

ACTS OF 2022 LEGISLATURE

Acts 274-372

ACT No. 274

HOUSE BILL NO. 646 BY REPRESENTATIVE STEFANSKI AN ACT

To amend and reenact R.S. 18:59.4(D)(2) and (E)(2)(c), 115(F)(1)(introductory paragraph) and (a) and (2)(a)(iii), 154(C)(2)(c) and (D)(1) and (2), 423(C), (E), and (H), 433(A)(1) and (5), (B)(1), and (D), 434(D)(2), 435(B)(1)(b), 602(E)(2)(b), 604(B)(2)(b), 621(B), 1278(B), 1279, 1300.2(C)(1), 1300.7(B), 1306(B)(1), 1308(A)(2)(j)(ii), 1309(J), 1313(H)(13) and (K)(2)(a), 1313.1(I)(5) and (L)(2)(a), 1371, and 1511.3(E), to enact R.S. 18:154(C)(2)(f), and to repeal R.S. 18:1532, relative to the Louisiana Election Code; to revise the system of laws comprising the Louisiana Election Code; to provide relative to the Louisiana Voter Registration Administrators' Certification Program; to provide relative to registration by mail; to provide relative to records of the registrars of voters; to provide relative to the replacement of a commissioner; to provide relative to watchers; to provide relative to vacancies in certain offices; to provide relative to petitions for a recall election; to provide relative to preparation, distribution, and tabulation of absentee by mail and early voting ballots; to provide relative to absentee voting by mail; to provide relative to early voting; to provide relative to parish boards of election supervisors; to provide relative to courses of instruction of commissioners; to remove the requirement for election day expenditure reports; to provide for effective dates; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:59.4(D)(2) and (E)(2)(c), 115(F)(1)(introductory paragraph) and (a) and (2)(a)(iii), 154(C)(2)(c) and (D)(1) and (2), 434(D)(2), 435(B)(1)(b), 602(E)(2)(b), 604(B)(2)(b), 621(B), 1278(B), 1279, 1300.2(C)(1), 1300.7(B), 1306(B)(1), 1308(A)(2)(j)(ii), 1309(J), 1313(H)(13) and (K)(2)(a), 1313.1(I)(5) and (L)(2)(a), and 1511.3(E) are hereby amended and reenacted and R.S. 18:154(C)(2)(f) is hereby enacted to read as follows:

§59.4. The Louisiana Voter Registration Administrators' Certification Program; requirements; compensation

D.

(2) The Voter Registration Administrators' Certification Program requires the following: a minimum of twelve courses of twelve hours in length for a total of one hundred forty-four hours to be completed within five years, except that if a gubernatorially declared state of emergency impacts the certification process, the course work shall be completed within six years; maintenance of a yearly rating of "excellent" as determined through the standards specified in R.S. 18:55(A); five years work experience related to the administration of elections and voter registration; and completion of all continuing education course hours required to maintain certification. If these requirements are not met, the registrar of voters, chief deputy registrar, or confidential assistant, as the case may be, will lose certification and certification compensation until certification requirements are once again attained.

E.

(2)

(c) A registrar of voters, chief deputy registrar, or confidential assistant to a registrar of voters shall complete the requirements of ~~Subsections D and E of this Section~~ Subsection D of this Section and this Subsection in order to receive the seven percent compensation enhancement. If a registrar of voters, chief deputy registrar, or confidential assistant to a registrar of voters does not complete the certification program as provided in ~~Subsections D and E of this Section~~ Subsection D of this Section and this Subsection, his salary shall remain as provided in R.S. 18:55 or 59. If, after certification, a registrar of voters, chief deputy registrar, or confidential assistant to a registrar of voters does not receive certification renewal within each three-year period, or within a four-year period if a gubernatorially declared state of emergency impacts the certification process, his salary shall revert back to the salary scale provided for in R.S. 18:55 or 59. Notwithstanding the provisions of R.S. 18:57, the failure to maintain certification shall result in the loss of the compensation enhancement provided for in this Section.

§115. Registration by mail

F.(1) Any registered voter who has registered by mail and has not previously voted in the parish in which he is registered shall vote in accordance with

one of the following:

(a) ~~During early voting in the office of the registrar of voters, or In person at any location where early voting is conducted in the parish in which he is registered to vote.~~

(2) The provisions of Paragraph (1) of this Subsection shall not apply in the case of the following:

(a)

(iii) Any person who is otherwise entitled to vote and who has submitted to the registrar of voters current proof of disability from a physician, optometrist, physician assistant as defined in R.S. 37:1360.22, or a nurse practitioner as defined in R.S. 37:913 along with a certification from the physician, optometrist, physician assistant as defined in R.S. 37:1360.22, or a nurse practitioner as defined in R.S. 37:913 which indicates that by reason of the person's disability the person is unable to appear in person to vote either during early voting or at the polling place on election day, and if the person submitted the proof of disability to registrar by mail, who included in his submission to the registrar a copy of his Louisiana driver's license, his Louisiana special identification card issued pursuant to R.S. 40:1321, or other generally recognized picture identification card that contains the name and signature of the person, or a form on which the person has listed the names and addresses of at least two persons residing in his precinct who could make oath, if required, to the effect that the person is physically disabled.

§154. Records open to inspection; copying; exceptions

(C)

(2)

(c) Notwithstanding the provisions of Paragraph (1) of this Subsection, the Department of State or registrar of voters ~~may shall~~ transmit the email address, if available, of a candidate to the ~~Supervisory Committee on Campaign Finance Disclosure Board of Ethics~~ for purposes of contacting the ~~candidate person~~ regarding ~~campaign finance reporting matters relating to laws within the jurisdiction of the board~~. The ~~supervisory committee Board of Ethics~~ shall not disclose information transmitted to it pursuant to this Subparagraph.

(f) Notwithstanding the provisions of Paragraph (1) of this Subsection, the Department of State or registrar of voters may transmit a registered voter's full date of birth and mother's maiden name to the Louisiana Department of Health to amend the voter's birth certificate. The Louisiana Department of Health shall not disclose information transmitted to it pursuant to this Subparagraph.

D.(1) Notwithstanding the provisions of this Section, the registrar shall not disclose the name and address of a law enforcement officer, ~~other than on a general list~~, if he has received certification from the law enforcement agency employing the officer that the officer is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential.

(2) Notwithstanding the provisions of this Section, the Department of State shall not disclose the name and address of a law enforcement officer, ~~other than on a general list~~, if the secretary of state has received certification from the law enforcement agency employing the officer that the officer is engaging in hazardous activities to the extent that it is necessary for his name and address to be kept confidential.

§434. Commissioners and alternate commissioners; selection; commission; disqualification; replacement

D. Replacement of a commissioner.

(2) If a commissioner fails to appear at the polling place at least thirty minutes before the time when the polls are to open on election day, or if a commissioner is selected as commissioner-in-charge, the commissioner-in-charge shall select an alternate commissioner to serve in place of the absent commissioner. An alternate commissioner who replaces an absent commissioner in a primary election shall replace the absent commissioner in the general election. If there are no alternate commissioners or an insufficient number of alternate commissioners available, the commissioner-in-charge shall select a person to serve as commissioner from the list containing the names of those who have received certificates of instruction that was furnished him by the parish board of election supervisors pursuant to ~~R.S. 18:431(A)(5)~~ R.S. 18:431(B)(4). If no person on that list is available to serve as commissioner, the commissioner-in-charge shall select any person present at the polls who possesses the qualifications of a commissioner as set forth in R.S. 18:425(B). If there is no such qualified person available, the commissioner-in-charge shall select a watcher.

§435. Watchers; appointment and commission

B.(1)

(b) A list of watchers submitted by a candidate for the primary election may be used for the general election only if the candidate notifies the clerk

of court in writing by 4:30 p.m. on the tenth business day before the general election that he wants to use the same list of watchers.

§602. Vacancies in certain local and municipal offices; exceptions

E.

(2)

(b) Immediately thereafter the governing authority; or the school board; or, ~~the governor, as the case may be, if the governor issued the proclamation,~~ the secretary of state shall publish the proclamation in the official journal of each parish in which the election is to be held.

§604. Marshal of city or municipal court; temporary absence; vacancy

(B)

(2)

(b) The appropriate governing authority ~~or the governor, as the case may be, if the governor issued the proclamation,~~ the secretary of state shall publish the proclamation in the official journal of the parish in which the election is to be held and also shall immediately send a copy of the proclamation by certified or registered mail to the clerk of the district court for the parish in which the vacancy occurred.

§621. Vacancy in office of judge

B. Immediately after issuance of the proclamation, the ~~governor~~ secretary of state shall publish the proclamation in the official journal of each parish in which the election is to be held. Within twenty-four hours after its issuance, the governor shall send a copy of the proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred.

§1278. Vacancies; United States senator

B. If a vacancy occurs in the office of United States senator and the unexpired term is more than one year, an appointment to fill the vacancy shall be temporary. Any senator so appointed shall serve until his successor is elected at a special election and takes office. Within ten days after receiving official notice of the vacancy, the governor shall issue a proclamation for special election to fill the vacancy for the unexpired term. The date of the special election shall be established by the governor in accordance with the provisions of R.S. 18:402(E). The dates of the qualifying period shall be established by the governor in accordance with R.S. 18:467, 467.1, and 468. ~~Immediately after issuance of the proclamation, which shall include the dates of the primary and general elections and the dates of the qualifying period, the governor shall publish the proclamation in the official journal of each parish in which the election is to be held.~~ Within twenty-four hours after its issuance, the governor shall send a copy of the proclamation to the secretary of state. Within twenty-four hours after he receives the copy, the secretary of state shall notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. Immediately thereafter the secretary of state shall publish the proclamation in the official journal of each parish in which the election is to be held. The election shall be conducted and the returns shall be certified as in regular elections for United States senator.

§1279. Vacancies; representatives in congress

When a vacancy occurs in the office of representative in congress, the governor shall determine the dates on which the special elections shall be held and the dates of the qualifying period and shall issue a proclamation ordering a special election and specifying the dates on which the primary and general elections will be held and the dates of the qualifying period for the election. ~~Immediately thereafter he shall publish the proclamation in the official journal of each parish in which the election is to be held.~~ Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the proclamation to the secretary of state, who shall within twenty-four hours of receipt of the information notify all election officials having any duty to perform in connection with a special election to fill such vacancy, including the parish boards of election supervisors for the parish or parishes in which the vacancy occurred. Immediately thereafter the secretary of state shall publish the proclamation in the official journal of each parish in which the election is to be held. The election shall be conducted in the same manner and at the same places and the returns shall be certified as in regular congressional elections. If at a primary or general election in a congressional district one representative in congress is to be elected for a full term and another to fill a vacancy, the ballots containing the names of the candidates shall, as a part of the title of the office, designate the term for which the candidates are respectively nominated.

§1300.2. Petition for recall election; campaign finance disclosure

C.(1) Prior to the entering of any signatures on a petition, the chairman designated to represent the petitioners shall file with the secretary of state a copy of the recall petition which will be used and copies of a picture identification that contain the name and signature of the chairman and vice chairman, respectively, or copies of current utility bills, bank statements, government checks, paychecks, or other government documents that show the name and address of the chairman and vice chairman, respectively. Upon receipt of the recall petition, the secretary of state shall endorse thereon the fact and the date of filing. A copy shall be transmitted by the secretary of state to the registrar of voters for each parish in which the recall election is to be held. The chairman shall list on the petition every parish that is wholly or partially within the voting area where the recall election is to be held. The petition shall be considered filed when it is received in the office of the secretary of state, ~~or at the time it is postmarked by the United States Postal Service or is receipted on a return receipt request form, if it is subsequently received in the office of the secretary of state.~~ Upon receipt of the recall petition, the secretary of state shall produce a report of the number of qualified electors in the voting area wherein the recall election is sought effective on the date of receipt of the recall petition and shall notify the registrar of voters in each parish in the voting area of the number of qualified electors of the voting area in the parish for issuance of the certification.

§1300.7. Governor to order election; proclamation; publication

B. ~~Immediately after the issuance of the proclamation, the governor shall publish the proclamation in the official journal of each parish in which the election is to be held.~~ Within twenty-four hours after issuing the proclamation, the governor shall send a copy of the petition and proclamation, by registered or certified mail, to the clerk of the district court for each parish in which the election is to be held. If the election is to be held in Orleans Parish, the city of New Orleans, the copy of the petition and proclamation shall be mailed to the clerk of the criminal district court. A copy of the petition and proclamation also shall be sent to the secretary of state. Within twenty-four hours after he receives the copies, the secretary of state shall notify all other election officials having any duty to perform in connection with a recall election, including the parish board of election supervisors for the parish or parishes in which the election is held. Immediately after receipt of the proclamation, the secretary of state shall publish the proclamation in the official journal of each parish in which the election is to be held.

§1306. Preparation and distribution of absentee by mail and early voting ballots

B.(1) The secretary of state shall prepare absentee by mail ballot envelopes, absentee by mail instructions, certificates, and other absentee by mail balloting paraphernalia consistent with the provisions of this Chapter, subject to approval of the attorney general as to content. The specifications of the absentee by mail ballot envelopes shall be determined by the secretary of state. Notwithstanding the provisions of R.S. 18:1316 relating to distinguishing marks on absentee by mail ballots, absentee by mail voting instructions on absentee by mail ballots to be transmitted by facsimile in accordance with R.S. 18:1308(A)(1)(b) shall inform the voter of the types of marks which may be used on the ballot to indicate his vote. When a court of competent jurisdiction, a registrar of voters, the secretary of state, or other competent authority determines that there exists a literate linguistic minority equal to more than five percent of the total population of any parish, the secretary of state, with approval of the attorney general as to content, shall prepare and furnish absentee by mail and early voting ballots, absentee by mail and early voting instructions, and certificates in the minority language in sufficient quantity to provide to each absentee by mail and early voter requesting voting material in that language.

§1308. Absentee voting by mail

A.

(2)

(j)

(ii) The secretary of state as the chief election officer of the state shall take all actions reasonably necessary to allow registered voters who are unable to vote during early voting or at the polling place on election day due to ~~out-of-parish or out-of-state work responsibilities~~ relating to a declared emergency to vote, whether by mail, facsimile, or other means of transmission of the ballot.

§1309. Early voting; verification

J.(1) Upon approval of the secretary of state, a registrar of voters may utilize commissioners selected and trained by the registrar of voters to assist the registrar during the early voting period in the conduct of early voting by his office. A registrar of voters shall, in seeking the approval of the secretary of state, indicate to the secretary the number of commissioners that is required for such assistance. A commissioner who assists the registrar in the conduct

of early voting shall take an oath of office as a deputy registrar for the early voting period and shall complete an affidavit prepared by the secretary of state that contains the name, address, and last four digits of the social security number of the early voting commissioner and an acknowledgment that the law prohibits the disclosure of confidential voter information listed in the precinct register or early voting list kept by the registrar. The affidavit shall be retained in the office of the registrar of voters. A commissioner who assists the registrar in the conduct of early voting shall be paid in accordance with R.S. 18:426.1(A)(3) and B, if applicable, for each day of such assistance.

(2) For an election held within one year following the date of the issuance of a gubernatorial declaration of an emergency, if a registrar of voters determines that there is a parishwide shortage of early voting commissioners because a significant number of early voting commissioners have been temporarily displaced due to such emergency, the registrar of voters may submit a written request to the secretary of state, on or before the fourteenth day prior to the start of early voting, for additional early voting commissioners from other parishes to assist the registrar in the conduct of early voting. A registrar of voters shall, in seeking the approval of the secretary of state, indicate to the secretary the number of early voting commissioners that is required for such assistance and an explanation of the need for additional early voting commissioners. If the secretary of state determines that there is a need for additional early voting commissioners and that the allocation of additional commissioners is feasible, the secretary of state shall approve the request and notify the registrar of voters of the parish affected by the emergency. The registrar of voters of the affected parish shall select early voting commissioners to serve in the affected parish based on availability and proximity. The registrar of voters of the affected parish shall ensure that the selected early voting commissioners have received adequate training on the voting machines that are used in the affected parish and on any procedures necessary for the conduct of the election. A commissioner who assists the registrar of voters in the conduct of early voting shall take an oath of office as a deputy registrar of voters for the early voting period and shall complete an affidavit prepared by the secretary of state that contains the name, address, and last four digits of the social security number of the early voting commissioner and an acknowledgment that the law prohibits the disclosure of confidential voter information listed in the precinct register or early voting list kept by the registrar. The affidavit shall be retained in the office of the registrar of voters. A commissioner who assists the registrar in the conduct of early voting shall be paid in accordance with R.S. 18:426.1(A)(3) and (B), if applicable, for each day of such assistance. The selected early voting commissioners, upon approval by the secretary of state, shall be entitled to appropriate reimbursement for travel expenses.

* * *
§1313. Tabulation and counting of absentee by mail and early voting ballots

H. The procedure for counting early voting machine ballots and paper ballots voted during early voting shall be as follows:

(13) ~~The absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be counted and the total number of absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be announced in the order the offices and candidates and propositions are listed on the ballot. The members of the board shall enter shall be entered by the members of the board as the total number of votes on the final absentee by mail and early voting vote report, and the members of the board shall certify the results. A copy of the final absentee by mail and early voting vote report shall be posted by a member of the board after the polls close at the location where the tabulation and counting was conducted and the office of the registrar of voters.~~

K.

(2)(a)(i) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the number of absentee by mail and early voting ballots cast for all candidates for an office could make a difference in the outcome of the election for such office, upon the written request of a candidate for such office, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such office. The registrar shall preserve the envelope or container and its contents inviolate and, except upon the board recounting the absentee by mail ballots, shall not allow the absentee by mail and early voting ballots to be inspected by anyone until the recounting of the absentee by mail and early voting ballots by the board.

(ii) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the number of absentee by mail and early voting ballots cast for and against a proposition could make a difference in the outcome of the election, upon the written request of a person who voted in the proposition election, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such election. The registrar shall preserve the envelope or container and its contents inviolate and, except upon the board recounting the absentee by mail ballots, shall not allow the absentee by mail and early voting ballots to be inspected by anyone until the recounting of the absentee by mail and early voting ballots by the board.

* * *
§1313.1. Preparation, verification, tabulation, and counting of absentee by mail and early voting ballots

I. The procedure for counting early voting machine ballots on election day shall be as follows:

(5) ~~The absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be counted and the total number of absentee by mail and early voting votes cast for a candidate and those cast for and against a proposition shall be announced in the order the offices and candidates and propositions are listed on the ballot. The members of the board shall enter shall be entered by the members of the board as the total number of votes on the final absentee by mail and early voting vote report, and the members of the board shall certify the results. A copy of the final absentee by mail and early voting vote report shall be posted by a member of the board after the polls close at the location where the tabulation and counting was conducted and the office of the registrar of voters.~~

L.

(2)(a)(i) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the number of absentee by mail and early voting ballots cast for all candidates for an office could make a difference in the outcome of the election for such office, upon the written request of a candidate for such office, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such office. The registrar shall preserve the envelope or container and its contents inviolate and, except upon the board recounting the absentee by mail ballots, shall not allow the absentee by mail and early voting ballots to be inspected by anyone until the recounting of the absentee by mail and early voting ballots by the board.

(ii) Notwithstanding the provisions of Paragraph (1) of this Subsection, if the number of absentee by mail and early voting ballots cast for and against a proposition could make a difference in the outcome of the election, upon the written request of a person who voted in the proposition election, the board shall recount the absentee by mail ballots by hand or scanning equipment and early voting ballots electronically, unless paper ballots were used for early voting and in such case, the ballots shall be recounted by hand for such election. The registrar shall preserve the envelope or container and its contents inviolate and, except upon the board recounting the absentee by mail ballots, shall not allow the absentee by mail and early voting ballots to be inspected by anyone until the recounting of the absentee by mail and early voting ballots by the board.

* * *
§1511.3. Filing of reports; forms; notice

E. The supervisory committee shall notify each person who has qualified for office the preceding year and whose last filed disclosure report reflects a deficit, each person who filed a supplemental report the preceding year which reflected a deficit, and each declared but unqualified candidate who filed a report the previous year, of the date that the annual report as provided in R.S. 18:1491.6(E) and 18:1495.4(E) is due and of the information required in the report. Each notice shall be mailed or sent by electronic mail at least thirty days prior to the date the report is due; however, failure by the supervisory committee to notify a candidate, committee, or other person as required by this Subsection shall not bar or be a defense to any action brought against a candidate, treasurer or chairman of any committee, or other person by the supervisory committee under the provisions of this Chapter.

Section 2. R.S. 18:423(C), (E), and (H), 433(A)(1) and (5), (B)(1), and (D), and 1371 are hereby amended and reenacted to read as follows:

* * *
§423. Parish boards of election supervisors

C. Composition. (1) In each parish, the board of election supervisors shall be composed of the registrar of voters, the clerk of court, the chairman of the parish executive committee of each recognized political party or his designee, ~~or an alternate designee if the designee cannot serve, who both of whom shall be a member~~ members of the parish executive committee of the same recognized political party, and one member, ~~or an alternate member if the member cannot serve~~, appointed by the governor.

(2) In a parish where a parish executive committee of a recognized political party has not been formed or where there is a vacancy in the office of chairman, the chairman of the state central committee of that political party may appoint a voter ~~and an alternate voter who is~~ are registered in the parish as being affiliated with the political party to serve on the parish board of election supervisors.

(3) None of the following members of the parish board of election supervisors shall be an employee of the clerk of court or the registrar of voters in the parish or an immediate family member of the clerk of court or his designee or the registrar of voters or his designee:

(a) The designee ~~or alternate designee~~ of the chairman of a parish executive committee.

(b) The appointee ~~or alternate appointee~~ of the chairman of a state central committee.

(c) The appointee ~~or alternate appointee~~ of the governor.

* * *

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

* * *

H. Designees. (1) The clerk of court and the registrar of voters may each appoint a designee to serve in his place on the parish board of election supervisors when he is absent from any meetings of the board. Any designee of the registrar of voters shall be a sworn deputy registrar. For each day of such service the designee of the clerk of court or the registrar of voters shall be paid the same compensation as a member, and the designating member shall not be compensated for that day. Any compensation paid to the designee shall be counted against the designating member's compensation, which shall not exceed six days the number of days as provided in Subsection E of this Section.

(2) For each day of service the designee or alternate designee of the chairman of the parish executive committee, the designee or alternate designee of the chairman of the state central committee, and the member or alternate member of the governor shall be paid the same compensation as a member or appointee, and the designating member or appointee shall not be compensated for that day. Any compensation paid to the designee or alternate designee of the chairman of the parish executive committee, designee or alternate designee of the chairman of the state central committee, or member or alternate member appointed by the governor shall be counted against the compensation of the designating member or governor's member, which shall not exceed the number of days as provided in Subsection E of this Section.

* * *

§433. Commissioners-in-charge; course of instruction; selection; commission; disqualification; replacement

A. Course of instruction. (1) The clerk of court shall conduct a course of instruction for commissioners-in-charge during the period beginning August first through the end of December of each year. However, if the governor declares a state of emergency between August first and December thirty-first of any year, the deadline to complete the course is January thirty-first of the year following the gubernatorially declared state of emergency. The course shall be open to any certified commissioner who meets the qualifications set forth in R.S. 18:424(B).

* * *

(5) On or before December thirty-first of each year, the deadline specified in Paragraph (1) of this Subsection but after the date of the course of instruction, the clerk of court shall file with the parish board of election supervisors a certified list containing the name of each person to whom he has issued a certificate, together with the social security number, the party affiliation, the mailing address, and the ward in which each such person is registered to vote. As soon as possible thereafter, the clerk of court shall enter the list in the state voter registration computer system.

* * *

B. Selection. (1)(a) The parish board of election supervisors shall meet at 10:00 a.m. ~~on~~ by the second Friday in January of each year to select a commissioner-in-charge to serve at each precinct in the parish. The meeting shall be open to the public. The board shall have previously posted a notice on the front door of the courthouse stating the location within the courthouse where the meeting is to be held. The selection of commissioners-in-charge shall be made from the certified list furnished by the clerk as required by Paragraph (A)(5) of this Section and in the manner ~~hereafter set forth~~ provided for in this Subsection.

