereby enacted to read as follows:
§46. General definitions
In this Code, unless the context requires, the following definitions apply:

(14.1) "Residential coverage" means coverage for persons that have an interest in residential property that is either personal or commercial and includes coverage for particular perils like wind, named storms, and hurricanes.
(a) "Personal residential coverage" means the type of coverage provided by homeowners, mobile homeowners, dwelling, tenant, condominium unit owner, and similar policies.
(b) "Commercial residential coverage" means the type of coverage provided by condominium or homeowners' association, apartment building, and similar policies.

§1897. Adjuster communications
A. For a personal residential insurance claim that arises due to a named storm or hurricane for which a state of emergency or disaster is declared pursuant to R.S. 29:724, and the insurer within a six-month period assigns a third or subsequent claims adjuster to be primarily responsible for the insurance claim, the insurer shall provide the insured in a timely manner all of the following:
(1) A written status report that shall include at least the following:

(a) The manner in which the insured's deductible has been applied and a statement as to whether the applicable deductible has been exhausted.
(b) The dollar amounts available under each coverage.
(c) The dollar amounts paid under each coverage.
(d) The dates on which payments were issued, to whom checks were payable, and addresses to which checks were sent or the means by which funds were otherwise delivered.
(e) A summary of items known to the insurer, as of the date of the status report, that remain to be adjusted and for which the insured must provide further information or documentation to the insurer in order to complete the adjustment process.
(2) A primary contact.
(3) Two or more direct means of communication with the primary contact.
B."Primary contact" in Paragraph (A)(2) of this Section means an adjuster or team employed or retained as a member or members of the insurer's staff who are knowledgeable about the claim. The insurer shall maintain a primary contact until the insurer closes the claim or a party files suit on the claim. The designation of a primary contact shall not preclude other claims personnel, vendors, or professionals, including clerical staff members, and call center staff members from working on portions of the insured's claim.
C. The primary contact shall refer the insured to his supervisor at the request of an insured.

Approved by the Governor, June 3, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 264

SENATE BILL NO. 230
BY SENATOR MORRIS
AN ACT

To amend and reenact R.S. 22:512(11)(b) and the introductory paragraph of R.S. 22:513(C) and R.S. 22:513(C)(2) and to enact R.S. 22:512(1.1), (9.1), and (12.1), relative to title insurance producers; to provide for definitions; to provide for qualifications of individual title insurance producers; to provide for the qualifications of agency title insurance products; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:512(11)(b) and the introductory paragraph of R.S. 22:513(C) and R.S. 22:513(C)(2) are hereby amended and reenacted and R.S. 22:512(1.1), (9.1), and (12.1) are hereby enacted to read as follows:

§512. Definitions
As used only in this Subpart, the following words are defined as:

(1.1) "Affiliated business" means a company or business in the same corporate system by virtue of common ownership, control, operation and management.
(9.1) "Full-time employee" means an individual with an employment or independent contractor relationship with an agency producer in which the individual provides full-time availability to the agency producer with whom the relationship exists and whose employment or contract relationship is exclusive to the agency producer and the agency producer's affiliated businesses.

(11)(a)
(b) "Agency title insurance producer" or "agency producer" shall mean means a business entity appointed to represent a title insurer, whose principal place of business is physically located in this state, or and who has designated a resident licensed individual producer licensed for the line of title employed by the business entity as responsible for complying with the requirements of this Section insurance laws, rules, and regulations of this state.

(12.1) "Principal place of business" means the place from which the officers or other principals of an agency title insurance producer direct, control, and coordinate the entity's business activities.

§513. Title insurers and producers; qualifications

C. The qualifications for each an agency title insurance producer shall be as follows:

(2) Shall employ designate at least one licensed resident individual producer licensed for the line of title designated with responsibility for ensuring compliance with the requirements of this Section. The designated resident individual producer shall have a degree of affiliation with the entity, such as an ownership interest or a role as an officer, director, employee, or other relationship sufficient to cause or influence the entity's compliance with the applicable insurance laws, rules, and regulations of this state.

Approved by the Governor, June 3, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 265

SENATE BILL NO. 284
BY SENATOR FOIL
AN ACT

To amend and reenact Code of Civil Procedure Art. 2412(D), 2414, and 2415 and R.S. 13:3921(A) and 3923, relative to garnishments; to provide for notice of filing of garnishment petitions; to provide for service of garnishment judgments; to provide for garnishment of wages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 2412(D), 2414, and 2415 are hereby amended and reenacted to read as follows:

Art. 2412. Method of service; delay for answering

* * *

D. The garnishee shall file his sworn answers to the interrogatories within ~~fifteen~~ **thirty** days from the date of service made pursuant to this Article.

* * *

Art. 2414. Notice of answer; traversing

The clerk shall cause written notice of the filing of the garnishee's answer to be served promptly upon the seizing creditor in the manner provided by Article 1314.

Unless the creditor files a contradictory motion traversing the answer of the garnishee within ~~fifteen~~ **thirty** days after service upon him of the notice of the filing of the garnishee's answer, any property of the judgment debtor in the possession of the garnishee and any indebtedness to the judgment debtor which the garnishee has not admitted holding or owing shall be released from seizure. A new seizure may be made of such property or indebtedness by filing a supplemental petition and serving additional interrogatories.

Art. 2415. Delivery of property or payment of indebtedness to sheriff

When the garnishee admits in his answer, or when on trial of a contradictory motion under ~~Article 2413~~ or Article 2414 it is found that he has in his possession property belonging to the judgment debtor or is indebted to him, the court shall order the garnishee to deliver the property immediately to the sheriff or to pay him the indebtedness when due. Delivery or payment to the sheriff discharges the garnishee's obligation to the judgment debtor to the extent of the delivery or payment.

This ~~article~~ **Article** does not apply to garnishment of wages, salaries, ~~tips reported to the employer~~, or commissions.

Section 2. R.S. 13:3921(A) and 3923 are hereby amended and reenacted to read as follows:

§3921. Judgment fixing portion subject to seizure, payment to creditor and processing fee

A. In every case in which the wage, or salary, ~~tips reported to the employer, or other income~~ of a laborer, wage earner, artisan, mechanic, engineer, fireman, carpenter, bricklayer, secretary, bookkeeper, clerk, employee on a commission basis, or employee of any nature and kind whatever, whether skilled or unskilled, shall be garnished either under attachment or fieri facias or as otherwise provided by law, a judgment shall be rendered by the court of competent jurisdiction in which the garnishment proceedings may be pending fixing the portion of such wage, salary, commission, or other compensation as may be exempt, as provided by law, and providing for the payment to the sheriff, marshal, or constable for processing prior to payment to the seizing creditor of whatever sum for which judgment may be obtained, out of the portion of such compensation which is not exempt.

* * *

§3923. One writ and one set of interrogatories sufficient, statement of sums due to be furnished to garnishee; installment payments; reopening case; retention of jurisdiction; cessation of seizure by garnishment upon termination of employment

~~A.~~ It shall not be necessary that more than one writ of garnishment or one set of interrogatories be served in ~~such cases~~ **a garnishment proceeding**, but the court shall render judgment for the monthly, semimonthly, weekly, or daily payments to be made to the seizing creditor according to the manner best suited to the circumstances, until the indebtedness is paid. The garnisher shall serve upon the garnishee the citation, the petition, the garnishment interrogatories, the notice of seizure, and a statement of sums due under the garnishment, such statement to include, but not be limited to, the principal, interest, court costs incurred to date, and attorney's fee due under the judgment. The court, in its discretion, may reopen the case upon the motion of any party concerned for evidence affecting the proper continuance of ~~such~~ **the garnishment** judgment, and the court shall retain jurisdiction to amend or set aside its **garnishment** judgment at any time in its discretion; however, all effects of the seizure by garnishment shall cease upon the termination of employment of the debtor with the garnishee, unless the debtor is reinstated or reemployed within one hundred eighty days after the termination. Should judgment by default be taken against any party garnishee, he may obtain a reopening of the case upon proper showing and within the discretion of the court.

B. Nothing in this Section is meant to affect judgments rendered pursuant to Code of Civil Procedure Article 2413.

Approved by the Governor, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 266

SENATE BILL NO. 290
BY SENATOR CORTEZ
AN ACT

To amend and reenact the introductory paragraph of R.S. 27:27.1(C) and 27.1(C) (1), (3), and (8), (D)(1), (3), and (4), (E), (F), (J), the introductory paragraph of (L), and (M), 627, and 628(B), relative to sports wagering; to specifically include operators and electronic wagering in compulsive and problem gambling programs; to add certain parties to the exception from liability for certain disclosure of information; to allow the division of a licensee's promotional play credit between platforms; to provide a method of proportionate distribution of revenue dedicated to local government; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 27:27.1(C) and 27.1(C)(1), (3), and (8), (D)(1), (3), and (4), (E), (F), (J), the introductory paragraph of (L), and (M), 627, and 628(B) are hereby amended and reenacted to read as follows:

§27.1. Uniform compulsive and problem gambling program

* * *

C. Within one hundred twenty days from the adoption of the rules provided for in Subsection B of this Section, each holder of a license **and operator** as defined in R.S. 27:44, 353, and 602, and the casino gaming operator shall submit for approval to the board a comprehensive program that provides policies and procedures that, at a minimum, shall cover the following areas of concern and are designed to:

(1) Provide procedures designed to prevent employees from willfully permitting a person identified on a self-exclusion list from engaging in gaming activities at the licensed establishment or facility **or electronically on a sports wagering platform.**

* * *

(3) Provide procedures for the development of programs to address issues of underage gambling and unattended minors at **gaming facilities the licensed establishment or facility or electronically on a sports wagering platform.**

* * *

(8) Provide procedures for the distribution or posting within the gaming establishment **or facility and on the sports wagering platform, including all gaming websites and mobile applications,** of information that promotes public awareness about problem gambling and provides information on available services and resources to those who have a gambling problem.

* * *

D.(1) The board shall provide by rule for the establishment of a list of self-excluded persons from gaming activities ~~at all gaming establishments with a licensee, operator, or casino gaming operator.~~ Any person may request placement on the list of self-excluded persons by acknowledging in a manner to be established by the board that the person wishes to be excluded and by agreeing that, during any period of voluntary exclusion, the person may not collect any winnings or recover any losses resulting from any **such** gaming activity ~~at such gaming establishments.~~

* * *

(3) The rules shall establish procedures for the transmittal ~~to all gaming establishments~~ of identifying information concerning self-excluded persons; ~~and to any entity licensed or permitted under the provisions of this Title that is responsible for ascertaining the identity of gaming patrons. The rules shall require all such gaming establishments~~ **licensees, operators, and the casino gaming operator** to establish procedures designed, at a minimum, to remove self-excluded persons from targeted mailings or other forms of advertising or promotions and deny self-excluded persons access to credit, complimentaries, check-cashing privileges, and other club benefits.

(4) The rules shall provide that notwithstanding the provision of R.S. 27:21 or any other law to the contrary, the board's list of self-excluded persons shall not be open to public inspection. The board, division, any licensee, permittee, or casino gaming operator and any employee or agent thereof shall not be liable to any self-excluded person or to any other party in any judicial proceeding for any monetary damages or other remedy which may arise as a result of disclosure or publication in any manner other than a willfully unlawful disclosure to a third party that is not an employee, **agent,** affiliated company, **patron identification service entity,** or employee or agent of the board or division, of the identity of any self-excluded person.

E. A person who is prohibited from ~~any gaming establishment~~ **participating in any gaming activity** by any provision of this Title or pursuant to any self-exclusion rules adopted by the board shall not collect in any manner or proceeding any winnings or recover any losses arising as a result of any prohibited gaming activity.

F. In any proceeding brought against any licensee, permittee, or casino gaming operator and any employee thereof for a willful violation of the self-exclusion rules of the board, the board may order the forfeiture of any money or thing of value obtained by the licensee, **permittee,** or the casino gaming operator from any self-excluded person. Any money or thing of value so forfeited shall be deposited into the Compulsive and Problem Gaming Fund established pursuant to R.S. 28:842.

* * *

J.(1) The board may impose sanctions on a licensee, permittee, or casino gaming operator under this Title, if the licensee, permittee, or casino gaming operator willfully fails to exclude **a person placed on the self-exclusion list**

from the licensed gaming establishment ~~a person placed on the self-exclusion list or facility or sports wagering platform or from participating in gaming activity.~~

(2) The board may seek revocation or suspension of a license, permit, or casino operating contract if the licensee, permittee, or casino gaming operator engages in a pattern of willful failure to exclude ~~persons placed on the self-exclusion list~~ from the licensed gaming establishment ~~persons placed on the self-exclusion list or facility or sports wagering platform or from participating in gaming activity.~~

* * *

L. A licensee, operator, or casino gaming operator conducting gaming pursuant to the provisions of this Title can demonstrate to the board compliance with the education and training provisions of this Section by providing proof of attendance by all employees when they are hired and annually thereafter at one of the following education programs:

* * *

M. Except for the provisions of Subsection I, the provisions of this Section shall not apply to persons licensed pursuant to the provisions of the Video Draw Poker Devices Control Law as provided in Chapter 8 of this Title ~~unless also licensed pursuant to the provisions of the Louisiana Sports Wagering Act as provided in Chapter 10 of this Title.~~

* * *

§627. Promotional play

A. Eligible promotional play shall be equal to the amount of dollars directly attributable to promotional play wagers related to sports wagering and actually redeemed by players and patrons.

B. Eligible promotional play shall not exceed an amount of five million dollars per calendar year.

C. The maximum amount of eligible promotional play provided by this Subsection ~~B of this Section~~ shall apply per licensee.

~~B. Notwithstanding the provisions provided by Subsection A of this Section in the event a licensee pools its wagers with other Louisiana sports wagering licensees, the maximum amount of eligible promotional play shall apply per pool, and the amount of eligible promotional play per participating licensee shall be allocated in accordance with an agreement among licensees participating in the pool. Pooling and the corresponding agreement among the licensees shall be subject to the approval of the board.~~

~~C.(1) In no event shall a pool stack eligible promotional play of participating licensees to exceed the maximum amount provided by Subsection A of this Section.~~

~~(2) D.(1) In no event shall a licensee claim eligible promotional play from more than one sports wagering platform in a calendar year.~~

~~(2) Notwithstanding Paragraph (1) of this Subsection, on and after January 1, 2023, a licensee may allocate, by contract, all or a portion of its eligible promotional play to its contracted sports wagering platform provider. In no event shall the combined eligible promotional play claimed by a sports wagering licensee and its contracted sports wagering platform provider exceed the total maximum amount of eligible promotional play per licensee as provided in this Section.~~

~~E. If a sports wagering platform provider contracts with more than one sports wagering licensee, it may not claim more than the maximum amount of eligible promotional play per licensee as provided in this Section in any calendar year, regardless of the amount allocated to it by multiple sports wagering licensees.~~

§628. Sports Wagering Local Allocation Fund

* * *

B. Monies in the fund shall be remitted monthly, by proportionate distribution, to each parish governing authority in which the taxable conduct pursuant to R.S. 27:625 occurred. The distribution shall be proportionate to the population percentage of each parish that approved a proposition to allow sports wagering compared to the total population of such parishes based on the latest federal decennial census.

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, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 267

SENATE BILL NO. 305
BY SENATOR FOIL
AN ACT

To enact Chapter 62 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3221 through 3227, relative to deceptive and unfair trade practices; to provide for electronic dissemination of third-party commercial recordings or audiovisual works; to require disclosures; to provide for a private right of action; to provide for injunctive relief and orders to compel compliance; to provide that violations constitute a deceptive and unfair trade practice; to provide for definitions, terms, conditions, and procedures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 62 of Title 51 of the Louisiana Revised Statutes of 1950,

comprised of R.S. 51:3221 through 3227, is hereby enacted to read as follows:

CHAPTER 62. ELECTRONIC DISSEMINATION OF COMMERCIAL RECORDINGS OR AUDIO VISUAL WORKS

§3221. Short title

This Chapter shall be known and may be cited as the “Louisiana True Origin of Digital Goods Act”.

§3222. Definitions

As used in this Chapter:

(1) “Commercial recording or audiovisual work” means a recording or audiovisual work whose owner, assignee, authorized agent, or licensee has disseminated or intends to disseminate for sale, rental, performance, or exhibition to the public, including under license, but does not include an excerpt consisting of less than substantially all of a recording or audiovisual work. A recording or audiovisual work may be commercial regardless of whether a person who electronically disseminates it seeks commercial advantage or private financial gain from the dissemination.

(2) “Electronic dissemination” means initiating a transmission of, making available, or otherwise offering a commercial recording or audiovisual work for distribution, display, or performance through the internet or other digital network, regardless of whether another person has previously electronically disseminated the same commercial recording or audiovisual work.

(3) “Website” means a set of related webpages served from a single web domain. The term does not include a home page or channel page for the user account of a person who is not the owner or operator of the website upon which such user home page or channel page appears.

§3223. Required disclosures on website and online services; location

A. A person who owns or operates a website or online service dealing in substantial part in the electronic dissemination of third-party commercial recordings or audiovisual works, directly or indirectly, and who electronically disseminates such works to consumers in this state shall clearly and conspicuously disclose his name, physical address, telephone number, and electronic mail address on his website or online service in a location readily accessible to a consumer using or visiting the website or online service.

B. For the purposes of this Section, any of the following locations are considered readily accessible:

(1) A landing or home webpage or screen.

(2) An “about” or “about us” webpage or screen.

(3) A “contact” or “contact us” webpage or screen.

(4) An information webpage or screen.

(5) Any place on the website or online service commonly used to display information identifying the owner or operator of the website or online service to consumers.

§3224. Actions for injunctive relief; orders to compel compliance

A. An owner, assignee, authorized agent, or exclusive licensee of a commercial recording or audiovisual work electronically disseminated by the website or online service in violation of this Chapter may bring a proceeding against a person who violates or threatens to violate the provisions of this Chapter to obtain the following:

(1) A declaratory judgment that an act or practice violates this Chapter.

(2) Permanent or temporary injunctive relief.

B. Before filing an action under this Section, the aggrieved party shall make reasonable efforts to provide notice to the person alleged to be in violation of the provisions of this Chapter and the notice shall be in writing and shall state the following:

(1) The person may be in violation of the provisions of this Chapter.

(2) A failure to cure the violation within fourteen days may result in an action being filed against the person pursuant to this Chapter.

C. After the fourteenth day of properly providing notice in accordance with Subsection B of this Section, if the person continues to violate the provisions of this Chapter, the aggrieved party may bring an action pursuant to this Section in a court of competent jurisdiction.

D. On motion of the party initiating the cause of action, the court may make appropriate orders to compel compliance with this Chapter.

§3225. Supplemental provisions

This Chapter is supplemental to those provisions of state and federal criminal and civil law which impose prohibitions or provide penalties, sanctions, or remedies against the same conduct prohibited by this Chapter. This Chapter shall not bar any cause of action or preclude the imposition of sanctions or penalties that would otherwise be available under state or federal law.

§3226. No financial liability for certain providers

The provisions of this Chapter shall not impose financial liability on providers of an interactive computer service, communications service, commercial mobile service, or information service, including an internet access service provider, an advertising network or exchange, a domain name registration provider, or a hosting service provider, to the extent that the providers provide the transmission, storage, or caching of electronic communications or messages of others or provide another related telecommunications service, a commercial mobile radio service, or an information service for use by another person that violates this Chapter.

§3227. Violations; unfair or deceptive acts or practices; remedies

A violation of this Chapter shall be a deceptive and unfair trade practice and shall subject the violator to any of the actions, including public and private actions, remedies, and penalties provided in the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.

Approved by the Governor, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 268

SENATE BILL NO. 453

BY SENATOR MCMATH AND REPRESENTATIVES BRASS, FREIBERG,
GADBERRY, CHARLES OWEN, SCHAMERHORN, SELDERS AND
WRIGHT
AN ACT

To enact R.S. 32:378.4, relative to low-speed autonomous motor vehicles; to provide for regulatory exceptions for automated vehicles; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:378.4 is hereby enacted to read as follows:

§378.4. Autonomous vehicle equipment requirements

A motor vehicle with autonomous technology that is designed to be operated exclusively by an automated driving system for all trips shall not be subject to motor vehicle equipment laws or equipment regulations of this state that relate to or support motor vehicle operation by a human driver and are not relevant for an automated driving system.

Approved by the Governor, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 269

SENATE BILL NO. 488

BY SENATOR HEWITT
AN ACT

To amend and reenact R.S. 47:1705.1, relative to ad valorem tax millages; to provide with respect to constitutionally authorized millage adjustments; to provide for increases in the millage rate in certain parishes; to provide public hearing requirements; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1705.1 is hereby amended and reenacted to read as follows: §1705.1. Public hearings for certain millage adjustments; certain parishes

A. The provisions of this Section shall apply to any parish with a population between ~~two hundred thirty thousand and two hundred fifty thousand~~ **two hundred forty-five thousand and two hundred sixty-five thousand** according to the most recent federal decennial census.