(b) If the course of instruction for commissioners-in-charge is delayed due to a gubernatorially declared state of emergency as provided by Paragraph (A) (1) of this Section, the parish board of election supervisors shall meet at 10:00 a.m. on or before the fifth day after completion of the course of instruction.

* * *

D. Term of office. A commissioner-in-charge shall serve a term of office of one year, commencing on the third Monday in January of the year of selection or, if applicable, on the date of his selection during a meeting held in accordance with Subparagraph (B)(1)(b) of this Section, provided that the commissioner-in-charge remains on the list of certified commissioners during his term of office.

* * *

§1371. Delivery and return of machines and supplies; contract; time of delivery

A.(1)(a) The secretary of state shall contract for the delivery to the voting precincts of the election day machines and other election equipment and supplies for which he is responsible and for their return to the storage warehouses. The specifications for the contract shall be prepared by the secretary of state after consultation with and approval by the parish custodian of the parish in which the contract is to be performed. The contract shall be advertised and let in accordance with the Louisiana Procurement Code. The governing authority of the parish or municipality in which the voting machines are to be used may submit bids and be awarded contracts for the

drayage of the voting machines.

(b) The secretary of state may contract for delivery the week prior to the beginning of early voting until no later than 11:59 p.m. on the day before early voting begins for an election, in the parishes that have three or more early voting locations, of the voting machines and other election equipment and supplies for which he is responsible and for their return to the offices of the registrars of voters or the location designated by the registrar of voters within twenty-four hours of the end of early voting. The specifications for the contract shall be prepared by the secretary of state after consultation with and approval by the registrar of voters of the parish in which the contract is to be performed. The contract shall be advertised and let in accordance with the Louisiana Procurement Code. The governing authority of the parish or municipality in which the voting machines are to be used may submit bids and be awarded contracts for the drayage of the early voting machines.

(2) In addition to all other notices and advertisements for bids required, the secretary of state shall furnish notice of the invitation for bids at least thirty days prior to the opening of bids for each contract for the delivery of machines to the early voting locations or voting precincts for a parish in the following manner:

(a) Publish notice of the invitation for bids in a newspaper of general circulation printed in such parish or, if there is no newspaper printed in such parish, in a newspaper printed in the nearest parish that has a general circulation in the parish covered by the contract.

(b) Send such notice to the clerk of court for such parish who shall prominently post such notice in his office.

(c) Notify the parish governing authority for such parish of the contract and that such parish governing authority is allowed to bid on such contract.

(3) Contracts for the delivery of voting machines to the early voting locations or voting precincts in a parish may be entered into on a parish or regional basis. If a single contract provides for the delivery of voting machines to the early voting locations or voting precincts in more than one parish then the notices required by this Subsection shall be provided in each parish covered by such contract in accordance with this Subsection.

B.(1) No later than 11:59 p.m. on the day before an election, the contractor, under the supervision of the parish custodian or his representative, shall deliver the proper number of voting machines, a seal for sealing each voting machine after termination of voting, and other election equipment, supplies, and paraphernalia to the polling places of each precinct and shall place the machines in the polling place for use in voting. Each machine shall remain sealed until examined by or under the supervision of the commissioner-in-charge immediately before the polls are opened as required by R.S. 18:553.

(2) No later than 11:59 p.m. on the day before early voting begins for an election, the contractor, under the supervision of the parish registrar of voters or his representative, shall deliver the proper number of early voting machines and other election equipment, supplies, and paraphernalia to the early voting locations and shall place the machines in the early voting location for use in early voting. Each early voting machine shall remain sealed until examined by or under the supervision of the registrar or his deputy immediately before the early voting locations are opened.

Section 3. R.S. 18:1532 is hereby repealed in its entirety.

Section 4.(A) Section 1, Section 3, and this Section of this Act shall become effective upon signature of this Act by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is vetoed by the governor and subsequently approved by the legislature, Section 1, Section 3, and this Section of this Act shall become effective on the day following such approval.

(B) Section 2 of this Act shall become effective on August 1, 2022.

Approved by the Governor, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 275

HOUSE BILL NO. 708

BY REPRESENTATIVES MCFARLAND, BAGLEY, CARRIER, FIRMENT,
FISHER, GADBERRY, HARRIS, HODGES, HORTON, LARVADAIN,
MCMAHEN, ORGERON, RISER, ROMERO, SCHAMERHORN,
SCHEXNAYDER, ST. BLANC, THOMPSON, AND WHITE

AN ACT

To enact R.S. 51:3061(3) and (4) and 3062(6), (7), and (8), relative to the Louisiana Renewable Energy Development Act; to provide for legislative findings; to define the term "biomass"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:3061(3) and (4) and 3062(6), (7), and (8), are hereby enacted to read as follows:

§3061. Legislative findings

The legislature hereby finds and declares that:

* * *

(3) Energy produced from forest products' manufacturing bioenergy feedstocks shall be considered renewable and carbon neutral. When paired with carbon capture technologies, known as bioenergy with carbon capture and storage, it may be considered carbon negative.

(4) Energy produced from agricultural harvesting, including bagasse

produced from sugarcane processing shall be considered renewable and carbon neutral. When paired with carbon capture technologies, known as bioenergy with carbon capture and storage, it may be considered carbon negative.

§3062. Definitions

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

* * *

(6) “Biomass” means forest products’ manufacturing bioenergy feedstocks, which may include but not be limited to the following:

(a) Forest products’ manufacturing residuals, including but not limited to spent pulping liquors, pulping by-products, woody manufacturing residuals, paper recycling residuals, wastewater and process water treatment plant residuals, and anaerobic digester biogas.

(b) Harvest residues, including trees or portions of harvested trees that are too small or of too poor quality to be utilized for wood products or paper products.

(c) Downed wood from extreme weather events and natural disasters, nonhazardous landscape or right-of-way trimmings and municipal trimmings, and plant material removed for purposes of invasive or noxious plant species control; biowaste, including landfill gas.

(d) Forest biomass derived from residues created as a by-product of timber harvesting, including but not limited to low-value wood, treetops, and tree limbs.

(e) Forest management activities conducted for stand improvement or to increase yield, ecological restoration, or to maintain or enhance forest health including but not limited to hazardous fuels reduction.

(f) Biomass materials recognized by the United States Environmental Protection Agency as fuels under 40 CFR Part 241.4.

(g) Other used wood products, such as crates or pallets.

(7) “Sugarcane” bagasse biomass” or “bagasse biomass” means the solid, heterogeneous, fibrous agricultural waste that remains after extracting the liquid from sugarcane stalks, which may include but is not limited to the following:

(a) Biomass derived from factory bagasse which is obtained from the industrial extraction process and contains only trace amounts of the sugarcane liquid.

(b) Biomass derived from pressed cane stalks or farm bagasse which is obtained from on-farm or small factory extraction and contains higher amounts of sugarcane liquid.

(c) Dewatered pulp derived from bagasse and recognized by the United States Environmental Protection Agency as fuels under 40 CFR Part 241.4.

(8) “Bioenergy with carbon capture and storage” means the process of capturing and permanently storing carbon dioxide from biomass energy generation.

Approved by the Governor, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 276

HOUSE BILL NO. 979
BY REPRESENTATIVE FREEMAN
AN ACT

To provide relative to the effectiveness of Act No. 366 of the 2021 Regular Session of the Legislature regarding student information; to provide for the continued effectiveness of provisions that require school governing authorities to share certain student information with the Department of Children and Family Services for the purpose of facilitating the administration of certain federal food assistance programs and that provide exceptions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Notwithstanding Section 3(B) of Act No. 366 of the 2021 Regular Session of the Legislature, Section 2 of that Act shall not become effective.

Approved by the Governor, June 3, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 277

HOUSE BILL NO. 1035
BY REPRESENTATIVE COUSSAN
AN ACT

To amend and reenact R.S. 30:2195(C), (E), and (F)(1), 2195.8(A)(1), and 2195.12(Section heading), to enact R.S. 30:2195.2(A)(6), and to repeal R.S. 30:2195.12(E), relative to underground storage tanks; to provide for grants for upgrades to single wall underground storage tanks; to provide for use of the Motor Fuels Underground Storage Tank Trust Dedicated Fund Account; to provide for annual reports by the department; to provide for responsibilities of the Motor Fuels Underground Storage Tank Trust Fund Advisory Board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:2195(C), (E), and (F)(1), 2195.8(A)(1), and 2195.12(Section heading) are hereby amended and reenacted and R.S. 30:2195.2(A)(6) is hereby enacted to read as follows:

§2195. Motor Fuels Underground Storage Tank Trust Dedicated Fund Account

* * *

C. Monies so deposited in the Environmental Trust Account shall be used to defray the cost to the state of administering the underground storage tank program and the cost of investigation, testing, containment, control, and cleanup of releases from underground storage tanks containing regulated substances. Only monies recovered pursuant to R.S. 30:2195.2(A)(2) and deposited in cost recovery efforts and interest earned on the Tank Trust Account may be used for the grants and loans authorized by R.S. 30:2195.12(E) R.S. 30:2195.2(A)(6). These monies shall also be used to provide money or services as the state share of matching funds for federal grants involving underground storage tanks. At the end of each fiscal year, all monies that were deposited into the Environmental Trust Account from the fees established in R.S. 30:2195.3(A)(1)(a) and (B) which remain unspent, including all accrued interest, shall be transferred to the Tank Trust Account.

* * *

E. Annually, the department shall prepare a report for the House Committee on Natural Resources and Environment and the Senate Committee on Environmental Quality of all disbursements of monies from the Tank Trust Account and the Environmental Trust Account. The report shall include all loans made from the Tank Trust Account, the number of sites actively seeking reimbursement, grants, or loans from the Tank Trust Account as of June thirtieth of each year, the number of sites deemed eligible for the Tank Trust Account during the previous fiscal year, and the number of sites that have been granted “No Further Action”, and the department has received the last application for reimbursement during the previous fiscal year. Regarding disbursements from the Tank Trust Account as provided by R.S. 30:2195.2, the report shall include a list of all reimbursements, grants, and loans; all pending reimbursements, grants, and loans; the date the application was made for each reimbursement, grant, and loan; and the date each reimbursement, grant, or loan was made by the department. The report shall be delivered to the respective legislative committees no later than March first of each year.

F.(1) All interest monies earned by the Tank Trust Account and all monies received from payments that are the result of cost recovery efforts shall be used for the closure of abandoned motor fuel underground storage tanks, assessment and remediation of property contaminated by abandoned motor fuel underground storage tanks, and the grants and loans authorized by R.S. 30:2195.12(E) R.S. 30:2195.2(A)(6).

* * *

§2195.2. Uses of the Tank Trust Fund

A. The department shall administer the Tank Trust Fund and shall make disbursements from the fund for all necessary and appropriate expenditures. Pursuant to the authorization in R.S. 30:2195, the secretary of the Department of Environmental Quality shall use the Tank Trust Fund as follows:

* * *

(6) The secretary shall authorize the use of any monies obtained in cost recovery actions or from interest on the Tank Trust Account to provide grants or loans to private persons or entities for upgrading or improving underground storage tanks to a standard dictated or recommended by federal or state environmental laws, regulations, or directives.

(a) A grant or loan may only be made pursuant to this Paragraph if all of the following apply:

(i) The applicant is domiciled in Louisiana.

(ii) The site is registered with the department as a single wall underground storage tank system.

(iii) The applicant is in compliance with and has paid all fees assessed by applicable state law.

(b) Grants provided pursuant to this Paragraph shall only be made in the form of reimbursement for completed upgrades and improvements after inspection and approval by the department.

(c) No grant or loan shall exceed one hundred fifty thousand dollars and the total amount of grants per year shall not exceed three million dollars.

(d) Eligible applicants may only apply for one grant or loan each year.

(e) The secretary shall promulgate rules and regulations to implement this Paragraph, including the application process, procedures the applicant shall follow prior to making upgrades or improvements to the site, inspection and approval of upgrades or improvements by the department, and procedures the applicant shall follow after completing the work to either claim reimbursement or begin making repayments.

* * *

§2195.8. Advisory board

A.(1) There shall be a Motor Fuels Underground Storage Tank Trust Fund Advisory Board, hereinafter referred to as the “board,” to advise the secretary with regard to implementation of the Tank Trust Account including investment of the trust and issuance of grants and loans.

* * *

§2195.12. Alternate generated power capacity for motor fuel dispensing facilities; and other uses of the Tank Trust Account

* * *

Section 2. R.S. 30:2195.12(E) is hereby repealed in its entirety.

Approved by the Governor, June 3, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 278

HOUSE BILL NO. 166
BY REPRESENTATIVE GREGORY MILLER
A JOINT RESOLUTION

Proposing to amend Article III, Section 18 of the Constitution of Louisiana, to provide relative to gubernatorial action on a bill and matters related thereto; to provide relative to veto sessions; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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 III, Section 18 of the Constitution of Louisiana, to read as follows:

§18. Gubernatorial Action on Bills; Sign, Failure to Sign, Veto; Veto Session

Section 18.(A) Gubernatorial Action. If the governor does not approve a bill, he may veto it. A bill, except a joint resolution, shall become law if the governor signs it or if he fails to sign or veto it within ten days after delivery to him if the legislature is in the session in which the bill passed on the tenth day after such delivery, or within twenty days after delivery if the tenth day after delivery occurs after the legislature legislative session in which the bill passed is adjourned.

(B) Veto Message. If the governor vetoes a bill, he shall return it to the legislature, with his veto message, within twelve days after delivery to him if the legislature is in the session in which the bill passed. If the governor returns a vetoed bill after the legislature adjourns legislative session in which the bill passed is adjourned, he shall return it, with his veto message, as provided by law.

(C) Veto Session. (1) A bill vetoed and returned and subsequently approved by two-thirds of the elected members of each house shall become law. The legislature shall meet in veto session in the state capital at noon on the fortieth day following final adjournment of the most recent each session in which a bill that finally passed was vetoed, to consider all bills passed during that session that were vetoed by the governor and that were not reconsidered by the house of origin during the session in which the bill passed. If the fortieth day falls on Sunday, the session shall convene at noon on the succeeding Monday. No veto session shall exceed five calendar days, and any veto session may be finally adjourned prior to the end of the fifth day upon a vote of two-thirds of the elected members of each house.

(2) No veto session shall be held if a majority of the elected members of either house declare in writing that a veto session is unnecessary. The declaration must be received by the presiding officer of the respective houses at least five days prior to the day on which the veto session is to convene.

(3) If a veto session is to be held and the time period for the conduct of the veto session occurs during a regular or extraordinary session of the legislature, the legislature may reconsider all bills vetoed by the governor and not previously reconsidered by the legislature as part of the business of the regular or extraordinary session during the time period set forth in Subparagraph (1) of this Paragraph without the necessity of convening or adjourning a separate veto session.

Section 2. Be it further resolved that if this proposed amendment is approved by a majority of the voters voting thereon in the state, it shall become effective on January 8, 2024.

Section 3. Be it further resolved that this proposed amendment shall be submitted to the electors of the state of Louisiana at the statewide election to be held on November 18, 2023.

Section 4. 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 clarify that the timing of gubernatorial action on a bill and his return of a vetoed bill to the legislature is based upon the legislative session in which the bill passed and to authorize the legislature, if it is in session, to reconsider vetoed bills without convening a separate veto session? (Effective January 8, 2024)(Amends Article III, Section 18)

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 279

HOUSE BILL NO. 178
BY REPRESENTATIVES VILLIO, AMEDEE, BACALA, BAGLEY,
BEAULLIEU, BUTLER, CARRIER, CREWS, DAVIS, ECHOLS, EDMONDS,
EDMONSTON, FARNUM, FIRMENT, FONTENOT, FRIEMAN,
GADBERRY, GAROFALO, HARRIS, HORTON, ILLG, MCCORMICK,
MCMAHEN, MIGUEZ, CHARLES OWEN, PRESSLY, SCHAMERHORN,
SCHLEGEL, SEABAUGH, AND THOMAS AND SENATORS CORTEZ,
FESI, HENRY, HEWITT, ROBERT MILLS, MIZELL, MORRIS, PEACOCK,

STINE, TALBOT, AND WHITE
A JOINT RESOLUTION

Proposing to amend Article I, Section 10 of the Constitution of Louisiana, relative to right to vote; to provide for persons who have the right to register and vote in this state; to provide for submission of the proposed amendment to the electors; and to provide for related matters.

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 10 of the Constitution of Louisiana, to read as follows:

§10. Right to Vote; Disqualification from Seeking or Holding an Elective Office

Section 10.(A) Right to Vote. (1) Every person who is both a citizen of the state and of the United States, upon reaching eighteen years of age, shall have the right to register and vote, except that this right may be suspended while for a person who is interdicted and judicially declared mentally incompetent or who is under an order of imprisonment for conviction of a felony.

(2) No person who is not a citizen of the United States shall be allowed to register and vote in this state.

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 December 10, 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 provide that no person who is not a citizen of the United States shall be allowed to register and vote in this state? (Amends Article I, Section 10)

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 280

SENATE BILL NO. 75
BY SENATOR FIELDS
A JOINT RESOLUTION

Proposing to amend Article X, Section 43(C) of the Constitution of Louisiana, relative to the State Police Commission; to require Senate confirmation of certain members; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article X, Section 43(C) of the Constitution of Louisiana, to read as follows:

§43. State Police Commission
Section 43.

* * *

(C) Nominations. The presidents of Centenary College at Shreveport, Dillard University at New Orleans, Louisiana College at Pineville, Loyola University at New Orleans, Tulane University of Louisiana at New Orleans, and Xavier University at New Orleans, after giving consideration to representation of all groups, each shall nominate three persons. The governor shall appoint, with consent of the Senate, one member of the commission from the three persons nominated by each president. One member of the commission shall be elected by the classified state police officers of the state from their number as provided by law. A vacancy for any cause shall be filled by appointment or election in accordance with the procedure or law governing the original appointment or election, and from the same source. Within thirty days after a vacancy occurs, the president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make his appointment, with consent of the Senate. If the governor fails to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission, with consent of the Senate. If any nominating authority fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the governor shall make the appointment to the commission, with consent of the Senate.

* * *

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 December 10, 2022.

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

Do you support an amendment to make appointed members of the State Police Commission subject to confirmation by the Louisiana Senate? (Amends Article X, Section 43(C))

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 281

SENATE BILL NO. 160
BY SENATOR FIELDS
A JOINT RESOLUTION

Proposing to amend Article X, Section 3(B)(1) and (C) of the Constitution of Louisiana, relative to Senate confirmation of gubernatorially appointed members of the State Civil Service Commission; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

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

§3. State Civil Service Commission

* * *

(B)(1) Appointment. The members shall be appointed by the governor, with consent of the Senate, as hereinafter provided, for overlapping terms of six years.

* * *

(C) Nominations. The presidents of Centenary College at Shreveport, Dillard University at New Orleans, Louisiana College at Pineville, Loyola University at New Orleans, Tulane University of Louisiana at New Orleans, and Xavier University at New Orleans, after giving consideration to representation of all groups, each shall nominate three persons. The governor shall appoint one member of the commission from the three persons nominated by each president. One member of the commission shall be elected by the classified employees of the state from their number as provided by law. A vacancy for any cause shall be filled by appointment or election in accordance with the procedure or law governing the ~~original~~ appointment or election, and from the same source. Within thirty days after a vacancy occurs, the president concerned shall submit the required nominations. Within thirty days thereafter, the governor shall make his appointment, with consent of the Senate. If the governor fails to appoint within thirty days, the nominee whose name is first on the list of nominees automatically shall become a member of the commission, with consent of the Senate. If any nominating authority fails to submit nominees in the time required, or if one of the named institutions ceases to exist, the governor shall make the appointment to the commission, with consent of the Senate.

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 December 10, 2022.

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

Do you support an amendment to make appointed members of the State Civil Service Commission subject to confirmation by the Louisiana Senate?

(Amends Article X, Section 3(B)(1) and (C))

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 282

SENATE BILL NO. 3
BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 49:214.36(J) and (O)(2), relative to the Coastal Zone Management Program; to provide for the reimbursement of costs; to provide for distribution of monies collected; to provide for the use of funds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:214.36(J) and (O)(2) are hereby amended and reenacted to read as follows:

§214.36. Enforcement; injunction; penalties and fines

* * *

J. The monies collected by the state under the provisions of this Section shall be deposited as follows:

(1) The monies collected by the secretary for violations relating to use of state concern shall be used for the following purposes only in the proportions stated:

(a) Fifty After deducting the costs to reimburse the Department of Natural Resources for the expenses incurred enforcing the provisions of this Subpart, seventy-five percent of the monies collected shall be used to reimburse the Department of Natural Resources for the cost of enforcing the provisions of this Subpart, and shall be deposited in the Coastal Resources Trust Fund, as provided in R.S. 49:214.40 placed in the Coastal Protection and Restoration Fund established in Article VII, Section 10.2 of the Constitution of Louisiana and used for projects that are consistent with Paragraph (O)(2) of this Section.

(b) Twenty-five percent of the monies collected shall be placed in local government mitigation banks established in accordance with R.S. 49:214.41 and the rules and regulations adopted thereunder. If there is no local government mitigation bank for the area in which the adverse impact is located, the monies shall be deposited into a restricted fund administered by

the parish governing authority of the parish or parishes in which the adverse impact related to the use is located. These funds shall be used only for projects consistent with Paragraph (O)(2) of this Section within or for the benefit of areas within the geographic borders of that parish.

~~(c) Twenty-five percent of the monies collected shall be placed in the Wetlands Conservation and Restoration Fund established in Article VII, Section 10.2 of the Constitution of Louisiana.~~

(2) The monies collected by the secretary for violations relating to a use of local concern shall be placed in local government mitigation banks established in accordance with R.S. 49:214.41 and the rules and regulations adopted thereunder. Each local government's mitigation bank shall be credited one hundred percent of the monies collected for violations relating to a use of local concern occurring within its geographic borders, except that for violations occurring within the geographic borders of two or more local governments the monies shall be divided on a pro rata basis and deposited accordingly in the local government's mitigation banks. In the event there is no local government mitigation bank in the parish in which the adverse impact is located, the monies shall be deposited ~~in the Wetlands Conservation and Restoration Fund established in Article VII, Section 10.2 of the Constitution of Louisiana,~~ into a restricted fund administered by the parish governing authority of the parish or parishes where the adverse impact related to the use is located and ~~can only shall~~ be used only for mitigation projects within the geographic borders of that local government that are consistent with Paragraph (O)(2) of this Section.

* * *

O.

* * *

(2) Any monies received by any state or local governmental entity arising from or related to a state or federal permit issued pursuant to R.S. 49:214.21 et seq., 33 U.S.C. §1344, or 33 U.S.C. §408, a violation thereof, or enforcement thereof, or for damages or other relief arising from or related to any of the foregoing, or for damages or other relief arising from or related to any use as defined by R.S. 49:214.23(13) shall be used for integrated coastal protection, including coastal restoration, hurricane protection, and improving the resiliency of the coastal area.

* * *

Approved by the Governor, June 6, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 283

SENATE BILL NO. 44

BY SENATORS MIZELL, ABRAHAM, ALLAIN, CORTEZ, FESI, FOIL, HENRY, HENSGENS, HEWITT, LAMBERT, MILLIGAN, ROBERT MILLS, MORRIS, PEACOCK, POPE, REESE, STINE, TALBOT, TARVER, WARD, WHITE AND WOMACK AND REPRESENTATIVES AMEDEE, BACALA, BUTLER, CREWS, DAVIS, DEVILLIER, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FONTENOT, FRIEMAN, GADBERRY, GAROFALO, GOUDEAU, HARRIS, HODGES, HORTON, MIKE JOHNSON, MCFARLAND, MIGUEZ, MINCEY, CHARLES OWEN, PRESSLY, RISER, ROMERO, SCHAMERHORN, SCHLEGEL, SEABAUGH, THOMPSON, VILLIO, WHEAT AND WHITE

AN ACT

To enact Chapter 7-A of Title 4 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 4:441 through 446, relative to athletic activities; to require that schools designate intercollegiate and interscholastic athletic teams according to the biological sex of the team members; to provide that teams designated for females are not open to participation by biological males; to provide immunity protections for schools from certain adverse actions; to provide for causes of action; to provide for legislative findings; to provide for definitions; to provide for remedies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 7-A of Title 4 of the Louisiana Revised Statutes of 1950, comprised of R.S. 4:441 through 446, is hereby enacted to read as follows:

CHAPTER 7-A. FAIRNESS IN WOMENS SPORTS ACT

§441. Short title

This Chapter shall be known as and may be cited as the "Fairness in Womens Sports Act".

§442. Legislative findings

The legislature finds and declares that:

(1) Title IX of the Education Amendments Act of 1972, 20 U.S.C. §1681 et seq., was designed to ensure that women are free from discrimination on the basis of sex in both education and athletics so that women would be afforded the opportunity to compete for athletic scholarships and to potentially launch their own athletic careers after they have completed their education.

(2) The United States Supreme Court has recognized that there are "inherent differences" between men and women, and that these differences "remain cause for celebration, but not for denigration of the members of either sex or for artificial constraints on an individual's opportunity" in United States v. Virginia, et al., 518 U.S. 515, 533 (1996).

(3) Inherent differences between men and women range from chromosomal and hormonal differences to physiological differences resulting in men generally having denser and stronger bones, tendons, and ligaments, larger

hearts, greater lung volume per body mass, a higher red blood cell count, and higher hemoglobin as well as higher natural levels of testosterone, which affects traits such as hemoglobin levels, body fat content, the storage and use of carbohydrates, and the development of Type II muscle fibers, all of which result in men generally being able to generate higher speed and power during physical activity.

(4) The biological differences between females and males, especially as they relate to natural levels of testosterone, explain the male and female secondary sex characteristics which develop during puberty and have lifelong effects, including those most important for success in sports; categorically, they are strength, speed, and endurance generally found in greater degrees in biological males than biological females.

(5) While classifications based on sex are generally disfavored, the United States Supreme Court has recognized that sex classifications may be used to compensate women "for particular economic disabilities [they have] suffered." (see *Califano v. Webster*, 430 U.S. 313, 320 (1977)(per curiam)), to promote equal employment opportunity and "to guarantee women the basic right to participate fully and equally." (see *California Fed. Sav. & Loan Assn. v. Guerra*, 479 U.S. 272, 289 (1987)), and "to advance full development of the talent and capacities of our Nation's people." (see *United States v. Virginia, et al.*, supra, 518 U.S. 515, 533 (1996)).

(6) In furtherance of the goals set forth in *United States v. Virginia, et al.*, 518 U.S. at 533, one area where sex classifications should allow for the "full development of the talent and capacities of our Nation's people" is in the area of sports and athletics.

(7) A recent study of female and male Olympic performances found that, although athletes from both sexes improved over the time span, the athletic gender performance gap between female and male performances remained stable. These studies suggest that women's performances at a high level will never match those of men. The evidence is unequivocal that, starting in puberty, in every sport except sailing, shooting, and riding, there will always be significant numbers of boys and men who would prevail over the best girls and women in head-to-head competition. Claims to the contrary are simply a denial of science.

(8) Scientific studies have established that the benefits that natural testosterone provides to male athletes is not diminished through the use of testosterone suppression. A recent study on the impact of such treatments found that, even after twelve months of testosterone suppression, the "superior anthropometric, muscle mass, and strength parameters achieved by males at puberty, and underpinning a considerable portion of the male performance advantage over females, are not removed".

(9) Having separate sex-specific teams furthers efforts to promote sex equality. Sex-specific teams accomplish this by providing opportunities for female athletes to demonstrate their skill, strength, and athletic abilities while also providing them with opportunities to obtain recognition, accolades, scholarships, better physical and mental health, and the numerous other long-term benefits that flow from success in athletic endeavors.

§443. Definitions

In this Chapter, unless otherwise indicated, the following definitions shall apply:

(1) "Biological sex" means a statement of a student's biological sex on the student's official birth certificate which is entered at or near the time of the student's birth.

(2) "Postsecondary education board member" means a person who serves as a board member or officer of a postsecondary education management board.

(3) "Postsecondary education management board" means a board which governs postsecondary educational institutions, pursuant to R.S. 17:3351.

(4) "Schools" means all of the following:

(a) A public elementary or secondary school.

(b) A nonpublic elementary or secondary school that receives state funds.

(c) A public postsecondary educational institution.

(d) A nonpublic postsecondary educational institution that receives state funds.

(5) "School coach" means a person who is a coach or assistant coach, whether paid or on a volunteer basis, of a school intercollegiate or interscholastic athletic team or sporting event.

(6) "School board" means a school board or school governing authority subject to the provisions of R.S. 17:81 or any nonpublic school governing authority.

(7) "School employee" means a person who is employed by a school, a school board, a postsecondary education management board, or any postsecondary institution under the authority of a postsecondary education management board.

(8) "School board member" means a person who serves as a board member or officer for a school board or school governing authority subject to the provisions of R.S. 17:81 or for any nonpublic school governing authority.

§444. Designation of athletic teams

A. Each intercollegiate or interscholastic athletic team or sporting event that is sponsored by a school and that receives state funding shall be expressly designated, based upon biological sex, as only one of the following:

(1) Except as provided in Subsection C of this Section, a male, boys, or mens team or event shall be for those students who are biological males.

(2) A female, girls, or womens team or event shall be for those students who are biological females.

(3) A coeducational or mixed team or event shall be open for participation by biological females and biological males.

B. Athletic teams or sporting events designated for females, girls, or women

shall not be open to students who are not biologically female.

C. Nothing in this Chapter shall be construed to restrict the eligibility of any student to participate in any intercollegiate or interscholastic athletic team or sport designated as "male", "mens", or "boys", or designated as "coed" or "mixed".

D. Nothing in this Chapter is intended to prevent any school from implementing or maintaining a coeducational or mixed athletic team or sporting event which is open to both biological males and biological females so long as a female, girls, or womens athletic team or sporting event is not disbanded for the purpose of creating a coeducational or mixed team or event which would thereby result to the detriment of students of the female biological sex.

E. Nothing in this Chapter shall be construed to apply to an intramural athletic team or intramural sport.

§445. Protection of educational institutions; limitation on liability

A. No government entity, licensing or accrediting organization, or athletic association shall entertain a complaint, open an investigation, or take any other adverse action against a school, school board, or postsecondary education management board for maintaining a separate intercollegiate or interscholastic athletic team or athletic event reserved for students of the female biological sex.

B. No cause of action may be maintained against any school, school coach, school employee, school board, school board employee, school board member, postsecondary education board, or postsecondary education board member who prohibits a biological male from participating in a female, girls, or womens athletic team or sporting event pursuant to the requirements of this Chapter.

§446. Remedies; cause of action

A. A biological female student who is deprived of an athletic opportunity or suffers or is likely to suffer from any direct or indirect harm as a result of a violation of this Chapter may assert that violation as a cause of action for remedies provided for in Subsection E of this Section. Requiring a biological female to compete against a biological male on a team that is designated as a "female", "girls", or "womens" team is inherently discriminatory to biological females and is a cognizable harm to biological females under this Chapter.

B. A biological female student who is subjected to retaliation or other adverse action by a school, athletic association, or other organization as a result of reporting a violation of this Chapter to an employee or representative of the school, athletic association, or to any local, state, or federal agency with oversight of schools shall have a cause of action for remedies provided for in Subsection E of this Section.

C. For purposes of this Chapter, the designation of "female" entered on the student's official birth certificate at or near the time of the student's birth creates a rebuttable presumption that the student's biological sex is female.

D. A school, school coach, school employee, school board, school board employee, school board member, postsecondary education board, or postsecondary education board member who suffers any direct or indirect harm for prohibiting a biological male from participating in a female, girls, or womens athletic team or sporting event pursuant to the requirements of this Chapter shall have a cause of action for remedies provided for in Subsection E of this Section.

E. Any person who brings a cause of action pursuant to this Chapter may obtain appropriate relief, including but not limited to:

(1) Injunctive relief, protective order, writ of mandamus or a prohibition, or declaratory relief to prevent any violation of this Chapter.

(2) Actual damages, reasonable attorney fees, and costs.

F. All civil actions under this Chapter must be initiated within two years from the date that the harm occurred.

Section 2. If any provision or item of this Act, or the application thereof, is held invalid, such invalidity shall not affect other provisions, items, or applications of the Act which can be given effect without the invalid provision, item, or application and to this end the provisions of this Act are hereby declared severable.

This bill having been submitted to the Governor and no action having been taken within the time provided by The Constitution, said bill becomes law without his approval.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 284

SENATE BILL NO. 87
BY SENATOR CATHEY
AN ACT

To amend and reenact R.S. 39:112(C)(1)(a) and (b), and (E)(2)(a), and to enact R.S. 39:112(E)(3), relative to capital outlay; to provide for the approval of the Joint Legislative Committee on Capital Outlay of economic development and emergency projects; to provide for the reporting of projects that are exempt from providing a local match; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:112(C)(1)(a) and (b), and (E)(2)(a) are hereby amended and reenacted and R.S. 39:112(E)(3) is hereby enacted to read as follows:

§112. Capital outlay act

* * *

C.(1) Capital outlay budget requests submitted after November first may be included within the capital outlay act if the capital outlay budget request

meets all of the applicable requirements as provided in R.S. 39:101 and 102 except for time of submission and if any of the following conditions have been met:

(a) The project is an economic development project recommended in writing by the secretary of the Department of Economic Development: **and has been approved by the Joint Legislative Committee on Capital Outlay.**

(b) The project is an emergency project recommended in writing by the commissioner of administration: **and has been approved by the Joint Legislative Committee on Capital Outlay.**

E.(1)

* * *

* * *

(2)

* * *

(a) A project deemed by the commissioner of administration to be an emergency project: **and has been approved by the Joint Legislative Committee on Capital Outlay. The commissioner shall submit the emergency project to the Joint Legislative Committee on Capital Outlay for review and shall, within seven days, notify all members of the Joint Legislative Committee on Capital Outlay that an emergency project has been submitted. The Joint Legislative Committee on Capital Outlay shall meet to review the emergency project for approval within forty-five days of receipt from the commissioner. If the Joint Legislative Committee on Capital Outlay does not meet within the forty-five-day review period, the emergency project shall be approved.**

* * *

(3) **The commissioner of administration shall submit an annual report, no later than the first day of February, to the Joint Legislative Committee on Capital Outlay, the House Committee on Ways and Means, and the Senate Committee on Revenue and Fiscal Affairs detailing the projects which have been exempted from providing a local match pursuant to Paragraph (2) 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, June 6, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 285

SENATE BILL NO. 103
BY SENATOR FOIL
AN ACT

To enact R.S. 9:5605.2, relative to legal malpractice; to provide relative to filing time periods; to provide relative to the burden of proof; to provide relative to collectability of damages; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:5605.2 is hereby enacted to read as follows:

§5605.2. Collectability rule

In any action for damages by a client against an attorney, the client's recovery against the attorney shall be limited to the amount of damages which the attorney shows by a preponderance of the evidence would have been the maximum amount of damages that the client could have collected in the client's underlying action in which he was represented by the attorney.

Section 2. The provisions of this Act are intended to legislatively overrule the holding that collectability of damages against the tortfeasor in an underlying lawsuit is not an affirmative defense to a legal malpractice action, as held in the Louisiana Supreme Court decision, *Ewing v. Westport Ins. Co.*, 315 So.3d 175 (La. 2020).

Section 3. This Act shall become effective on July 1, 2022.

Approved by the Governor, June 6, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 286

SENATE BILL NO. 258
BY SENATOR HEWITT AND REPRESENTATIVE GAROFALO
AN ACT

To amend and reenact R.S. 18:401.3(B), (C), and (D)(1), (2)(a)(i) and (ii), (3), and (4), and to enact R.S. 18:401.3(E), relative to emergency election plans; to provide for reasons for the development of a plan; to authorize alternative plans; to provide for procedures for approval of a plan; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:401.3(B), (C), and (D)(1), (2)(a)(i) and (ii), (3), and (4) are hereby amended and reenacted and R.S. 18:401.3(E) is hereby enacted to read as follows:

§401.3. Emergency plan by secretary of state; gubernatorial and legislative

approval

* * *

B.(1)(a) After the issuance of an executive order by the governor declaring a state of emergency **or disaster** and if the secretary of state determines that such emergency **or disaster** impairs an election that may otherwise be held except for technical, mechanical, or logistical problems with respect to the relocation or consolidation of polling places within the parish, potential shortages of commissioners and absentee commissioners, ~~or~~ shortages of voting machines, **or other impairments that affect participation in or the integrity of the electoral process**, the secretary of state shall certify such facts and the reasons therefor to the governor, the Senate Committee on Senate and Governmental Affairs, and the House Committee on House and Governmental Affairs.

(b)(i) The Senate Committee on Senate and Governmental Affairs and the House Committee on House and Governmental Affairs shall meet and function as a joint committee for all purposes pursuant to this Section. No action shall be taken by the joint committee except by the favorable vote of a majority of the members thereof from each house present and voting, each house voting separately.

(ii) The joint committee shall meet no later than ten days following receipt of the certification.

(c) If the governor and a majority of the members of each committee concur that such an emergency plan is necessary, the secretary of state shall develop an emergency plan in writing that proposes a resolution to technical, mechanical, or logistical problems impairing the holding of the election with respect to the relocation or consolidation of polling places within the parish, potential shortages of commissioners and absentee commissioners, ~~or~~ shortages of voting machines, **or other impairments that affect participation in or the integrity of the electoral process. The secretary of state may also present alternative written emergency plans at the same time.**

(2) If, in addition to the resolution of the technical, mechanical, or logistical problems as provided in Paragraph ~~(B)~~(1) of this ~~Section~~ **Subsection**, the secretary of state determines that it is necessary and feasible to conduct early voting in ~~certain parishes~~ to enable ~~displaced~~ **affected** voters to vote, the secretary of state may include in the emergency plan a proposal to conduct early voting at the offices of the registrars in ~~certain parishes in the state. Any early voting authorized by the provisions of this Paragraph shall be conducted in the same manner as provided in R.S. 18:1309(A) times and locations which are accessible to affected voters.~~

C.(1) The written emergency plan and any alternatives shall be submitted by the secretary of state to the Senate Committee on Senate and Governmental Affairs, the House Committee on House and Governmental Affairs, and the governor either at the same time as he submits the certification or as soon as practicable following their the joint committee's and the governor's concurrence with his certification. The joint committee shall meet no later than ten days following receipt of the emergency plan. The secretary of state may incorporate changes suggested and approved by the joint committee into the emergency plan. If a majority of the members of the Senate Committee on Senate and Governmental Affairs and of the House Committee on House and Governmental Affairs approve the emergency plan or an alternative emergency plan, such the approved plan shall be submitted to the members of each house of the legislature for approval by mail ballot as provided in this Section. If a majority of the members of each house of the legislature and the governor approve the emergency plan or if the legislature overrides the governor's disapproval of the emergency plan as provided in Subsection E of this Section, the secretary of state shall take all steps necessary to implement the plan and all officials of the state and of any political subdivision thereof shall cooperate with and provide assistance to the secretary of state as necessary to implement the plan.

(2) The joint committee shall send notice to the governor of each meeting held pursuant to this Section. The governor or his designee may attend each joint meeting held pursuant to this Section and may provide recommendations to the joint committee regarding the emergency plan.

D.(1) In order to obtain the approval of a majority of the elected members of each house of the legislature, the secretary of the Senate and the clerk of the House of Representatives shall jointly prepare and transmit a ballot to each member of the legislature by certified mail with return receipt requested unless the legislature is in session and the ballots may be distributed and returned during the session as **soon as possible in the manner** provided in this Subsection.

(2)(a) The ballot shall be uniform and the materials sent with the ballot shall include:

(i) A copy of the secretary of state's certification that the emergency **or disaster** impairs an election that may otherwise be held ~~except for certain technical, mechanical, or logistical problems~~ and the reasons therefor.

(ii) A copy of the emergency plan **approved by the joint committee.**

* * *

(3)(a) The ballots mailed to all members shall be postmarked on the same day and shall be returned to the secretary of the Senate or the clerk of the House of Representatives, as the case may be, within fifteen days after the postmarked date; or, when such ballots are delivered to the members of the legislature while in session, the ballots shall be returned to the secretary of the Senate or the clerk of the House of Representatives, as the case may be, within five days after the date the ballots were delivered to members. No ballot received after five o'clock p.m. on the fifth day after the date on which the ballots were delivered to the members during session or after five o'clock

p.m. on the fifteenth day after the date on which the ballots were mailed shall be valid or counted, and the date and time received shall be marked on each such ballot and the ballot shall be marked "Invalid." Prior to five o'clock p.m. on the fifth day after the date when delivered to the members of the legislature while in session or prior to five o'clock p.m. on the fifteenth day after the postmarked date if mailed to the members of the legislature, a member may withdraw his ballot or change his vote upon his written request.

(b) If the emergency is declared within sixty days prior to the date of the election when the legislature is not in session, the joint committee may require that ballots be returned within five days. The secretary of the Senate and the clerk of the House of Representatives shall utilize any method necessary to deliver the ballots, including commercial delivery, electronic transmission, or hand delivery, and shall keep a record of the manner of delivery utilized to deliver the ballot to each member and the date the ballot was so transmitted to each member. When such ballots are delivered to the members of the legislature while in session, the ballots shall be returned to the secretary of the Senate or the clerk of the House of Representatives, as the case may be, within five days after the date the ballots were delivered to members.

(4) At any time after the deadline for submitting the ballots as provided in Paragraph (3) Subparagraph (3)(a) of this Subsection, but prior to the eighteenth day after the date on which the ballots were mailed, or prior to the eighth day after the date on which the ballots were delivered to the members of the legislature in session **or delivered pursuant to Subparagraph (3)(b) of this Subsection**, the secretary of the Senate and the clerk of the House of Representatives shall jointly open and tabulate the vote in roll call order for each house of the legislature. The clerk and the secretary shall hold such ballots unopened and shall not disclose the contents to any person until the day when such ballots are opened and tabulated. The tabulation sheet shall indicate by name each member who voted in favor of the plan, each member who voted against the plan, each member who did not return the ballot by the deadline, and each member whose ballot was invalid because it was not marked or signed by the member. The secretary of the Senate and the clerk of the House of Representatives shall each sign the tabulation sheet and cause a certified copy thereof to be transmitted to the secretary of state, the governor, and the chairmen of the Senate Committee on Senate and Governmental Affairs and House Committee on House and Governmental Affairs.

* * *

E. If a majority of the elected members of each house of the legislature approve the emergency plan, the governor shall either approve or disapprove the plan no later than five days after he receives the certified tabulation sheet. If the governor approves the plan, he shall immediately send a written message of approval to the secretary of state and the chairmen of the Senate Committee on Senate and Governmental Affairs and House Committee on House and Governmental Affairs. If the governor disapproves of the plan, he shall immediately send a written message of disapproval to the secretary of the Senate and the clerk of the House of Representatives. The secretary and the clerk shall immediately and jointly prepare and transmit a ballot to each member of the legislature utilizing the same procedures and deadlines provided in Subsection D of this Section. The ballot shall contain a question phrased to allow each member to cast his vote for or against overriding the governor's disapproval of the emergency election plan. If two-thirds of the elected members of each house vote to override the governor's disapproval of the emergency election plan, the secretary of state shall implement the plan in the manner provided by Subsection C of this Section.

Approved by the Governor, June 6, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 287

SENATE BILL NO. 364
BY SENATOR REESE
AN ACT

To amend and reenact R.S. 47:1837(G)(3), relative to the Louisiana Tax Commission; to provide for notice requirements for emergency rulemaking; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:1837(G)(3) is hereby amended and reenacted to read as follows:

§1837. Duties and responsibilities

* * *

G.

* * *

(3)(a) Tax commission rulemaking shall be subject to oversight by the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means. Notwithstanding any provision of law to the contrary **and subject to the provisions of this Paragraph**, the tax commission may use emergency rulemaking procedures when necessary for effective administration of ad valorem taxes.

(b) The tax commission shall post the current draft of any proposed emergency rule on the commission's website at least sixty days before the publication of the final version of the emergency rule in the Louisiana Register and shall provide for the submission of comments. All comments received within thirty days of the posting of the draft emergency rule shall be reviewed and considered by the

commission. The commission may revise the draft before the final version of the emergency rule is submitted to the Office of the State Register. The provisions of this Subparagraph shall not apply to statewide advisories issued by the commission.

Approved by the Governor, June 6, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 288

HOUSE BILL NO. 1080 (Substitute for House Bill No. 1038 by Representative Deshotel)

BY REPRESENTATIVE DESHOTEL
AN ACT

To amend and reenact R.S. 44:4.1(B)(35) and R.S. 51:2370.2(introductory paragraph), (2), and (16), 2370.3, 2370.4(A)(introductory paragraph) and (12), (B), and (C)(1), 2370.5(A), (B)(introductory paragraph), (D), (E), (H), (I), and (J), 2370.9, 2370.10(B), 2370.13, and 2370.16, to enact R.S. 51:2370.10(D), and to repeal R.S. 51:2370.4(C)(2), relative to broadband; to provide for the GUMBO grant program; to provide for definitions; to provide for mapping; to provide for privately-funded broadband deployment; to require performance bonds under certain circumstances; to authorize objections by local governing authorities; to provide for description of service; to provide for protest; to authorize certain reports; to adjust the administrative fee; to provide for public records exceptions; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:4.1(B)(35) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

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

* * *

(35) R.S. 51:710.2(B), 705, 706, 936, 1404, 1926, 1934, 2113, 2182, 2262, 2318, 2370.3, 2370.16, 2389

* * *

Section 2. R.S. 51:2370.2(introductory paragraph), (2), and (16), 2370.3, 2370.4(A)(introductory paragraph) and (12), (B), and (C)(1), 2370.5(A), (B) (introductory paragraph), (D), (E), (H), (I), and (J), 2370.9, 2370.10(B), 2370.13, and 2370.16 are hereby amended and reenacted and R.S. 51:2370.10(D) is hereby enacted to read as follows:

§2370.2. Definitions

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

* * *

(2) "Broadband service" means deployed internet access service with a minimum of ~~twenty-five~~ one hundred megabits per second (Mbps) download and at least ~~three~~ twenty megabits per second upload transmission speeds. The office shall have the authority to determine whether any particular technology can reliably meet or exceed any internet transmission speed threshold.

* * *

(16) "Unserved" means, notwithstanding any other provision of law, any federal funding awarded to or allocated by the state for broadband deployment shall not be used, directly or indirectly, to deploy broadband infrastructure to provide broadband internet service in any area of the state where broadband internet service of at least ~~twenty-five~~ one hundred Mbps megabits per second download and ~~three~~ twenty Mbps megabits per second upload is available from at least one internet service provider.

* * *

§2370.3. Ineligibility due to funds; submission of census block, shape file area, and address data; time limitations; mapping

A. A provider ~~receiving that has been fully authorized to receive~~ Universal Service, Connect America Phase II, Rural Digital Opportunity Fund, or ~~nonfederal other public funds to deploy broadband service using wireline technology~~ may qualify the area for protection by submitting, within sixty days of the close of the application period, a listing of the census blocks, shapefile areas, individual addresses, or portions thereof, comprising the ~~federally-funded~~ publicly-funded project areas meeting this requirement to the office. Any location or area of the state, subject to a Rural Digital Opportunity Fund award, in which the provider receiving the award has proposed to provide broadband internet access service through a technology other than a wireline technology, may be eligible for the GUMBO grant program.