B. For all nonelected taxing authorities which are subject to the provisions of R.S. 47:1705 with respect to increases in millage rates without voter approval, the public hearings for such purposes and public meetings at which a vote is to be taken on a proposed millage rate increase for the ensuing year above the rate levied for that millage in the immediately preceding year shall be scheduled as follows:

(1) The public hearings and public meetings shall be conducted at the location at which the parish governing authority regularly conducts its meetings.

(2) The parish governing authority shall establish a schedule of specific dates and times for the conduct of the public hearings and public meetings. At the discretion of the parish governing authority, public hearings and public meetings on the same date shall be scheduled sequentially in a manner which allows for the maximum opportunity for taxpayer attendance to the greatest degree practicable. Further, the schedule shall be configured to facilitate the opportunity for an interested property owner from a particular geographic area to be in attendance regarding consideration of various taxing authorities' proposed increases in millages that affect his property.

Approved by the Governor, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 270

HOUSE BILL NO. 157

BY REPRESENTATIVE BOURRIQUE
AN ACT

To enact R.S. 47:2121(C)(3)(f) and (g), relative to tax sale title; to add integrated coastal protection, master plan, and levee or drainage projects to the list of interests affecting third parties that cannot be terminated; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:2121(C)(3)(f) and (g) are hereby enacted to read as follows: §2121. Purpose; principles; property rights

* * *

C.

* * *

(3) Notwithstanding any provision in this Chapter to the contrary, the following interests affecting immovable property shall not be terminated

pursuant to this Chapter to the extent the interests remain effective against third parties and are filed with the appropriate recorder prior to the filing of the tax sale certificate:

* * *

(f) Integrated coastal protection as defined in R.S. 49:214.2 or a project listed in the comprehensive master coastal protection plan as defined in R.S. 49:214.2.

(g) Any levee or drainage project by the departments, agencies, boards, or commissions of the state of Louisiana and their political subdivisions, including but not limited to a levee district or levee and drainage district as identified in Chapter 4 of Title 38 of the Louisiana Revised Statutes of 1950, parishes or municipalities, and the United States.

* * *

Approved by the Governor, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 271

HOUSE BILL NO. 314

BY REPRESENTATIVES TURNER AND BAGLEY
AN ACT

To amend and reenact R.S. 28:2(introductory paragraph) and (28), 51.1(A)(3) (b) and (d), 70(A), and 915(F)(3), R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I), 761(A)(2) and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A) (introductory paragraph) and (1), 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), and (D), 796.1(A), 911(Section heading), 925(C), 929(3), 966, 971, 976, 1007(A)(2) (c), 1012, 1015(A) and (C), 1016, 1017(A), 1176(A)(3), 1218(1) and (3), 1218.1(A), 1285(A)(25), 1360.24(A)(introductory paragraph) and (3) and (B), 1360.26, 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1), 2352(introductory paragraph), (3), (8), and (9), 2353(A)(2) and (3)(a) and (C)(introductory paragraph), (2), (4), and (5), 2355(B), 2356(B), (F), and (H), 2356.1(E), 2356.2(C)(1), 2356.3(A) (2), 2357(A) and (B)(1), 2359(A), (C)(1), and (F), 2360, 2361(D) and (E), 2362, 2363(A), 2365(A), (B), and (C)(introductory paragraph), (2), and (3), 2366, 2367, 2441, 2442(introductory paragraph) and (6)(r) and (t), 2447, 2449(A) and (C) through (E), 2449.1(C)(introductory paragraph) and (E), 2453(introductory paragraph) and (2), 2457(4), (5), (7), (8), and (10), 2462, 2464, 2465(A), (B), and (C)(1), 3003(introductory paragraph) and (4)(a), and 3071(B)(1) and (2), R.S. 39:98.3(B)(2) and (3), 98.4(B)(3)(a) and (b), 1536(A)(2), 1543(D), and 1658, R.S. 40:4(A)(introductory paragraph) and (1)(a) and (b)(ii) and (iii), 5(A) (19) and (21)(a), 5.5(B), (C)(introductory paragraph) and (1) through (3), and (E), 5.5.2(D), 5.8(introductory paragraph) and (6)(introductory paragraph) and (a), 31.13(1), 39.1(A)(introductory paragraph), 50(C), 75(A), 654(Section heading), 961(introductory paragraph), (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, R.S. 40:1021(introductory paragraph), 1024(B), 1046(Section heading), 1047(A)(introductory paragraph) and (4), 1061.17(B)(3)(a)(iii), 1122.1(B)(2), 1123.3(B)(2), 1133.15, 1139.6(introductory paragraph) and (8), 1168.3(Section heading), 1203.1(4)(a), (e), (f), (h), (n), and (z), 1203.3(D)(2), 1223.3, 1249.2(introductory paragraph) and (5), 1249.3(A)(4), 2012.2, 2012.3, 2017.10, 2018.3(B)(1)(h), 2018.6(B)(introductory paragraph), (3)(b) and (i), and (C)(2)(a) and (3)(i), 2109(E)(2), 2113.2, 2120.33(introductory paragraph) and (7)(introductory paragraph) and (a), 2166.5(B)(12)(e)(introductory paragraph) and (ii), 2180.25(B)(2)(introductory paragraph), (m)(introductory paragraph) and (v), and (q), 2193.1(B)(5)(introductory paragraph), and 2321, R.S. 46:236.1.2(A)(introductory paragraph), 450.3(introductory paragraph) and (C)(2), 450.5(A) through (C) and (D)(introductory paragraph), (1), and (3), 450.6(A) and (B)(1), 460.3, 977, 1906(C), 1933(B), 1952(introductory paragraph), 2169.1(7), 2626(H)(1)(d), 2741(A), 2742(C), 2757(C)(1)(introductory paragraph) and (e), 2761, and 2891, and Children's Code Articles 301 and 1150(2)(b) and to repeal R.S. 37:796(F) and 2465(D), R.S. 40:5.5(F) and (G), 1249.1(A) and (B), and 1249.2(1), R.S. 46:2757(C)(2), and Section 4 of Act No. 449 of the 2006 Regular Session, relative to various provisions of Titles 28, 37, 39, 40, and 46 of the Louisiana Revised Statutes of 1950, the Louisiana Children's Code, and uncodified law; to make technical corrections in provisions relative to behavioral health, human services, administration of the Louisiana Department of Health, administration of the Department of Children and Family Services, healthcare institutions and services, professions and occupations, boards and commissions, public health, food and drugs, public welfare and assistance, child welfare, and other matters within or relating to the purview of the legislative committees on health and welfare; to make corrective changes including corrections in legal citations and in names of organizations, programs, publications, institutions, agencies, boards, commissions, departments, and offices and officers of departments; to remove references to agencies, other legal entities, and programs that have been repealed or no longer exist; to repeal obsolete findings and references to outdated information; to designate undesignated statutory provisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:2(introductory paragraph) and (28), 51.1(A)(3)(b) and (d), 70(A), and 915(F)(3) are hereby amended and reenacted to read as follows: §2. Definitions

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

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

* * *

(28) “Psychiatric mental health nurse practitioner” means an advanced practice registered nurse licensed to practice as a nurse practitioner or clinical nurse specialist by the Louisiana State Board of Nursing, in accordance with the provisions of R.S. 37:911 et seq., who focuses clinical practice on individuals, families, or populations across the life span at risk for developing or having a diagnosis of psychiatric disorders, mental health problems, or both. A psychiatric mental health nurse practitioner means a specialist who provides primary mental health care to patients seeking mental health services in a wide range of settings. Primary mental health care provided by a psychiatric mental health nurse practitioner involves the continuous and comprehensive services necessary for the promotion of optimal mental health, prevention and treatment of psychiatric disorders, and health maintenance. Such primary health care includes the assessment, diagnosis, and management of mental health problems and psychiatric disorders. A psychiatric mental health nurse practitioner means a provider of direct mental health care services who synthesizes theoretical, scientific, and clinical knowledge for the assessment and management of both health and illness states and who is licensed to practice as a nurse practitioner in Louisiana; in accordance with R.S. 37:911; et seq. For purposes of this Chapter, a psychiatric mental health nurse practitioner shall have at least two years of training, primary experience, or both, in diagnosis and treatment of mental illness. For purposes of this Chapter, a psychiatric mental health nurse practitioner shall also have authority from the Louisiana State Board of Nursing to prescribe legend and certain controlled drugs, in accordance with the provisions of R.S. 37:913(3)(b), (8), and (9).

* * *

§51.1. Treatment facility; staff membership and institutional privileges; certain healthcare providers

A.

* * *

(3) Staff membership, specifically delineated institutional privileges, which may include the ability to prepare and execute orders for the admission of patients to a treatment facility, or both, granted to a psychiatric mental health nurse practitioner shall be conditioned upon all of the following requirements:

* * *

(b) The applicant psychiatric mental health nurse practitioner shall have a valid, current, and unrestricted advanced practice registered nurse license, as a nurse practitioner or clinical nurse specialist, issued by the Louisiana State Board of Nursing, and have been granted limited prescriptive authority pursuant to ~~LAC 46:XLV.4513~~ LAC 46:XLVII.4513.

* * *

(d) The applicant psychiatric mental health nurse practitioner shall prescribe medications or the use of seclusion or restraint on patients in the treatment facility only in accordance with the collaborative practice agreement and in accordance with the treatment facility's staff membership or ~~privilege granting~~ privilege-granting process and restrictions, if any.

* * *

§70. Written treatment plan for involuntary outpatient treatment

A. The court shall not order involuntary outpatient treatment unless an examining physician, psychiatric mental health nurse practitioner, or psychologist develops and provides to the court a proposed written treatment plan. The respondent, and any other individual whom the respondent may designate, shall be afforded a reasonable opportunity to participate in the development of the written treatment plan. The treatment plan shall reflect the expressed preferences of the respondent to the extent the preferences are reasonable and consistent with the respondent's best interests. The written treatment plan shall be deemed appropriate by the director. The written treatment plan shall include appropriate services to provide care coordination. The written treatment plan shall also include appropriate categories of services, as set forth in Subsection D of this Section, which the respondent is recommended to receive and are available to the respondent. The written treatment plan shall specify a provider that has agreed to provide each of the specified services. If the written treatment plan includes medication, it shall state whether the medication should be self-administered or administered by authorized personnel, and shall specify the type and dosage range of medication most likely to provide maximum benefit for the respondent.

* * *

§915. Districts and authorities; functions, powers, and duties; sole-source contracting

* * *

F. The provisions of Subsections A and B of this Section shall not include the following:

* * *

(3) Operation, management, and performance of functions and services relating to the ~~Louisiana Vital Records Registry~~ vital records registry and the collection of vital statistics within the office of public health pursuant to R.S. 40:5, R.S. 40:32 through 79, R.S. 44:401 et seq., and R.S. 40: 1061.17, including the ~~Putative Father Registry~~ putative father registry and the vital records management information system.

* * *

Section 2. R.S. 37:752(3), (6), (7), and (9)(c) and (d)(ii), 753(A) and (I), 761(A)(2) and (4), 764(A)(4) and (5), 771.1(A) and (B)(1), 786.1(A)(introductory paragraph) and (1), 792(B) and (C)(1), 793(G)(2), 796(A), (B)(7), and (D), 796.1(A), 911(Section

heading), 925(C), 929(3), 966, 971, 976, 1007(A)(2)(c), 1012, 1015(A) and (C), 1016, 1017(A), 1176(A)(3), 1218(1) and (3), 1218.1(A), 1285(A)(25), 1360.24(A) (introductory paragraph) and (3) and (B), 1360.26, 1360.31(C)(4) and (D), 1360.37(C), 1515(A)(1), 2352(introductory paragraph), (3), (8), and (9), 2353(A)(2) and (3)(a) and (C)(introductory paragraph), (2), (4), and (5), 2355(B), 2356(B), (F), and (H), 2356.1(E), 2356.2(C)(1), 2356.3(A)(2), 2357(A) and (B)(1), 2359(A), (C)(1), and (F), 2360, 2361(D) and (E), 2362, 2363(A), 2365(A), (B), and (C)(introductory paragraph), (2), and (3), 2366, 2367, 2441, 2442(introductory paragraph) and (6) (r) and (b), 2447, 2449(A) and (C) through (E), 2449.1(C)(introductory paragraph) and (E), 2453(introductory paragraph) and (2), 2457(4), (5), (7), (8), and (10), 2462, 2464, 2465(A), (B), and (C)(1), 3003(introductory paragraph) and (4)(a), and 3071(B)(1) and (2) are hereby amended and reenacted to read as follows:

§752. Exemptions from license
The licensing provisions of this Chapter shall not apply to:

* * *

(3)(a) Dental schools or colleges approved by the ~~Louisiana State Board of Dentistry~~ board; the practice of dentistry by students in dental schools or colleges approved by the board when acting under the direction and supervision of registered dentists, licensed and acting as instructors or professors; interns in any hospital or institution, but not residents.

(b) Dental hygiene schools or colleges approved by the ~~Louisiana State Board of Dentistry~~ board; the practice of dental hygiene by students in dental or dental hygiene schools or colleges approved by the board when acting under the direction and supervision of registered dentists or dental hygienists, licensed and acting as instructors or professors; interns in any hospital or institution, but not residents.

* * *

(6) The making of artificial restorations, substitutes, appliances, or materials for the correction of diseases, loss, deformity, malposition, dislocation, fracture, injury of the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts, upon written work orders or prescriptions furnished by a licensed and registered dentist on a form approved by the ~~Louisiana State Board of Dentistry~~ board as hereinafter set forth, and the use in connection with ~~said the~~ work order or prescription of casts, models or from impressions furnished by a licensed or registered dentist.

(7) The making and repairing of prosthetic dentures, bridges, artificial restorations or other structures to be used or worn as substitutes for natural teeth, or appliances for the correction of disease, loss, deformity, malposition, dislocation, fracture of or injury to the jaws, teeth, lips, gums, cheeks, palate, or associated tissues or parts upon a written work order or prescription furnished by a licensed and registered dentist on a form approved by the ~~Louisiana State Board of Dentistry~~ board as hereinafter set forth and constructed on, or by use of, casts or models made from impressions taken by a licensed and registered dentist if these prosthetic or orthodontic appliances, or the services rendered in the construction, repair, or alteration thereof are not offered for sale, or use, or delivery to the public or placed or adjusted in the oral cavity, except by licensed and registered dentists.

* * *

(9)

(c) When used in this Section, the following terms shall have the following meanings ascribed to them in this Subparagraph:

(i) “Clinical” means those activities described in ~~R.S. 37:751(A)(5)~~ R.S. 37:751(A)(6).

(ii) “Dentist with a disability” means a dentist who is a “person with a disability” as defined in ~~R.S. 9:3541.21(3)~~ R.S. 9:3541.21.

(iii) “Personal representative” has the same meaning as provided in ~~R.S. 9:2260.1(11)~~ R.S. 9:2260.1.

(d) The twenty-four-month period provided for in this Section begins when:

* * *

(ii) The spouse or personal representative of the dentist with a disability files with the board a verified copy of disability status signed by a physician attesting to the dentist's disability ~~with the Louisiana State Board of Dentistry~~.

* * *

§753. Louisiana State Board of Dentistry; appointment of members; term of office; vacancies; nominating meetings; quorum; domicile

A. There is hereby created within the Louisiana Department of Health the Louisiana State Board of Dentistry, referred to hereafter in this Chapter as the “board”, which shall carry out the purposes and enforce the provisions of this Chapter, subject to the provisions of R.S. 36:803.

* * *

I. The domicile of the ~~Louisiana State Board of Dentistry~~ board shall be the parish of East Baton Rouge.

* * *

§761. Requirements of applicants for dental license

A. The board shall require that every applicant for a dental license shall:

* * *

(2) Present satisfactory evidence of graduation from a dental college or university approved by the ~~Louisiana State Board of Dentistry~~ board, according to its rules and regulations.

* * *

(4) Present satisfactory evidence of having taken an examination in the theory and practice of the science of the profession given by the Joint Commission on National Dental Examinations before being accepted for the regular examination given by the board, or pass an examination given by the

board in the theory and practice of the science of dentistry in addition to the regular examination given by the ~~Louisiana State Board of Dentistry board~~. Upon receipt of information that the applicant has passed the examination in the theory and practice of the science of the profession given by the Joint Commission on National Dental Examinations, he may be awarded a dental license, but only when all other requirements for licensure have been met. If the applicant fails the examination given by the Joint Commission on National Dental Examinations, he ~~must~~ shall successfully retake the Louisiana clinical licensing examination after providing satisfactory evidence of subsequently passing the examination given by the Joint Commission on National Dental Examinations.

* * *
§764. Dental hygienist; application for license
A. Every applicant to be licensed as a dental hygienist shall:

(4) Present satisfactory evidence of graduation from a training school of dental hygienists approved by the ~~Louisiana State Board of Dentistry board~~, according to its rules and regulations.

(5) Present satisfactory evidence of having taken an examination in the theory and practice of the science of the profession given by the Joint Commission on National Dental Examinations before being accepted for the regular examination given by the board or pass an examination given by the board in the theory and practice of the science of dental hygiene in addition to the regular examination given by the ~~Louisiana State Board of Dentistry board~~. Upon receipt of information that the applicant has passed the examination in the theory and practice of the science of the profession given by the Joint Commission on National Dental Examinations, he may be awarded a dental hygiene license, but only when all other requirements for licensure have been met. If the applicant fails the examination given by the Joint Commission on National Dental Examinations, he ~~must~~ shall successfully retake the Louisiana clinical licensing examination after providing satisfactory evidence of subsequently passing the examination given by the Joint Commission on National Dental Examinations.

* * *
§771.1. Dentist fees; discount to an uninsured individual; effect on a dentist’s contracted reimbursement amount

A. Notwithstanding any state or federal provisions to the contrary, a contracted dentist licensed to practice dentistry by the ~~Louisiana State Board of Dentistry board~~ may offer a discount for dental care services rendered to an uninsured individual. Any such discount granted by a contracted dentist to an uninsured individual shall not reduce the contracted reimbursement amount between a dentist and a health or dental insurance issuer for dental care services rendered to the issuer’s enrollees, insureds, and subscribers.

B. For the purposes of this Section:
(1) “Contracted dentist” means a dentist licensed to practice dentistry by the ~~Louisiana State Board of Dentistry board~~ who has executed a direct, specific contract with a health insurance issuer.

* * *
§786.1. Stay of board decision
A. Absent agreement of counsel for all parties, no stay of enforcement of a decision issued under R.S. 37:780, or for a violation of R.S. 37:788, during the pendency of an appeal under R.S. 37:786 shall be granted unless the civil district court for the parish of Orleans finds that the applicant has established:
(1) That the issuance of the stay does not threaten harm to other interested parties, including the ~~Louisiana State Board of Dentistry board~~, and persons for whom the applicant may render dental or dental hygiene services.

* * *
§792. Dental x-ray functions by dental assistants; qualifications

B. Any dental assistant who does not meet the employment criteria set forth in ~~R.S. 37:792(A)~~ Subsection A of this Section shall attend and successfully complete a course in x-ray function and safety approved by the ~~Louisiana State Board of Dentistry board~~ within six months after commencement of employment by a licensed dentist. Any such assistant shall be deemed to be authorized to take dental x-rays only upon compliance with this Subsection.

C.(1) The dentist employer shall certify to the board that any dental assistant employed by him ~~either:~~

(a) ~~Meets~~ meets the employment criteria set forth in ~~R.S. 37:792(A)~~ Subsection A of this Section, or that the assistant has attended and completed a course in dental x-ray function and safety, or

(b) ~~That the assistant~~ has not attended such course but has been employed less than six months.

* * *
§793. Nitrous oxide inhalation analgesia; enteral moderate sedation; parenteral sedation; deep sedation; general anesthesia; definitions; permits; credentials; reporting; fees; limitations; exceptions

* * *
G. The authority for the administration of anesthetic and sedative agents as described in this Section shall be limited as follows:

(2) The administration of nitrous oxide inhalation analgesia shall be limited to qualified dentists and dental hygienists licensed by the board for use on dental patients. Dental hygienists shall administer nitrous oxide inhalation analgesia only under the direct supervision of a dentist licensed by the ~~Louisiana State Board of Dentistry board~~ to whom the board has issued a permit to administer nitrous oxide inhalation analgesia.

* * *
§796. Louisiana State Board of Dentistry; adoption of rules relating to the providing of dental services at mobile dental clinics and locations other than the dental office

A. The ~~Louisiana State Board of Dentistry board~~ shall adopt rules relating to the providing of dental services at mobile dental clinics and locations other than the dental office.

B. The rules shall include but not be limited to:
* * *
(7) Provisions for the inspection by the ~~Louisiana State Board of Dentistry board~~ of mobile dental clinics and locations offering dental services other than the dental office and health ~~care~~ facilities licensed by the Louisiana Department of Health.