B.(1) A provider with firm plans to privately fund broadband deployment within twenty months may qualify the area for protection by submitting to the office, within thirty days of the close of the application period, a listing of the census blocks, shapefile areas, individual addresses, or portions thereof, comprising the privately-funded project areas meeting this requirement. A provider seeking to qualify the area for protection pursuant to this Subsection shall also provide the office with evidence of plans to deploy within twenty

months, which shall include detailed project plans, schedules, detailed budgets, or executive affidavits. Providers that block competitive bidding for GUMBO funding through credible evidence of intent to build shall be required to sign a commitment with penalties for failure to execute. The office may, at its discretion, grant an extension of the twenty-month period provided in this Paragraph.

(2) A provider seeking to privately fund broadband deployment in accordance with this Subsection shall construct and provide deployable broadband service within the twenty-month period to at least eighty percent of the designated locations; however, the office may, at its discretion, grant an extension to this twenty-month period.

(3)(a) The office shall require any provider seeking to privately fund broadband deployment in accordance with this Subsection to furnish a bond to guarantee the faithful performance of work.

(b) The performance bond required by this Paragraph shall be in an amount equal to the cost of construction and deployment.

(4) If a provider fails to perform as required by this Subsection and the performance bond is due, the provider shall be ineligible for any state-administered federal grant program designated for broadband development services.

C.(1) A local governing authority may submit, in writing, to the office an objection to any provider that seeks to bid to deploy broadband services in the local governing authority's area if the provider has received a letter grade rating of "D" or "F" from the Better Business Bureau.

(2) At the request of the local governing authority that submits an objection in accordance with this Paragraph, a provider shall be ineligible to bid to deploy broadband services.

D. In future program years, the deadline for submitting the census blocks, shapefile areas, individual addresses, or portions thereof shall be established by the office, but shall not be less than sixty days prior to the beginning date of the application period. This will enable the office to update maps and advise applicants as to the unserved areas of the state that are ineligible for consideration in that program year.

E. The office shall only utilize the data to update maps of census blocks, shapefile areas, individual addresses, or portions thereof and to reflect the census blocks, shapefile areas, individual addresses, or portions thereof as being served.

F. In no instance shall an applicant be required to provide any data beyond that which it is required to provide to the Federal Communications Commission pursuant to The Broadband Deployment Accuracy and Technological Availability Act pursuant to 47 U.S.C. 641 et seq.

G. Failure on the part of a provider to submit the listing of census blocks, shapefile areas, individual addresses, or portions thereof by the deadline shall result in those areas being ineligible for exclusion under the GUMBO program during the upcoming program year. A provider using wireline technology that has facilities in the area or that intends to deploy broadband service within twenty-four months, as a result of receiving public funds specifically for broadband deployment or upon providing the office with evidence of firm plans to privately fund deployment, shall be able to protest ineligibility.

H. The office shall use the provided census blocks, shapefile areas, individual addresses, or portions thereof only for mapping of unserved areas.

I. Upon expiration of the twenty-four month reservation period described in Subsection G of this Section, a provider that has received a reservation of census blocks, shapefile areas, individual addresses, or portions thereof shall submit written documentation by April thirtieth of the year following the program year that the initiation of activity related to broadband infrastructure will or has begun in the census blocks, shapefile areas, individual addresses, or portions thereof, that have been deemed ineligible by the office due to the existence of a federally-funded project area.

J.(1) The office shall secure information from any entity, public or private, providing internet service to at least one location in this state to assist the office in compiling a statewide parish-by-parish broadband map identifying the locations and capability of broadband service in this state. At the request of the office, any such entity shall submit to the office, on or before fifteen days following the expiration of the date required for submission of broadband deployment information to the federal government, any such broadband deployment information. The information provided to the office shall contain the same information and be provided in the same format as the information that was submitted to the Federal Communications Commission, in a manner specified by the office. In no instance shall an entity be required to provide any data beyond that which it is required to provide to the Federal Communications Commission.

(2) Any entity, public or private, providing internet service to at least one location in this state, that does not comply with the requirements of this Section or that submits inaccurate information, may be ineligible to participate in, or receive any funding from, any state-administered grant program designated for broadband infrastructure deployment in this state in the calendar year of noncompliance and the following calendar year.

(3) Any location in this state purportedly served by any entity, public or private, providing internet service to at least one location in this state, that does not comply with the requirements of this Section may be considered to have internet access service of less than one hundred megabits per second for download and twenty megabits per second for upload.

(4) Any broadband availability data provided in accordance with this Section shall be used solely for the purpose of identifying served, underserved, and

unserved areas to aid in the administration of the GUMBO program and for no additional purpose.

(5) Any entity submitting broadband data to the office as required by this Section may review the proposed draft of the state broadband map and submit any necessary corrective data to the office prior to the publication or utilization of the state broadband map for any state-administered grant program designated for broadband infrastructure deployment in this state.

(6) Any entity submitting broadband data to the office as required by this Section may challenge any area ultimately deemed eligible for any state-administered grant program designated for broadband infrastructure deployment in this state that overlaps with an entity's verified service territory.

K.(1) The office may contract with a private entity or third-party consultant to develop and maintain the state broadband map. Any contract entered into by the office and a private entity or third-party consultant for the purpose of developing and maintaining the state broadband map shall include a confidentiality agreement prohibiting the disclosure of any broadband data provided in accordance with this Section.

(2) Information compiled pursuant to the provisions of Subsection J of this Section shall be exempt from the Public Records Law and shall be considered confidential, proprietary, and a trade secret of the internet service provider providing the information. The office, including any private entity or third-party consultant retained or employed pursuant to this Section, shall keep strictly confidential and shall not disclose, or cause or permit to be disclosed, to any third person, private entity or public body as defined in R.S. 44:1, any broadband availability data provided in accordance with Subsection I of this Section. The office, including any private entity or third-party consultant retained or employed pursuant to this Section, shall take all actions reasonably necessary to ensure that the broadband availability data remains strictly confidential and is not disclosed to or seen, used, or obtained by any third person, private entity, or public body as defined in R.S. 44:1.

(3) The requirements of this Section shall terminate under any one of the following conditions, whichever occurs first:

(a) A determination by the office that it is no longer necessary to compile a statewide parish-by-parish broadband map identifying the locations and capability of broadband service in this state.

(b) At midnight on December 31, 2026.

(4) The office may promulgate rules necessary to carry out the provisions of this Section in accordance with the Administrative Procedure Act.

§2370.4. Applications; burden of proof; public comment; protest

A. Applications for grants shall be submitted at times designated by the director and shall include, at a minimum, the following information:

* * *

(12) Evidence of support for the project from citizens, local government, businesses, and or institutions in the community.

* * *

B. A provider submitting an application pursuant to this Section shall bear the burden of proof that the proposed area to be served can, to the best of his knowledge in fact, be served using the proposed technology and that the area is, as of the close of the application deadline, unserved.

C.(1) Applications shall be made publicly available, subject to the confidentiality protections provided in this Part, by posting on the website of the office or the website of the division of administration for a period of at least sixty thirty days prior to award. ~~During the sixty-day period, any interested party may submit comments to the director concerning any pending application. Any~~ Following the announcement of awards, any aggrieved person party may submit a protest of any application or award in accordance with R.S. 51:2370.5, specific to whether a location or area is served or unserved by a broadband service, which shall be the sole reason allowable for the submission of a protest. Protests shall be submitted in writing, accompanied by all relevant supporting documentation, and shall be considered by the office in connection with the review of the application award. Upon submission of evidence to the office that the proposed project area includes prospective broadband recipients that are served, the office may work with an applicant to amend an application award to reduce the number of unserved prospective broadband recipients in the project area to reflect an accurate level of current broadband service. The office may revise application scores in accordance with amended applications. The office shall not grant funds to an applicant who submits an application that does not comply with program requirements. For applications awards with filed protests, the director shall issue a written decision to the protesting party at least fifteen days prior to the approval of that application. ~~Following a protest that at least within fifteen days prior to the approval of the application after receipt of a protest. Following a protest that is granted for a portion of the application award, the office shall release to an applicant the locations or areas declared ineligible. Any provider submitting a protest shall attest that the information in the protest is accurate and that the protest is submitted in good faith. The office may deny any protest or application that contains inaccurate information.~~

* * *

§2370.5. Administrative and judicial review

A.(1) An aggrieved party may submit a protest of an award in accordance with this Section. The period for protesting an award shall be thirty days from the announcement of an award. Protests shall be submitted in writing, accompanied by all supporting documentation, and shall be considered by

the office in connection with the review of the application and award. Any provider submitting a protest shall attest that the information in the protest is accurate and that the protest is submitted in good faith. The office may deny any protest or application that contains inaccurate information.

A-(2) The director or his designee shall have authority, prior to the commencement of an action in court concerning a protest arising under this Part, to settle and resolve the protest of an aggrieved person party concerning a grant application award. An aggrieved party may also submit a protest of eligibility of an application only if the aggrieved party has facilities in the area or intends to deploy broadband services within the next twenty-four months, as a result of receiving public funds specifically for broadband deployment or if the aggrieved party is seeking to privately fund broadband deployment in accordance with R.S. 51:2370.3. This authority shall be exercised in accordance with applicable regulations.

(3) If the basis of the protest of an award is that an application proposes to serve an area that is already served, the office may utilize speed tests that conform to the methodology employed in the Federal Communications Commission's "Measuring Broadband America" report to determine if the protested area or individual households or businesses currently have access to broadband service as defined in this Part. All decisions regarding the speed test to be utilized and the manner by which the speed tests are applied shall be made by the director or his designee.

B. If the protest is not resolved by mutual agreement, the director or his designee shall, within ~~fourteen~~ seven days, issue a decision in writing. The decision shall:

* * *

D. A decision required by Subsection B of this Section shall be final and conclusive unless one of the following applies:

(1) The decision is fraudulent.

(2) The person party adversely affected by the decision has timely appealed to the commissioner of administration in accordance with Subsection E of this Section.

E. The aggrieved person party shall file an appeal with the commissioner of administration within ~~fifteen~~ ten days of receipt of a decision issued pursuant to Subsection B of this Section. The commissioner of administration shall have the authority to review and determine any appeal by an aggrieved person party from a determination by the director or his designee.

* * *

H. A decision issued pursuant to Subsection F of this Section shall be final and conclusive unless one of the following applies:

(1) The decision is fraudulent.

(2) The person party adversely affected by the decision has appealed to the court as provided for in Subsection I of this Section.

I. The aggrieved person party shall file an appeal in the Nineteenth Judicial District Court within seven days of receipt of a decision issued pursuant to Subsection F of this Section. The Nineteenth Judicial District Court shall have exclusive venue over an action between the state and an applicant, prospective or actual, any aggrieved party to determine whether an award of a grant is in accordance with this state's constitution, statutes, and regulations. Such actions shall extend to all kinds of actions, whether for monetary damages or for declaratory, injunctive, or other equitable relief.

J. Any party aggrieved by a final judgment or interlocutory order or ruling of the Nineteenth Judicial District Court may appeal or seek review thereof, as the case may be, to the Louisiana Court of Appeal, First Circuit or the Supreme Court of Louisiana, as otherwise permitted in civil cases by law and the constitution of this state. If a court has found in a final judgment that an applicant or protestor has incorrectly designated a location as served or unserved, the office may assess a civil penalty of up to one thousand dollars per incorrectly designated location identified in the GUMBO award process and disputed in litigation.

* * *

§2370.9. Compliance during the agreement

The office shall require that grant recipients offer the proposed advertised minimum download and minimum upload speeds of twenty-five Mbps download and three Mbps upload. Grant recipients that have offered broadband service to at least one thousand consumers for a period of at least five consecutive years shall offer broadband service at prices consistent with offers to consumers in other areas of the state. Any other broadband provider shall ensure that the broadband service is priced to consumers at no more than the cost rate identified in the project application, for the duration of the five-year service agreement. In calculating cost, the recipient may adjust annually, consistent with the annual percentage increase in the Consumer Price Index in the preceding year. At least annually, a grant recipient shall provide to the office evidence consistent with Federal Communications Commission attestation that the grant recipient is making available the proposed advertised speed, or a faster speed, as contained in the grant agreement. For the duration of the agreement, grant recipients shall disclose any changes to data caps. The office may require that grant recipients submit, no more than quarterly, a report for each funded project for the duration of the agreement.

§2370.10. Failure to perform

* * *

B. A grant recipient shall not be required to forfeit the amount of the grant received if it fails to perform due to a natural disaster, an act of God, force majeure, a catastrophe, pandemic, the failure to obtain access to private or public property or any government permits under reasonable terms or such

other occurrence over which the grant recipient has no control.

* * *

D. Notwithstanding the provisions of this Section to the contrary, if a grant recipient fails to complete a project in a material respect, the grant recipient, at the discretion of the office, may be required to reimburse the state the actual cost to finish the project. The actual cost to finish the project shall be determined by the office in consultation with the grant recipient. The office shall not require a grant recipient that it deems has made a good faith effort to complete a project to reimburse the state an amount greater than the remaining GUMBO cost per prospective broadband recipient as set forth in the grant recipient's application.

* * *

§2370.13. Administration fee

The office may use up to one percent of the appropriated funds to administer the GUMBO program. The office may use an additional one percent of the appropriated funds to hire third-party contractors as deemed necessary for the further administration of the GUMBO program. The additional one percent shall not be used as compensation for any new or existing positions within the office.

* * *

§2370.16. Records; limitations

Notwithstanding any provision of this Part to the contrary, all records related to the GUMBO program shall be public records as provided by the Public Records Law, except the following: for

(1) ~~A~~ a provider's trade secret and proprietary information, including coverage data, maps, and shapefiles.

(2) ~~Information regarding unserved coverage areas not yet awarded or announced.~~

(3) ~~Applications pending evaluation.~~

Section 3. R.S. 51:2370.4(C)(2) is hereby repealed in its entirety.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 289

SENATE BILL NO. 7

BY SENATORS PRICE, ROBERT MILLS, PEACOCK AND TALBOT
AND REPRESENTATIVES ADAMS, BACALA, BOYD, JEFFERSON,
LAFLEUR, LARVADAIN, NELSON AND TARVER
AN ACT

To provide a permanent benefit increase to retirees and beneficiaries of the Louisiana State Police Retirement System; to authorize payments funded by the retirement system's experience account; to provide for qualifications for receipt of such payments; to provide relative to the amount of such payments; 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. The legislature finds that the experience account of the Louisiana State Police Retirement System was created for the purpose of accumulating money sufficient to provide actuarial funding of permanent post-retirement benefit increases for certain retirees and beneficiaries of the system. The legislature further finds that the experience account is credited with a portion of the system's investment gain in excess of certain thresholds and with interest on funds in the account; provided, however, that the amount in the experience account shall in no event exceed the reserve necessary to grant one permanent benefit increase until the system is at least eighty percent funded.

Section 2.(A) The legislature finds that permanent benefit increases funded by the experience account monies are payable to regular retirees who have been retired for at least one year and who have attained the age of sixty years; to disability retirees who have been retired at least one year regardless of age; to beneficiaries of retirees who would have met the applicable criteria to receive the increase if they had survived; and to nonretiree beneficiaries who have been receiving benefits for at least a year and whose benefits are derived from service of deceased members who would have attained age sixty. The legislature further finds that any increase payable in 2022 shall be calculated on an amount not to exceed sixty-eight thousand three hundred twelve dollars of a retirement benefit.

(B) Additionally, the legislature finds that supplemental permanent benefit increases funded by the experience account monies are payable to retirees who have attained the age of sixty-five years and who retired on or before June 30, 2001. The legislature further finds that any increase payable in 2022 shall be calculated on an amount not to exceed sixty-eight thousand three hundred twelve dollars of a retirement benefit.

Section 3. The legislature finds that, in accordance with the provisions of R.S. 11:1332, the board of trustees of the Louisiana State Police Retirement System is expected to send a resolution recommending to the president of the Senate and the speaker of the House of Representatives that the legislature grant a permanent benefit increase to the eligible retirees and beneficiaries of the system in accordance with the provisions of R.S. 11:1332 and Article X, Section 29(F) of the Constitution of Louisiana.

Section 4. The legislature finds that the resolution presented to the presiding officers of the legislature is expected to contain a recitation of the statutorily required conditions and specification of the satisfaction of each as follows:

(A) For the plan year that ended June 30, 2021, the Louisiana State Police Retirement System earned an actuarial rate of return of eleven and thirty-eight one-hundredths percent, which exceeded the board-approved actuarial valuation rate of seven percent, and was seventy-four and fifty-four one-hundredths percent funded.

(B) For any year in which the system's rate of return is at least seven percent, R.S. 11:1332(C) provides that if the system is at least sixty-five percent funded but less than seventy-five percent funded and the legislature has not granted a benefit increase in the preceding year, a permanent benefit increase shall not exceed the lesser of two percent or the increase in the Consumer Price Index, U.S. city average for all urban consumers, as prepared by the U.S. Department of Labor, Bureau of Labor Statistics, for the twelve-month period ending on the system's valuation date preceding the increase.

(C) The Consumer Price Index for All Urban Consumers, U.S. city average for all items as prepared by the U.S. Department of Labor, Bureau of Labor Statistics for the twelve-month period ending June 30, 2021, is five and four-tenths percent, which is greater than two percent.

Section 5. The system actuary has determined that the actuarial liability created by providing a permanent benefit increase of two percent and a supplemental increase of two percent is approximately nine million four hundred ninety-seven thousand dollars. The system actuary computed the balance in the experience account to be over nine million four hundred ninety-seven thousand dollars, an amount sufficient to fund the increases.

Section 6. The legislative auditor has confirmed that the legislative auditor's actuary is in the process of determining whether he agrees with the determinations of the system actuary.

Section 7.(A) Contingent upon satisfaction of all necessary conditions contained in R.S. 11:1332(D), an amount not to exceed sixty-eight thousand three hundred twelve dollars of the current benefit of each retiree and beneficiary of the Louisiana State Police Retirement System who meets the eligibility criteria contained in the statute and recited in this Act shall be increased by two percent effective July 1, 2022.

(B) Contingent upon satisfaction of all necessary conditions contained in R.S. 11:1332(F), an amount not to exceed sixty-eight thousand three hundred twelve dollars of the current benefit of each retiree and beneficiary of the Louisiana State Police Retirement System who meets the eligibility criteria for a supplemental increase contained in the statute and recited in this Act shall be increased by an additional two percent effective July 1, 2022.

Section 8. The cost of this Act shall be funded with monies from the system's experience account. Any additional cost of this Act shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Louisiana Constitution.

Section 9. 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 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 290

SENATE BILL NO. 46
BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 13:783(F)(7), relative to expenses of the clerks of court; to provide for insurance premium costs for certain retirees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:783(F)(7) is hereby amended and reenacted to read as follows:

§783. Expenses of clerk's office

* * *

F.

* * *

(7) In the parishes of Avoyelles, Bossier, Caddo, Calcasieu, Caldwell, Cameron, Franklin, Grant, Iberia, Lafayette, LaSalle, Orleans, Ouachita, Pointe Coupee, St. Martin, **St. Mary**, Terrebonne, Webster, West Feliciana, and Winn, the clerk of court shall pay, from the clerk's salary fund, one hundred percent of the premium costs of the group life and accidental death and dismemberment, group health, accident, dental, hospital, surgical, or other medical expense insurance for any employee who was a covered employee, who elects to continue coverage, and who retires from the Avoyelles Parish clerk of court's office, the Bossier Parish clerk of court's office, the Caddo Parish clerk of court's office, the Calcasieu Parish clerk of court's office, the Caldwell Parish clerk of court's office, the Cameron Parish clerk of court's office, the Franklin Parish clerk of court's office, the Grant Parish clerk of court's office, the Iberia Parish clerk of court's office, the Lafayette Parish clerk of court's office, the LaSalle Parish clerk of court's office, the Orleans Parish Civil District Court clerk of court's office, the Orleans Parish Criminal District Court clerk of court's office, the Ouachita Parish clerk of court's office, the Pointe Coupee Parish clerk of court's office, the St. Martin Parish clerk of court's office, **the St. Mary Parish clerk of court's office**, the Terrebonne Parish clerk of court's office, the Webster Parish clerk of court's office, the West

Feliciana Parish clerk of court's office, or the Winn Parish clerk of court's office who begins receiving monthly benefits from the Louisiana Clerks' of Court Retirement and Relief Fund immediately upon retirement from active employment, who has at least twenty years of full-time service with the clerk of court's office in Avoyelles Parish, Bossier Parish, Caddo Parish, Calcasieu Parish, Caldwell Parish, Cameron Parish, Franklin Parish, Grant Parish, Iberia Parish, Lafayette Parish, LaSalle Parish, Ouachita Parish, Pointe Coupee Parish, St. Martin Parish, **St. Mary Parish**, Terrebonne Parish, Webster Parish, West Feliciana Parish, or Winn Parish, Orleans Parish Civil District Court, or Orleans Parish Criminal District Court, and who is at least fifty-five years of age. The provisions of this Paragraph shall not apply to any other insurance, such as supplemental insurance, that an employee may elect to purchase.

* * *

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 291

SENATE BILL NO. 51

BY SENATOR MIZELL AND REPRESENTATIVES BACALA, BUTLER,
DUBUISSON, FREIBERG, FRIEMAN, LAFLEUR, ROBERT OWEN AND
WHITE
AN ACT

To amend and reenact R.S. 13:721 and 722, relative to the Twenty-Second Judicial District Court; to provide for an additional commissioner for the Twenty-Second Judicial District Court; to authorize commissioners to preside over cases involving domestic violence; to authorize commissioners to preside over civil cases; to provide for the residency requirements of the commissioners; to provide for the salary of commissioners; to provide for the duties and powers of the commissioners; to provide for temporary orders and recommendations for final judgments; to provide for procedure and delays to request a hearing before a district court judge to traverse the recommendations of the commissioner; to reaffirm the jurisdiction and authority of the district judges to accept, reject, or modify the findings or recommendations of the commissioners; to provide for appeals; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:721 and 722 are hereby amended and reenacted to read as follows:

§721. ~~Commissioner~~ **Commissioners** for the Twenty-Second Judicial District Court

A. There ~~is are~~ hereby created ~~one office~~ **two offices** of commissioner for the Twenty-Second Judicial District Court.

B. The ~~commissioner~~ **commissioners** shall be selected by a majority of the judges of the Twenty-Second Judicial District and may be removed from office by a majority of those judges. There shall be no term of such office. **Each** commissioner shall serve at the pleasure of the court. Additionally, the ~~commissioner~~ **commissioners** may be subject to removal from office for any reason for which a district judge may be removed.

C. The ~~commissioner~~ **commissioners** shall have jurisdiction over criminal, **civil, and domestic violence** matters.

D. The provisions of this Section shall not affect or limit the jurisdiction of a district judge as provided by law.

E.(1) Subject to the other provisions of this Subsection, the ~~commissioner~~ **commissioners** shall have all of the powers as are enumerated below. The powers of the ~~commissioner~~ **commissioners** shall not be inconsistent with the constitution and laws of this state, the constitution and laws of the United States, or the rules of the Twenty-Second Judicial District Court. The ~~commissioner~~ **commissioners** shall perform such duties as are assigned by the Twenty-Second Judicial District Court, in accordance with the rules which shall be prescribed by the elected judges of the court.

(2) The powers of the ~~commissioner~~ **commissioners** when hearing criminal matters may include but shall not be limited to the power to:

(a) Administer oaths and affirmations.

(b) Take acknowledgments, affidavits, and depositions.

(c) Act on **misdemeanor and** felony charges through arraignment; however, the ~~commissioner~~ **commissioners** shall not accept **guilty** pleas, ~~of guilty on or sign orders disposing of felony charges.~~

~~(d) Hear preliminary motions prior to filing the bill of information or indictment and make recommendations to the district judge.~~

~~(e) Act on misdemeanor charges including accepting pleas in misdemeanor cases preliminary to trial on the merits and conduct evidentiary hearings of misdemeanor cases. A trial on the merits in a misdemeanor case shall be tried by the commissioner only upon the written consent of the defendant and the expressed waiver of the defendant's right to have his case heard by a district court judge.~~

~~(f)(d)~~ Fix bail.

~~(g)(e)~~ Review probable cause affidavits within forty-eight hours of warrantless arrests.

~~(h)(f)~~ Conduct seventy-two hour hearings.

~~(i)(g)~~ Sign waivers of extradition only upon the written consent of the defendant and the expressed waiver of the defendant's right to have his

extradition heard by a district court.

~~(h)~~ **(h) Supervise defendants sentenced under the provisions of the drug court specialty courts in accordance with the policies set down by the judges of the Twenty-Second Judicial District Court.**

~~(i)~~ **(i) Supervise all conditions of bail bonds.**

~~(j)~~ **(j) Supervise special conditions of protective orders, domestic violence, and any other probation conditions.**

~~(k)~~ **(k) Review and act on petitions for protective orders and matters of domestic violence, including the issuance of temporary orders of protection and temporary restraining orders, until such time as hearings may be conducted on the matters.**

~~(l)~~ **(l) Conduct hearings regarding protective orders and make recommendations to the appropriate district judge for the issuance of a preliminary or permanent injunction.**

~~(3)~~ **(3) The powers of the commissioners when hearing civil matters may include but shall not be limited to the power to:**

~~(a)~~ **(a) Administer oaths and affirmations.**

~~(b)~~ **(b) Take acknowledgments, affidavits, and depositions.**

~~(c)~~ **(c) Review and act on petitions for protective orders and matters of domestic violence, including the issuance of temporary orders of protection and temporary restraining orders, until such time as hearings may be conducted on the matters.**

~~(d)~~ **(d) Conduct hearings regarding protective orders and make recommendations to the appropriate district judge for the issuance of a preliminary or permanent injunction.**

~~(e)~~ **(e) Accept and review emergency cases and grant temporary ex parte orders pursuant to Code of Civil Procedure Article 3945, until such time as a hearing on a rule to show cause can be conducted.**

~~F.(1)~~ **(1) When a misdemeanor case, with the written consent of the defendant and the expressed waiver of the defendant's right to have his case heard by a district court judge, is referred to the commissioner by rule of court or assigned to the commissioner by a judge of the Twenty-Second Judicial District Court, the commissioner shall receive all evidence and prepare a written report of his findings which shall contain the following elements:**

~~(a)~~ **(a) A statement of the pleadings.**

~~(b)~~ **(b) A statement of the facts as found by the commissioner.**

~~(c)~~ **(c) An opinion based on the pleadings and facts.**

~~(d)~~ **(d) A judgment as he determines should be rendered with the recommendation to the judge that it be made the judgment of the court.**

~~(2)~~ **(2) In such a case, the commissioner shall file a report containing proposed findings and recommendations with the court, and a copy shall be promptly provided to all parties or their counsel of record either at the hearing or by mail.**

~~(3)~~ **(3) Any party, within ten days after filing the report, may traverse such findings or recommendations in writing in such manner as shall be specified by the rules of the district court.**

~~(4)~~ **(4) If exceptions to the report are timely filed within ten days, the judge may set the exceptions for hearing within thirty days, may hear argument on the exceptions and decide the exceptions on the record and evidence previously made before the commissioner.**

~~(5)~~ **(5) The judge may accept, reject, or modify in whole or in part the findings or recommendations made by the commissioner and also may receive further evidence or recommit the matter to the commissioner with instructions or may hear the case de novo and enter judgment.**

~~F.~~ **F. The commissioners shall have the same authority as hearing officers, including but not limited to presiding over cases of domestic violence, child custody, and child support matters, as provided in R.S. 46:236.5.**

~~G.(1)~~ **(1) A litigant may object to a judgment or ruling of a commissioner and request a hearing before a district judge according to the procedure established by the Twenty-Second Judicial District Court Appendices to the Louisiana District Court Rules.**

~~(2)~~ **(2) A timely filed objection shall be heard by the district judge to whom the matter was originally allotted.**

~~(3)~~ **(3) The judge may decide the objection based on the record of the proceedings before the commissioner, receive further evidence and rule based on that evidence, or recommit the matter to the commissioner with instructions.**

~~(4)~~ **(4) If no objection is made within the time and manner established by court rules, the order shall become a final judgment of the court and shall be signed by the district judge assigned to the case.**

~~§722.~~ **Commissioners: qualifications; salary and benefits; restrictions on employment; office space; supplies; equipment; employees**

~~A.~~ **A. The qualifications for the office of commissioner for the Twenty-Second Judicial District Court shall be the same as the qualifications for office for district court judges, however there shall be no requirement of prior residency within the district boundaries of the Twenty-Second Judicial District Court as a prerequisite to the office of commissioner.**

~~B.~~ **B. The salary of the commissioner commissioners shall be set by a majority of the elected judges of the Twenty-Second Judicial District Court and shall not exceed seventy-two thousand five hundred dollars eighty-five percent of the salary of a district judge per annum. A commissioner may be a member of the Parochial Employees' Retirement System. A commissioner may be reimbursed for his expenses as provided for by court rule.**

~~C.~~ **C. A commissioner shall be a full-time employee of the Twenty-Second Judicial District Court. A commissioner shall not engage in any outside business, occupation, or employment that is inconsistent with the expeditious, proper, and impartial performance of his the commissioner's duties as**

judicial officer, nor shall he a commissioner engage in the practice of law. Any question regarding the conduct of any outside business, occupation, or employment by the a commissioner shall be resolved by a majority of the elected judges of the Twenty-Second Judicial District Court. The provisions of this Subsection shall not abrogate or supersede any provisions of the Rules for Lawyer Disciplinary Enforcement of Professional Conduct applicable to attorneys or the Louisiana Code of Judicial Conduct applicable to judges and attorneys.

~~D.~~ **D. Office space for the commissioner commissioners may be provided by the Twenty-Second Judicial District Court, out of funds available to the court.**

~~E.~~ **E. Any employee of the office offices of commissioner shall be hired only upon the prior approval of employment by a majority of the elected judges of the court pursuant to adopted rules or the specific order of the court and may be a member of the Parochial Employees' Retirement System.**

~~F.~~ **F. The salaries, related benefits, and expenses of the commissioner commissioners, and the salaries and related benefits of the employees of the commissioner commissioners, the costs of the equipment and supplies of the commissioner commissioners and his their employees, and other costs of implementing this Section and R.S. 13:721 shall be paid from funds available to the Twenty-Second Judicial District Court.**

~~G.~~ **G. The sources of funding for the commissioner commissioners and his their offices and employees shall include but shall not be limited to the following sources:**

~~(1)~~ **(1) Subject to the other provisions of this Section, there is hereby imposed an additional fee on all persons convicted in the Twenty-Second Judicial District Court of felony, misdemeanor, and traffic offenses. The amount of the additional fees shall be set by the judges of the Twenty-Second Judicial District Court sitting en banc. The amount of the additional fee in felony cases shall not exceed one hundred dollars. The amount of the additional fee in misdemeanor and traffic cases shall not exceed seven dollars and fifty cents.**

~~(2)~~ **(2) The additional fees created in this Section shall be collected by the sheriffs in the same manner as all other criminal court costs. All additional fees collected under this Section shall be remitted by the sheriffs to the police juries governing authorities of the parishes of St. Tammany and Washington and deposited into special accounts. These funds are to be used by the parishes, only when authorized by court order from the chief judge of the Twenty-Second Judicial District Court, to defray the costs and expenses incurred pursuant to the provisions of this Section and other related judicial expenditures.**

~~(3)~~ **(3) If any part of the provisions of this Section become dependent upon monies from the general fund of the respective parishes, the provisions of this Section and of R.S. 13:721 shall terminate if the a parish police juries governing authority fail fails to appropriate sufficient monies to provide for the continuation of the office offices of commissioner for the Twenty-Second Judicial District Court.**

~~H.~~ **H. The commissioner commissioners shall use the title of commissioner in the performance of his their duties under the provisions of this Section and R.S. 13:721.**

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 292

SENATE BILL NO. 83
BY SENATOR FRED MILLS
AN ACT

To enact R.S. 46:460.37, relative to Medicaid pharmacy reimbursement; to provide for the Council on Medicaid Pharmacy Reimbursement; to provide for council membership; to provide for meetings; to provide for the duties and powers of the council; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:460.37 is hereby enacted to read as follows:

~~§460.37.~~ **Council on Medicaid Pharmacy Reimbursement; creation; composition, purpose, and duties of the council**

~~A.~~ **A. There is hereby created within the Louisiana Department of Health, the Council on Medicaid Pharmacy Reimbursement referred to in this Section as the "council".**

~~B.~~ **B. The council shall be composed of the following members:**

~~(1)~~ **(1) The Medicaid director of the Louisiana Department of Health or his designee.**

~~(2)~~ **(2) The president of the Louisiana Pharmacists Association or his designee.**

~~(3)~~ **(3) The president of the Louisiana Independent Pharmacies Association or his designee.**

~~(4)~~ **(4) A representative of the Louisiana Alliance of Retail Pharmacies appointed by the executive director of the Louisiana Retailers Association.**

~~(5)~~ **(5) The president of the National Association of Chain Drug Stores or his designee.**

~~(6)~~ **(6) One pharmacist appointed by the chairman of the Senate Committee on Health and Welfare.**

~~(7)~~ **(7) One physician appointed by the chairman of the Senate Committee on Health and Welfare.**

~~(8)~~ **(8) One pharmacist appointed by the chairman of the House Committee on Health and Welfare.**

(9) One physician appointed by the chairman of the House Committee on Health and Welfare.

(10) Two licensed pharmacists appointed by the Louisiana Board of Pharmacy who are not currently serving on the board. The board shall strive to ensure its appointments demonstrate race, gender, ethnic, and geographical diversity.

C.(1)(a) Members of the council provided for in Paragraphs (B)(1) through (B)(5) of this Section shall serve a term concurrent with their tenure in the qualifying office. Appointed members of the council provided for in Paragraphs (B)(6) through (B)(10) of this Section shall serve at the pleasure of the appointing authority. Designees of members shall serve at the pleasure of the designating member not to exceed the term of the designating member.

(b) Appointed members of the council provided for in Paragraphs (B)(6) through (B)(10) of this Section shall be licensed and in good standing with their respective licensing board, actively engaged in their profession, and participating in the Medicaid program.

(2) Six members shall constitute a quorum for the transaction of all business. The members shall elect a chairperson and vice chair whose duties shall be established by the council. The member elected to serve as chairperson shall fix a time and place for regular meetings of the council, which shall meet at least quarterly. The council shall establish policies and procedures necessary to carry out its duties.

(3) Members of the council shall serve without compensation.

(4) The secretary shall designate the appropriate staff to provide support to the council and supply data regarding Medicaid pharmacy claims to inform the work of the council. All information provided to the council shall be either redacted or reported in the aggregate to protect the confidentiality of the information or to protect a person's reasonable right to privacy.

D.(1) The council shall perform all of the following tasks:

(a) Review Medicaid pharmacy reimbursement data and trends and establish a process by which pharmacists can provide information showing that current reimbursement does not cover the reasonable and appropriate cost for a specific pharmaceutical.

(b) Provide a platform for pharmacists to submit ideas and express concerns and a venue for public testimony on Medicaid reimbursements.

(c) Make recommendations to the secretary regarding needed changes to Medicaid pharmacy reimbursement policies and procedures, including but not limited to enhanced reimbursements for specific pharmaceuticals upon a showing that the current reimbursement does not cover the reasonable and appropriate costs and inhibits patient access to prescribed, medically necessary pharmaceuticals.

(d) Advise the secretary on alleged violations committed by Medicaid managed care organizations, pharmacy benefit managers, or any other entity that provides any service related to prescription drug administration or benefits.

(e) Make annual recommendations to the secretary regarding the implementation and administration of a Medicaid medication therapy management program pursuant to R.S. 46:153.3.1.

(f) Any other task related to the Medicaid pharmacy program, including but not limited to Medicaid prescription drug administration, drug rebates, and reimbursement.

(2) In carrying out the duties provided for in Paragraph (1) of this Subsection, the council may consult with health benefit plan issuers, Medicaid managed care organizations, pharmacy benefit managers, wholesale drug distributors, and other interested stakeholders.

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 293

SENATE BILL NO. 88
BY SENATOR FRED MILLS
AN ACT

To amend and reenact R.S. 13:5554(G)(2) and (V), relative to the St. Martin Parish Sheriff's Office group insurance; to provide for payments of life and health insurance premium costs for retirees; to provide for eligibility requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554(G)(2) and (V) are hereby amended and reenacted to read as follows:

§5554. Group insurance; kinds; amounts; subrogation

* * *

G.

* * *

(2) The provisions of Paragraph (1) of this Subsection, as applicable to the sheriff's office of St. Martin Parish, shall apply to sheriffs and deputy sheriffs hired before July 1, 2009. The provisions of **Paragraph (1) of Subsection V of this Section shall apply to sheriffs and deputy sheriffs hired on and or after July 1, 2009, and before July 1, 2022. The provisions of Paragraph (2) of Subsection V of this Section shall apply to sheriffs and deputy sheriffs hired or rehired on or after July 1, 2022.**

* * *

V.(1) Notwithstanding the provisions of Subsection D of this Section, the sheriff of St. Martin Parish shall pay out of the sheriff's general fund fifty percent of the premium costs of group hospital, surgical, medical expense,

and the first ten thousand dollars of life insurance contracted for under the provisions of this Section if the sheriff or deputy sheriff retired from the St. Martin Parish sheriff's office **Sheriff's Office** with twenty years of creditable service with the Louisiana Sheriffs' Pension and Relief Fund. **The provisions of this Subsection shall apply to sheriffs and deputy sheriffs hired on or after July 1, 2009, and before July 1, 2022.**

(2) Notwithstanding the provisions of Subsection D of this Section, the sheriff of St. Martin Parish shall pay out of the sheriff's general fund the premium costs of group insurance for any retired sheriff and any retired deputy sheriff who retired from the St. Martin Parish Sheriff's Office as follows:

(a) Fifty percent of the premium costs of group hospital, surgical, and medical expense insurance and ten thousand dollars of life insurance contracted for under the provisions of this Section if the sheriff and deputy sheriff retired in good standing with thirty continuous years or more of creditable full-time service with the sheriff's office of St. Martin Parish and is at least fifty-five years of age.

(b) Fifty percent of the premium costs of group hospital, surgical, and medical expense insurance and ten thousand dollars of life insurance contracted for under the provisions of this Section if the sheriff and deputy sheriff retired in good standing with twenty continuous years of creditable full-time service with the sheriff's office of St. Martin Parish and is at least sixty-five years of age.

(c) The provisions of this Paragraph shall apply only to persons hired or rehired by the St. Martin Parish Sheriff's Office on or after July 1, 2022, and who subsequently retire from the St. Martin Parish Sheriff's Office.

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 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 294

SENATE BILL NO. 93
BY SENATOR CATHEY AND REPRESENTATIVES ECHOLS AND
SEABAUGH
AN ACT

To enact R.S. 49:164.1, relative to state symbols; to provide for the official state butterfly; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:164.1 is hereby enacted to read as follows:

§164.1. State butterfly

There shall be an official state butterfly, which shall be the Gulf Fritillary. The use of its likeness or image on official documents of the state and with the insignia of the state is hereby authorized.

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 295

SENATE BILL NO. 101
BY SENATOR CATHEY
AN ACT

To amend and reenact R.S. 13:1900(D), relative to city and municipal courts; to provide relative to a traffic violations bureau; to provide with respect to a traffic violations bureau in city courts in Ouachita Parish; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1900(D) is hereby amended and reenacted to read as follows:

§1900. Traffic violations bureau

* * *

D. The provisions of this Section shall not apply to any city court in the parishes of Acadia, Allen, Ascension, Avoyelles, Beauregard, Caddo, Calcasieu, Concordia, East Baton Rouge, Evangeline, Franklin, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Lincoln, Livingston, Morehouse, Natchitoches, ~~Ouachita~~, Rapides, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Vermilion, Vernon, Washington, Webster, West Baton Rouge, Winn, Pointe Coupee, East Feliciana, West Feliciana, East Carroll, Madison, St. James, Red River, and Grant.

* * *

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

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin

Secretary of State

ACT No. 296

SENATE BILL NO. 106
BY SENATOR LUNEAU
AN ACT

To amend and reenact R.S. 37:21(A) and the introductory paragraph of 21(C), relative to professional and occupational boards and commissions; to provide for suspension of disciplinary proceedings; 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. 37:21(A) and the introductory paragraph of 21(C) are hereby amended and reenacted to read as follows:

§21. Limitations on disciplinary proceedings by professional or occupational boards and commissions

A. (1) Unless a special law is applicable, no proceeding of any kind may be initiated by a professional or occupational board or commission as follows:

(1)(a) If the nature of the complaint is based on negligence or gross negligence, no proceeding may be initiated after two years from discovery by the complainant. However, under no circumstances shall such a proceeding be initiated more than five years from the date of the act or omission.

(2)(b) If the nature of the complaint is based on an intentional act or omission, no proceeding may be initiated after two years from discovery by the complainant. However, under no circumstances shall such a proceeding be initiated more than five years from the date of the act or omission.

(3)(c) If the nature of the complaint is based on fraud, no proceeding may be initiated after two years from discovery by the complainant.

(4)(d) If the nature of the complaint is based on a license or rules violation, no proceeding may be initiated after five years from the date of the act or omission.

(5)(2) In all cases where a complaint is filed with a professional or occupational board or commission, the board or commission shall notify the licensee who is specifically named in the complaint as the subject of the complaint in writing of the complaint within six months after the filing of the complaint or be barred from further action thereon. The board or commission shall hold any required hearing within six months after the notice of the hearing, but this period may be interrupted by the filing of procedural motions or suspended as provided in Paragraph (3) of this Subsection.

(3) The time periods provided in this Subsection are suspended during the pendency of a legal action involving the licensee as a party or witness if the complaint arises from the same facts giving rise to the legal action or arises from the licensee's activities in the legal action. For the purposes of this Subsection, "legal action" includes litigation, arbitration, mediation, administrative proceeding, or other disciplinary proceeding.

* * *

C. The provisions of Paragraph (A)(5)(2) of this Section with respect to the time of hearing only shall not apply to the following:

* * *

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 297

SENATE BILL NO. 111
BY SENATOR LUNEAU
AN ACT

To repeal Chapter 5-K of Title 25 of the Louisiana Revised Statutes of 1950 comprised of R.S. 25:380.81 through 380.87 and R.S. 36:744(F)(1)(b), relative to the Tioga Heritage Park and Museum; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 5-K of Title 25 of the Louisiana Revised Statutes of 1950 comprised of R.S. 25:380.81 through 380.87 and R.S. 36:744(F)(1)(b) are hereby repealed.

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

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 298

SENATE BILL NO. 121
BY SENATOR BERNARD
AN ACT

To repeal R.S. 37:1227, relative to the display of pharmacy permits; to repeal

the requirement for display of a pharmacy permit; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1227 is hereby repealed.

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 299

SENATE BILL NO. 146
BY SENATOR TALBOT
AN ACT

To amend and reenact R.S. 22:1054.1(A), relative to insurance coverage for cancer treatments; to prohibit denial of coverage in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1054.1(A) is hereby amended and reenacted to read as follows:

§1054.1. Requirement for coverage of cancer treatment targeting a specific genetic mutation

A. No health coverage plan delivered or issued for delivery in this state shall deny coverage for the treatment of metastatic or unresectable tumors or other advanced cancers with a medically necessary drug prescribed by a physician on the sole basis that the drug is not indicated for the specific tumor type or location in the body of the patient's cancer if the drug is approved by the United States Food and Drug Administration for the treatment of the specific mutation of the patient's in a different type of cancer. Insurers shall not consider the treatment experimental or outside of their policy scope if the United States Food and Drug Administration has approved the drug for the treatment of cancer with the specific genetic mutation, even if in a different tumor type. Such This coverage may be denied only if an alternative treatment has proven to be more effective in published randomized clinical trials and is not contraindicated in the patient.

* * *

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 300

SENATE BILL NO. 157
BY SENATOR MILLIGAN
AN ACT

To amend and reenact R.S. 15:587(A)(1)(a) and to enact R.S. 15:587(A)(1)(m) and 587.5(B)(3), relative to criminal history records and identification files; to provide for access to criminal history records and identification files by the office of technology services; to provide for responsibilities of division of administration, office of technology services; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(a) is hereby amended and reenacted and R.S. 15:587(A)(1)(m) and 587.5(B)(3) are hereby enacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information

A.(1)(a) The bureau shall make available upon request, or at ~~such~~ other times as the deputy secretary shall designate, to any eligible criminal justice agency and the division of administration, office of technology services, Louisiana Department of Education, the Louisiana Department of Health, the state fire marshal when reviewing applications for licensure, the Louisiana Manufactured Housing Commission when reviewing applications for licensure, the Department of Children and Family Services, the Department of Insurance, the Louisiana State Racing Commission, the Senate and Governmental Affairs Committee, the House and Governmental Affairs Committee, the secretary of the Louisiana Workforce Commission or his designee, the Board of River Port Pilot Commissioners, the Office of Financial Institutions in the office of the governor, the office of the disciplinary counsel of the Louisiana Attorney Disciplinary Board of the Louisiana State Bar Association; however, as to any licensed attorney ~~such~~ this information shall be provided only after the issuance of a formal charge against the attorney, the Louisiana Supreme Court Committee on Bar Admissions, the municipal or parish department or personnel responsible for reviewing applications for alcoholic beverage outlet permits, and the legislative auditor any information contained in the criminal history record and identification files of the bureau. The Department of Children and Family Services may provide information secured pursuant to this Subsection to all federal and state agencies providing child support enforcement services.

* * *

(m) The division of administration, office of technology services, is entitled to the criminal history record and identification files of the bureau for any person for which a fingerprint request is submitted pursuant to R.S. 15:587.5 and 587.6 and R.S. 39:15.1.2. The bureau may submit fingerprints to the Federal Bureau

of Investigation to be retained in the FBI rap back system for the purpose of being searched in future submissions to the FBI rap back system, including latent fingerprint searches. The bureau shall make available to the division of administration, office of technology services, rap backs for requests made pursuant to R.S. 15:587.5 and 587.6 and R.S. 39:15.1.2.

§587.5. Agencies with access to federal tax information; criminal history information

B.(1)

(3) In addition to the requirements of Paragraphs (1) and (2) of this Subsection, for requests made pursuant to R.S. 39:15.1.2, the bureau may submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched in future submissions to the FBI rap back system, including latent fingerprint searches. The bureau shall make available to the division of administration, office of technology services, rap backs for requests made pursuant to R.S. 39:15.1.2. Any recipient of information as provided in this Paragraph shall maintain the confidentiality of the criminal history information in accordance with applicable state or federal law.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 301

SENATE BILL NO. 159
BY SENATOR WARD
AN ACT

To enact R.S. 13:5554(MM), relative to the Iberville Parish Sheriff's Office group insurance; to provide for payments of life and health insurance premium costs for retirees; to provide for eligibility requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554(MM) is hereby enacted to read as follows:
§5554. Group insurance; kinds; amounts; subrogation

MM.(1) Notwithstanding the provisions of Subsection D of this Section, one hundred percent of the premium costs of group hospital, surgical, and medical expense insurance and the first ten thousand dollars of life insurance contracted for under the provisions of this Section shall be paid in full from the sheriff's general fund for any sheriff and full-time deputy sheriff who has retired from the Iberville Parish Sheriff's Office and who is eligible to receive benefits from the Sheriff's Pension and Relief Fund, has attained the age of fifty-five years with twenty or more years of full-time creditable service with the Iberville Parish Sheriff's Office, and is in good standing with the Iberville Parish Sheriff's Office at the time of retirement.

(2)(a) The provisions of Paragraph (1) of this Subsection shall apply to any sheriff, deputy sheriff, and any other person hired by the Iberville Parish Sheriff's Office on or after July 1, 2022.

(b) The provisions of Paragraph (G)(1) of this Section shall apply to sheriffs and deputy sheriffs hired by the Iberville Parish Sheriff's Office prior to July 1, 2022.