* * *
D. Nothing in this Section shall be construed to prohibit the ~~Louisiana State Board of Dentistry board~~ from adopting emergency rules as otherwise provided for in the Administrative Procedure Act.

* * *
§796.1. Requirements to provide dental services at mobile dental clinics and locations other than the dental office; permit; hold harmless

A. Upon promulgation of rules pursuant to this Section and R.S. 37:796, a person offering dental services at a mobile dental clinic or a location other than the dental office shall:

(1) Be a dentist licensed in Louisiana who is in good standing with the ~~Louisiana State Board of Dentistry board~~.

(2) Have received a permit from ~~Louisiana State Board of Dentistry the board~~ to provide dental services at a mobile dental clinic or a location other than the dental office. The permit shall be issued pursuant to the provisions of this Section and in accordance with rules adopted pursuant to the Administrative Procedure Act.

* * *
§911. Legislative findings; intent; purpose of ~~part~~ Part

* * *
§925. Violations; penalty

* * *
C. If a person licensed to practice as a registered nurse or advanced practice registered nurse is found guilty of violating any provision of ~~the this~~ Part, the board may suspend, probate, limit, or otherwise restrict, or revoke the license of such person.

* * *
§929. Exceptions
The provisions of this Part shall not apply to:

* * *
(3)(a) The rendering of nursing assistance by any individual in the case of immediate emergency.

(b) The rendering of nursing assistance by any individual in a disaster in accordance with the rules and regulations established by the board.

* * *
§966. Meetings; quorum
A. The board shall meet annually at a time and place to be fixed by it, and at such other times as may be necessary.

B. A majority of the board constitutes a quorum.
* * *

§971. Examination; licensing
A. Applicants for licenses under this Part shall pass a written examination in all subjects required by the board. The written examination may be supplemented by an oral or practical examination.

B. If the applicant passes the examination provided for in Subsection A of this Section, the board shall issue a license to practice as a practical nurse and authorize the use of the title “Licensed Practical Nurse” or the abbreviation “L.P.N.”

* * *
§976. Schools of practical nursing; application; hearings

A. A school of practical nursing which wishes to be accredited may make application to the board. After investigation and approval of the curricula of the school the board may approve the school and issue a certificate as an accredited school of practical nursing.

B. If the board finds that an accredited school is not adhering to the requirements of this Part or to the courses prescribed by the board, the board shall give reasonable notices to correct these conditions within a reasonable time. If the conditions are not corrected, the board may, after a hearing with charges detailed and specified, revoke the certificate issued to such school.

C. Appeals from decisions of the board shall be to the Civil District Court of Orleans Parish within ~~30~~ thirty days from the final ruling.

* * *
§1007. Nursing Supply and Demand Council; creation; membership; vacancies; compensation; staff and facilities; powers and duties

A.
* * *

(2)
* * *

(c) Additional members of the council may be added at any time upon a majority vote of the members named in Subparagraph (a) of this Paragraph.

* * *

§1012. Definitions
As used in this Part, the following terms have the meaning ascribed in this

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

Section:

(1) “Approved school” means any school of nursing preparing registered nurse applicants, approved by the board and including Charity Hospital School of Nursing, which is approved by the Louisiana State Board of Nursing.

~~A. (2) “Board” means the Board of Regents.~~

~~B. (3) “Committee” means the committee of deans, directors, and department heads of the approved schools and programs of nursing which prepare registered nurse applicants and a nonvoting representative of the board.~~

~~C. “Approved school” means any school of nursing preparing registered nurse applicants, approved by the board and including Charity Hospital School of Nursing, which is approved by the Louisiana State Board of Nursing.~~

* * *

§1015. Procedure for applications

A. Faculty members requesting stipends for the purpose of acquiring a master's or doctoral degree in nursing or a doctoral degree in a related field shall submit to the committee an application including that includes all of the following:

(1) Notation of approval by the applicant's dean, director, or department head of nursing and other required institutional permission;.

(2) An authorized letter of acceptance from the institution which the applicant plans to enter;.

(3) The specific period of time for which the stipend is requested;~~and,~~

(4) Other data and qualifications as deemed pertinent by the committee.

* * *

C. The university, college, or school budget administrator shall submit to the board a list of faculty members from the institution who were granted stipends by the committee. Upon request, each institution will ~~shall~~ be reimbursed on a monthly or semester basis by the Board of Regents for authorized stipends paid.

§1016. Stipends

Each person granted a stipend in accordance with the provisions of this Part shall receive seventy-five ~~per cent~~ percent of his ~~or her~~ current contractual annual salary for the period of approved stipend program participation. Stipends for the fall and spring semester shall each be calculated on a four and one-half month basis. Stipends granted for a quarter session shall be calculated on a three-month basis. Summer stipends may be authorized at seventy-five ~~per cent~~ percent of the salary of the individual in accordance with institutional policy. Stipends shall be used exclusively for study in Louisiana graduate programs approved by the board. A stipend may, however, be granted for out-of-state study if the committee determines that the necessary course of study is not available in the approved graduate programs of this state or for such other valid reasons as may be determined by the committee.

§1017. Procedure and stipends for non-faculty applications

A. The committee may administer a program by which ~~they loan it~~ loans each year to an applicant eligible pursuant to R.S. 37:1013(B) not more than seventy-five percent of the lowest faculty salary being paid at the time of the application to be forgiven in exchange for completing the degree and for serving on the faculty for not less than three years more than the length of time taken to acquire the degree.

* * *

§1176. Removal

A. A board member may be removed upon one or more of the following grounds:

* * *

(3) The violation of the laws governing the practice of pharmacy or the distribution of drugs ~~and/or~~ or devices.

* * *

§1218. Administration of influenza immunization

A pharmacist may administer an influenza immunization to any person seven years of age or older without a prescription or medical order contingent upon all of the following provisions:

(1) The pharmacist shall administer influenza immunizations in conformance with the most current annual influenza vaccination administration protocol as set forth by the United States Centers for Disease Control and Prevention (~~CDC~~) Advisory Committee on Immunization Practice (~~ACHP~~).

* * *

(3) The pharmacist shall report all adverse events he observes or which are reported to him to the Vaccine Adverse ~~Events~~ Event Reporting System (VAERS), the cooperative program of the ~~CDC~~ United States Centers for Disease Control and Prevention and the United States Food and Drug Administration for vaccine safety, or its successor program; and further, the pharmacist shall refer the patient with an adverse event to the influenza immunization for appropriate medical care.

* * *

§1218.1. Administration of immunizations and vaccines other than influenza immunizations

A. ~~(1)~~ A pharmacist may administer to an individual age seventeen or older an immunization or a vaccine without a patient-specific prescription or medical order if the immunization or the vaccine is administered in conformance with the most current immunization administration protocol as set forth by the United States Centers for Disease Control and Prevention Advisory Committee on Immunization Practice. At the time that a pharmacist administers an immunization or vaccine ~~under~~ in accordance with the provisions of this Section, the pharmacist shall also inform the individual that the administration of an immunization or vaccine ~~under~~ in accordance with the provisions of this Section is not to be construed as being in lieu of an

annual checkup with the individual's primary care or family physician.

~~(4)~~ ~~(2)~~ The pharmacist shall report each immunization to the Louisiana Department of Health, office of public health's Louisiana Immunization Network for Kids Statewide at the time of the immunization or as soon as reasonably practicable thereafter, as this is the official state vaccination record.

~~(2)~~ ~~(3)~~ The pharmacist shall report all adverse events he observes or which are reported to him to the Vaccine Adverse ~~Events~~ Event Reporting System, the cooperative program of the United States Centers for Disease Control and Prevention and the United States Food and Drug Administration for vaccine safety, or its successor program; and further, the pharmacist shall refer the patient with an adverse event to an immunization for appropriate medical care.

~~(3)~~ ~~(4)~~ The pharmacist shall maintain for at least two years a record of each immunization administered.

~~(4)~~ ~~(5)~~ The pharmacist shall obtain the appropriate credentials to administer immunizations from the board, as administratively defined, prior to administering any such immunization.

~~(5)~~ ~~(6)~~ The pharmacist shall request the name of a patient's primary care provider prior to the administering of any immunization. If the patient identifies such primary care provider to the pharmacist, the pharmacist shall notify the primary care provider, by written or electronic communication, as soon as reasonably possible thereafter that the immunization was administered.

* * *

§1285. Causes for nonissuance; suspension; revocation; or the imposition of restrictions; fines; reinstatement; publication of action; stays

A. The board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license or permit issued pursuant to this Part for the following causes:

* * *

(25) Inability to practice medicine with reasonable skill or safety to patients because of mental illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; ~~and/or~~ or, or excessive use or abuse of drugs, including alcohol.

* * *

§1360.24. Licensure

A. Except as otherwise provided for in this Part, an individual shall be licensed by the board before ~~the individual~~ he may practice as a physician assistant. The board may grant a license to a physician assistant applicant who:

* * *

(3) Has successfully completed an education program for physician assistants accredited by the Committee on Allied Health Education and Accreditation, its predecessors, or its successors and who has passed the physician assistant national certifying examination administered by the National Commission on Certification of ~~Physicians'~~ Physician Assistants.

* * *

B. A personal interview of a physician assistant applicant shall be required only in those cases where the ~~assistant~~ applicant is making his first application before the board and where discrepancies exist in the application or the applicant has been subject to prior adverse licensure, certification, or registration action.

* * *

§1360.26. Inactive license

Any physician assistant who notifies the board in writing on forms prescribed by the board may elect to place his licensure on an inactive status. A physician assistant with an inactive status license shall be excused from payment of renewal fees and shall not practice as a physician assistant. Any licensee who engages in practice while his ~~or her~~ license is lapsed or on inactive status shall be considered to be practicing without a license, which shall be grounds for discipline ~~under~~ pursuant to R.S. 37:1360.34. A physician assistant requesting restoration to active status from inactive status shall be required to pay the current renewal fees and shall be required to meet the criteria for renewal as provided for in R.S. 37:1360.27.

* * *

§1360.31. Services performed by physician assistants

* * *

C.

* * *

(4) A physician assistant may provide medication-assisted treatment (MAT), as authorized by the United States Department of Health and Human Services, Substance Abuse and Mental Health Services Administration and in accordance with rules promulgated by the board. At a minimum, rules promulgated by the board shall include a requirement that in order for the ~~PA~~ physician assistant to provide MAT, his supervising physician shall also be authorized and in compliance with all federal and state laws and rules authorizing the provision of MAT. For purposes of this Subparagraph, “MAT” means the use of medications with counseling and behavioral therapies to treat substance use disorders and prevent opioid overdose.

D. The activities listed ~~above in this Section~~ may be performed in any setting authorized by the supervising physician including but not limited to clinics, hospitals, ambulatory surgical centers, patient homes, nursing homes, other institutional settings, and health manpower shortage areas.

* * *

§1360.37. Injunctive proceedings

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

* * *

C. In case of violation of any injunction issued ~~under~~ in accordance with the provision provisions of this Part, the court shall try and punish the offender for contempt of court in accordance with law.

* * *

§1515. Louisiana Board of Veterinary Medicine; terms; compensation; removal

A.(1) There is hereby created within the ~~Louisiana~~ Department of Agriculture and Forestry a board to be known as the Louisiana Board of Veterinary Medicine which is subject to the provisions of R.S. 36:803.

* * *

§2352. Definition of terms

As used in this Chapter, the following terms ~~mean~~ have the meaning ascribed in this Section:

* * *

(3) “Candidate” means any person whose application and related materials have been approved by the board. Only candidates are eligible to take the ~~written/oral~~ written and oral examination.

* * *

(8) “Provisional licensed psychologist” means a person provisionally licensed ~~under~~ in accordance with the provisions of this Chapter.

(9) “Psychologist” means any person licensed as a psychologist ~~under~~ in accordance with the provisions of this Chapter. A person represents himself to be a psychologist by using any title or description of services incorporating the words “psychology”, “psychological”, or “psychologist”, or by using any other terms which imply that he is qualified to practice psychology or that he possesses expert qualification in any area of psychology or if that person offers to the public or renders to individuals or to groups of individuals services defined as the practice of psychology in this Chapter.

* * *

§2353. State board of examiners; organization; duties; meetings; fees

A.

* * *

(2) The governor shall appoint members for terms of five years. Each appointment by the governor shall be subject to Senate confirmation. A board member shall not be eligible to succeed himself. All psychologist appointments shall be from a list provided by the Louisiana Psychological Association. The list shall report the results of an election in which persons qualified for board membership may nominate themselves and in which licensed members of the Louisiana Psychological Association and other persons licensed ~~under~~ in accordance with the provisions of this Chapter are entitled to one vote for each vacancy on the board. The consumer member may apply directly to the office of the governor. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity.

(3)(a) Each psychologist board member shall be a citizen of the United States, resident of the state of Louisiana, shall have rendered service, teaching, training, or research in psychology for at least five years, shall have held a doctoral degree in psychology from a school or college as defined in this Chapter for a period of five years, and shall be licensed ~~under~~ in accordance with the provisions of this Chapter for a minimum of five years.

* * *

C. The board is hereby authorized and empowered to do all of the following:

* * *

(2) Employ, within the limits of the funds received by the board, an administrative assistant, general legal counsel, or other personnel necessary for the proper performance of work ~~under~~ conducted pursuant to this Chapter.

* * *

(4) Examine for, deny, approve, revoke, suspend, and renew the licenses of applicants, candidates, and psychologists as provided ~~under~~ in this Chapter.

(5) Conduct hearings upon complaints concerning the disciplining of a person licensed pursuant to the provisions of this Chapter and within the limitations established ~~under~~ in Chapter 1-A of ~~Title 37 of the Louisiana Revised Statutes of 1950~~ this Title.

* * *

§2355. Records

* * *

B. The board shall publish or cause to be published annually a list of psychologists or licensed specialists in school psychology licensed ~~under~~ in accordance with the provisions of this Chapter.

§2356. Licensure of psychologists by written and oral examination

* * *

B. Upon investigation of the application and other evidence submitted, the board shall, not less than thirty days prior to the examination, notify each applicant that the application and evidence submitted for licensure is satisfactory and accepted and that the applicant has been admitted to candidacy status, or unsatisfactory and rejected; if rejected, ~~said notice the notice to the applicant~~ shall state the reasons for such rejection.

* * *

F. ~~In the event~~ If a candidate fails to receive a passing grade on the ~~written/oral~~ examination, he may apply for re-examination and shall be allowed totake a subsequent ~~written/oral~~ examination upon payment of such fee as is required by this Chapter.

* * *

H. If the board reasonably believes that a person applying for a license or for renewal of a license is not physically and mentally competent to render

psychological services with reasonable skill and safety to his patients, or is afflicted with a disease or condition, either physical or mental, which would impair his competency to render psychological services, the board may request that the person submit to a physical examination by a medical doctor approved by the board, ~~and/or~~ submit to a mental health examination by a psychologist and/or or psychiatrist approved by the board, or both a physical examination and a mental health examination. If the person refuses to submit to the examination, the board, after contradictory hearing and upon finding reasonable cause, may issue an order requiring the person to submit to the examination. A person who is ordered to submit to an examination in accordance with this Subsection shall not be eligible for licensure or renewal of license prior to the examination. Proceedings ~~under~~ pursuant to this Subsection shall be conducted in compliance with the Administrative Procedure Act, R.S. 49:950 et seq.

§2356.1. Authorization to obtain criminal history record information

* * *

E. If the criminal history record information reported by the bureau to the board does not provide grounds for disqualification of the applicant for licensure ~~under~~ in accordance with the applicable law administered by the board, the board shall have the authority to forward the applicant’s fingerprints and such other identifying information as may be required to the FBI with a request for a search of national criminal history record information relative to the applicant.

* * *

§2356.2. Provisional licensed psychologist; renewal; continuing education

* * *

C.(1) A provisional licensed psychologist shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payments of the fees ~~established under~~ provided for in R.S. 37:2354 and compliance with the requirements established pursuant to this Subsection. A provisional license may be renewed a maximum of three times.

* * *

§2356.3. Specialist in school psychology; licensure; scope of practice

A.

* * *

(2) If the board reasonably believes that a person applying for a license or for a renewal of a license is not physically and mentally competent to render psychological services with reasonable skill and safety to his patients, or is afflicted with a disease or condition, either physical or mental, that would impair his competency to render psychological services, the board may request that the person submit to a physical examination by a medical doctor approved by the board or a mental health examination by a psychologist or psychiatrist approved by the board. If the person refuses to submit to the examination, the board, after contradictory hearing and upon finding reasonable cause, may issue an order requiring the person to submit to the physical or mental health examination. A person who is ordered to submit to a physical or mental health examination shall not be eligible for licensure or renewal of license prior to such examination. Proceedings ~~under~~ pursuant to this Paragraph shall be conducted in compliance with the Administrative Procedure Act.

* * *

§2357. Renewal of license

A.(1) Persons licensed as psychologists ~~under~~ in accordance with the provisions of this Chapter shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payment of the fees ~~established under~~ provided for in R.S. 37:2354 and compliance with the ~~requirement established pursuant to~~ requirements of Paragraph (2) of this Subsection.

(2) The board shall establish continuing education requirements to be fulfilled prior to the renewal of a license. Failure to fulfill these requirements shall cause the license to lapse. For a period of two years from the date of lapse of the license, the license may be renewed upon proof of fulfilling all continuing education requirements applicable through the date of reinstatement and upon payment of all fees due ~~under~~ as required by R.S. 37:2354.

B.(1) Persons licensed as a specialist in school psychology ~~under~~ in accordance with the provisions of this Chapter shall be eligible for renewal of licensure without regard to any subsequent changes in the requirements for licensure upon payment of fees required by this Chapter and compliance with the provisions of this Subsection.

* * *

§2359. Denial, revocation, or suspension of license; psychologist; provisional license; specialist in school psychology

A. A psychologist and anyone under the supervision of a psychologist shall conduct ~~their~~ his activities in conformity with ethical and professional standards promulgated by the board ~~under~~ pursuant to its current rules and regulations.

* * *

C.(1) Proceedings for disciplinary action or for the denial or withholding of a license or provisional license ~~under~~ pursuant to the authority of this Section shall be conducted in compliance with the Administrative Procedure Act, R.S. 49:950 et seq. The board may require a person against whom it has taken disciplinary action, after hearing or informal resolution, to pay reasonable costs of the proceedings incurred by the board for hearing and any judicial review in accordance with the provisions of this Chapter. These costs shall be paid no later than ninety days after the adjudication by the

board becomes final. No license or provisional license shall be issued, reinstated, or renewed until such costs have been paid.

* * *

F. A person who has been refused a license or provisional license, or whose license has been revoked, ~~under in accordance with~~ the provisions of this Section; may reapply for licensure after more than two years have elapsed from the date such denial or revocation is legally effective.

* * *

§2360. Violation and penalties

A. ~~It~~ Each of the following shall be a misdemeanor:

(1) For any person not licensed ~~under in accordance with the provisions of~~ this Chapter or Part VI of Chapter 15 of this Title to represent himself as a psychologist;~~or,~~

(2) For any person not licensed ~~under in accordance with the provisions of~~ this Chapter or Part VI of Chapter 15 of this Title to engage in the practice of psychology;~~or,~~

(3) Except for medical psychologists duly licensed by the Louisiana State Board of Medical Examiners, for any person to represent himself as a psychologist during the time that his license as a psychologist ~~shall be~~ is suspended, ~~or~~ revoked, or lapsed;~~or,~~

(4) For any person to otherwise violate the provisions of this Chapter.

B. ~~Such~~ A misdemeanor described in Subsection A of this Section shall be prosecuted by the district attorney of the judicial district in which the offense was committed in the name of the people of the state of Louisiana.

C. ~~Such~~ A misdemeanor described in Subsection A of this Section shall be punishable upon conviction by imprisonment for not more than six months; or by a fine of not less than one hundred dollars nor more than five hundred dollars, or ~~by both such fine and imprisonment.~~ Each violation shall be deemed a separate offense.

§2361. Injunctive proceedings

* * *

D. In case of violation of any injunction issued ~~under~~ pursuant to the provisions of this Section, the court may summarily try and punish the offender for contempt of court.

E. ~~Such~~ The injunctive proceedings provided for in this Section shall be in addition to, and not in lieu of, all penalties and other remedies as provided in this Chapter.

§2362. Advertisement of psychological services

The board may promulgate regulations to prohibit deceptive advertisements and representations concerning psychological services and ~~the board~~ may enforce this Section and its regulations ~~under in accordance with~~ the provisions of R.S. 37:2361.

§2363. Privileged communications

A. In judicial proceedings, whether civil, criminal, or juvenile, legislative and administrative proceedings, and proceedings preliminary and ancillary thereto, a patient or client, or his legal representative, may refuse to disclose or prevent the disclosure of confidential information, including information contained in administrative records, communicated to a psychologist or a licensed specialist in school psychology licensed ~~under in accordance with~~ the provisions of this Chapter, or persons reasonably believed by the patient or client to be so licensed, or to their employees or other persons under their supervision, for the purpose of diagnosis, evaluation, or treatment of any mental or emotional condition or disorder.