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 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 302

SENATE BILL NO. 176
BY SENATOR FIELDS
AN ACT

To amend and reenact R.S. 17:1982(1) and (3) and 1983, relative to the Blind Persons' Literacy Rights and Education Act; to provide for definitions; to provide relative to individualized assessment, planning, and supports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:1982(1) and (3) and 1983 are hereby amended and reenacted to read as follows:

§1982. Definitions

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

(1) "Blind student" means an individual who is eligible for special education services and who identified by a functional vision assessment as having vision loss which interferes with the ability to perform academically and which requires the use of specialized textbooks, techniques, materials, or equipment to access the same academic content as the student's sighted peers or who has

one of the following:

(a) Has a visual acuity of 20/200 20/70 or less, near acuity in the better eye with correcting lenses, or both, or has a limited field of vision such that the widest diameter subtends an angular distance of no greater than twenty degrees.

(b) Has a medically indicated expectation of visual deterioration A progressive loss of vision which may in the future affect the student's ability to learn.

(c) Other blindness resulting from a medically documented condition that could include bilateral dysfunction of the optic radiations, the visual cortex, or both. This may coexist with ocular and ocular motor disorders and may be the result of perinatal brain dysfunction or trauma.

(3) "Functional vision assessment" is an organized plan for observing how a student uses vision to perform routine tasks within the educational environment and assesses whether a visual impairment is interfering with the learning process student's ability to access educational content.

§1983. Individualized ~~planning and assessment~~ assessments, planning, and supports

A. Each blind student has the right to individualized assessments, planning, and supports to assist the student in accessing his educational environment to his fullest ability. Such assessments, plans, and supports shall be provided through highly trained and qualified professionals and teachers who have the appropriate education, certifications, and competencies for working with the blind.

B. The assessment required for each Each blind student shall include a be assessed using each of the following:

(1)(a) A braille skills inventory, including a statement of strengths and deficits along with commensurate with grade level literacy and math standards pursuant to R.S. 17:24.4(A)(4). The inventory shall:

(i) Include a functional vision assessment for students a student with vision in order to determine if braille instruction is needed for the student to achieve satisfactory educational progress.

(ii) Provide a statement of the student's strengths and deficits.

(iii) Assess the student's future need for braille based on the student's eye conditions, grade level competencies, and placement expectations.

(b) Braille instruction and use are not required by this Part if, in the course of developing the student's individualized education program, the team concurs that the student's visual impairment does not affect independent or future independent reading and writing performance commensurate with ability.

(c) Nothing in this Part shall require the exclusive use of braille if other special education services are appropriate to the student's educational needs.

(d) The provisions provision of other appropriate services shall not preclude braille use or instruction.

(2) A research-based learning media assessment to determine the most appropriate reading medium for the student's current and future needs.

(3) If deemed necessary through the assessments provided in Paragraphs (1) and (2) of this Subsection, a low vision assessment centered on how the student uses his vision on a daily basis to determine if the student will benefit from optical devices such as monocular telescopes or magnifiers. As appropriate, visual acuity, visual fields, and color vision shall be assessed.

C. Based on the assessment findings, an individualized education plan shall be developed and shall include specialized supports for education and daily living activities appropriate to the needs of the student.

D. Appropriate specialized supports may include:

(1) Assistive technology skills that enable the student to use computers and other electronic equipment to function independently and effectively at school, home, work, and community.

(2) Career education skills that enable the student to explore career options and learn about the world of work.

(3) Compensatory skills that enable the student to access educational curriculum such as concept development, organizational skills, and communication skills including speaking and listening, using sign language and tactile symbols, reading and writing braille and print, and accessing recorded materials.

(4) Independent living skills that enable the student to provide self-care, including independent personal hygiene, food preparation, household cleaning, clothes cleaning, and money management.

(5) Orientation and mobility skills that enable the student to know where he is in space and move safely, independently, and efficiently at school, home, work, and community.

(6) Recreation and leisure skills that enable the student to explore and enjoy leisure activities.

(7) Self-determination skills that enable the student to become an effective self-advocate based on his own needs and goals.

(8) Sensory efficiency skills that enable the student to use all of his senses, including functional vision, hearing, touch, taste, and smell.

(9) Social interaction skills that enable the student to participate actively and appropriately in social situations.

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

the day following such approval.
Approved by the Governor, June 10, 2022
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 303

SENATE BILL NO. 193
BY SENATOR HEWITT
AN ACT

To amend and reenact R.S. 17:71.3(E)(2)(b), relative to school board apportionment plans; to provide for review; to provide for challenges; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:71.3(E)(2)(b) is hereby amended and reenacted to read as follows:

§71.3. Procedure for accomplishing reapportionment, special election districts; effective date of same

* * *

E.

* * *

(2)

* * *

(b) Any plan adopted by a school board in contravention of this Subsection shall be null and void by operation of law, and no election shall be conducted using any ballot based on such a null and void plan. ~~Any declaration of nullity of a plan pursuant to this Subparagraph shall be by a court~~ **The secretary of state shall promptly notify the school board that the plan is null and void by operation of law. Any plan that is null and void under this Subsection may be declared valid by a court of competent jurisdiction upon petition of the school board. In the event a plan is declared null, such declaration The fact that a plan is null and void by operation of law pursuant to this Subsection or is declared null by a court of competent jurisdiction shall not affect the validity or legality of any actions taken by, ordinances or regulations adopted by, or contracts entered into by the school board elected pursuant to the null plan.**

* * *

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

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 304

SENATE BILL NO. 197
BY SENATOR WHITE
AN ACT

To enact R.S. 42:1123(47), relative to certain members of the boards of commissioners of groundwater districts; to provide for exceptions to the Code of Governmental Ethics; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1123(47) is hereby enacted to read as follows:

§1123. Exceptions

This Part shall not preclude:

* * *

(47) A member of the board of commissioners of a groundwater district who is nominated by a privately owned entity that furnishes water for rural or municipal use within the district and who is appointed or commissioned by the governor and confirmed by the Senate, all pursuant to law, and who, at the time of nomination, is employed by, rendering compensated services to, or participating in a transaction with the member's respective nominating entity from being employed by, rendering compensated services to, or participating in transactions with the member's respective nominating entity.

Section 2. The provisions of this Act shall be applied prospectively.

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

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 305

SENATE BILL NO. 201
BY SENATOR JACKSON
AN ACT

To amend and reenact R.S. 33:5151(C)(1) and (2), relative to health insurance coverage offered by parish governments to their employees and officials; to provide that the district public defender and his employees or contract attorneys may participate in such insurance coverage; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:5151(C)(1) and (2) are hereby amended and reenacted to read as follows:

§5151. Power to contract for group insurance; premiums

* * *

C.(1) For purposes of this Section, a district public defender and his employees or attorney contractors may participate in any group health insurance program that the parish governing authority offers to its employees and officials.

(2) Any district public defender office that chooses to participate in the group health insurance program is responsible for the employer portion of the health insurance premium, unless paid for by the parish governing authority through a separate intergovernmental or cooperative endeavor agreement or by contractual agreement with the attorney contractor.

* * *

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 306

SENATE BILL NO. 215
BY SENATOR LUNEAU
AN ACT

To amend and reenact R.S. 33:2501.1 and to enact R.S. 33:2561.1, relative to certain municipal fire and police civil service boards; to authorize attorney fees for the appealing employee when a decision of the employee's appointing authority is reversed under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2501.1 is hereby amended and reenacted and R.S. 33:2561.1 is hereby enacted to read as follows:

§2501.1. Authorization for awarding attorney fees

When an appeal is taken by an employee in the classified service pursuant to R.S. 33:2501 to a municipal fire and police civil service board and the board determines, in reversing the decision of the appointing authority, that the corrective or disciplinary action taken by the appointing authority was without just cause as provided in R.S. 33:2501, the board may award to the appealing employee attorney fees to be assessed against the appointing authority not to exceed ~~one~~ five thousand dollars in any one appeal.

* * *

§2561.1. Authorization for awarding attorney fees

When an appeal is taken by an employee in the classified service pursuant to R.S. 33:2561 to a municipal, parish, or fire protection district fire and police civil service board and the board determines, in reversing the decision of the appointing authority, that the corrective or disciplinary action taken by the appointing authority was without just cause as provided in R.S. 33:2561, the board may award to the appealing employee attorney fees to be assessed against the appointing authority not to exceed five thousand dollars in any one appeal.

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

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 307

SENATE BILL NO. 250
BY SENATOR CONNICK AND REPRESENTATIVES GLOVER AND STEFANSKI
AN ACT

To amend and reenact R.S. 17:3703 and R.S. 44:4.1(B)(9), relative to intercollegiate athletics; to provide for the responsibilities of postsecondary education institutions with respect to intercollegiate athletes' compensation; to provide a limitation with respect to public records; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3703 is hereby amended and reenacted to read as follows:
§3703. Intercollegiate athlete's compensation and rights; responsibilities of

postsecondary education institutions

A.(1) An intercollegiate athlete at a postsecondary education institution may earn compensation for the use of the athlete's name, image, or likeness. Compensation ~~must~~ **shall** be commensurate with the market value of the authorized use of the athlete's name, image, or likeness.

(2) To preserve the integrity, quality, character, and amateur nature of intercollegiate athletics and to maintain a clear separation between amateur intercollegiate athletics and professional sports, a postsecondary education institution, ~~an entity whose purpose includes supporting or benefitting such institution or its intercollegiate athletic programs,~~ or an officer, director, employee, or agent of such institution ~~or entity~~ shall not provide a current or prospective athlete with compensation for the use of the student athlete's name, image, or likeness.

B. A postsecondary education institution shall not adopt or maintain a contract, rule, regulation, standard, or other requirement that prevents or unduly restricts an intercollegiate athlete from earning compensation for the use of the athlete's name, image, or likeness. Earning compensation shall not affect the intercollegiate athlete's grant-in-aid or athletic eligibility.

C. ~~A postsecondary education institution, or an officer or employee of a postsecondary education institution, shall not compensate or cause compensation to be directed to a current or prospective intercollegiate athlete for the athlete's name, image, or likeness.~~

D. ~~A postsecondary education institution shall not use an athletic booster to, nor shall an athletic booster, directly or indirectly, create or facilitate compensation opportunities for the use of an intercollegiate athlete's name, image, or likeness as a recruiting inducement or as a means of paying for athletics participation.~~

E.(1) A postsecondary education institution may prohibit an intercollegiate athlete from using the athlete's name, image, or likeness for compensation if the proposed use of the athlete's name, image, or likeness conflicts with either of the following:

(a) Existing institutional sponsorship agreements or contracts.

(b) Institutional values as defined by the postsecondary education institution.

(2) An intercollegiate athlete shall not earn compensation for the use of the athlete's name, image, or likeness for the endorsement of tobacco, alcohol, illegal substances or activities, banned athletic substances, or any form of gambling **or gaming**, including sports wagering.

(3) An intercollegiate athlete shall not use a postsecondary education institution's facilities, uniforms, registered trademarks, products protected by copyright, or official logos, marks, colors, or other indicia in connection with the use of the athlete's name, image, or likeness without the express permission of the postsecondary education institution. In granting this permission, a postsecondary education institution may require the third-party entity engaging the athlete for a name, image, or likeness activity to follow the protocols established by the postsecondary education institution, including licensing protocols.

F.D.(1) A postsecondary education institution shall not prevent or unduly restrict an intercollegiate athlete from obtaining professional representation by an athlete agent or an attorney engaged for the purpose of securing compensation for the use of the athlete's name, image, or likeness.

(2) Professional representation obtained by an intercollegiate athlete shall be from persons registered with or licensed for such activity by the state as follows:

(a)(i) Representation provided by an athlete agent shall be by persons registered with the state in accordance with, and in compliance with, the provisions of Chapter 7 of Title 4 of the Louisiana Revised Statutes of 1950. However, the notification provisions of R.S. 4:424(D)(3) shall not apply to an athlete agent who contacts an intercollegiate athlete for the sole purpose of representing the athlete in matters pertaining to the use of the athlete's name, image, or likeness.

(ii) An athlete agent representing an intercollegiate athlete shall comply with the federal Sports Agent Responsibility and Trust Act, 15 U.S.C. 7801 through 7807, in his relationship with the intercollegiate athlete.

(b) An attorney representing an intercollegiate athlete shall be duly licensed to practice law.

G.E. A grant-in-aid, including cost of attendance, awarded to an intercollegiate athlete by a postsecondary education institution is not compensation for the purposes of this Chapter and shall not be revoked or reduced as a result of an intercollegiate athlete earning compensation or obtaining professional or legal representation pursuant to this Chapter.

H.F. A contract for compensation for the use of the name, image, or likeness of an intercollegiate athlete under eighteen years of age shall be executed on the athlete's behalf by the athlete's parent or legal guardian.

I.G. An intercollegiate athlete's contract for compensation for the use of the athlete's name, image, or likeness shall not violate the provisions of this Chapter.

J.H.(1) An intercollegiate athlete shall not enter into a contract for compensation for the use of the athlete's name, image, or likeness if a term of the contract conflicts with a term of the intercollegiate athlete's athletic program's team contract.

(2) A postsecondary education institution asserting a conflict under this Subsection shall disclose each relevant contract term that conflicts with the team contract to the intercollegiate athlete or the athlete's representative.

K.I. An intercollegiate athlete who enters into a contract for compensation for the use of the athlete's name, image, or likeness shall disclose the contract

to the postsecondary education institution in which the athlete is enrolled, in the manner designated by the institution.

L.J. The duration of a contract for representation of an intercollegiate athlete or compensation for the use of an intercollegiate athlete's name, image, or likeness shall not extend beyond his participation in an athletic program at a postsecondary education institution.

M.K.(1) A postsecondary education institution shall conduct a financial literacy and life skills workshop for a minimum of five hours at the beginning of an intercollegiate athlete's first and third academic years.

(2)(a)The workshop shall, at a minimum, include information concerning financial aid, debt management, and a recommended budget for full and partial grant-in-aid intercollegiate athletes based on the cost of attendance for the current academic year. The workshop shall also include information on time management skills necessary for success as an intercollegiate athlete and available academic resources.

(b) The workshop shall not include any marketing, advertising, referral, or solicitation by providers of financial products or services.

L. No postsecondary institution's employees, including athletics coaching staff, shall be liable for any damages to an intercollegiate athlete's ability to earn compensation for the use of the athlete's name, image, or likeness resulting from decisions and actions routinely taken in the course of intercollegiate athletics. However, nothing in this Subsection shall protect the postsecondary institution or its employees from acts of gross negligence, or wanton, willful, malicious, or intentional misconduct.

M. Any document disclosed by the intercollegiate athlete to the postsecondary education institution that references the terms and conditions of the athlete's contract for compensation shall be confidential and not subject to inspection, examination, copying, or reproduction pursuant to the Public Records Law.

N.(1) Each postsecondary education management board shall adopt policies to implement the provisions of this Chapter.

(2) No postsecondary education institution shall implement the provisions of this Chapter until such time as the appropriate management board adopts the required policies. Each management board has discretion as to when it adopts policies to implement the provisions of this Chapter.

Section 2. R.S. 44:4.1(B)(9) is hereby amended and reenacted to read as follows:

§4.1. Exceptions

* * *

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

* * *

(9) R.S. 17:7.2, 46, 47, 81.9, 391.4, 407.28, 407.47, 407.65, 500.2, 1175, 1202, 1237, 1252, 1948, 1989.7, 2047, 2048.31, 3099, 3100.8, 3136, 3137, 3390, **3703**, 3773, 3884

* * *

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 308

SENATE BILL NO. 261

BY SENATORS FIELDS, BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER, CLOUD, CONNICK, CORTEZ, FESI, FOIL, HARRIS, HEWITT, JACKSON, LUNEAU, MCMATH, FRED MILLS, POPE, PRICE, SMITH, TARVER, WARD, WHITE AND WOMACK AND REPRESENTATIVE GAROFALO

AN ACT

To amend and reenact R.S. 17:3162(C)(11) through (14), 3163(B), 3164(C), and 3165(B), and enact R.S. 17:3162(C)(15) and (16) and 3164.1, and to repeal R.S. 17:3129.8, relative to transfer pathways; to provide for a comprehensive system of articulation and transfer of credit between and among secondary and postsecondary education; to provide relative to the duties of the statewide articulation and transfer council; to provide relative to the guarantees in statewide articulation agreements; to provide relative to the Board of Regents' duties in the common course numbering system; to provide for the creation of statewide transfer pathways in major programs; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3162(C)(11) through (14), 3163(B), 3164(C), and 3165(B) are hereby amended and reenacted and R.S. 17:3162(C)(15) and (16) and 3164.1 are hereby enacted to read as follows:

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

* * *

C. The council shall, with appropriate faculty consultation:

* * *

(11) Oversee the development, implementation, and maintenance of statewide transfer pathways.

(12) Develop statewide transfer agreements to govern the granting and transfer of credit awarded through competency-based and prior learning assessments.

~~(11)~~**(13) Establish an appeals process to resolve disagreements between transferring students and receiving educational institutions regarding the transfer and acceptance of credits earned at another institution.**

~~(12)~~**(14) Ensure that all articulation and transfer policies and practices approved by the council are compliant with the rules and regulations established by all appropriate institutional accrediting agencies as recognized by the United States Department of Education.**

~~(13)~~**(15) Periodically, but at least annually, review articulation and transfer policies and make recommendations to the commissioner of higher education who shall then make recommendations to the legislature for needed revisions.**

~~(14)~~**(16) Perform such other duties as may be provided by law or the commissioner of higher education.**

* * *

§3163. Statewide Articulation and Transfer Agreement

* * *

B. The statewide articulation agreement shall, at a minimum:

(1) Guarantee the transfer of general education courses and common degree program prerequisites.

(2) Guarantee the transfer of all courses contained in a transfer pathway, established pursuant to R.S. 17:3164.1, as credit in courses that satisfy general education or program requirements.

(3) Guarantee that every graduate of a community college awarded an associate of arts or an associate of science degree approved by the council for transfer to a four-year postsecondary educational institution shall be deemed to have met all general education and other core curriculum requirements and must shall be granted admission to the upper division of any state public four-year college or university public postsecondary institution, in accordance with each institution's general transfer admission requirements, except to a limited access program or a program that has audition or other specialized admission requirements, as approved by the Board of Regents.

~~(3)~~**(4) Provide that graduates awarded an associate of arts or an associate of science degree approved by the council for transfer and who transfer to a four-year college or university postsecondary institution shall not be required to take any additional general education courses to fulfill baccalaureate degree requirements.**

~~(4)~~**(5) Provide that graduates awarded an associate of arts or an associate of science degree approved by the council for transfer shall receive priority for admission to a state four-year college or university public postsecondary institution over out-of-state students.**

~~(5)~~**(6) Guarantee the statewide articulation of appropriate career and technical education programs and workforce development programs and transfer of course credits between secondary schools and technical and community colleges.**

~~(6)~~**(7) Provide for acceptance by postsecondary educational institutions of credits earned in accelerated programs such as dual enrollment and the Advanced Placement, International Baccalaureate, and College-Level Examination programs.**

(8) Provide for acceptance by public postsecondary educational institutions of credits earned through competency-based education and prior learning assessments.

~~(7)~~**(9) Guarantee the transfer of equivalent courses under the statewide course numbering system.**

~~(8)~~**(10) Establish a common college transcript.**

§3164. Common Course Numbering System

* * *

C.(1) Courses that have **substantially** the same academic content and are taught by faculty with comparable credentials shall be considered equivalent courses and shall be given the same course designation.

(2) Equivalent courses shall be guaranteed to transfer to any educational institution participating in the statewide course numbering system.

(3) The Board of Regents, in consultation with the Statewide Articulation and Transfer Council, shall define equivalency criteria to be used in the common course numbering system.

* * *

§3164.1. Transfer Pathways

A. The Board of Regents, in collaboration with the Statewide Articulation and Transfer Council, shall develop, coordinate, and maintain transfer pathways for baccalaureate programs that are highly demanded across the state. The Board of Regents shall define and identify highly demanded programs.

B. Each transfer pathway shall consist of sixty hours of instruction that can be transferred and applied toward the requirements for a baccalaureate degree in a highly demanded program at a four-year public postsecondary institution.

C. Each transfer pathway shall contain courses from the common course numbering system, developed pursuant to R.S. 17:3164, that satisfy graduation requirements for an associate of art or an associate of science degree approved by the council for transfer to a four-year postsecondary institution.

D. All courses in a transfer pathway shall transfer and apply toward the general education requirements and requirements for graduation within the highly demanded program offered at any four-year public postsecondary institution.

E. A student who completes all of the requirements of a transfer pathway and who transfers to a highly demanded program at a four-year public postsecondary

institution shall not be required to complete more than the total credits required for the baccalaureate degree in the highly demanded program, less the sixty hours of credit earned in the transfer pathway.

F. Credit for a course in a transfer pathway that is included in the statewide common course numbering system may be earned through accelerated programs such as dual enrollment, Advanced Placement, International Baccalaureate, College-Level Examination Program, and competency-based education, or prior learning assessment that have been deemed equivalent by the Board of Regents.

§3165. Common core curriculum; general education courses; common prerequisites; other degree requirements

* * *

B. The postsecondary education management boards shall identify their core curricula. The public technical colleges, community colleges, and four-year colleges and universities **postsecondary institutions** shall work with the State Board of Elementary and Secondary Education and public schools and school districts to assure that high school curricula **coordinate align** with the core curricula and to prepare students for postsecondary study.

* * *

Section 2. R.S. 17:3129.8 is hereby repealed.

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 309

SENATE BILL NO. 268

BY SENATORS MIZELL AND BARROW AND REPRESENTATIVES
AMEDEE, BUTLER, CARRIER, EDMONSTON, FREEMAN, FREIBERG,
IVEY, SCHLEGEL, THOMPSON AND WHITE

AN ACT

To amend and reenact R.S. 40:2156(B)(4) and to enact R.S. 40:2159.2, relative to opioid treatment programs for pregnant women; to establish requirements for treatment facilities licensed as behavioral health services providers that provide treatment for opioid use disorder to pregnant women; to prohibit certain actions against behavioral health services provider licenses prior to a specific date; to provide for definitions; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2156(B)(4) is hereby amended and reenacted and R.S. 40:2159.2 is hereby enacted to read as follows:

§2156. Rules and regulations; licensing standards; fees

* * *

B. The department shall prescribe, promulgate, and publish rules, regulations, and licensing standards for behavioral health services providers. The rules, regulations, and licensing standards shall include but are not limited to the following:

* * *

(4) Practice standards to assure the health, safety, welfare, and comfort of persons receiving care and services, **including pregnant women as provided for in R.S. 40:2159.2.**

* * *

§2159.2. Substance use disorder facilities treating pregnant women

A.(1) Each substance use disorder facility licensed pursuant to this Part as a behavioral health services provider that provides treatment for opioid use disorder to pregnant women shall provide onsite access to at least one form of FDA-approved opioid agonist treatment.

(2) For purposes of this Section, "onsite access" shall mean delivery of the treatment to the patient at the location of the substance use disorder facility. "Onsite access" shall not mean that the substance use disorder facility is required to maintain stock of the medication-assisted treatment at the facility.

(3) A substance use disorder facility shall not be found to be in violation of this Section if prior authorization from a patient's health insurer, including the Medicaid program, is required and the preapproval request is denied by the patient's health insurer.

B. Each substance use disorder facility licensed pursuant to this Part as a behavioral health services provider which provides treatment for opioid use disorder to pregnant women shall submit to the department on its initial licensing application or its annual licensing renewal application an attestation as to whether it is complying with the requirements of Subsection A of this Section. The requirement for submission of the attestation shall commence on January 1, 2023. If the licensed facility is not fully complying with the requirements of Subsection A of this Section, then the attestation that the facility submits shall include a report addressing its progress toward satisfying those requirements.

Section 2.(A) The Louisiana Department of Health shall not take any action to enforce the requirements of R.S. 40:2159.2(B), as enacted by Section 1 of this Act, prior to January 1, 2023.