* * *

§2365. Scope of Chapter

A. Members of other professions ~~which who~~ are licensed or certified ~~under in accordance with~~ the laws of this state shall be permitted to render services consistent with their professional training and code of ethics;~~provided if~~ they do not represent themselves as psychologists or their work as psychological. The provisions of this Subsection shall not apply to those persons duly licensed as medical psychologists by the Louisiana State Board of Medical Examiners.

B. Duly ordained clergy and Christian Science practitioners shall be permitted to function in their ministerial capacity ~~provided if~~ they do not represent themselves as psychologists, or their work as psychological, unless they have been licensed ~~under in accordance with~~ the provisions of this Chapter or Part VI of Chapter 15 of this Title.

C. The following persons may engage in activities defined as the practice of psychology;~~provided if~~ they do not represent themselves by any title which incorporates the word “psychologist” and ~~provided~~ they perform their activities under the supervision and functional authority of a psychologist licensed ~~under in accordance with the provisions of~~ this Chapter or a medical psychologist licensed by the Louisiana State Board of Medical Examiners, subject to applicable in accordance with regulations promulgated by the board:

* * *

(2) An individual pursuing post-doctoral training or experience in psychology, including persons seeking to fulfill the requirements for licensure ~~under in accordance with the provisions of~~ this Chapter.

(3) An assistant who is qualified ~~under in accordance with~~ regulations promulgated by the board and who is employed by, or otherwise directly accountable to, a psychologist licensed ~~under in accordance with the~~ provisions of this Chapter.

* * *

§2366. Drugs; medicine

~~Except as provided in Part II of this Chapter, nothing~~ Nothing in this Chapter

shall be construed as permitting a psychologist licensed ~~under in accordance with the provisions of~~ this Chapter to administer or prescribe drugs, or in any manner engage in the practice of medicine as defined by the laws of this state.

§2367. Orders to nurses

Notwithstanding any law, ~~or~~ rule, or regulation to the contrary, including but not limited to ~~the provisions of~~ Chapter 11 of Title ~~37 of the Louisiana Revised Statutes of 1950~~ this Title, it shall be ~~considered to be~~ within the scope of the practice of nursing as defined in Chapter 11 of ~~said Title 37~~ this Title for a registered nurse, licensed practical nurse, and any other ~~health care~~ healthcare provider licensed ~~under in accordance with the provisions of~~ Chapter 11 of Title ~~37~~ this Title to execute and effectuate any order or direction otherwise within the scope of the practice of ~~said health care~~ that healthcare provider when ~~that the~~ order is within the scope of practice of psychology and given to him by a psychologist licensed ~~under in accordance with the provisions of~~ this Chapter and, when given in an institutional setting, the order is within the scope of the privileges granted to the psychologist by that institution.

* * *

§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 as defined in R.S. 37:2442 shall hereafter be required to be registered and licensed ~~as hereinafter provided in accordance with the provisions of this Chapter,~~ 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 in accordance with~~ the provisions of Chapter 34 of Title ~~37 of the Louisiana Revised Statutes of 1950~~ this Title; that there is hereby created a board to be known as the Louisiana Board for Hearing Aid Dealers.

§2442. Definitions

The following words ~~or~~ and phrases, when used in this Chapter, ~~shall~~ have the following meanings:

* * *

(6) “Unethical conduct” includes but is not limited to the following:

* * *

(r) Sharing of any profits or sharing of any percentage of a licensee’s income with any person, firm, corporation, or other business enterprise other than a person licensed to fit and sell hearing aids ~~under in accordance with~~ the provisions of this Chapter who is a resident of this state and associated with the licensee in fitting and selling hearing aids.

* * *

(t) Representing or implying that a hearing aid is or will be custom made, ~~“made to order,” “prescription made,” “made to order,” “prescription made,”~~ or in any other sense specially fabricated for an individual person when such is not the case.

* * *

§2447. Scope of examination

The examination provided in R.S. 37:2446 shall consist of tests of knowledge in the areas of hearing testing and other areas to determine capability of fitting and selling hearing aids. The tests ~~under provided for in~~ this Section shall not include questions requiring a formal college, medical, surgical, or audiological education. The examination shall be determined and proctored by the Louisiana Board for Hearing Aid Dealers.

* * *

§2449. Temporary training permit

A. An applicant who fulfills the requirements of R.S. 37:2445 and who has not previously applied to take the examination provided ~~under for in~~ R.S. 37:2446 may apply to the board for a temporary training permit.

* * *

C. No temporary training permit shall be issued by the board ~~under pursuant to~~ this Section unless the applicant shows to the satisfaction of the board that he is or will be supervised and trained by a person, hereinafter “sponsor”, who holds a valid license or certificate of endorsement issued ~~under in accordance with the provisions of~~ this Chapter.

D. If a person who holds a temporary training permit issued ~~under in accordance with the provisions of~~ this Section does not take the next required examination given after the date of issue, the temporary training permit shall not be renewed, except for good cause shown to the satisfaction of the board.

E. If a person who holds a temporary training permit issued ~~under in accordance with the provisions of~~ this Section takes and fails to pass the next required examination given after the date of issue, the board may renew the temporary training permit for a period ending thirty days after the conclusion of the next examination given. In no event shall more than one renewal be permitted. The fee for renewal shall be seventy-five dollars.

§2449.1. Guidelines for training of temporary training permit holders

* * *

C. The training period ~~begins~~ shall begin on the date of the issuance of the temporary permit. A temporary training permit holder ~~must~~ shall complete at least one hundred fifty hours of directly supervised practicum that includes:

* * *

E. On completion of the directly supervised practicum required ~~under~~

by the provisions of Subsection C of this Section, the temporary training permit holder shall continue the permit holder's training under the direct supervision of the permit holder's sponsor or co-sponsor.

§2453. Revocation or suspension of license or certificate; grounds
Any person registered ~~under in accordance with the provisions of this Chapter~~ may have his license or certificate revoked or suspended for a fixed period to be determined by the board for any of the following causes:

(2) By securing a license or certificate ~~under~~ provided for in this Chapter through fraud or deceit.

§2457. Powers and duties of board
The powers and duties of the Louisiana Board for Hearing Aid Dealers are as follows:

(4) To purchase and maintain or rent audiometric equipment and facilities necessary to carry out the examination of applicants for ~~license~~ licensure.
(5) To issue and renew licenses and ~~certificate~~ certificates of endorsement.

(7) To appoint representatives to conduct or supervise the examination of applicants for ~~license~~ licensure.

(8) To designate the time and place for examining applicants for ~~license~~ licensure.

(10) To require the periodic inspection and calibration of audiometric testing equipment and to carry out the periodic inspection of facilities of persons licensed ~~under in accordance with the provisions of this Chapter~~.

§2462. Notice and hearing on revocation or suspension
Any person whose license or temporary training permit is sought to be revoked or suspended ~~under pursuant to~~ the provisions of this Chapter shall be given thirty days notice, in writing, enumerating the charges and specifying a date for public hearing thereon. The hearing shall be held in the parish where the person's business is conducted. The board may issue subpoenas, compel the attendance and testimony of witnesses, and place them under oath, ~~in the same manner as in~~ a district court in the parish where the hearing takes place.

§2464. Application of Chapter; ~~exceptions~~
A. This Chapter ~~does shall~~ not apply to a person while he is engaged in the fitting of hearing aids, ~~provided it if that activity~~ is part of the academic curriculum of an accredited institution of higher education or part of a program conducted by a public, tax-supported institution or agency or nonprofit organization, unless such person, ~~or institution, or agency~~ sells hearing aids, ~~and/or or~~ accessories, except earmolds.

B. This Chapter shall not apply to any physician or surgeon licensed ~~under the Louisiana State Medical Practice Act, in accordance with the provisions of R.S. 37:1261, et seq.~~

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 any~~ audiologist licensed by the Louisiana Board of Examiners for Speech-Language Pathology and Audiology.

§2465. Licensing requirements; applicability; ~~exceptions~~
A. Any person who owns, maintains, or operates an office or place of business in which the person employs or engages under contract a person who practices the selling and fitting of hearing aids is considered to be practicing the selling and fitting of hearing aids ~~under as provided in~~ this Chapter and is required to be licensed ~~under in accordance with the provisions of this Chapter~~.

B. If the person who owns, maintains, or operates an office or place of business ~~under described in Subsection A of this Section~~ is a partnership, each partner shall be licensed as provided by this Section. If the person who owns, maintains, or operates an office or place of business ~~under described in Subsection A of this Section~~ is a corporation or other legal entity, the chief executive officer of the corporation or legal entity shall be licensed as provided by this Chapter.

C.(1) All persons licensed ~~under pursuant to the requirements of this Section~~ shall file annually on or before the first day of the calendar year with the board a list of all licensed hearing aid dealers directly or indirectly employed by it, and shall also file with the board a statement on a form approved by the board that it submits itself to the rules and regulations of the board and the provisions of this Chapter, and shall register with the board its intention to engage in the selling and fitting of hearing aids or accessories, provided that the above is completed prior to such organization selling or offering for sale hearing aids or accessories.

§3003. Definitions
As used in this Chapter the following words ~~shall~~ have the meanings hereinafter ascribed to each:

(4)(a) "Occupational therapy" means the application of any activity in which one engages for the purposes of evaluation, interpretation, treatment planning, and treatment of problems interfering with functional performance in persons impaired by physical illness or injury, emotional disorders, congenital or developmental disabilities, or the aging process, in order to

achieve optimum functioning and prevention and health maintenance. The occupational therapist may enter a case for the purposes of providing consultation and indirect services and evaluating an individual for the need of services. Prevention, wellness, and ~~education-related~~ education-related services shall not require a referral; however, in workers' compensation injuries preauthorization shall be required by the employer or workers' compensation insurer or provider. Implementation of direct occupational therapy to individuals for their specific medical condition or conditions shall be based on a referral or order from a physician, physician assistant, advanced practice registered nurse, dentist, podiatrist, or optometrist licensed to practice. Practice shall be in accordance with published standards of practice established by the American Occupational Therapy Association, Inc., and the essentials of accreditation established by the agencies recognized to accredit specific facilities and programs.

§3071. License of electrologists; qualifications; examinations; issuance of license; waiver

B.(1) The board shall license as an electrologist and issue an appropriate certificate to any person who files with it a verified application therefor, accompanied by the application fee required by this Part, together with evidence, verified by oath and satisfactory to the board, that he ~~is meets all of the following qualifications~~:

- (a) ~~At He is at~~ least eighteen years of age;.
- (b) ~~Is He is~~ of good moral character;.
- (c) ~~Is He is~~ free of any infectious disease;.
- (e) ~~Has He has~~ graduated from an accredited high school;.
- (f) ~~After He has, after~~ high school graduation, ~~has~~ successfully completed a course in practical training in electrolysis in a school of electrology that maintains the standards established and approved by the board or ~~that he~~ has completed a like number of hours in the subject areas specified in an apprenticeship program approved by the board at the time of certification;.
- (g) ~~Has He has~~ passed an examination given and graded by the board, which shall consist of a written examination and a practical demonstration of abilities;.
- (h) ~~Has He has~~ paid any other fees required by this Chapter.

(2) Each applicant shall provide his subject for the practical demonstration. Within ten days after each examination, the official in charge shall deliver the ~~question and answer~~ question-and-answer papers to the board. The board shall examine and rate the answers and shall transmit an official report to each applicant for license stating the rating of the candidate in each subject and whether or not the board approves the candidate for a license. If a candidate fails one or more parts of an examination, he may take the parts in which he has failed in a subsequent examination upon payment of a fifteen dollar examination fee. If after two attempts the examination is not satisfactorily completed, the candidate thereafter shall be required to repeat and take the entire examination within one year of the date of the original examination.

Section 3. R.S. 39:98.3(B)(2) and (3), 98.4(B)(3)(a) and (b), 1536(A)(2), 1543(D), and 1658 are hereby amended and reenacted to read as follows:

§98.3. Appropriations from the Health Excellence Fund, the Education Excellence Fund, and the TOPS Fund

B. Appropriations from the Health Excellence Fund shall be restricted to the following purposes:

(2) A program of research grants and projects that encourage the pursuit of innovation in advanced health care sciences; such program shall support clinical and laboratory research efforts based in Louisiana universities, as well as institutions represented in the membership of the Medical Education Commission as provided in ~~R.S. 17:1519.9~~ R.S. 17:1519.12, and shall fund grants for both basic and applied research in advanced health care sciences; such program shall encourage institutional commitment and leveraging of state monies to secure private and federal funds and shall be administered by the Board of Regents through an objective, competitive process subject to peer review. The Board of Regents shall annually submit to the legislature and the governor, not less than forty-five days prior to the beginning of each regular session of the legislature, a proposed program and budget for the expenditure of the funds appropriated to the Board of Regents for these purposes.

(3) Provision of comprehensive chronic disease management services, including outpatient pharmacy for indigent and needy citizens of Louisiana, by the facilities of the Louisiana State University Health Sciences Center, including but not limited to the ~~Health Care Services Division~~ health care services division.

§98.4. Louisiana Fund

B. Appropriations from the Fund shall be restricted to the following purposes provided in this Subsection, and no annual appropriation for any one of the purposes enumerated in Paragraphs (1) through (4) of this Subsection may exceed fifty percent of the total amount of monies appropriated from the Fund in any fiscal year:

(3) Initiatives to benefit the citizens of Louisiana with respect to health care through:

(a) A program of research grants and projects that encourage the pursuit of innovation in advanced health care sciences; such program shall support clinical and laboratory research efforts based in Louisiana universities, as well as institutions represented in the membership of the Medical Education Commission as provided in ~~R.S. 17:1519.8~~ R.S. 17:1519.12, and shall fund grants for both basic and applied research in advanced health care sciences; such program shall encourage institutional commitment and leveraging of state monies to secure private and federal funds and shall be administered by the Board of Regents through an objective, competitive process subject to peer review. The Board of Regents shall annually submit to the legislature and the governor, not less than forty-five days prior to the beginning of each regular session of the legislature, a proposed program and budget for the expenditure of the funds appropriated to the Board of Regents for these purposes.

(b) Provision of comprehensive chronic disease management services, including outpatient pharmacy for indigent and needy citizens of Louisiana, by the facilities of the Louisiana State University Health Sciences Center, included but not limited to the ~~Health Care Services Division~~ health care services division.

* * *

§1536. Assessment of premiums

A.

* * *

(2) For the purposes of this Section, the term “agency” for higher education entities shall mean each individual board, institution, or entity within postsecondary education and the administration and each individual hospital within the Louisiana State University Health Sciences Center ~~Health Care Services Division~~ health care services division.

* * *

§1543. Unit of risk analysis and loss prevention

* * *

D. For the purposes of this Section, the term “agency” for higher education entities shall mean each individual board, institution, or entity within postsecondary education and the administration and each individual hospital within the Louisiana State University Health Sciences Center ~~Health Care Services Division~~ health care services division.

* * *

§1658. Purchase of prostheses, orthoses, prosthetic services, and orthotic services by a state agency from an accredited facility

Notwithstanding any other provision of law to the contrary, regulations promulgated by the commissioner of administration or other purchasing entity governing the purchase of prostheses, orthoses, prosthetic services, or orthotic services shall require that such services shall be purchased only from an accredited facility as provided in ~~R.S. 40:1300.281~~ R.S. 40:1225.1; however, nothing in this Section shall prohibit a licensed occupational therapist or a licensed physical therapist from practicing within his scope of practice. In addition, the provisions of this Section shall not apply to a licensed optometrist, ophthalmologist, podiatrist, or orthopedist.

Section 4. R.S. 40:4(A)(introductory paragraph) and (1)(a) and (b)(ii) and (iii), 5(A)(19) and (21)(a), 5.5(B), (C)(introductory paragraph) and (1) through (3), and (E), 5.5.2(D), 5.8(introductory paragraph) and (6)(introductory paragraph) and (a), 31.13(1), 39.1(A)(introductory paragraph), 50(C), 75(A), 654(Section heading), 961(introductory paragraph), (23), and (27)(b)(i), 966(A)(3), the heading of Part X-B of Chapter 4 of Title 40 of the Louisiana Revised Statutes of 1950, R.S. 40:1021(introductory paragraph), 1024(B), 1046(Section heading), 1047(A)(introductory paragraph) and (4), 1061.17(B)(3)(a)(iii), 1122.1(B)(2), 1123.3(B)(2), 1133.15, 1139.6(introductory paragraph) and (8), 1168.3(Section heading), 1203.1(4)(a), (e), (f), (h), (n), and (z), 1203.3(D)(2), 1223.3, 1249.2(introductory paragraph) and (5), 1249.3(A)(4), 2012.2, 2012.3, 2017.10, 2018.3(B)(1)(h), 2018.6(B)(introductory paragraph), (3)(b) and (i), and (C)(2)(a) and (3)(i), 2109(E)(2), 2113.2, 2120.33(introductory paragraph) and (7)(introductory paragraph) and (a), 2166.5(B)(12)(e)(introductory paragraph) and (ii), 2180.25(B)(2)(introductory paragraph), (m)(introductory paragraph) and (v), and (q), 2193.1(B)(5)(introductory paragraph), and 2321 are hereby amended and reenacted to read as follows:

§4. Sanitary Code

A. The state health officer acting through the office of public health of the Louisiana Department of Health shall prepare, promulgate, and enforce rules and regulations embodied within the state’s Sanitary Code covering all matters within his jurisdiction as defined and set forth in R.S. 40:5. The promulgation of this Sanitary Code shall be accomplished in strict accordance with the provisions of the Administrative Procedure Act; and, further, in conformity with the following guidelines and directives:

(1)(a) In order to protect the consuming public against ~~food-borne~~ foodborne disease, the rules and regulations contained in the Sanitary Code shall be designed so as to provide and require that all food products, including milk and milk products, ice, bottled water, marine and freshwater seafood, animal products, frozen desserts and toppings, and related similar foods, are produced from a safe and sanitary source, and are prepared, processed, packaged, handled, stored, and transported in a sanitary manner which will prevent contamination, spoilage, or adulteration. These food product rules and regulations shall be further designed so as to provide that all facilities, material, and equipment that may come into direct contact with any food or food product must be of nontoxic content to ensure a sanitary, wholesome, and nutritious product.

(b)

* * *

(ii) Subject to the appropriation of funds by the legislature, the state health officer in conjunction with the ~~Louisiana~~ Department of Agriculture and Forestry shall institute a public safety marketing campaign to warn the public about the risks of consuming seafood from the People’s Republic of China deemed to be safe by the Seafood Inspection Program but which nevertheless contains hazardous substances. The campaign shall include a warning label program as more specifically provided for in R.S. 40:5.5.2. The state health officer shall enter into a memorandum of understanding with the ~~Louisiana~~ Department of Agriculture and Forestry to implement this marketing campaign.

(iii) The Louisiana Retailers Association shall work with the ~~Louisiana~~ Department of Agriculture and Forestry, the Louisiana Crawfish Promotion and Research Board, and other respective agencies to develop a voluntary assessment for the implementation of the public safety marketing campaign.

* * *

§5. General powers and jurisdiction

A. The state health officer and the office of public health of the Louisiana Department of Health shall have exclusive jurisdiction, control, and authority:

* * *

(19) To conduct health inspections and issue health permits through ~~state employed~~ state-employed licensed sanitarians, or by licensed sanitarians of parish health units or departments.

* * *

(21)(a) To conduct health, safety, and sanitation inspections, through ~~state employed~~ state-employed licensed sanitarians, of any place upon receipt of a complaint that the department determines shows appropriate and sufficient grounds to indicate a health hazard or sanitary code violation may exist, regardless of whether such place is licensed or not, or otherwise regulated.

* * *

§5.5. Sanitary inspections of certain ~~restaurants~~ food service establishments; food safety certificates

* * *

B. No person, other than a representative of the restaurant, shall be notified by the department of the time and place of the inspection prior thereto ~~and shall be nontransferable~~.

C. ~~On or after January 1, 1999, the~~ The state health officer and the office of public health of the Louisiana Department of Health shall require, at a minimum, the owner or a designated employee of a food service establishment to hold a food safety certificate; however, the state health officer and the office of public health of the Louisiana Department of Health shall not require more than one owner or employee per establishment to hold a food safety certificate. Provisions for the issuance and renewal of such certificate shall be made part of the state’s sanitary code in accordance with the provisions of R.S. 40:4 and the following requirements, conditions, and authorizations:

(1) The office of public health shall approve training programs for applicants which impart and test knowledge of the nature, prevention, and control of ~~food-borne~~ foodborne illness transmission and of methods for identifying and monitoring critical control points for safeguarding the production, processing, preparation, and serving of food. Such training programs shall include but not be limited to instructions in the standards set forth in the Applied Food Service Sanitation Program established by the Educational Foundation of the National Restaurant Association or other programs recognized in the food service industry. The office of public health shall approve training programs administered or approved by another state, a political subdivision, or other jurisdiction with standards that meet or exceed those established by this Subsection.

(2) A food safety certificate shall be issued to any individual person who files an application upon a form and in such a manner as prescribed by the sanitary code, ~~provided if such individual person~~ provided if such individual person furnishes satisfactory evidence that he has completed an approved training program or has passed a written examination provided by the individual or group providing approved training programs.

(3) A fee, not to exceed twenty-five dollars, may be imposed on and collected from an individual or a food service establishment for a food safety certificate to defer expenses in the administration of this Subsection.

* * *

E.~~(1)~~ For purposes of this Section, ~~except as provided in Paragraph (2) of this Subsection~~, “food service establishment” ~~shall mean~~ means an establishment which ~~meets the following criteria~~:

~~(1) The establishment~~ prepares food for human consumption, either for individual service or for a group of people, whether consumption is on or off the premises and regardless ~~if of whether~~ there is a charge for the food.

(2) The term “food service establishment” ~~does shall~~ shall not include any of the following:

~~(a) A private home~~ private homes where food is prepared or served for individual family consumption;.

~~(b) A private club~~ private clubs where food is prepared and served exclusively for member consumption;.

~~(c) Religious~~ religious or charitable food sales;.

~~(d) An~~ any establishment that heats or prepares boudin or sausage for personal consumption;.

~~(e) A~~ a bar or lounge that serves beverages only;.

~~(f) A temporary and or seasonal establishments~~, establishment.

~~(g) A~~ and bed and breakfast ~~operations~~ operation.

~~(h) A nursing facility~~.

~~(i) A public, private, or parochial school~~.

* * *

§5.5.2. Chinese seafood warning label program

* * *

D. With the cooperation and assistance of the Louisiana Retailers Association, the Louisiana Restaurant Association, and other necessary organizations, the state health officer in conjunction with the Louisiana Department of Agriculture and Forestry shall encourage the display of the signage and other promotional literature as provided for in Subsection C of this Section where seafood sales occur.

* * *

§5.8. Definitions

The following terms as used in this Chapter relative to public water systems shall have the following meanings:

* * *

(6) “Public water system” means a system for the provision to the public of water for potable purposes, through pipes or other constructed conveyances, if the system has at least fifteen service connections or regularly serves an average of at least twenty-five individuals daily at least sixty days out of the year. The term includes all of the following:

(a) Any collection, treatment, storage, and distribution facilities under the control of the operator of the system and used primarily in connection with the system; and,

* * *

§31.13. Development of immunization registry and tracking and recall system; standards

The office of public health, a public health unit, or both, or their agents or other providers may develop an immunization registry and an associated tracking and recall system. The developer of any system shall consult providers in developing the system to provide for a simple and efficient system of transferring information. The registry and associated tracking system shall be named the Louisiana Immunization Network (LINKS), and shall include but not be limited to the following:

(1) Immunization records of all clients born or living within the jurisdiction of the agency that develops the register registry.

* * *

§39.1. Certified copies of birth certificates and death certificates; clerks of district courts and the Second City Court of the city of New Orleans; Vital Records Conversion Fund

A. The state registrar of vital records shall promulgate rules to implement the issuance of certified copies of birth certificates and death certificates through the office of the clerk of district court in each parish and the office of clerk of the Second City Court of the city of New Orleans. Such rules shall apply only to issuance of those birth and death records that are available for electronic issuance from the Vital Records Registry birth and death databases of the vital records registry and shall include access to the following items:

* * *

§50. Issuance of death certificates; duties of state registrar

* * *

C. A local registrar may issue certified copies of any death certificate during the ten day period it is retained by him, and the certification of the local registrar shall have the same legal effect as certification by the state registrar, as otherwise provided by law. The local registrar shall forward each death certificate to the state registrar on the tenth day after the certificate is filed with him. Each month the state registrar shall notify each parish registrar of voters as to the name, address, and age of each resident of that parish over eighteen years of age for whom a death certificate has been received.

* * *

§75. Adult adoption; name changes

A. Adult adoptions and name changes resulting from the adoptions pursuant to R.S. 9:465 shall have no effect on birth certificates maintained by the ~~Vital Records Registry~~ vital records registry, except that when a name change is effected pursuant to R.S. 9:465 and an affidavit is presented from the district attorney of the parish or place of residence of the requesting party indicating that there is no objection of the district attorney to the adoptee’s name change along with a certified copy of the notarial act of adoption and the appropriate fee, the registrar of vital records shall prepare a new birth certificate to reflect the new name. If there is an objection from the district attorney, the registrar of vital records shall not seal the adopted person’s birth certificate nor prepare a new certificate until the grounds for the objection have been removed and confirmed by a supplemental affidavit from the district attorney.

* * *

§654. Food processing plants; ~~food-borne~~ foodborne illness reporting and testing requirements

* * *

§961. Definitions

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

* * *

(23) “Industrial hemp” means the plant Cannabis sativa and any part of that plant, including the seeds thereof and all derivatives, extracts, cannabinoids, isomers, acids, and salts of isomers, whether growing or not, with a delta-9-tetrahydrocannabinol concentration of not more than 0.3 percent on a dry weight basis and cultivated and processed in accordance with the U.S. Agriculture Improvement Act of 2018, or the plan submitted by the Louisiana Department of Agriculture and Forestry that is in compliance with the U.S. Department of Agriculture rules.

* * *

(27)

* * *

(b) “Marijuana” shall not include the following:

(i) Industrial hemp that is in the possession, custody, or control of a person who holds a license issued by the Louisiana Department of Agriculture and Forestry, or is cultivated and processed in accordance with the U.S. Agriculture Improvement Act of 2018.

* * *

§966. Penalty for distribution or possession with intent to distribute narcotic drugs listed in Schedule I; possession of marijuana, synthetic cannabinoids, and heroin

A. Manufacture; distribution. Except as authorized by this Part, it shall be unlawful for any person knowingly or intentionally:

* * *

(3) To cultivate, possess, process, or sell industrial hemp, industrial hemp products, or viable industrial hemp seeds not in accordance with the U.S. Agriculture Improvement Act of 2018 or the plan submitted by the Louisiana Department of Agriculture and Forestry that is in compliance with the U.S. Department of Agriculture rules.

* * *

**PART X-B. TRANSACTIONS IN ~~DRUG-RELATED~~
DRUG-RELATED OBJECTS PROHIBITED**

§1021. Definitions

~~A.~~ As used in this Part, unless the context clearly otherwise indicates, the term “drug paraphernalia” ~~shall mean and include~~ means and includes but is not be limited to:

* * *

§1024. Exceptions; defenses; local needle exchanges

* * *

B. It shall be an affirmative defense that the person to whom the ~~drug related~~ drug-related object or advertisement or notice was distributed had a prescription from a licensed medical practitioner or psychiatrist for marijuana or the controlled substance for which the object is primarily intended to be used. It is also an affirmative defense that the ~~drug-related~~ drug-related object was designed or marketed as useful primarily for veterinary or agricultural purposes.

* * *

§1046. Recommendation and dispensing of marijuana for therapeutic use; rules and regulations of the ~~Louisiana State Board of Medical Examiners and Louisiana Board of Pharmacy~~; production facility licensing by the Department of Agriculture and Forestry

* * *

§1047. Louisiana Department of Agriculture and Forestry; authorization to obtain criminal history record information

A. As used in this Section, the following terms shall have the following meaning ascribed to them in this Subsection:

* * *

(4) “Department” means ~~Louisiana~~ the Department of Agriculture and Forestry.

* * *

§1061.17. Woman’s right to know

* * *

B. Informed consent; requirements. After a woman is determined to be pregnant, no abortion shall be performed or induced without the voluntary and informed consent of the woman upon whom the abortion is to be performed or induced. Except in the case of a medical emergency, consent to an abortion is voluntary and informed if and only if:

* * *

(3)(a) Written information from the physician. Except as provided in Subparagraph (c) of this Paragraph, at least seventy-two hours before the abortion, the physician who is to perform the abortion or the referring physician has informed the woman, in writing and read orally and in person of:

* * *

(iii) Whether the physician is currently ~~board-certified~~ board-certified and, if so, the medical specialty and the certifying organization.

* * *

§1122.1. Louisiana Rare Disease Advisory Council

* * *

B.

* * *

(2) The Louisiana Rare Disease Advisory Council ~~hereby~~, referred to hereafter in this Part as the “advisory council”, shall serve only in a resource capacity to any public and private agency located in this state that provide services for a person who has been diagnosed with a rare disease.

* * *

§1123.3. Restroom access

* * *

B. This Section shall not apply to any retail establishment that meets either of the following criteria:

* * *

(2) It maintains records or information that ~~is~~ are subject to the Health Insurance Portability and Accountability Act of 1996, if the employee restroom is located in an area where the records or information may be accessed.

* * *

§1133.15. Hazardous substance transportation emergencies; payment for emergency medical services

The person or entity who in the course of transporting hazardous substances or materials causes or contributes to a discharge of a hazardous substance or material that causes an emergency condition shall be obligated to pay the reasonable costs of any emergency medical services provider whose presence or service, including standby, is requested at such hazardous substance emergency by any person authorized by the Department of Public Safety and Corrections or the Department of Environmental Quality to respond to a hazardous substance transportation emergency. Nothing is in this Section shall affect the rights of any party to recover under any other provision of law.

* * *

§1139.6. Powers and duties of the commission

In addition to ~~the~~ its duties defined elsewhere, the commission shall have the duty and authority:

* * *

(8) To enter into contractual arrangements with recognized and duly constituted ambulance providers which are primarily engaged in the operation of ~~ambulance-related~~ ambulance-related functions in order to enhance Medicaid funding and reimbursement, and for related matters.

* * *

§1168.3. Data system; components; reporting; design in collaboration with ~~medical schools~~ certain higher education institutions; public records exception

* * *

§1203.1. Definitions

For the purposes of this Part:

* * *

(4) “Employer” means any of the following facilities, agencies, providers, or programs:

(a) A nursing facility; as defined in R.S. 40:2009.2.

* * *

(e) A home health agency; as defined in R.S. 40:2116.31.

(f) A hospice; as defined in R.S. 40:2182.

* * *

(h) A home- and community-based service provider; as defined in R.S. 40:2120.2.

* * *

(n) A pediatric day health care facility; as defined in R.S. 40:2193.1(B)(5).

* * *

(z) A free-standing birth center; as defined in R.S. 40:2180.23.

* * *

§1203.3. Refusal to hire or contract; termination of employment; exemption; appeal procedure; waiver

* * *

D.

* * *

(2) The employment prohibition provided for in this Section shall not apply to a ~~state-certified~~ state-certified hospice attendant as provided for in R.S. 40:2192.

* * *

§1223.3. Definitions

As used in this Part, the following terms have the meaning ascribed in this Section:

(1) “Asynchronous store and forward transfer” means the transmission of a patient’s medical information from an originating site to the provider at the distant site without the patient being present.

(2) “Distant site” means the site at which the healthcare provider delivering the service is located at the time the service is provided via a telecommunications system.

(3) “Healthcare provider” means a person, partnership, limited liability partnership, limited liability company, corporation, facility, or institution licensed or certified by this state to provide healthcare or professional services as a physician assistant, hospital, nursing home, dentist, registered nurse, advanced practice registered nurse, licensed dietitian or nutritionist, licensed practical nurse, certified nurse assistant, offshore health service provider, ambulance service, licensed midwife, pharmacist, speech-language pathologist, audiologist, optometrist, podiatrist, chiropractor, physical therapist, occupational therapist, certified or licensed athletic trainer, psychologist, medical psychologist, social worker, licensed professional counselor, licensed perfusionist, licensed respiratory therapist, licensed radiologic technologist, licensed hearing aid dealer, or licensed clinical laboratory scientist.

(4) “Originating site” means the location of the patient at the time the service is furnished via a telecommunications system or when the asynchronous store and forward transfer occurs.

(5) “Synchronous interaction” means communication through interactive technology that enables a healthcare provider and a patient at two locations separated by distance to interact via two-way video and audio transmissions simultaneously. The healthcare provider may utilize interactive audio without the requirement of video if, after access and review of the patient’s medical records, the provider determines that he is able to meet the same standard of care as if the healthcare services were provided in person.

(6)(a) “Telehealth” means healthcare services, including behavioral health services, provided by a healthcare provider, as defined in this Section, to a person through the use of electronic communications, information

* As it appears in the enrolled bill

technology, asynchronous store-and-forward transfer technology, or synchronous interaction between a provider at a distant site and a patient at an originating site, including but not limited to assessment of, diagnosis of, consultation with, treatment of, and remote monitoring of a patient, and transfer of medical data. The term “telehealth” shall not include any of the following:

(i) Electronic mail messages and text messages that are not compliant with applicable requirements of the Health Insurance Portability and Accountability Act of 1996, as amended, 42 U.S.C. 1320d et seq.

(ii) Facsimile transmissions.

(b) For purposes of this Paragraph, “behavioral health services” means those services as defined in R.S. 40:2153 that are appropriate for the patient and delivered by a licensed mental health professional, acting within the scope of applicable state laws and his professional license for services identified by Louisiana Department of Health, to treat mental illness or substance use.

* * *

§1249.2. Definitions

As used in this Part, the following terms have the meaning ascribed in this Section:

* * *

(5) “Person with a developmental disability” means an individual of any age who has a developmental disability as defined in ~~R.S. 28:451.2(12)~~ R.S. 28:451.2.

* * *

§1249.3. Medical assistance programs

A. The department shall adopt rules and regulations in accordance with the Administrative Procedure Act with regards to the following:

* * *

(4) Developing and implementing a ~~budget-neutral~~ budget-neutral pilot program in selected areas of the state for an integrated, coordinated, prepaid delivery model for long-term care services for the elderly and people with adult-onset disabilities.

* * *

§2012.2. Admission of pay patients; disposition of proceeds

Patients suffering with tuberculosis who are able to pay for hospitalization in a hospital operated by the department shall reimburse the hospital for expenses of their hospitalization, medical services, drugs, and medicines at rates to be fixed by the department, and the proceeds of fees paid by such patients shall be transmitted to the state treasurer in accordance with state laws.

§2012.3. Transportation of indigent patients to hospital; expenses

A. Upon being shown the certificate of the superintendent of the hospital entitling an indigent tuberculosis patient to admission to a state owned tuberculosis hospital, the parish sheriff shall arrange for the transportation of the patient to such hospital.

B. The sheriff may collect from the parish five cents per mile for the distance the patient is transported from the parish to the hospital designated. Where more than one patient is transported at a time, the sheriff shall receive five cents a per mile for each patient transported. This five cents per mile shall be made to cover any means of transportation, sleeping accommodations, and sustenance of patients during their transportation. In addition to ~~the above~~ these amounts, the sheriff may collect for his own expenses an additional five cents per mile for each mile traveled in transporting the patient or patients to the hospital and in returning. The sheriff shall take the most direct route possible in going to and returning from the hospital. If any parish fails or refuses to pay the transportation charges to any sheriff justly entitled to them, the sheriff may proceed by summary writ of mandamus in the district court, without cost, against the governing authority of the parish to enforce payment.

§2017.10. Emergency medical services program; cooperation of other state departments

A. The Louisiana Department of Health shall establish, maintain, and operate an effective program which will provide adequate emergency medical services for persons injured on the roads and highways of the state, whether through the excessive use of alcoholic beverages or otherwise. The program shall be administered by the department, with such assistance and use of facilities of other agencies of the state and its political subdivisions as will best and most efficiently serve the interests of public health and safety of the citizens of Louisiana through the furnishing of emergency medical services deemed by the department to be best calculated to protect and preserve the health and welfare of persons injured on the roads and highways and in emergency situations contributing to such injuries and report the results of such services. To this end the Department of Public Safety, ~~the Civil Defense Agency and Corrections~~ and such other boards, commissions, departments, and agencies of the state and its political subdivisions as the department shall deem necessary therefor shall cooperate with and assist the department, at its request.

B. In order to effectuate the emergency medical services program ~~herein~~ provided for in this Section, the department shall have authority to adopt and enforce rules and regulations pertaining thereto and to do and perform all things and acts which it deems necessary or desirable for the purpose.

* * *

§2018.3. Louisiana Sickie Cell Commission

* * *

B.(1) Thirteen members shall be appointed by the governor, subject to

Senate confirmation, as follows:

(h) One member from a list of nominees submitted by the Southwest Louisiana Sickle Cell Anemia, Inc.

§2018.6. Palliative Care Interdisciplinary Advisory Council creation; purpose; termination

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

(3) “Palliative care” means an approach that improves the quality of life of patients and their families facing the problems associated with life-threatening illnesses, through the prevention and relief of suffering by means of early identification and impeccable assessment and treatment of pain and other problems, physical, psychosocial, and spiritual. “Palliative care” services:

(b) Affirm life and ~~regards~~ regard dying as a normal process.

(i) Are applicable early in the course of illness, in conjunction with other therapies that are intended to prolong life, such as chemotherapy or radiation therapy, and ~~includes~~ include those investigations needed to better understand and manage distressing clinical complications.

C.

(2) The council shall be composed of the following seventeen members:

(a) Four physician members, including two who are ~~board-certified~~ board-certified in hospice and palliative care, one who shall be ~~board-certified~~ board-certified in pain management, and one who shall be ~~board-certified~~ board-certified in pediatric care appointed by the Louisiana State Board of Medical Examiners.

(3) The council may engage and solicit, as necessary, input, recommendations, and guidance pertaining to palliative care from interested parties and stakeholders including but not limited to the following:

(i) AARP Louisiana (~~AARP~~).

§2109. Rules, regulations, and minimum standards

E.

(2) ~~However, the~~ The provisions of this Subsection shall not be construed to authorize the secretary to close any hospital without approval as otherwise provided by law.

§2113.2. Rules, regulations, and contracts

The Louisiana Department of Health shall prescribe rules and regulations to govern the necessary contracts, agreements, and financial arrangements to properly conduct training and research programs. Such rules and regulations shall govern contracts and agreements with colleges and universities, both publicly and privately owned, within the state for the purpose of promoting research and training in relation to illnesses of all types. All rules, regulations, and contracts adopted under the ~~former~~ authority of R.S. 46:663.2 are continued in effect and made subject to the provisions herein enacted.

§2120.33. Definitions

As used in this Part, the following ~~definitions shall apply unless the content clearly states terms have the meaning ascribed in this Section unless the context clearly indicates otherwise:~~

(7) “Cognitive rehabilitation” means a systematic, functionally oriented service of therapeutic cognitive activities based on an assessment and an understanding of the behavior of a client. Services are directed to achieve functional improvement by ~~either any of the following methods:~~

(a) Reinforcing, strengthening, or re-establishing previously learned patterns of behavior; ~~or,~~

§2166.5. Rules and regulations; licensing standards; fees

B. The department shall prescribe, promulgate, and publish rules, regulations, and licensing standards including but not limited to the following:

(12)

(e) For purposes of this Paragraph, the following definitions shall apply:

(ii) “Resident” means ~~the~~ a resident of ~~the~~ a licensed adult residential care ~~providers~~ provider facility or ~~the~~ his legal or designated representative of ~~the resident.~~

§2180.25. Rules and regulations; licensing standards

B.

(2) The rules, regulations, and licensing standards shall have the effect of law and shall include; but not be limited to the following:

(m) Requirements for each free-standing birth center to have agreements or written policies and procedures with other agencies, institutions, or individuals; for services to clients including but not limited to:

(v) ~~Obstetric/newborn~~ Obstetric and newborn acute care in hospitals.

(q) Requirements for documentation and evidence that the delivery is expected to be ~~low-risk~~ low-risk, singleton birth, and vertex presentation.

§2193.1. Purpose and definitions

B. For purposes of this Part, the following definitions apply:

(5) “Pediatric day health care facility” means a facility that may operate seven days a week, not to exceed twelve hours a day, to provide care for medically fragile children under the age of twenty-one, including ~~technology dependent~~ technology-dependent children who require close supervision. Care and services to be provided by the pediatric day health care facility shall include but shall not be limited to:

§2321. Definitions

As used in this Chapter,
“Water water pollution control projects” means any waste treatment facilities or any plants or other works which accomplishes the treating, stabilizing, or holding of untreated or inadequately treated sewage or other wastes.

Section 5. R.S. 46:236.1.2(A)(introductory paragraph), 450.3(introductory paragraph) and (C)(2), 450.5(A) through (C) and (D)(introductory paragraph), (1), and (3), 450.6(A) and (B)(1), 460.3, 977, 1906(C), 1933(B), 1952(introductory paragraph), 2169.1(7), 2626(H)(1)(d), 2741(A), 2742(C), and 2757(C)(1)(introductory paragraph) and (e), 2761, and 2891 are hereby amended and reenacted to read as follows:

§236.1.2. Family and child support programs; responsibilities

A. The department is hereby authorized to develop and implement a program of family support in FITAP cases, Title IV-E Foster Care cases, ~~Medicaid-only~~ Medicaid-only cases, and any other category of cases to which the state is required by federal law or regulation to provide services, designed to do the following:

§450.3. WIC participants; homeless

C. For purposes of this Section, the following terms shall have the following meanings:

(2) “Qualified organization” means any organization, association, corporation, coalition, confederation, company, business, alliance, establishment, enterprise, firm, club, league, lodge, order, fellowship, fraternity, brotherhood, union, society, group, governmental entity, or other similar body that has met the requirements set forth in rules of the Louisiana Department of Health for proper registration with the ~~Vital Records Registry~~ vital records registry as an organization which may confirm the identity of displaced persons.