(B) The Louisiana Department of Health shall not take any action against

the license of a behavioral health services provider which holds a license on the effective date of this Act for failure to comply with the requirements of R.S. 40:2159.2(A), as enacted by Section 1 of this Act, prior to January 1, 2023.

(C) The Louisiana Department of Health shall monitor provider compliance with the requirements of R.S. 40:2159.2(A) to ensure continued access to treatment for pregnant women and report annually to the Senate and House committees on health and welfare the number of pregnant women receiving medications for opioid use disorder and the number of providers licensed to provide that treatment prior to the Act going into effect and each year thereafter.

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 310

SENATE BILL NO. 285
BY SENATOR SMITH
AN ACT

To amend and reenact 14:90.4(B), R.S. 26:80(F)(1)(b), 280(A)(7) and (F)(1)(b), and R.S. 27:3(20) and (21), 11(G), and 29.3(A)(1), relative to the gaming control board; to provide relative to video draw poker laws and non-gaming suppliers; to provide for technical changes to cross reference with current law; to provide for authorization to allow the board to publicly meet via video conferencing; to provide for notice of the video conference on its website; to provide for a mechanism to receive public comment; to provide for definitions; to provide for discretion of the gaming control board relative to non-gaming suppliers; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:90.4(B) is hereby amended and reenacted to read as follows:

§90.4. Unlawful playing of video draw poker devices by persons under the age of twenty-one; penalty

* * *

B. For purposes of this Section, “video draw poker device” means a device, as defined in R.S. ~~27:301(B)(15)~~ **27:402**, placed in an establishment licensed for operation and regulated under the applicable provisions of Chapter **6 8** of Title 27 of the Louisiana Revised Statutes of 1950.

* * *

Section 2. R.S. 26:80(F)(1)(b) and 280(A)(7) and (F)(1)(b) are hereby amended and reenacted to read as follows:

§80. Qualifications of applicants for permits

* * *

F.(1)

* * *

(b) The provisions of Subparagraph(a) of this Paragraph shall not apply to any applicant who is also applying for a video gaming license under the provisions of Chapter **6 8** of Title 27 of the Louisiana Revised Statutes of 1950.

* * *

§280. Qualifications of applicants for permits

A. Applicants for state and local permits of all kinds shall demonstrate that they meet the following qualifications and conditions:

* * *

(7) If the applicant is also applying for a video gaming license under the provisions of Chapter **6 8** of Title 27 of the Louisiana Revised Statutes of 1950, have not been convicted in this or in any other state or by the United States or any other country of theft or any crime involving false statements or declarations, or gambling as defined by the laws and ordinances of any municipality, any parish, any state, or the United States.

* * *

F.(1)

* * *

(b) The provisions of Subparagraph (a) of this Paragraph shall not apply to any applicant who is also applying for a video gaming license under the provisions of Chapter **6 8** of Title 27 of the Louisiana Revised Statutes of 1950.

* * *

Section 3. R.S. 27:3(20) and (21), 11(G), and 29.3(A)(1) are hereby amended and reenacted to read as follows:

§3. Definitions

For the purposes of this Title, the following terms have the following meanings, unless the context clearly indicates otherwise:

* * *

(20) “Permit” means any permit or authorization, or application therefor, issued pursuant to the provisions of this Title except Chapter **6 8**.

(21) “Permittee” means any person who is issued or applying for a permit pursuant to the provisions of this Title except Chapter **6 8**.

* * *

§11. Louisiana Gaming Control Board; creation; members; terms; meetings

* * *

G.(1) All meetings of the board shall be open and subject to the provisions of R.S. 42:11 et seq. A record of all proceedings at regular and special meetings of the board shall be kept and shall be open to public inspection, except as

otherwise provided by this Title or in R.S. 42:17.

(2) Notwithstanding any other provision of law to the contrary, the board may conduct, and its members may attend and participate in an emergency meeting occurring via video conference as the chairman determines to be necessary.

(a) No later than twenty-four hours prior to a meeting conducted pursuant to the provisions of this Paragraph, the board shall provide for the following:

(i) The notice and agenda for the meeting, which shall be posted on the board’s website and emailed to any member of the public or the news media who requests notice of the board meeting.

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

(iii) The agenda shall contain only those matters that are essential to the ongoing operations of the board as determined by the chairman.

(iv) The agenda shall be unanimously adopted by a quorum of the board at the beginning of any emergency meeting conducted by video conference.

(b) For each meeting conducted pursuant to this Paragraph:

(i) The board shall provide a mechanism to receive public comment electronically prior to and during the meeting.

(ii) The board shall properly identify and acknowledge all public comments during the meeting and shall maintain those comments in the record of the meeting.

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

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

(c) For the purpose of this Paragraph, “video conference” means a method of communication which enables persons in different locations to participate in a meeting and to see, hear, and communicate with each other.

(d) At no time shall the board conduct more than two consecutive emergency meetings by video conference except when the meeting is held during or subject to a gubernatorially declared disaster or pursuant to the emergency provisions as provided in R.S. 42:17.1.

* * *

§29.3. Non-gaming supplier permit

A.(1)The division shall issue a non-gaming supplier permit to suitable persons who furnish services or goods and receive compensation or remuneration for such goods or services to the holder of a license as defined in R.S. 27:44 or 353, or the casino gaming operator, or a sports wagering operator as defined in R.S. 27:602. The board shall promulgate rules establishing the threshold amount of goods and services for which a non-gaming supplier permit is required. **The board may limit the calculation of compensation or remuneration based on goods and services related to operations in Louisiana.** Such services include but are not limited to industries offering goods or services whether or not directly related to gaming activity, including junket operators and limousine services contracting with the holder of a license as defined in R.S. 27:44 or 353, or the casino gaming operator, or a sports wagering operator as defined in R.S. 27:602, suppliers of food and nonalcoholic beverages, gaming employee or dealer training schools, garbage handlers, vending machine providers, linen suppliers, or maintenance companies. Any employee or dealer training school, other than employee or training schools conducted by a licensee, or the casino gaming operator, shall be conducted at an institution approved by the Board of Regents or the State Board of Elementary and Secondary Education.

* * *

Section 4. 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 10, 2022

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 311

SENATE BILL NO. 318
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, relative to advertising; to provide for the advertisement, promotion, and conduction of live musical performances in a deceptive manner; to provide for injunctions; to provide for penalties; to provide for 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, is hereby enacted to read as follows:

CHAPTER 62. LIVE MUSICAL PERFORMANCES

§3221. Advertising, promoting, and conducting certain live music performances; penalties

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

(1) “Performing group” means a vocal or instrumental group of one or more

members that intends to advertise or perform under the name of a recording group or a name so similar to the name used by a recording group as to cause confusion among members of the public.

(2) "Recording group" means a vocal or instrumental group of one or more members, with at least one of the members having previously released a commercial sound recording under the group's name and the legal rights to the recording have not been abandoned.

(3) "Sound recording" means a work that results from the fixation of a series of musical, spoken, or other sounds, regardless of the nature of the material object, such as phonograph, disc, tape, wire, digital storage, or other medium, in which the sounds are embodied.

B. No person shall knowingly advertise or conduct a live musical performance or production in this state through the use of a false, deceptive, or misleading affiliation, connection, or association between the performing group and a recording group.

C. The provisions of this Section shall not apply if any of the following occurs:

(1) The performing group is the authorized registrant and owner of a federal service mark or trademark for the recording group that is registered in the United States, or is a licensee of or otherwise authorized to use the service mark or trademark by such registrant and owner.

(2) At least one member of the performing group was a member of the recording group and that member has a legal right to use or operate under the name of the recording group without having abandoned the name or affiliation with the recording group.

(3) The live musical performance or production is identified in all advertising and promotion as a salute or tribute and the name of the performing group is not so similar to the name used by the recording group as to cause confusion among members of the public.

(4) The performance or production is expressly authorized by the recording group.

D.(1) The attorney general or a district attorney of this state may bring an action on behalf of the state, for a permanent or temporary injunction, against a person advertising, conducting, or a person who intends to advertise or conduct, a live musical performance or production in violation of Subsection B of this Section.

(2) In connection with the permanent injunction issued pursuant to this Subsection, the court shall order a person who violates the provisions of this Section to restore actual damages and property that may have been acquired as a result of a violation of this Section.

E.(1) A person who violates Subsection B of this Section shall be liable to the state for a civil penalty of not less than five thousand dollars and not more than fifteen thousand dollars for each violation. Each performance or production in violation of Subsection B of this Section shall constitute a separate violation.

(2) The civil penalties provided in this Section are in addition to any injunctive relief or any other remedy that may be available.

F. Any party, assignee, authorized agent, or licensee who is injured as a result of a person's violation of the provisions of Subsection B of this Section of that party, may bring a civil action for damages, reasonable attorney fees, and court costs. Each performance or production in violation of Subsection B of this Section shall constitute a separate violation.

G. This Section shall not apply to a legislatively created tourist commission, convention facility, or destination marketing organization.

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 312

SENATE BILL NO. 324
BY SENATOR CARTER
AN ACT

To amend and reenact R.S. 37:761(A)(4) and (C) and 764(A)(2) and (5) and (D) and to repeal R.S. 37:761(D) and 764(E), relative to qualifications for licensure by the Louisiana State Board of Dentistry; to provide for licensing examinations for dentists; to provide for citizenship requirements for dental hygienists; to provide for licensing examinations for dental hygienists; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:761(A)(4) and (C) and 764(A)(2) and (5) and (D) are hereby amended and reenacted to read as follows:

§761. Requirements of applicants for dental license

A. The board shall require that every applicant for a dental license shall:

* * *

(4) Present satisfactory evidence of having taken **and passed** 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. 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 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.

* * *

C. An applicant who has successfully completed any national, regional, or independent third-party clinical dental licensing examination approved by the board that shall include ~~procedures performed on human subjects as part of the assessment of restorative clinical competencies and who otherwise satisfies all requirements for a dental license, including satisfactory completion of an examination in jurisprudence and a background check, may be granted a license by examination by applying for licensure in Louisiana within three years following the successful completion of such clinical licensing examination.~~

* * *

§764. Dental hygienist; application for license

A. Every applicant to be licensed as a dental hygienist shall:

* * *

(2) ~~Be a citizen or a permanent resident of the United States unless otherwise prohibited by the North American Free Trade Agreement. Be a citizen or possess valid and current legal authority to reside and work in the United States duly issued by the United States Citizenship and Immigration Services or its successor.~~

* * *

(5) Present satisfactory evidence of having taken **and passed** 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. 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 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.~~

* * *

D. An applicant who has successfully completed any national, regional, or independent third-party clinical dental hygiene licensing examination approved by the board that shall include ~~procedures performed on human subjects as part of the assessment of clinical competencies and who otherwise satisfies all requirements for a dental hygiene license, including satisfactory completion of an examination in jurisprudence and a background check, may be granted a license by examination by applying for licensure in Louisiana within three years following the successful completion of such clinical licensing examination.~~

Section 2. R.S. 37:761(D) and 764(E) are hereby repealed.

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 313

SENATE BILL NO. 328
BY SENATOR FRED MILLS
AN ACT

To amend and reenact R.S. 37:1042(A), (B), the introductory paragraph of (C) (1), and (D), 1045(A), and 1049(1) and to repeal R.S. 37:1055 and 1060, relative to the Louisiana State Board of Optometry Examiners; to provide for board membership; to provide for a nomination process; to provide for term limits; to provide for board members who are also members in an optometrist trade association; to provide for a quorum of the board; to provide for qualifications and requirements of applicants for licensure by the board; to repeal laws relative to recording of certain certificates and issuance of lists of licensed optometrists; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1042(A), (B), the introductory paragraph of (C)(1), and (D), 1045(A), and 1049(1) are hereby amended and reenacted to read as follows:

§1042. Louisiana State Board of Optometry Examiners; appointment; terms of members; protected action and communication

A. The Louisiana State Board of Optometry Examiners is created within the Louisiana Department of Health and is subject to the provisions of R.S. 36:803. **This** The board shall consist of five members who shall be **actively** licensed optometrists **in good standing with the board** and shall **who** have practiced optometry in this state for seven years and one consumer member.

B. (1) **Each One** licensed optometrist member of the board shall be appointed by the governor from a list of three names submitted to him by the board **from each of the five board districts in accordance with this Subsection**. The governor shall ensure that his appointments demonstrate race, gender, ethnic, and geographical diversity. ~~For the purpose of preparing the list of three names,~~

the board shall conduct an annual meeting on a date in June set by the board annually, at which all optometrists licensed under the laws of Louisiana shall have the right to attend, nominate and vote. The board shall have the authority to regulate and prescribe the place and hour of the meeting, the method of nomination, and the manner of voting. Each optometrist in attendance shall have the right to vote for those persons duly nominated and no cumulative or proxy voting shall be permitted. Each optometrist voting must vote for three nominees in order for his ballot to be valid, and any ballot indicating votes for more or less than three nominees shall be null and void. The three persons receiving the greatest number of votes of those in attendance at the meeting shall be the three persons whose names shall be submitted to the governor for appointment to the board. At least thirty days prior to the meeting the board shall mail notices to each optometrist licensed under the laws of Louisiana at the address shown in his current registration notifying each optometrist of the exact date, place and hour of the meeting, the purpose of the meeting and of his right to attend and vote. The consumer member may apply directly to the office of the governor.

(2) The board districts shall be comprised of the following parishes:

(a) District One shall be comprised of the parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. Helena, St. Tammany, Tangipahoa, and Washington.

(b) District Two shall be comprised of the parishes of Ascension, Assumption, Lafourche, Livingston, St. James, St. John the Baptist, and Terrebonne.

(c) District Three shall be comprised of the parishes of East Baton Rouge, East Feliciana, Iberia, Iberville, Lafayette, Pointe Coupee, St. Martin, St. Mary, West Baton Rouge, and West Feliciana.

(d) District Four shall be comprised of the parishes of Acadia, Allen, Avoyelles, Beauregard, Calcasieu, Cameron, Catahoula, Concordia, Evangeline, Grant, Jefferson Davis, LaSalle, Natchitoches, Rapides, Sabine, St. Landry, Vermilion, and Vernon.

(e) District Five shall be comprised of the parishes of Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Ouachita, Red River, Richland, Tensas, Union, Webster, West Carroll, and Winn.

(3) When a vacancy occurs in the membership of the board representing one of the five districts for any reason, including expiration of term, removal, resignation, death, disability, or disqualification, the following nominating process shall be followed:

(a) The optometrist making the nomination shall be a resident of the district where the vacancy occurs.

(b) The optometrist nominee shall be a resident of the district where the vacancy occurs.

(c) Nomination ballots shall be returned to the board office at least sixty days prior to a vacancy occurring by an expiring term.

(d) Nomination ballots shall be returned to the board office at least thirty days following a vacancy occurring by death, resignation, inability to act, or other cause.

(4)(a) The secretary of the board shall transmit to each licensed optometrist, by United States mail, to the last known address of the optometrist indicated in the board's records, a nomination ballot. The ballot, or an accompanying communication, shall indicate the date, time, and place for the counting of ballots. At a gathering open to the public, the ballots shall be counted openly by the secretary or by one or more individuals designated by the president. The secretary shall certify to the governor the names of the three nominees receiving the highest number of nominations. From the names submitted to him in this manner, the governor may select and appoint one eligible individual to fill the vacancy in question.

(b) In the absence of the secretary, or in the event of his inability or failure to act, the duties of the secretary with respect to the mailing and counting of ballots and the certification to the governor shall be performed by the president of the board.

(5) The successor to each member of the board appointed from a board district shall be appointed from the district having the same number designation as the district from which the member who is being replaced was appointed.

(6) District representatives shall be initially appointed as follows:

(a) A representative from District Four to fill a vacancy in the position expiring in June 2022.

(b) A representative from District One to fill a vacancy in the position expiring in June 2023.

(c) A representative from District Five to fill a vacancy in the position expiring in June 2024.

(d) A representative from District Three to fill a vacancy in the position expiring in June 2025.

(e) A representative from District Two to fill a vacancy in a position expiring in June 2026.

C.(1) The consumer member shall be selected from the state at large and appointed by the governor. **Any person interested in serving as the consumer member may apply directly to the office of the governor.** The consumer member of the board shall possess all of the following qualifications:

* * *

D.(1) Each appointment by the governor shall be subject to Senate confirmation. The term of each member shall be five years, **except that no person shall be appointed to serve more than three full terms on the board, whether the service is consecutive or not, but vacancies A vacancy** occurring during the term of a member shall be filled for the unexpired term by an optometrist possessing the qualifications for board membership, nominated

by the remaining members of the board **and appointed in accordance with Subsection B of this Section.** and appointed by the governor from that nomination. A vacancy in the consumer position shall be filled with another consumer.

(2) No member of the board shall hold an elected or appointed position in an optometry professional association at any time during the term of his appointment to the board. The provisions of this Paragraph shall not be construed to prohibit a member of the board from holding an elected or appointed position in an association for regulatory boards of optometry.

* * *

§1045. Officers; meetings; quorum

A. The board shall choose from its membership a president and a secretary-treasurer. The board shall hold regular semiannual meetings. ~~Three~~ **Four** members shall constitute a quorum for the transaction of business.

* * *

§1049. Qualifications and requirements of applicants

All persons desiring to become licensed to practice optometry shall:

(1) Be citizens of the United States; **or possess valid and current legal authority to reside and work in the United States duly issued by the Citizenship and Immigration Services agency of the United States Department of Homeland Security, and be** of good moral character.

* * *

Section 2. R.S. 37:1055 and 1060 are hereby repealed.

Section 3.(A) The provision of this Act prohibiting a member of the Louisiana State Board of Optometry Examiners from serving more than three full terms on the board shall only apply to any term that began on or after January 1, 2016. The provisions of this Act shall not prohibit any current board members who have served more than three full terms from continuing to serve in that position for the remainder of their term or until a successor is appointed.

(B) No provision of this Act shall be construed to prohibit a board member whose term expires in June of 2022 from continuing to serve in that position until a successor is appointed in accordance with the provisions of this Act.

Section 4. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 314

SENATE BILL NO. 398

(Substitute of Senate Bill No. 373 by Senator Peacock)

BY SENATOR PEACOCK

AN ACT

To amend and reenact R.S. 13:3049.1(B) and 3105(A), relative to juror compensation; to provide for the compensation rate of jurors for attendance in court; to provide relative to an allowance for mileage; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:3049.1(B) and 3105(A) are hereby amended and reenacted to read as follows:

§3049.1. Twenty-Fourth Judicial District; jury compensation; duty to attend; cash deposit; bond procedure; filing fees

* * *

B.(1) All persons attending pursuant to summons for jury service in both criminal and civil cases may demand and receive compensation and an allowance for mileage necessarily traveled going to and from the courthouse **in accordance with R.S. 13:3049.**

(2) The compensation shall be twenty-five dollars for each day of attendance in court, and the mileage allowance shall be not less than sixteen cents per mile nor more than the rate in effect for state officials.

(3) Only one charge shall be made for mileage each way.

* * *

§3105. Compensation of jurors in civil cases

A. Those serving as jurors in the trial of civil cases triable by a jury in the Civil District Court for the parish of Orleans shall be entitled to compensation **and an allowance for mileage necessarily traveled going to and from the courthouse in accordance with R.S. 13:3049** of twenty-five dollars each for each and every day, or part of a day, on which they serve as jurors in any civil case, the said sum total to be charged as costs and paid by the party cast for such costs. The party praying for the jury shall deposit with the clerk of the civil district court the sum of twenty-five dollars as jury costs. In addition, prior to the commencement of the trial, the party praying for the jury shall deposit in the registry of the court the sum of three hundred dollars for each day the court estimates the trial will last. No case triable by jury shall be placed on the court's jury trial docket or fixed for trial unless the twenty-five dollar deposit is made. No such trial by jury shall commence until the additional deposit provided for herein is made.

* * *

Section 2. This Act shall become effective upon signature by the governor

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

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 315

SENATE BILL NO. 407
BY SENATOR BOUIE
AN ACT

To enact R.S. 17:436.1(N), relative to the administration of medication at public schools; to require public school governing authorities to adopt a policy requiring the storage of auto-injectable epinephrine in certain classrooms; to provide for teachers in those classrooms be provided certain information; to provide for notification of the policy; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:436.1(N) is hereby enacted to read as follows:

§436.1. Administration of medication; definition; conditions; restrictions; exceptions

* * *

N.(1) Notwithstanding any provision of law or any rule, regulation, or policy to the contrary, the governing authority of each public elementary and secondary school shall adopt a policy to maintain a supply of auto-injectable epinephrine, as defined in Subparagraph (J)(4)(a) of this Section, in a secure location in each classroom assigned to a student who is deemed by his physician to be at high risk for anaphylactic reaction and incapable of self-administration of auto-injectable epinephrine.

(2) The policy shall require the student's parent or other legal guardian to annually provide the school in which the student is enrolled with all of the following:

(a) The supply of auto-injectable epinephrine to be kept in each classroom.

(b) Written authorization for the student to be administered the medication.

(c) Written certification from the student's licensed medical physician or other authorized prescriber that the student is at high risk of having anaphylaxis and is not capable of self-administration of auto-injectable epinephrine.

(d) A written treatment plan, as defined in Subparagraph (J)(1)(c) of this Section, from the student's licensed medical physician or other authorized prescriber for managing anaphylactic episodes.

(3) The documentation required by this Subsection shall be kept on file in the office of the school nurse or other designated school official.

(4) The teacher in each classroom where auto-injectable epinephrine is stored shall be provided information regarding accessing and administering auto-injectable epinephrine, the signs and symptoms of anaphylactic reactions, and specific information regarding condition, care, and treatment of the student assigned to the classroom who is at high risk of anaphylactic reaction.

(5) The governing authority of the public elementary and secondary school shall inform the parent or other legal guardian of the student in writing that the school and its employees shall incur no liability as a result of any injury sustained by the student from the good faith administration of auto-injectable epinephrine. The parent or other legal guardian of the student shall sign a statement acknowledging that the school shall incur no liability and that the parent or other legal guardian shall indemnify and hold harmless the school and its employees against any claims that may arise relating to the good faith administration of auto-injectable epinephrine.

(6) Each school shall include the policy required by this Subsection in its student handbook and post such policy on the school's website, if it has one. Such policy shall also be disclosed to any parent or other legal guardian who notifies the school in which the student is enrolled, in writing, that the student has a condition which puts him at risk of anaphylaxis.

(7) The provisions of this Subsection shall be known and may be cited as the "Louis Williams Junior Act".

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

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 316

SENATE BILL NO. 442
BY SENATORS WARD, ABRAHAM, CONNICK, HARRIS, HENRY AND
MORRIS
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 3226, relative to an online marketplace; to provide for identification of certain sellers on an online marketplace; to require disclosure of certain information; to provide for certain consumer products offered for sale on an online marketplace; to provide for unfair or deceptive trade practices and acts; to provide for certain terms, requirements, conditions, and procedures; to provide for an effective date; 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 3226, is hereby enacted to read as follows:

CHAPTER 62. ONLINE MARKETPLACE AND THIRD-PARTY SELLERS

§3221. Definitions

As used in this Chapter, the following words and phrases shall have the following meanings:

(1) "Consumer product" means any tangible personal property that is distributed in commerce and used for personal, family, or household purposes, including any property intended to be attached to or installed in any real property without regard to whether it is attached or installed.

(2) "High-volume third-party seller" means a participant on an online marketplace's platform who is a third-party seller and who has entered into two hundred or more discrete sales or transactions of new or unused consumer products in any twelve-month period during the previous twenty-four months, which result in an aggregate total of five thousand dollars or more in total gross revenue. For purposes of calculating the number of discrete sales or transactions or the aggregate gross revenues, an online marketplace shall be required only to count sales or transactions made through the online marketplace and for which payment was processed by the online marketplace, either directly or through its payment processor.