§450.5. Chronic kidney disease; evaluation; classification; criteria; healthcare coverage

A. Any enrollee in Medicaid who is eligible for services and who has a diagnosis of diabetes or hypertension, or who has a family history of kidney disease, shall be evaluated for kidney disease through routine clinical laboratory assessments of kidney function.

B. Any enrollee in Medicaid who is eligible for services and who has been diagnosed with diabetes or hypertension or who has a family history of kidney disease, and who has received a diagnosis of kidney disease, shall be classified as a chronic kidney patient.

C. The diagnostic criteria ~~which that~~ define chronic kidney disease (~~CKD~~) should be generally recognized clinical practice guidelines; which identify chronic kidney disease or its complications based on the presence of kidney damage and level of kidney function.

D. In keeping with the Medicaid disease management program of the Louisiana Department of Health, ~~Medicaid program’s disease management program~~, patients receiving Medicaid benefits who are at risk for chronic kidney disease will be tracked regarding appropriate diagnostic testing. Medicaid providers will be educated and disease management strategies implemented in order to increase the rate of evaluation and treatment for chronic kidney disease according to accepted practice guidelines including:

(1) Managing risk factors, which may prolong kidney function or delay progression to kidney replacement therapy.

(3) Improving the nutritional status of chronic kidney disease patients.

§450.6. Election of Chafee Option

A. To the extent federal financial participation is available pursuant to an approved state Medicaid plan amendment, the Louisiana Department of Health shall exercise its option under 42 U.S.C. 1396a(10)(A)(ii)(XVII) to extend to independent foster care adolescents as defined by 42 U.S.C. 1396d(w)

(1) who are not otherwise Medicaid-eligible Medicaid-eligible in accordance with such requirements as were in effect as of April 1, 2008, either of the following types of benefits:

- (1) ~~an~~ An alternative benefits package authorized by 42 U.S.C. 1396u-7 as set forth in Subsection B of this Section; ~~or,~~
(2) ~~regular~~ Regular Medicaid benefits ~~under~~ as provided in the Medical Assistance Plan.

B. For purposes of Subsection A of this Section, the alternative benefits package may include:

- (1) A ~~high-deductible~~ high-deductible private insurance policy.

§460.3. Adult basic education; literacy training; vocational educational training

To the extent allowed by federal law and notwithstanding any other state law, rule, or regulation to the contrary, adult basic education and literacy training shall be included in the definition of vocational educational training for purposes of calculating work participation rates under the Temporary Assistance for Needy Families programs. This law shall apply to any person receiving such education or training, regardless of the person's age. ~~Any rule or regulation in conflict with this Section is hereby repealed.~~

§977. Vaccinations for certain juveniles in state custody

The office of public health shall be responsible for providing and dispensing the ~~Hepatitis~~ hepatitis B vaccine, through the Vaccines for Children Program, to children between the ages of twelve and nineteen who have been placed in the custody of the division of youth services of the Department of Public Safety and Corrections.

§1906. Delinquents and children in need of services; custody, supervision, services

C. With respect to children between the ages of twelve and nineteen who have been placed in the custody of the local juvenile detention facility, each child shall be immunized with the ~~Hepatitis~~ hepatitis B vaccine during the intake process at any state or ~~nonstate-owned~~ nonstate-owned facility. The Vaccines for Children Program through the office of public health shall be responsible for providing and dispensing the ~~Hepatitis~~ hepatitis B vaccine to each facility as provided for in R.S. 46:977. The office of public health shall utilize the Louisiana Immunization Network for Kids (LINKS) to track the ~~Hepatitis~~ hepatitis B vaccination, as well as all other vaccinations given to juveniles while in the custody of local juvenile detention facilities. Detainees released before completion of the series of three immunizations shall be referred to health units or other providers for completion of the series of doses.

§1933. Organization and powers

B. Any multiparish juvenile detention home district may acquire title by purchase or donation to ~~real and personal~~ immovable property for public purposes; and may own, operate, or maintain facilities for the housing, care, supervision, maintenance, and education of juveniles under the age of eighteen years, and for individuals eighteen years of age and over who were under eighteen years of age when they committed an alleged offense.

§1952. Definitions

As used in this Chapter;

§2169.1. Powers and duties

The office shall have the following powers and duties:

(7) To assist state departments and agencies and other stakeholders in drafting plans to maximize the impact of the use of ~~such~~ funds identified in Paragraph (6) of this Section.

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

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

(d) The amount of the reimbursement for emergency and nonemergency ground ambulance services payable by any ~~participant in the Bayou Health Plan~~ or Medicaid managed care organization falls below one hundred percent of the Medicaid rate in effect at the time the service is rendered.

§2741. Legislative findings and purpose

A.(1)~~(a)~~ The current methodology for reimbursement of services to Medicaid recipients provided by nursing homes was implemented in 1984 prior to major changes in federal laws relative to nursing home staffing, provision of patient care, enforcement, and regulatory requirements.

~~(b)~~ (2) The current methodology did not anticipate changes in Medicare and other health insurance programs that have resulted in patients with more complex medical problems being discharged to nursing homes.

~~(c)~~ (3) The current methodology provides a disincentive for capital formation to maintain and update physical plants of nursing homes and provides a

disincentive to admit patients with high care needs.

~~(d)~~ (4) The legislature finds that a number of state Medicaid programs have adopted case mix reimbursement systems which factor into nursing homes' rates the care level and resource needs of the patients receiving services.

~~(e)~~ (5) The legislature further finds that a rental system for reimbursing capital costs would encourage investment in the renovation and replacement of nursing homes creating a more homelike environment and better quality of life for the patients.

§2742. Case mix reimbursement

C. In the event the Louisiana Department of Health is required to implement reductions in the nursing home program as a result of a budget shortfall, a budget reduction category shall be created. This category shall reduce the statewide average Medicaid rate, without changing the parameters established in this Section, by reducing the reimbursement rate paid to each nursing home using an equal amount per patient per day. The direct care spending floor shall be decreased one percentage point for each ~~thirty-cent~~ thirty-cent reduction in the average Medicaid rate computed under this system not to be reduced to below ninety percent of the median.

§2757. Single state entity for children; additional duties and functions

C.(1) Based on the findings and intent of the legislature as declared in Subsections A and B of this Section, the commission shall develop ~~no later than March 1, 2004,~~ a plan for the creation of a single state entity to provide services to children and their families, which plan shall:

(e) Identify and provide specifics concerning requirements for implementing the single state agency, including but not limited to necessary personnel, funds, office space, facilities, and equipment. Such specifics shall include such information as: total dollars requested by appropriate budget categories and, to the extent appropriate, by program and by organizational unit; the number and classification of necessary personnel, by program and organizational unit; explanation of how the requirements will be provided, including the transfer and utilization of the personnel, funds, facilities, and equipment of transferred entities; how functions, including management and finance related functions and data processing, will be consolidated; and how services may be provided more effectively.

§2761. Uncompensated Care Hospital Payments

A.(1) The Louisiana Department of Health shall specify in the Medicaid State Plan how uncompensated care is defined and calculated and shall determine what facilities qualify for uncompensated care payments and the amount of the payments. In determining payments as provided in this Subsection, the department shall prioritize local access to care; and shall distribute uncompensated care payments in proportion to the amount and type of uncompensated care reported by all qualified facilities as required by rule and as allocated in appropriations to the ~~Medical Vendor Payments Program~~ medical vendor payments program. The secretary shall require, as a condition of payment of uncompensated care costs provided ~~under~~ pursuant to this Subsection, that all state and non-state hospitals, excluding rural hospitals included in the Rural Hospital Preservation Act and their ~~provider-based~~ provider-based rural health clinics, and other ~~health-care~~ healthcare facilities report to the department ~~patient-specific~~ patient-specific Louisiana Medicaid universal billing revenue code format data on the amount and type of uncompensated care provided and all requested data on the amount and type of other services and activities financed by uncompensated care payments. This data shall be reported electronically by each hospital or other facility on a quarterly schedule as required by the department. The secretary shall provide, after the close of each quarter, a detailed summary of reported information to the governor and the legislature. Hospitals defined ~~under~~ in the Rural Hospital Preservation Act shall continue to report the data collected on the Louisiana Department of Health' Health form "Schedule of Uncompensated Care Cost" in accordance with the state plan as approved by the Centers for Medicare and Medicaid Services. The secretary of the Louisiana Department of Health shall provide an annual report of the submitted information and related payments to the governor and the legislature and shall make such data available to the public on the ~~Louisiana Department of Health'~~ department's website. In addition, if a hospital or other ~~health-care~~ healthcare facility does not provide the required ~~patient-specific~~ patient-specific data, the secretary of the department may withhold an amount equal to five percent of Medicaid payments due that provider. Such withholding shall increase by five percent for each successive month that the required data is not received, but the total amount withheld shall not exceed twenty-five percent of the total monthly amount due the facility. Upon receipt of the required data, the department shall pay the facility all amounts previously withheld as a result of the failure to submit the required data. A hospital or other ~~health-care~~ healthcare facility subject to withholding ~~under this provision pursuant to this Paragraph~~ may request an administrative review as provided by R.S. 46:437.4. The format of the data submission shall be defined as the current mandated Louisiana Medicaid ~~Program~~ program format by the secretary of the department.

(2) Nothing in this Subsection shall be construed to impede or preclude the Louisiana Department of Health from implementing the provisions of the Rural Hospital Preservation Act.

B. The secretary of the Louisiana Department of Health shall, subject to approval from the Centers for Medicare and Medicaid Services, amend the ~~State Medicaid Plan~~ state Medicaid plan to provide for Medicaid disproportionate share payments to hospitals operated by the LSU Health Sciences Center-New Orleans under the provision of federal law that permits the reimbursement of uncompensated cost up to one hundred and seventy-five percent of allowable cost. ~~In state fiscal years 2003-2004 and 2004-2005, Medicaid disproportionate share payments retained by the hospitals shall not exceed a cap as agreed upon by the division and the Louisiana Department of Health and as reflected in appropriations to the Medical Vendor Payments Program for each year.~~

* * *

§2891. Physician upper payment limit methodology
The Louisiana Department of Health is hereby authorized to develop mechanisms to support the continued operation of state-funded ~~health care~~ healthcare programs, specifically Medicaid, through the utilization of physician upper payment limit reimbursement methodologies. ~~The Any such methodology utilized shall be designed to continue access and delivery of healthcare services to the poor. The implementation of this methodology is shall be~~ subject to federal law and approval of ~~by~~ the Centers for Medicare and Medicaid Services. Participation in the utilization of physician upper payment limit reimbursement methodologies shall be limited exclusively to ~~only these~~ hospitals which certify public expenditures to the state of Louisiana.

Section 6. Children’s Code Articles 301 and 1150(2)(b) are hereby amended and reenacted to read as follows:

Art. 301. Definitions
As used in this Title:
“~~Nonmetropolitan~~ nonmetropolitan area” means a parish whose largest city has a population of fifty thousand or less and where the population of the entire parish is less than one hundred thousand.

* * *

Art. 1150. Definitions
As used in this Chapter:

* * *

(2) “Designated emergency care facility” means any of the following:
* * *
(b) Any of the following medical clinics during normal and customary hours of operation: local or parish public health units, licensed rural health clinics, licensed ambulatory surgical centers, and ~~Federally Qualified Health Centers federally~~ qualified health centers. Offices, clinics, or other types of treatment facilities, private physicians, or dentists not listed above are not designated emergency care facilities within the meaning of this Subparagraph.

* * *

Section 7. R.S. 37:796(F) and 2465(D), R.S. 40:5.5(F) and (G), 1249.1(A) and (B), and 1249.2(1), R.S. 46:2757(C)(2), and Section 4 of Act No. 449 of the 2006 Regular Session are hereby repealed in their entirety.

Section 8. The Louisiana State Law Institute is hereby authorized and directed to arrange in alphabetical order and renumber the defined terms comprising R.S. 37:1026.3 and 2833, R.S. 40:1061.9, 1105.1, 1105.9(D), 1251.4, 1269.2, 1300.32, 2010.1, 2010.7, 2017.12(B), 2120.2, and 2472, R.S. 46:1 and 1072, and Children’s Code Articles 811.3 and 1351.

Section 9.(A) The Louisiana State Law Institute is hereby authorized and directed to redesignate Part XII of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1123.1 through 1123.4 as amended by Section 4 of this Act, as Part V of Chapter 5-G of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1300.41 through 1300.44, and is further directed to retain the heading of the Part.

(B) The Louisiana State Law Institute is hereby authorized and directed to redesignate Chapter 60 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2761 as amended by Section 5 of this Act, as Subpart A-1 of Part I of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1242, and is further directed to apply to the Subpart the heading “Uncompensated Care Hospital Payments”.

(C) The Louisiana State Law Institute is hereby authorized and directed to redesignate Chapter 64 of Title 46 of the Louisiana Revised Statutes of 1950, comprised of R.S. 46:2891 as amended by Section 5 of this Act, as Subpart B-1 of Part I of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1244.1, and is further directed to apply to the Subpart the heading “Physician Upper Payment Limit Methodology”.

Approved by the Governor, June 3, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 272

HOUSE BILL NO. 360

BY REPRESENTATIVE HILFERTY

(On Recommendation of the Louisiana State Law Institute)

AN ACT

To amend and reenact Children’s Code Articles 320(B), (C), and (D), 335(D) and (E), 502(1)(introductory paragraph) and (5), 575, 601, 603(2)(introductory paragraph), (18), (20), (25), (26), and (27), 607(A) and (C), 608(A)(introductory

paragraph), (3), and (4), (B), and (C), 612(A)(2) and (4), 615(B)(1), 619(A)(1), (B), and (C), 620(A), (B), and (C), 621(A) and (B), 622(B)(introductory paragraph), (1), (2), and (3), 623(A) and (B), 624(A), (C)(1), (F), and (H), 625(D)(1), 626, 627(C), 635.1, 638, 639, 640(A) and (C), 646.1(B)(2) and (D), 672.1(B), 673, 675(A) and (B)(1), (2), (3), (6)(a), and (8), 677(B) and (C), 681(A)(introductory paragraph) and (1), 682(A) and (B)(introductory paragraph), (4), and (5), 683(A), (B), and (D), 684(B) and (C), 700(A)(introductory paragraph) and (1), 702(C)(1) and (4), (E), (G), and (J), 710(A) and (D), 716, 722(A)(2) and (4) and (B), 724.1(C)(2) and (4), 1003(1)(introductory paragraph) and (10), 1016(A) and (B), 1021, and 1404(13) and to enact Children’s Code Articles 335(F) and (G), 603(28) through (32), 1019.1, and 1019.2, relative to the continuous revision of the Children’s Code; to provide for the determination of indigency; to provide for the appointment of counsel; to provide for the preparation of the record; to provide for definitions; to provide authorization to the Indigent Parents’ Representation Program; to provide for Child in Need of Care proceedings; to provide for the safety of a child; to provide for reasonable efforts of the Department of Children and Family Services; to provide for the welfare of a child; to provide for the removal of a child; to remove outdated language; to provide for a continued safety plan hearing; to provide for notice of court orders; to provide for service made on a child; to authorize service by commercial courier; to provide for the confirmation of electronic delivery; to provide for a child to remain in the custody of a parent; to require written reasons for removal; to provide for return of the child; to provide for modification of judgments; to provide a cross reference; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children’s Code Articles 320(B), (C), and (D), 335(D) and (E), 502(1) (introductory paragraph) and (5), 575, 601, 603(2)(introductory paragraph), (18), (20), (25), (26), and (27), 607(A) and (C), 608(A)(introductory paragraph), (3), and (4), (B), and (C), 612(A)(2) and (4), 615(B)(1), 619(A)(1), (B), and (C), 620(A), (B), and (C), 621(A) and (B), 622(B)(introductory paragraph), (1), (2), and (3), 623(A) and (B), 624(A), (C)(1), (F), and (H), 625(D)(1), 626, 627(C), 635.1, 638, 639, 640(A) and (C), 646.1(B)(2) and (D), 672.1(B), 673, 675(A) and (B)(1), (2), (3), (6) (a), and (8), 677(B) and (C), 681(A)(introductory paragraph) and (1), 682(A) and (B)(introductory paragraph), (4), and (5), 683(A), (B), and (D), 684(B) and (C), 700(A)(introductory paragraph) and (1), 702(C)(1) and (4), (E), (G), and (J), 710(A) and (D), 716, 722(A)(2) and (4) and (B), 724.1(C)(2) and (4), 1003(1)(introductory paragraph) and (10), 1016(A) and (B), 1021, and 1404(13) are hereby amended and reenacted and Children’s Code Articles 335(F) and (G), 603(28) through (32), 1019.1, and 1019.2 are hereby enacted to read as follows:

Art. 320. Indigency determination

* * *

B. ~~The Except as provided in Article 608, the~~ determination of the indigency of any person entitled to counsel ~~under~~ in accordance with this Code may be made by the court at any stage of the proceedings. If necessary, ~~he the person~~ shall be allowed to summon witnesses to testify before the court concerning ~~his the person’s~~ financial ability to employ counsel.

C.~~(1)~~ In determining whether a person is indigent and entitled to the appointment of counsel, the court shall consider whether ~~he the person~~ is a needy person and the extent of ~~his the person’s~~ ability to pay.~~(4)(2)~~ The court shall consider such factors as income, property owned, outstanding obligations, and the number and ages of dependents.

~~(2)(3)~~ Release on bail shall not alone disqualify either an adult or child for appointment of counsel.

D. In each case, subject to the penalty of perjury, the person shall certify in writing ~~such the~~ material factors relating to ~~his the person’s~~ ability to pay as the court prescribes.

* * *

Art. 335. Preparation of record; costs

* * *

D. If a child desires a transcript for appeal, ~~he or his or for supervisory writ, the child or the~~ parents of the child shall ~~pay not be assessed~~ the cost of transcription of the record ~~unless the court determines that the child and his parents lack means to pay such cost or any other costs associated with the preparation of the record.~~

E. ~~If a parent, in a proceeding brought pursuant to Title V, VI, VII, X, or XI of this Code, desires a transcript for appeal or for supervisory writ, the parent shall pay the cost of transcription of the record unless the court determines that the parent is unable to pay due to poverty or lack of means. The appointment of counsel for the parent in a proceeding shall create a rebuttable presumption that the parent is unable to pay the costs associated with the preparation of the appellate record or the costs for the transcription of the contested proceedings for inclusion in the appeal or supervisory writ. If the court finds that the presumption has been rebutted, the court shall provide written reasons for its finding.~~

F. ~~If the court finds that the interests of justice so require, the court may waive the costs of transcription of the record or for supervisory writ for any other party with a right to an appeal who is unable to pay due to poverty or lack of means.~~

~~E. G.~~ Failure of the clerk to prepare and lodge the record on appeal either timely or correctly shall not prejudice the appeal.

Comments - 2022

Paragraph G of this Article places a burden on the clerk of court to prepare and lodge the record. If the exclusive responsibility for preparing and lodging the record is on the clerk, the clerk’s negligence should not affect the appeal. Therefore, an appeal shall not be dismissed solely upon the failure

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 clerk to prepare and lodge the record timely or correctly.

Art. 502. Definitions
For the purposes of this Title, the following terms have the following meanings, unless the context clearly indicates otherwise:
(1) “Abuse” means any one of the following acts ~~which~~ that seriously endanger the physical, mental, or emotional health, welfare, and safety of the child:

(5) “Neglect” means the unreasonable refusal or failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child’s physical, mental, or emotional health, welfare, and safety is substantially threatened or impaired. Consistent with ~~Children’s Code Article 606(B)~~, the inability of a parent or caretaker to provide for a child’s basic support, supervision, treatment, or services due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing ~~which~~ that has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing ~~herein in this Subparagraph~~ shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child’s health, or welfare, or safety.

Art. 575. Duties of the program; qualifications of counsel
A. The program shall provide qualified legal counsel, which shall include ~~curatorship~~ curator ad hoc appointments, to indigent or absent parents in child abuse and neglect cases in accordance with the provisions of ~~R.S. 15:185.1 Articles 608 and 1016 and R.S. 15:141 through 183 and 185.1 through 185.9~~
B. Legal representation, which shall include ~~curatorship~~ curator ad hoc appointments, of indigent or absent parents in child abuse and neglect cases shall comply with standards promulgated by the Louisiana Public Defender Board, or any successor to that board in accordance with ~~R.S. 15:185.1 R.S. 15:141 through 183 and 185.1 through 185.9~~ to ensure competent and fair representation.
C. The Indigent Parents’ Representation Program, through its governing authority, may adopt policies to provide representation to indigent parents prior to the commencement of court proceedings.

Art. 601. Purpose
The purpose of this Title is to protect children whose physical or mental health and, welfare, and safety is substantially at risk of harm by physical abuse, neglect, or exploitation and who may be further threatened by the conduct of others, by providing for the reporting of suspected cases of abuse, exploitation, or neglect of children; by providing for the investigation of ~~such~~ complaints; and by providing, if necessary, for the resolution of child in need of care proceedings in the courts. The proceedings shall be conducted expeditiously to avoid delays in achieving permanency for children. This Title is intended to provide the greatest possible protection as promptly as possible for ~~such~~ children. The health, welfare, safety, and best interest of the child shall be the paramount concern in all proceedings ~~under~~ pursuant to this Title. This Title shall be construed in accordance with Article 102. This Title shall be administered and interpreted to avoid unnecessary interference with family privacy and trauma to the child, and yet, at the same time, authorize the protective and preventive intervention needed for the health, welfare, safety, and well-being of children.

Art. 603. Definitions
As used in this Title:
(2) “Abuse” means any one of the following acts ~~which~~ that seriously endanger the physical, mental, or emotional health, welfare, and safety of the child:

(18) “Neglect” means the refusal or unreasonable failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child’s physical, mental, or emotional health, welfare, and safety is substantially threatened or impaired. Neglect includes prenatal neglect. Consistent with Article 606(B), the inability of a parent or caretaker to provide for a child due to inadequate financial resources shall not, for that reason alone, be considered neglect. Whenever, in lieu of medical care, a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing ~~which~~ that has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or maltreated. However, nothing ~~herein in this Subparagraph~~ shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child’s health, or welfare, or safety.

(20) “Other suitable individual” means a person with whom the child enjoys a close, established, significant relationship, yet not a blood relative, including a neighbor, godparent, teacher, and or close friend of the parent. ~~“Relative” for the purpose of this Title means an individual with whom the child has established a significant relationship by blood, adoption, or affinity.~~

(25) “Protective capacity” means the cognitive, behavioral, and emotional knowledge, abilities, and practices that prevent or control threats of danger to children.
(26) “Reasonable efforts” means the exercise of ordinary diligence and care by the department caseworkers and supervisors and shall assume the availability of a reasonable program of services to children and their families throughout the pendency of a case pursuant to the obligations imposed on the state by federal and state law to provide services and supports designed and intended to prevent or eliminate the need for removing a child from the child’s home, to reunite families after separation, and to achieve safe permanency for children. Reasonable efforts shall be determined by the particular facts and circumstances of each case, including the individualized needs of each child and the family, the imminence and potential severity of the threat of danger, the strengths of each child and the family, and the community of support available to the family. In making reasonable efforts, the health, welfare, and safety of the child shall be the paramount concern.
(27) “Relative” means an individual with whom the child has established a significant relationship by blood, adoption, or affinity.
(26) (28) “Removal” means placing a child in the custody of the state or with someone other than the parent or caretaker during or after the course of an investigation of abuse and neglect to secure the child’s protection and safeguard the child’s health, welfare, and safety.
(29) “Safe” and “safety” mean the condition of not being unsafe. Whether a child is unsafe shall be determined by the particular facts and circumstances of each case, including consideration of the threat of danger to the child, whether the child is vulnerable to the threat, and the parent’s or caretaker’s protective capacity to manage or control the threat.
(27) (30) “Safety plan” means a plan for the purpose of assuring a child’s health, welfare, and safety by imposing conditions for the child to safely remain in the home, or, after a child has been removed from the home, for the continued placement of the child with a custodian and terms for contact between the child and his the child’s parents or other persons.
(31) “Threat of danger” exists when the behavior of a parent or caretaker or the family situation indicates serious harm, in the near future, to the child’s physical, mental, or emotional health, welfare, and safety.
(32) “Vulnerable” means the inability to protect oneself from identified threats of danger.

Art. 607. Child’s right to appointed counsel; payment
A. The court shall appoint the ~~program entity~~ designated for the jurisdiction by the Louisiana Supreme Court to provide qualified, independent counsel for the child in any order issued in accordance with Article 619(C) or 620 or at the time the order setting the first court hearing is signed. Neither the child nor anyone purporting to act on ~~his~~ behalf of the child may be permitted to waive this right.
C. If the court finds that the parents of the child are financially able, ~~it~~ the court may order the parents to pay some or all of the costs of the child’s representation in accordance with ~~Children’s Code Articles 320 and 321.~~

Art. 608. Parents’ right to counsel; payment
A. The parents of a child who is the subject of a child in need of care proceeding shall be entitled to qualified, independent counsel ~~at the continued custody hearing after the court issues any order in accordance with Article 619(C) or 620 or at the filing of a petition~~ and at all stages of the proceedings thereafter. If the court does not issue an order in accordance with Article 619(C) or 620, the right to counsel shall attach upon the filing of a petition. At all proceedings governed by Chapter 6 of this Title, the parents shall be presumed to be indigent. Thereafter, indigence shall be determined in accordance with Article 320. This right The right to counsel may be waived by a parent if the court determines that the parent choosing to waive ~~his~~ the right to representation has been instructed by the court about ~~his~~ the rights and the possible consequences of waiver. Before accepting a waiver of counsel, the court shall ensure each of the following:

(3) The parent has been informed by the court that a proceeding brought ~~under in accordance with~~ this Title may ultimately result in a termination of parental rights and a complete and permanent separation of the parent from the child.
(4) The parent has been informed by the court that if ~~he~~ the parent is unable to afford an attorney, one will be provided by the Indigent Parents’ Representation Program.

B. If a parent of a child is financially unable to afford counsel or is presumed indigent in accordance with Paragraph A of this Article, the ~~court shall refer the parent for representation by the Indigent Parents’ Representation Program administered by the Louisiana Public Defender Board~~ district public defender office shall provide for representation, unless the Louisiana Public Defender Board has contracted to provide for representation in accordance with R.S. 15:185.3(B)(12) or any other provision of law.
C. ~~If a parent of the child is entitled to representation by the Indigent Parents’ Representation Program, the~~ The unavailability of counsel to represent the parent shall be good cause for a continuance of the continued custody hearing for up to three days, and the hearing shall not proceed until a qualified, independent attorney is provided to the parent.

* * *

Art. 612. Assignment of reports for investigation and assessment
A.

* * *

(2) Reports of high and intermediate levels of risk shall be investigated promptly. This investigation shall include a preliminary investigation as to the nature, extent, and cause of the abuse or neglect and the identity of the person actually responsible for the child's condition. This preliminary investigation shall include an inquiry as to whether there is reason to know that the child is an Indian child. This preliminary investigation shall also include an interview with the child and ~~his parent or the child's~~ parents or other caretaker and shall include consideration of all available medical information provided to the department pertaining to the child's condition. This preliminary investigation shall also include an immediate assessment of any existing visitation or custody order or agreement involving the alleged perpetrator and the child. The department shall request a temporary restraining order pursuant to Article 617, a protective order pursuant to Article 618, or an instantter safety plan order pursuant to Article 619 or Article 620 if the department determines that any ~~such~~ previously ordered visitation or custody would put the child's health, welfare, and safety at risk. Admission of the investigator on school premises or access to the child in school shall not be denied by school personnel. However, the request for a temporary restraining order or a protective order in accordance with this Article shall not independently confer exclusive jurisdiction on the juvenile court in accordance with Article 303.

* * *

(4) During the investigation of a report from a treating health care practitioner of physical abuse of a child who is not in custody of the state, at the request and expense of the child's parent or caregiver, the department shall provide copies of all medical information pertaining to the child's condition or treatment obtained during the investigation to a board certified child abuse pediatrician for purposes of conducting an independent review of the information. Any resulting report shall be provided to the department and to the child's parent or caretaker and shall be utilized in the department's ~~on-going~~ ongoing assessment of risk and to determine what action may be necessary to protect the health, welfare, and safety of the child. Nothing in this Subparagraph shall be construed to prohibit granting an instantter removal order pursuant to Article 615(B).

* * *

Art. 615. Disposition of reports

* * *

B. After investigation, the local child protection unit shall make one of the following determinations:

(1) The child appears to be a child in need of care and ~~his~~ the child's immediate removal is necessary for ~~his~~ protection from further abuse or neglect, in which case, whenever ~~such~~ extraordinary justification arises, ~~it the local child protection unit~~ shall apply for an instantter removal order to place the child in the custody of a suitable relative or other suitable individual capable of protecting the health, welfare, and safety of the child or the state ~~as~~ authorized ~~under by~~ Articles 619 and 620 and shall notify the district attorney as soon as possible.

* * *

Art. 619. Instantter custody orders; instantter safety plan orders

A.(1) A peace officer, district attorney, or employee of the local child protection unit of the department may file a verified complaint alleging facts showing that there are reasonable grounds to believe that the child is in need of care and that emergency removal or the implementation of a safety plan is necessary to secure the child's ~~protection~~ health, welfare, and safety.

* * *

B.(1) If removal of the child is requested, the court shall immediately determine whether reasonable efforts, ~~as defined by Article 603~~, have been made by the department to prevent or eliminate the need for the child's removal, ~~including~~. In making the determination, the court shall consider all of the following:

(a) ~~whether~~ Whether the department has requested a temporary restraining order pursuant to Article 617;

(b) Whether the department has requested a protective order pursuant to Article 618, ~~or a~~.

(c) Whether the department has requested an instantter safety plan order pursuant to this ~~article~~ Article.

(d) Any services or support offered or attempted prior to the request for an instantter order to control the threat of danger or substitute for diminished or absent caretaker protective capacity.

(2) In making and determining reasonable efforts, the child's health, welfare, and safety shall be the paramount concern.

(3) ~~However, the court may authorize the removal of the child even~~ Even if the department's efforts have not been reasonable, the court may authorize the removal of the child if the court determines that removal is necessary to secure the safety of the child and that additional efforts would not keep the child safe from identified threats of danger.

C.(1) Upon presentation of the verified complaint, the court shall immediately determine whether emergency removal or the issuance of ~~a~~ an instantter safety plan order is necessary to secure the child's ~~protection~~ health, welfare, and safety.

(2) If the court ~~determines~~ finds that ~~the child's welfare cannot be safeguarded without removal~~, continuation in the home would be contrary

to the health, welfare, and safety of the child, the court shall immediately issue a written instantter order directing that the child be placed in the provisional custody of a suitable relative or other suitable individual capable of protecting the health, welfare, and safety of the child or ~~that the child be~~ taken into the custody of the state. The order shall contain written findings of fact supporting the necessity for the child's removal ~~in order to safeguard his welfare~~. ~~If the child has been ordered into the custody is given to~~ of a suitable relative or other suitable individual, a safety plan shall be made an order of the court and shall direct the provisional custodian to adhere to the conditions of the safety plan. The safety plan shall set forth conditions of contact with parents or other ~~third parties~~ suitable individuals.

(3) If, upon request by the state, the court determines that with the issuance of a safety plan order, ~~that the child's health, welfare, and safety can be safeguarded~~ secured without removal, the court shall immediately issue a written instantter safety plan order directing compliance with the terms of the safety plan. The order shall contain written findings of fact supporting the necessity for the safety plan ~~to safeguard his welfare~~. The safety plan shall set forth conditions as determined by or agreed upon by the state as necessary for the ~~protection of the child's health, welfare, and safety while~~ remaining in the home.

(4) If the court determines that emergency removal or the issuance of a safety plan order is not necessary to secure the child's ~~protection~~ health, welfare, and safety, the court shall issue a written order denying the request for custody or for the implementation of a safety plan.

* * *

Art. 620. Oral instantter orders

A. In exceptional circumstances, the facts supporting the issuance of an instantter order and the exceptional circumstances may be relayed orally, including telephonically, to the judge and ~~his~~ the order directing that a child be taken into custody or, upon request by the state, that ~~a~~ an instantter safety plan order be implemented may be issued orally.

B. ~~In such cases, an~~ An affidavit containing the information previously relayed orally, including telephonically, shall be filed with the clerk of the court within twenty-four hours and a written order shall be issued. The written order shall include the court's findings of fact supporting the necessity for the child's removal or the implementation of ~~a~~ an instantter safety plan order ~~in order to safeguard his welfare~~ and, if the child has been removed, shall determine the child's custodian in accordance with Article 619.

C. The affidavit filed after the child has been placed shall indicate whether the child was released to ~~his~~ the child's parents or remains removed.

* * *

Art. 621. Taking child into custody without a court order

A. A peace officer or probation officer of the court may take a child into custody without a court order if ~~he has~~ there are reasonable grounds to believe that the child's surroundings are such as to endanger ~~his welfare~~ the child's health, welfare, and safety and immediate removal appears to be necessary ~~for his protection~~. The peace officer shall have the responsibility to promptly notify and release the child to the department.

B. Employees of the department ~~must~~ shall secure an instantter order before taking a child into custody.

* * *

Art. 622. Placement pending a continued custody hearing

* * *

B. Unless the best interest of the child requires a different placement, a child who appears to be a child in need of care and whose immediate removal is necessary ~~for his protection from further abuse or neglect~~ shall be placed, pending a continued custody hearing, in accordance with ~~this priority~~ the following priorities of placement:

(1) In the home of a suitable relative who is of the age of majority and with whom the child has been living in a ~~wholesome and~~ stable and safe environment if the relative is willing and able to continue to offer such environment for the child pending an adjudication hearing and if ~~he~~ the relative agrees to the safety plan.

(2) In the home of a suitable relative who is of the age of majority if the relative is willing and able to offer a ~~wholesome and~~ stable and safe environment for the child pending an adjudication hearing and if ~~he~~ the relative agrees to the safety plan.

(3) In the home of a suitable individual who is of the age of majority if ~~he~~ the individual is willing and able to offer a ~~wholesome and~~ stable and safe environment for the child pending an adjudication hearing and if ~~he~~ the individual agrees to the safety plan.

* * *

Art. 623. Notice; right to be heard

A. The department shall give notice of any ~~court hearing order~~ regarding the child issued in accordance with Article 619(C) or 620 to his ~~the~~ child's parents, ~~the district defender or other entity designated for the jurisdiction by the Indigent Parents' Representation Program for representing parents, the entity designated for the jurisdiction by the Louisiana Supreme Court to provide qualified, independent counsel for the child, and other parties.~~ It ~~The department~~ shall also give ~~such~~ notice regarding any child in foster care to any foster parent, pre-adoptive parent, and relative providing care. The department shall notify the court of each party's address and shall have a continuing duty to provide current information to the court about each party's whereabouts.

B. The notice shall state the date, time, and place of ~~the any scheduled~~ hearing and inform the recipient of ~~his~~ the right to attend and be heard. The

notice to the district defender and the entity designated for the jurisdiction by the Louisiana Supreme Court to provide qualified, independent counsel for the child shall also include a copy of the verified complaint, the affidavit required in Article 620(B), and any order issued by the court.

Art. 624. Continued custody hearing; continued safety plan hearing; federal Indian Child Welfare Act

A. ~~If a child is not released to the care of his parents the court issues an order pursuant to Article 619 or 620, a hearing shall be held by the court within three days after the child's removal or entry into custody the issuance of the order. An order setting the hearing shall provide for appointment of counsel for the child and notice to the program entity approved to represent children. If a an instanter safety plan order has been ordered a hearing shall be held by the court within three days from the issuance of the safety plan order, unless the parents are in agreement with the safety plan. The parents' signature on the safety plan shall constitute evidence of their agreement with the plan. The continued safety plan hearing shall be conducted in accordance with the procedural and evidentiary rules applicable to continued custody hearings.~~

C.(1) If it appears from the record that, after diligent efforts by the department, the parent cannot be found or has been served a summons or notified by the department to appear at the continued custody or continued safety plan hearing and fails to appear at the hearing, then the hearing may be held in the parent's absence.

F. The child and his the child's parents may introduce evidence, call witnesses, be heard on their own behalf, and cross-examine witnesses called by the state.

H. A suitable relative or other suitable individual who seeks to become the custodian of the child shall provide evidence of a willingness and ability to provide a ~~wholesome and~~ stable and safe environment for the child and to protect the health, welfare, and safety of the child pending an adjudication hearing. ~~He~~ The suitable relative or other suitable individual shall affirm a continued acceptance of the terms of the safety plan.

Art. 625. Advice of rights and responsibilities of parents, counsel, and department; absent parents

D.(1) The court shall direct all persons before the court to identify the name, address, and whereabouts of each parent and any suitable relative or other suitable individual willing and able to offer a ~~wholesome and~~ stable and safe home for the child.

Art. 626. Grounds for continued custody; reasonable efforts; grounds for continued safety plan

A. The court may authorize continued custody of a child prior to adjudication if there are reasonable grounds to believe the child is in need of care and that continued custody is necessary for ~~his safety and protection~~ the health, welfare, and safety of the child.

B. Except as otherwise provided in Article 672.1, the court shall determine whether the department has made reasonable efforts as defined in Article 603 to prevent or eliminate the need for removal of the child from ~~his the~~ home and, after removal, to make it possible for the child to safely return home. The child's health, welfare, and safety ~~of the child~~ shall be the paramount concern. These determinations ~~must~~ shall be supported by findings of fact contained in the continued custody order issued pursuant to Article 627.

C. ~~If the department's first contact with the family occurred during an emergency in which the child could not safely remain at home even with reasonable in-home services provided to the family, the department shall be deemed to have made reasonable efforts to prevent or eliminate the need for removal. The court may deem the department to have made reasonable efforts to prevent or eliminate the need for removal if the department's first contact with the family occurred during an emergency which precluded those efforts.~~

D. The court may authorize the removal of the child even if the department's efforts have not been reasonable, ~~and if the court determines that removal is necessary to secure the health, welfare, and safety of the child and that additional efforts would not keep the child safe from identified threats of danger. The court may impose such~~ any sanctions it deems appropriate pursuant to Article 712.

E. The court may authorize, with the consent of the state, continued implementation of a safety plan prior to the adjudication if there are reasonable grounds to believe that the child is in need of care and that the continued implementation of the safety plan is necessary for ~~his safety and protection~~ the health, welfare, and safety of the child. The safety plan shall continue to set forth conditions as determined or agreed upon by the state as necessary for the protection of the ~~child's health and safety~~ health, welfare, and safety of the child while remaining in the home.

Art. 627. Continued custody order; special provisions; appointments; continued safety plan order

C. If the court finds that the child can be safely returned home under a protective order pending adjudication, the court may order return of the child and issue ~~such~~ protective orders as are deemed necessary for the ~~protection~~

~~and~~ health, welfare, and safety of the child.

Art. 635.1. Notice to counsel
Upon the filing of the petition, the court shall provide notice and a copy of the petition to the ~~program entity~~ designated for the jurisdiction to provide counsel for the child in accordance with ~~Children's Code~~ Article 607, and to the ~~program entity~~ representing indigent parents in accordance with ~~Children's Code~~ Article 608.

Art. 638. Service of petition; ~~parent; child~~
A copy of the petition and the notice of the nature of the hearing and the rights of the parent, as provided for in Article 639, shall be served, in a sealed envelope, upon every parent of the child. A copy of the petition and the notice of the nature of the hearing shall be served on the child through the entity designated for the jurisdiction to provide counsel for the child.

Art. 639. Notice of nature of proceedings; parental rights; form
The following notice shall be served with a petition and summons on every parent whose child is the subject of a child in need of care proceeding:
"NOTICE

Louisiana law provides that the health, welfare, and safety of your child or children are of paramount importance and you can lose some or all of your parental rights regarding your children under certain circumstances.

The state has filed a petition ~~which~~ that claims that your child is abused or neglected or is otherwise in need of care and asks the court to hold a hearing to determine whether these circumstances exist. If the court rules that your child is being abused or neglected or is otherwise in need of care, as defined by Louisiana law, your rights to have custody of your child, to visit your child, or to make decisions affecting your child will be seriously affected. You may also become liable for paying the costs of your child's care if custody is awarded to some other individual or to the state. If your child cannot be safely returned home and the court grants custody to some other suitable individual or to the state, a petition to terminate your parental rights may be filed.

You have the right to hire an attorney and are encouraged to do so. When you come to court, if you cannot afford to hire an attorney, you may qualify to have the court appoint one for you at state expense.

Whether or not you decide to hire an attorney, you have the right to attend all hearings of your case and must attend as summoned, and the right to call witnesses on your behalf, and to question those witnesses brought against you."

Art. 640. Service and return; ~~child; resident parent; counsel~~
A. ~~If For a child, through counsel, and for a parent who~~ resides within the state, service of the petition, summons, and notice shall be made as soon as possible, and not less than fifteen days prior to commencement of the adjudication hearing on the matter, by any of the following means:

- (1) Personal service.
- (2) Domiciliary service.
- (3) Certified mail.
- (4) Electronic mail to the electronic mail address provided by counsel for the child or expressly designated by the parent in a pleading, at the continued custody or continued safety plan hearing, or at any other hearing at which the parent personally appeared before the court.
- (5) Actual delivery by a commercial courier.