(3) "Online marketplace" means any person or entity that operates a consumer-directed electronically based or accessed platform that meets all of the following criteria:

(a) Has features that allow for, facilitate, or enable third-party sellers to engage in the sale, purchase, payment, storage, shipping, or delivery of a consumer product in this state.

(b) Is used by one or more third-party sellers for such purposes.

(c) Has a contractual or similar relationship with consumers governing their use of the platform to purchase consumer products.

(4) "Seller" means a person who sells, offers to sell, or contracts to sell a consumer product through an online marketplace platform.

(5) "Third-party seller" means any seller, independent of an online marketplace, who sells, offers to sell, or contracts to sell a consumer product in this state through an online marketplace. Third-party seller shall not include either of the following:

(a) A seller who operates the online marketplace's platform.

(b) A business entity that has made available to the general public the entity's name, business address, and working contact information; an ongoing contractual relationship with the online marketplace to provide the online marketplace with the manufacture, distribution, wholesaling, or fulfillment of shipments of consumer products; and provided to the online marketplace identifying information which has been verified in accordance with this Chapter.

(6) "Verify" means to confirm information provided to an online marketplace pursuant to this Chapter, which may include the use of one or more methods that enable the online marketplace to reliably determine that any information and documents provided are valid, corresponding to the seller or an individual acting on the seller's behalf, not misappropriated, and not falsified.

§3222. Collection and verification of information by online marketplace

A.(1) An online marketplace shall require that any high-volume third-party seller on the online marketplace's platform provide the online marketplace with all of the following information not later than ten days after qualifying as a high-volume third-party seller on the platform:

(a) The bank account number of the high-volume third-party seller or, if the high-volume third-party seller does not have a bank account, the name of the payee for payments issued by the online marketplace to the high-volume third-party seller. The high-volume third-party seller shall provide the bank account or payee information directly to the online marketplace or to a third-party contracted by the online marketplace to maintain such information, provided that the online marketplace is able to obtain the information on demand from the other third-party.

(b) The high-volume third-party seller's contact information, including but not limited to the following information:

(i) If the high-volume third-party seller is an individual, the individual's name.

(ii) If the high-volume third-party seller is not an individual, either a copy of a valid government issued identification for an individual acting on behalf of a high-volume third-party seller or a copy of a valid government issued record or tax document that includes the business name and physical address of the high-volume third-party seller.

(c) A business tax identification number of the high-volume third-party seller or, if the high-volume third-party seller does not have a business tax identification number, a taxpayer identification number.

(d) A current working phone number and electronic mail address for the high-volume third-party seller.

(2)(a) Periodically, but not less than annually, an online marketplace shall notify each high-volume third-party seller on the online marketplace's platform of the requirement to update information collected pursuant to this Section.

(b) An online market place shall require any high-volume third-party seller to electronically certify whether the high-volume third-party seller has submitted updated information not later than ten days after receiving an annual notice.

(c) If the high-volume third-party seller does not provide the information or certification required by this Subsection, the online marketplace shall, after providing the high-volume third-party seller with written or electronic notice and an opportunity to provide the information or certification within ten days after issuance of the notice, suspend the sales activity of the high-volume third-party seller until the certification is completed by the high-volume third-party seller.

B.(1) Except as provided in Paragraph (2) of this Subsection, an online marketplace shall verify the information and any changes to the information collected pursuant to this Section within ten days after collecting the data.

(2) If a high-volume third-party seller provides a copy of a valid government issued tax document, any information contained in the document shall be presumed to be verified as of the date of issuance of the document.

§3223. Data; limitation; security

A. Any data that is collected to comply with any requirement of this Chapter may not be used for any other purpose except as required by law.

B. An online marketplace shall implement and maintain reasonable security procedures and practices, including administrative, physical, and technical safeguards, appropriate to the nature of the data and the purposes for which the data will be used, to protect the data collected to comply with the requirements of this Chapter from unauthorized use, disclosure, access, destruction, or modification.

§3224. Online marketplace; disclosure requirements of sellers; exceptions

A. An online marketplace shall require any high-volume third-party seller that has an aggregate total of twenty thousand dollars or more in annual gross revenues on the online marketplace to provide the contact information of the high-volume third-party seller, including but not limited to the following identifiable information:

(1) The full name of the high-volume third-party seller, which may include the high-volume third-party seller's name or company name, or the name by which the high-volume third-party seller or company operates on the online marketplace.

(2) The physical address of the high-volume third-party seller.

(3) Contact information for the high-volume third-party seller to allow for the direct, unhindered communication with the high-volume third-party seller by users of the online marketplace, including but not limited to any of the following:

(a) A current working phone number.

(b) A current working electronic mail address.

(c) Other means of direct electronic messaging, provided to the high-volume third-party seller by the online marketplace, provided this requirement shall not prevent an online marketplace from monitoring communications between high-volume third-party sellers and users of the online marketplace for fraud, abuse, or spam.

B. An online marketplace shall disclose the information required by Subsection A of this Section to consumers in a conspicuous manner in an order confirmation message or other document or communication made to the consumer after a purchase is finalized and in the consumer's account transaction history.

C. If the high-volume third-party seller uses a different seller to supply the consumer product to the consumer, upon purchase and upon the request of an authenticated purchaser, the seller who supplies the consumer product to the purchaser shall disclose the information required by Subsection A of this Section to the purchaser.

D.(1) Upon the request of a high-volume third-party seller, an online marketplace may provide a partial disclosure of the information required by Subsection A of this Section as follows:

(a) If the high-volume third-party seller demonstrates to the online marketplace that the seller does not have a business address and has only a residential street address, or as a combined business and residential address, the online marketplace may disclose only the country and, if applicable, the state where the high-volume third-party seller resides. The online marketplace may inform consumers that there is no business address available for the high-volume third-party seller and that consumer inquiries may be submitted to the high-volume third-party seller's phone, electronic mail address, or other electronic messaging provided to the seller by the online marketplace.

(b) If a high-volume third-party seller certifies to the online marketplace that the high-volume third-party seller is a business that has a physical address for product returns, the online marketplace may disclose the high-volume third-party seller's physical address for product returns.

(c) If a high-volume third-party seller certifies to the online marketplace that the high-volume third-party seller does not have a phone number other than a personal phone number, the online marketplace shall inform consumers that there is no phone number available for the seller and that consumer inquiries should be submitted to the seller's electronic mail address or other means of electronic messaging provided to the seller by the online marketplace.

(2) If an online marketplace becomes aware that a high-volume third-party seller has made a false representation to the online marketplace in order to justify partial disclosure of information required pursuant to this Section or that a high-volume third-party seller who has requested and has received a provision for a partial disclosure has not provided responsive answers within a reasonable time to consumer inquiries submitted to the high-volume third-party seller's contact information, the online marketplace shall, after providing the seller with written or electronic notice and an opportunity to respond not

later than ten days after the issuance of such notice, suspend any future sales of the seller unless the seller consents to the disclosure of the identity information required pursuant to this Chapter.

E. An online marketplace shall disclose to consumers in a clear and conspicuous manner on the product listing of any high-volume third-party seller a reporting mechanism that allows for electronic and telephonic reporting of suspicious marketplace activity to the online marketplace.

§3225. Unfair or deceptive trade practice or act; online marketplace sellers; identification; violations

Any violation of this Chapter shall be a deceptive and unfair trade practice and shall subject the online marketplace to any and all actions and penalties provided for in the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq., excluding private rights of action as provided in R.S. 51:1409 and 1409.1.

§3226. Preemption

No political subdivision may establish, mandate, or otherwise require an online marketplace to collect or verify information from a high-volume third-party seller or disclose information to a consumer on a one-time or ongoing basis.

Section 2. This Act shall become effective on January 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or January 1, 2023, whichever is later.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 317

SENATE BILL NO. 485
BY SENATOR BOUIE

AN ACT

To amend and reenact R.S. 33:9091.25(B) and (D), relative to Orleans Parish; to provide relative to the Delachaise Security and Improvement District; to provide relative to the boundaries and governance of the district; 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. 33:9091.25(B) and (D) are hereby amended and reenacted to read as follows:

§9091.25. Delachaise Security and Improvement District

* * *

B. Boundaries. The boundaries of the district shall be that area within and including the following perimeter: beginning at the intersection of Louisiana Ave. and Carondelet St. and proceeding along Carondelet St. (both sides) to its intersection with Napoleon Ave., along Napoleon Ave. (interior side) to its intersection with Freret St., then along Freret St. (interior side) to its intersection with Louisiana Ave. ~~Marengo St., along Marengo St. (both sides) to its intersection with S. Saratoga St., then along S. Saratoga St. (both sides) to its intersection with Louisiana Ave., and finally along Louisiana Ave. (interior side) back to its intersection with Carondelet St.~~

* * *

D. Governance. (1) The district shall be governed by a board of commissioners, referred to in this Section as the "board", consisting of ~~five~~ seven members, all of whom shall be qualified voters and residents of the district, composed as follows:

(a) The presidents of the Delachaise Neighborhood Association, referred to in this Section as the "DNA", and the Milan Neighborhood Association, referred to in this Section as the "MNA".

(b) The governing board of the ~~Delachaise Neighborhood Association~~ DNA shall appoint ~~three~~ two members who may be members of the governing board.

(c) The governing board of the MNA shall appoint two members who may be members of the governing board.

(d) The member of the governing authority of the city of New Orleans who represents Council District B shall appoint one member.

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

(b) The members appointed pursuant to Subparagraph (1)(b) and (c) of this Subsection shall serve two-year terms after initial terms as provided in this Subparagraph. ~~Two members shall serve an initial term of one year and one member shall serve an initial term of two years, as determined by lot at the first meeting of the board.~~

(c) The member appointed pursuant to Subparagraph ~~(1)(c)~~ (1)(d) of this Subsection shall serve a term concurrent with the appointing authority.

* * *

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 318

SENATE BILL NO. 486
BY SENATOR MORRIS
AN ACT

To amend and reenact Code of Civil Procedure Art. 253(B), relative to clerks of court; to provide relative to pleadings, documents, and exhibits filed with the clerk of court; to provide for electronic transmittal of filings; to provide certain procedures for electronic filing and storage of documents; to provide for the conversion of filings into electronic records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 253(B) is hereby amended and reenacted to read as follows:

Art. 253. Pleadings, documents, and exhibits to be filed with clerk

* * *

B. The filings as provided in Paragraph A of this Article and all other provisions of this Chapter may be transmitted electronically in accordance with a system established by a clerk of court or by Louisiana Clerks Remote Access Authority. When such a system is established, the clerk of court shall adopt and implement procedures for the electronic filing and storage of any pleading, document, or exhibit, ~~and the~~ The official record shall be the electronic record. A pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system, if the clerk of court accepts the electronic filing. Public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to written paper filings. **The clerk of court may convert into an electronic record any pleading, document, or exhibit as set forth in R.S. 44:116. The originals of conveyances shall be preserved by the clerk of court.**

* * *

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 319

SENATE BILL NO. 493
BY SENATOR HEWITT
AN ACT

To enact R.S. 38:1674.16.1, relative to drainage districts; to provide relative to parishes with a population between 245,000 and 265,000; to provide for the levy of a maintenance and operation tax; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:1674.16.1 is hereby enacted to read as follows:

§1674.16.1. Certain drainage districts

A.(1) Notwithstanding any provision of law to the contrary, the governing authority of Drainage District No. 4 in a parish with a population between two hundred forty-five thousand and two hundred sixty-five thousand based on the latest federal decennial census is authorized to call a special election on or before December 31, 2024, for approval by a majority of the electors residing within Drainage District No. 4, which the district governing authority may place on the ballot, to levy a maintenance and operation tax on each landowner of record within the district in an amount not to exceed five hundred dollars for each ten thousand square feet of each lot and parcel owned, such that the minimum tax on each lot or parcel is equal to that amount which would be levied on the first ten thousand square feet for:

(a) The maintenance of the levee system, pumping station, pumps, holding ponds, construction of pumping stations, and acquisition of land therefor, and other matters related thereto; and

(b) The operation of the district including cost of the pumping station operation staff, salaries of office staff, utilities and fuels, purchase of equipment necessary for the maintenance or operation of the district, contract services, insurance, personnel, and other matters related thereto or called for by law.

(2) Subject to approval of a majority of the electors of the district voting on the proposition therefor, there may be exemptions from the maintenance and operation tax provided for in this Subsection for:

(a) Property of any owner of property in the district who is over sixty-five years of age and who resides within the district, such exemption not to exceed twenty-four dollars on the first ten thousand square feet of property per lot or parcel; provided that the owner applies for the exemption annually as provided by the board of commissioners.

(b) Property of the Kingspoint Homeowners' Association Recreation Area, not to exceed twenty-four dollars per acre, so long as the recreation area remains for the private use of the Kingspoint Subdivision homeowners, and provided that the exemption is applied for annually by a person duly authorized to make such application by the Kingspoint Homeowners' Association board who shall make application as provided by the board of commissioners.

(c) Property of nonprofit organizations, such exemption not to exceed ten percent of the actual total amount of the tax due, shall be given to any nonprofit organization domiciled within the district; provided that the exemption is applied for annually by a person duly authorized to make such application by the nonprofit organization who shall make application as provided by the board of commissioners. Upon submission of said application, the applicant shall provide to the board of commissioners proof of nonprofit IRS 501(c)(3) status.

(3) Publicly owned property shall be exempt from the tax.

* As it appears in the enrolled bill

B. Notwithstanding any provision of law to the contrary, any election authorized in this Section may be held on any Saturday prior to December 31, 2024, as provided by the governing authority of the district, or on any date authorized by the election laws of the state. If the electors of the district authorize the tax provided in Subsection A of this Section, any fee or tax currently imposed by the district for operation and maintenance may be discontinued by the district governing authority for such period as such tax authorized by Subsection A of this Section is imposed, provided that no obligation of the district is impaired. The discontinuance of any such fee or tax as provided herein shall not affect the obligation to pay any such fee or tax previously imposed which became due prior to discontinuation and which has not been paid.

C. The maintenance and operation tax and exemptions shall be imposed by resolution at a special meeting of the board of commissioners of Drainage District No. 4, after the election on the propositions, if approved by a majority of the qualified electors within the district voting at the election. A certified copy of the resolution shall be furnished to the sheriff and ex officio tax collector of a parish with a population between two hundred forty-five thousand and two hundred sixty-five thousand based on the latest federal decennial census. The tax shall be collected by the sheriff at the same time as the parish ad valorem taxes and shall enjoy the same recourse as parish ad valorem taxes for nonpayment and shall prime all other liens, except parish ad valorem taxes.

D. The maintenance and operation tax shall become effective for the calendar year in which the maintenance and operation tax passes. The maintenance and operation tax shall be imposed for a five-year term and may be renewed for five-year terms at the end of each term by calling for a special election on or before the last day of December in the last year of each term for approval of the electors residing within Drainage District No. 4 and placing on the ballot a proposition for renewal defining the rate and purpose of the tax revenue. The tax shall be renewed if approved by a majority of the electors voting.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 320

HOUSE BILL NO. 182
BY REPRESENTATIVE HOLLIS
AN ACT

To amend and reenact R.S. 22:1653(A), 1654(B)(8), and 1657.1(C)(1)(introductory paragraph), relative to third-party administrators; to modify requirements relative to annual reports; to provide grounds for the commissioner to deny, suspend, or revoke a license; to modify the filing date relative to rebate transparency reports of pharmacy benefit managers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1653(A), 1654(B)(8), and 1657.1(C)(1)(introductory paragraph) are hereby amended and reenacted to read as follows:

§1653. Annual report; filing fee

A. Each administrator shall file an annual report for the preceding calendar year with the commissioner on or before March first of each year, or within such extension of time therefor as the commissioner may grant for good cause. The report shall be in the form and contain all information as the commissioner requires and shall be verified by at least two officers of the administrator.

* * *

§1654. Grounds for denial, suspension, or revocation of license

* * *

B. The commissioner may suspend or revoke the license of an administrator, deny the application for a license, or, in lieu thereof, impose a fine not to exceed five thousand dollars per violation or twenty-five thousand dollars in the aggregate, if the commissioner finds that the administrator:

* * *

(8) Has provided incorrect, misleading, incomplete, or materially false information or omitted material information in the license application or annual report.

* * *

§1657.1. Pharmacy benefit manager rebate transparency report

* * *

C.(1) Beginning ~~June 1, 2020~~ March 1, 2023, and annually thereafter, each licensed pharmacy benefit manager shall submit a transparency report containing data from the prior calendar year to the department. The transparency report shall contain the following information for each of the pharmacy benefit manager's contractual or other relationships with a health benefit plan or health insurance issuer:

* * *

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 321

HOUSE BILL NO. 235

BY REPRESENTATIVE MCFARLAND AND SENATOR MORRIS
AN ACT

To amend and reenact R.S. 46:1053(BB) and to repeal Act No. 171 of the 2017 Regular Session of the Legislature, relative to the Jackson Parish Hospital Service District; to provide relative to the governing commission of the district; to provide for qualifications of members of the governing commission; to provide for appointment of the commission members; to repeal laws relative to governance of a hospital service district in any parish with a population greater than sixteen thousand and less than seventeen thousand according to the latest federal decennial census; 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. 46:1053(BB) is hereby amended and reenacted to read as follows:

§1053. Commission; qualification of members; appointment; vacancies; compensation; removal of commissioners; certain powers

BB.(1) In the parish of Jackson, the Jackson Parish Hospital Service District shall be governed by a commission composed of ~~seven~~ five members who possess the qualifications provided in Paragraph (2) of this Subsection. The additional members provided for by this Subsection shall be appointed by the police jury for initial terms of six years each and their successors shall serve six-year terms. The commission members shall be appointed by a majority vote of the police jury of the parish for six-year terms.

(2) The commission members shall be qualified voters and residents of Jackson Parish and shall possess the following qualifications:(a) One commission member shall possess financial expertise and be an officer or owner of a bank or group of banks in the parish.

(b) One commission member shall possess legal expertise and be a licensed attorney in good standing in the parish who is not employed by the district attorney's office.

(c) One commission member shall possess medical expertise and be a licensed healthcare professional who practices at the hospital service district hospital in the parish.

(d) One commission member shall possess business or accounting expertise, practice his profession in the parish, and be a licensed certified public accountant or hold a master's degree in business administration.

(e) One commission member shall possess managerial expertise and be employed by a manufacturer located in the parish which has more than two hundred employees and manufactures products made from pulp wood or other fibrous materials.

* * *

Section 2. Act No. 171 of the 2017 Regular Session of the Legislature is hereby repealed in its entirety.

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 322

HOUSE BILL NO. 237
BY REPRESENTATIVE JENKINS
AN ACT

To amend and reenact Item (g)(4)(b) of Paragraph 22 of Article XIV, Section 15.1 of the 1921 Constitution of Louisiana, as amended, continued as a statute pursuant to Article X, Section 18 of the 1974 Constitution of Louisiana, and R.S. 33:2492(7)(d)(ii) and to repeal R.S. 33:2552(7)(d)(ii), relative to the municipal fire and police civil service; to provide relative to the administration of tests by the state examiner; to make certain provisions applicable only to the city of Shreveport; 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. Item (g)(4)(b) of Paragraph 22 of Article XIV, Section 15.1 of the 1921 Constitution of Louisiana, continued as a statute pursuant to the provisions of Article X, Section 18 of the 1974 Constitution of Louisiana is hereby amended and reenacted to read as follows:

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

* * *

22. Tests. Tests to determine the eligibility of applicants for entry upon the promotional and competitive employment lists shall be provided, as follows:

* * *

g. Competitive tests shall be held only as the needs of the service require and shall be given for classes comprising only the following duties or positions:

* * *

(4)

* * *

(b) Notwithstanding Item (a) of this Subparagraph (4), for a ~~municipality having a population between 198,000 and 200,000 according to the most recent decennial census~~ the city of Shreveport, operations, management, and supervision of radio, fire alarm, police alarm, and other signal systems.

* * *

Section 2. R.S. 33:2492(7)(d)(ii) is hereby amended and reenacted to read as follows:

§2492. Tests

Tests to determine the eligibility of applicants for entry upon the promotional and competitive employment lists shall be provided, as follows:

* * *

(7) Competitive tests shall be held only as the needs of the service require and shall be given for classes comprising only the following duties or positions:

* * *

(d)

* * *

(ii) Notwithstanding Item (i) of this Subparagraph, for a ~~municipality having a population between one hundred ninety-eight thousand and two hundred thousand according to the most recent decennial census~~ the city of Shreveport, operations, management, and supervision of radio, fire alarm, police alarm, and other signal systems.

* * *

Section 3. R.S. 33:2552(7)(d)(ii) is hereby repealed in its entirety.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 323

HOUSE BILL NO. 244
BY REPRESENTATIVE MINCEY
AN ACT

To enact R.S. 17:154.1(C) and 1945.3 and to repeal Subpart H of Part III of Chapter 1 of Title 17, comprised of R.S. 17:341 through 348, relative to public school calendars; to require public school governing authorities to determine school calendars; to provide relative to the powers and duties of the State Board of Elementary and Secondary Education and the state Department of Education with respect to school calendars; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:154.1(C) and 1945.3 are hereby enacted to read as follows:
§154.1. Length of school day and year; requirements

* * *

C. Each public school governing authority shall determine the school-year calendar for the schools under its jurisdiction. Neither the State Board of Elementary and Secondary Education nor the state Department of Education shall determine or require approval of a calendar for any city, parish, or other local public school board in the state.

* * *

§1945.3. Louisiana Schools for the Deaf and Visually Impaired; year-round operation; continuing service

The Louisiana Schools for the Deaf and Visually Impaired may operate year-round under the provisions of this Section, subject to the approval of the superintendent of the Special School District and subject to the availability of funds.

Section 2. Subpart H of Part III of Chapter 1 of Title 17, comprised of R.S. 17:341 through 348, is hereby repealed in its entirety.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 324

HOUSE BILL NO. 245
BY REPRESENTATIVE MINCEY
AN ACT

To enact Children's Code Articles 1432(D) and 1433(F) and R.S. 17:184, relative to information required for a minor to be taken from school into protective custody; to require that certain information be provided to a school administrator; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Articles 1432(D) and 1433(F) are hereby enacted to read as follows:

Art. 1432. Order for custody; grounds

* * *

D.(1) Any person removing a minor from a school pursuant to this Article shall provide the following information about the minor to a school administrator:

(a) First and last name.

(b) Address.

(c) Date of birth.

(2) The provisions of this Paragraph shall not apply to an arrest for which there is probable cause.

Art. 1433. Protective custody without court order

* * *

F.(1) Any person removing a minor from a school pursuant to this Article shall provide the following information about the minor to a school administrator:

(a) First and last name.(b) Address.

(c) Date of birth.

(2) The provisions of this Paragraph shall not apply to an arrest for which there is probable cause.

Section 2. R.S. 17:184 is hereby enacted to read as follows:

§184. Protective custody

A. No school administrator shall release a minor into protective custody unless the official to whom the minor is being released provides the following information about the minor:

(1) First and last name.

(2) Address.

(3) Date of birth.

B. The provisions of this Section shall not apply to an arrest for which there is probable cause.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 325

HOUSE BILL NO. 263
BY REPRESENTATIVE MINCEY
AN ACT

To enact R.S. 17:81(BB), relative to the powers and duties of public school governing authorities; to require public schools and school districts to establish student check-out policies; to require a periodic review of such policies; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:81(BB) is hereby enacted to read as follows:

§81. General powers of local public school boards

* * *

BB.(1) Each public school governing authority shall either establish a uniform policy for student check-out that is applicable to each school under its jurisdiction or require each school principal to establish such a policy. A principal who adopts a check-out policy shall transmit the policy to the superintendent or his designee for approval.

(2) The superintendent or his designee shall review any policy established pursuant to this Subsection at least every three years.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 326

HOUSE BILL NO. 266
BY REPRESENTATIVE WILLARD
AN ACT

To amend and reenact R.S. 36:259(B)(34) and R.S. 40:2018.1(A), (B)(1)(i), (C), and (E) and to repeal R.S. 40:2018.1(G), relative to the