C. Service by electronic mail is complete upon transmission, ~~but is not effective if the serving party learns the transmission did not reach the party to be served~~ provided that the sender receives an electronic confirmation of delivery.

Art. 646.1. Prehearing conference

B. The prehearing conference may be conducted either in person or by telephone to consider any of the following:

(2) Efforts to identify and locate an absent parent, and suitable relatives or other suitable individuals willing and able to offer a ~~wholesome and~~ stable and safe home for the child.

D. If ~~any party's~~ counsel for ~~any party~~ fails to obey a prehearing order, or to appear at the prehearing and scheduling conference, or is substantially unprepared to participate in the conference, or fails to participate in good faith, the court, upon its own motion or on the motion of a party, after hearing, may make ~~such~~ orders as are just, including orders provided in Code of Civil Procedure Article 1471(A)(2), (3), and (4). In lieu of or in addition to any other sanction, the court may require the party or ~~his~~ counsel for the party, or both, to pay the reasonable expenses incurred by noncompliance with this Paragraph, including attorney fees.

Art. 672.1. Reunification efforts determination

B. The department shall have the burden of demonstrating by clear and convincing evidence that reunification efforts are not required, considering the health, welfare, and safety of the child and the child's need for permanency.

Art. 673. Case plan
Within sixty days after a child enters the custody of a child care agency, the

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custodian shall develop a case plan detailing the custodian’s efforts toward achieving a permanent placement for the child. The health, welfare, and safety of the child shall be the paramount concern in the development of the case plan.

* * *

Art. 675. Case plan purpose; contents
A. The case plan shall be designed to achieve placement in the least restrictive, most family-like, and most appropriate setting available, and in close proximity to the parents’ homes, consistent with the best interest and special needs of the child. The health, welfare, and safety of the child shall be the paramount concern in the development of the case plan.

B. The case plan shall at least include all of the following:
(1) A description of the type of home or institution in which the child is placed, including a discussion of the child’s health, welfare, and safety, the appropriateness of the placement, and the reasons why the placement, if a substantial distance from the home of the parents or in a different state, is in the best interests ~~interest~~ of the child.

(2) A plan for assuring that the child receives safe and proper care and that services are provided to the parents, child, and foster parents in order to improve the conditions in the parents’ home, facilitate the safe return of the child to ~~his~~ the child’s own home or other permanent placement of the child, or both, and address the needs of the child while in foster care, including a plan for visitation and a discussion of the appropriateness of the services that have been provided to the child ~~under in accordance with~~ the plan.

(3) A plan for assuring that the child is afforded the greatest opportunity for normalcy through engagement in age- or developmentally appropriate activities on a regular basis. The child shall be consulted in an age-appropriate manner about ~~his~~ the child’s interests and the available opportunities ~~available to him~~. Recognizing the greatest opportunity for normalcy lies in the day-to-day decisions affecting the child’s activities, the child’s caretaker should be supported in making those decisions through the use of the reasonable and prudent parent standard as set forth in R.S. 46:283.

* * *

(6)(a) For a child fourteen years of age or older, the plan shall include a written, individualized, and thorough transitional plan, developed in collaboration with the child and any agency, department, or individual assuming ~~his~~ custody, care, or responsibility of the child.

* * *

(8) Assessment of the child’s relationships ~~with his~~ between the child and the parents, grandparents, and siblings, including a plan for assuring that continuing contact with any suitable relative by blood, adoption, or affinity with whom the child has an established and significant relationship is preserved while the child is in foster care. The preservation of ~~such~~ these relationships shall be considered when the child’s permanent plan is adopted.

* * *

Art. 677. Case plan review

* * *

B. If no party files a written response objecting to the case plan and the court finds that the plan protects the health, welfare, and safety of the child and is in the best interest of the child, the court shall render an order approving the plan.

C. If the court does not approve the case plan, ~~it~~ the court shall enter specific written reasons for finding that the plan does not protect the health, welfare, and safety of the child or is otherwise not in the best interest of the child.

* * *

Art. 681. Dispositional alternatives

A. In a case in which a child has been adjudicated to be in need of care, the child’s ~~health and safety~~ health, welfare, and safety of the child shall be the paramount concern. If the child can safely remain in or return to the custody of the parent, the court shall place the child in the custody of the parent under terms and conditions deemed to be in the best interest of the child, including but not limited to the issuance of a protective order pursuant to Article 618 or a safety plan order. If the child cannot safely remain in or return to the custody of the parent, and the court may do any of the following:

(1) ~~Place~~ Order the child ~~in the~~ into the legal custody of a ~~parent or such~~ suitable relative or other suitable person individual on ~~such~~ terms and conditions ~~as deemed to be~~ in the best interest of the child, including but not limited to the issuance of a protective order pursuant to Article 618.

* * *

Art. 682. Removal of a child from parental custody or control

A. The court shall not remove a child from the custody of ~~his parents~~ the parent unless ~~his~~ continuation in the home would be contrary to the health, welfare, and safety of the child and the health, welfare, and safety of the child cannot, in the opinion of the court, be adequately ~~secured~~ secured without ~~such~~ removal. Except as otherwise provided in Article 672.1, in support of any ~~such~~ disposition removing a child from the parental home, the court shall determine whether the department has made reasonable efforts to prevent or eliminate the need for removal of the child ~~from his home~~ and, after removal, to reunify the parent and child or to finalize the child’s placement in an alternative safe and permanent home in accordance with the child’s permanent plan including, if appropriate, through an interstate placement. ~~The child’s health and safety~~ health, welfare, and safety of the child shall be the paramount concern in the court’s consideration of removal. The department shall have the burden of demonstrating reasonable efforts.

B. If the court concludes that the child is to be removed from ~~his parents’~~ custody the custody of the parent, it the court shall do all of the following:

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* As it appears in the enrolled bill

* * *

(4) Inform the parties and all persons before the court that it is their continuing responsibility to notify the department and the court in writing regarding the whereabouts, including address, cellular number, telephone number, and any other contact information, of an absent parent and the identity and whereabouts, including address, cellular number, telephone number, and any other contact information, of any suitable relative or other suitable individual willing and able to offer a ~~wholesome and stable and safe~~ home for the child.

(5) Inform the parties and all persons before the court of their continuing responsibility to support the achievement of timely permanency for the child and further direct ~~such~~ all individuals to advise the department and the court in writing of the whereabouts, including the address, cellular number, telephone number, and any other contact information, of all grandparents, all parents of a sibling where ~~such~~ the parent has legal custody of ~~such~~ the sibling, and all other adult relatives of the child.

* * *

Art. 683. Disposition; generally

A. The court shall impose the least restrictive disposition of the alternatives enumerated in Article 681 ~~which that~~ the court finds is consistent with the circumstances of the case, and the health, welfare, and safety of the child, and the best interest of society.

B. ~~The~~ If the court determines that the child cannot safely remain in or return to the custody of the parent, the court shall place the child in the custody of a suitable relative unless the court has made a specific finding that ~~such~~ the placement is not in the best interest of the child. The court shall give specific written reasons for its findings, which shall be made a part of the record of the proceeding.

* * *

D. In committing a child to the custody of ~~an~~ another suitable individual or a private agency or institution, the court shall, whenever practicable, select ~~a person~~ an individual, agency, or institution of the same religious affiliation as the child or ~~his~~ the parents.

* * *

Art. 684. Judgment of disposition

* * *

B. The court shall enter a written order approving the case plan or specific written reasons why ~~it~~ the court finds the plan does not protect the health, welfare, and safety of the child or is otherwise not in the best interest of the child.

C. ~~When the child is to be removed from the custody of the parent, the court shall enter findings that continuation in the home would be contrary to the health, welfare, and safety of the child. Except as otherwise provided in Article 672.1, when the child is to be removed from his parents’ custody the custody of the parent, in support of its determination of whether reasonable efforts, as defined in Article 603, have been made to prevent removal, the court shall enter findings, including a brief description of what preventive and reunification efforts, or both, were made and why further additional efforts could or could not have prevented or shortened the separation of the family would not keep the child safe from identified threats of danger. If a child is to be or has been placed out-of-state, the court shall determine and enter findings on whether the placement is safe, appropriate, and in the best interest of the child.~~

* * *

Art. 700. Order; appeal

A. At the conclusion of the case review hearing, the court shall make a finding as to whether the child can safely return to the custody of the parent and shall order return of custody to the parent if it is safe to do so. The court order shall give specific written reasons for the findings. If the court finds that the child cannot be safely returned to the parent under terms and conditions deemed to be in the best interest of the child, the court may take one of the following actions:

(1) Approve the plan as consistent with the health, welfare, and safety of the child and order compliance by all parties.

* * *

Art. 702. Permanency hearing

* * *

C. The court shall determine the permanent plan for the child that is most appropriate and in the best interest of the child in accordance with the following priorities of placement:

(1) Return the child to the legal custody of the parents within a specified time period consistent with the child’s age and need for a safe and permanent home. In order for reunification to remain as the permanent plan for the child, the parent ~~must be complying~~ shall be in compliance with the case plan and making significant measurable progress toward achieving its goals and correcting the conditions requiring the child to be in care.

* * *

(4) Placement in the legal custody of a suitable relative who is willing and able to offer a safe, wholesome, and stable and safe home for the child.

* * *

E. Except as otherwise provided in Article 672.1, the court shall determine whether the department has made reasonable efforts, as defined in Article 603, to reunify the parent and child or to finalize the child’s placement in an alternative safe and permanent home in accordance with the child’s permanent plan. ~~The child’s health and safety will~~ health, welfare, and safety of the child shall be the paramount concern in the court’s determination of

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the permanent plan.

G. When reunification is determined to be the permanent plan for the child, the court shall advise the parents that it is their obligation to achieve the case plan goals and correct the conditions that require the child to be in care within the time period specified by the court. Otherwise, an alternative permanent plan for the child ~~will~~ shall be selected and a petition to terminate parental rights may be filed. When adoption is the permanent plan for the child, the court ~~will~~ shall advise the parent of ~~his~~ the authority to voluntarily surrender the child and to consent to the adoption prior to the filing of a petition to terminate parental rights.

J. In the case of a child fourteen years of age or older, the hearing shall include a review of the transitional plan developed with the child and the agency department in accordance with ~~Subparagraph (B)(6)~~ Article 675(B)(6).

Art. 710. Order; appeal
A. In a written judgment, the court shall make findings of fact regarding:
(1) Whether the child can safely return to the custody of the parent, and shall order return of custody to the parent if it is safe to do so.
(2) The permanent plan that is most appropriate and in the best interest of the child in accordance with the priorities of Article 702(D); (C).
(3) Except as otherwise provided in Article 672.1, whether the department has made reasonable efforts, as defined in Article 603, to reunify the parent and child or to finalize the child's placement in an alternative safe and permanent home in accordance with the ~~child's~~ permanent plan.
(4) Whether an out-of-state placement is safe, appropriate, and otherwise in the best interest of the child.
(5) For children whose permanent plan is placement in the least restrictive, most family-like alternative permanent living arrangement, why, as of the date of the hearing, the plan is the best permanency plan for the child and provide compelling reasons why it continues to not be in the best interests interest of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing suitable relative.

D. Any person directly affected may appeal the findings or orders of the court rendered pursuant to this Article or Article 716.

Art. 716. Modification of judgment of disposition
A judgment of disposition may be modified if the court finds that the conditions and circumstances justify the modification. A judgment of disposition shall be modified to return custody of the child to the parent, under terms and conditions the court deems to be in the best interest of the child, if the court finds that the child can be safely returned to the parent.

Art. 722. Grounds; hearing; order
A. The mover shall have the burden of proving all of the following by clear and convincing evidence:

(2) ~~Neither adoption nor reunification with a parent is in the best interest of the child. Adoption is not in the best interest of the child and the child cannot be safely reunified with the parent within a reasonable time.~~

(4) The proposed guardian is able to provide a ~~safe, stable, and wholesome stable and safe~~ home for the child for the duration of minority.
B. If the child is twelve years of age or older, the court shall solicit and consider ~~his wishes~~ the wishes of the child in the matter.

Art. 724.1. Temporary guardianship; designated successor guardian; construction

C. An ex parte order of temporary guardianship of the child may be granted to the named successor only if all of the following conditions are satisfied:

(2) It clearly appears from specific facts shown by a verified motion or by supporting affidavit that the individual is able to provide a ~~safe, stable, and wholesome stable and safe~~ home for the child pending the hearing.

(4) The mover certifies to the court in writing the efforts ~~he has~~ undertaken to give notice to the ~~child's parents~~ parent of the child, the department, and the ~~child's~~ attorney for the child of the request for the ex parte order granting temporary guardianship or the reasons supporting ~~his~~ the claim that notice should not be required.

Art. 1003. Definitions
As used in this Title:
(1) "Abuse" means any of the following acts ~~which that~~ seriously endanger the physical, mental, or emotional health, welfare, and safety of the child:

(10) "Neglect" means the refusal or failure of a parent or caretaker to supply the child with necessary food, clothing, shelter, care, treatment, or counseling for any injury, illness, or condition of the child, as a result of which the child's physical, mental, or emotional health, welfare, and safety is substantially threatened or impaired. Whenever, in lieu of medical care,

a child is being provided treatment in accordance with the tenets of a well-recognized religious method of healing ~~which that~~ has a reasonable, proven record of success, the child shall not, for that reason alone, be considered to be neglected or abused. Disagreement by the parent regarding the need for medical care shall not, by itself, be grounds for termination of parental rights. However, nothing ~~herein~~ in this Subparagraph shall prohibit the court from ordering medical services for the child when there is substantial risk of harm to the child's health, ~~or~~ welfare, or safety.

Art. 1016. Right to counsel
A. The child and the identified parent shall each have the right to be represented by separate counsel in a termination proceeding brought ~~under~~ in accordance with this Title. Neither the child nor anyone purporting to act on ~~his behalf of the child~~ may be permitted to waive the child's right to counsel.
B. The court shall appoint the ~~program entity~~ designated for the jurisdiction by the Louisiana Supreme Court to provide qualified, independent counsel for the child in such a proceeding.

Art. 1019.1. Notice to counsel
Upon the filing of the petition, the court shall provide notice and a copy of the petition to the entity designated for the jurisdiction to provide counsel for the child in accordance with Article 607, and to the entity representing indigent parents in accordance with Article 608.
Art. 1019.2. Service of petition; parent; child
A copy of the petition and the notice of the nature of the hearing and the rights of the parent, as provided for in Article 1020, shall be served, in a sealed envelope, upon every parent of the child. A copy of the petition and the notice of the nature of the hearing shall be served on the child through the entity designated for the jurisdiction to provide counsel for the child.

Art. 1021. Service and return; child; resident parent; counsel
~~If a parent against whom a proceeding is instituted resides within the state, service of citation shall be made either personally or by domiciliary service not less than five days prior to commencement of the hearing on the matter.~~

A. For a child, through counsel, and for a parent who resides within the state, service of the petition, summons, and notice shall be made as soon as possible, and not less than fifteen days prior to commencement of the adjudication hearing on the matter, by any of the following means:
(1) Personal service.
(2) Domiciliary service.
(3) Certified mail.
(4) Electronic mail to the electronic mail address provided by counsel for the child or expressly designated by the parent in a pleading, at the continued custody or continued safety plan hearing, or at any other hearing at which the parent personally appeared before the court.
(5) Actual delivery by a commercial courier.
B. The person effecting service shall execute a return and, if service was made by certified mail, the return receipt shall be attached thereto.
C. Service by electronic mail is complete upon transmission, provided that the sender receives an electronic confirmation of delivery.

Art. 1404. Definitions
As used in this Title:
(13) "MHAS" means Mental Health Advocacy Service, as established by R.S. 28:64 and Article 1405.

Approved by the Governor, June 3, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 273

HOUSE BILL NO. 545
BY REPRESENTATIVE WRIGHT
AN ACT

To amend and reenact R.S. 22:821(B)(29), 1551(A) and (B), the heading of Subpart B of Part I of Chapter 5 of Title 22 of the Louisiana Revised Statutes of 1950, R.S. 22:1573(B), 1574(A)(4), 1581(B)(1), 1808.2(C)(6) and (E), and 1808.6(A) and (B) and to repeal R.S. 22:513(B)(6), 1545(C), 1546(A)(4), 1571, 1808.2(C)(1) through (5), and 1808.3(A)(4), relative to preclicensing requirements for insurance producers and bail enforcement agents; to repeal the preclicensing requirement for certain persons; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:821(B)(29), 1551(A) and (B), the heading of Subpart B of Part I of Chapter 5 of Title 22 of the Louisiana Revised Statutes of 1950, R.S. 22:1573(B), 1574(A)(4), 1581(B)(1), 1808.2(C)(6) and (E), and 1808.6(A) and (B) are hereby amended and reenacted to read as follows:
§821. Fees

B. The commissioner shall collect the following fees in advance:

(29) For ~~prelicensing or~~ continuing education.

* * *

§1551. Exemption from examination

A. An individual who applies for an insurance producer license in this state who was previously licensed for the same lines of authority in another state shall not be required to complete ~~any prelicensing education or an~~ examination. This exemption is available only if the person is currently licensed in that state or if the application is received within ninety days of the cancellation of the applicant's previous license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state or the state's Producer Database records, maintained by the National Association of Insurance Commissioners, its affiliates or subsidiaries, indicate that the producer is or was licensed in good standing for the line of authority requested.

B. A person licensed as an insurance producer in another state who moves to this state shall make application within ninety days of establishing legal residence to become a resident licensee pursuant to R.S. 22:1546. No ~~prelicensing education or~~ examination shall be required of that person to obtain any line of authority previously held in the prior state except where the commissioner of insurance determines otherwise by regulation.

* * *

SUBPART B. ~~PRELICENSE—AND~~ CONTINUING EDUCATION EDUCATIONAL PROGRAMS

§1573. Continuing education requirements

* * *

B. The commissioner shall promulgate rules and regulations setting forth guidelines and requirements for the content and conduct of continuing education programs and for the procedure for approval of a continuing education program. The commissioner shall also promulgate rules and regulations specifying the qualifications which each instructor in an approved continuing education program shall possess. All such rules and regulations promulgated by the commissioner shall be promulgated pursuant to the provisions of the Administrative Procedure Act. The continuing education program shall be conducted by one of the ~~entities set forth in R.S. 22:1571(C)~~ following:

- (1) An insurance trade organization.
- (2) An insurance company admitted to do business in Louisiana.
- (3) An accredited public or private college or university.
- (4) An organization recommended by and certified by the commissioner.

* * *

§1574. Bail Bond Apprentice Program

A.(1)

* * *

(4) Apprentices shall complete ~~the registered insurance producer and bail bond producer prelicensing program as provided for in R.S. 22:1571~~ eight hours of instruction in applicable underwriting principles, state laws, and regulations, and ethical practices before the end of the apprenticeship program. The instruction shall be conducted by one of the following:

- (a) An insurance trade association.
- (b) An insurance company admitted to do business in Louisiana.
- (c) An accredited public or private college or university.

* * *

§1581. Regulation of bail enforcement agents

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B. The regulations adopted by the commissioner shall include provisions governing:

(1) ~~Prelicensing and continuing~~ Continuing education requirements for bail enforcement agents.

* * *

§1808.2. Examination

* * *

C.(6) A person who already holds an insurance producer license for a line of business shall be exempt from any ~~prelicensing education and~~ examination requirements for an insurance consultant license for the same line of business.

* * *

E. The content of the examination may be outlined in the licensing information handbook provided to applicants by the Department of Insurance, publishers of examination study materials, ~~any prelicensing providers~~, and others wishing to provide this information.

* * *

§1808.6. Exemption from examination

A. An individual who applies for an insurance consultant license in this state who was previously licensed as a resident insurance consultant for the same lines of authority in another state shall not be required to complete ~~any prelicensing education or an~~ examination. This exemption is available only if the person is currently licensed in that state or if the application is received within ninety days of the cancellation of the applicant's previous license and if the prior state issues a certification that, at the time of cancellation, the applicant was in good standing in that state or by the National Association of Insurance Commissioners, its affiliates or subsidiaries, and the certification indicates that the consultant is or was licensed in good standing for the line of authority requested.

B. A person licensed as an insurance consultant in another state who moves to this state shall make application within ninety days of establishing legal residence in this state to become a resident licensee pursuant to R.S.

22:1808.3. No ~~prelicensing education or~~ examination shall be required of that person to obtain a consultant license for any line of authority previously held in the prior state except where the commissioner of insurance determines otherwise by regulation.

* * *

Section 2. R.S. 22:513(B)(6), 1545(C), 1546(A)(4), 1571, 1808.2(C)(1) through (5), and 1808.3(A)(4) are hereby repealed in their entirety. Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State
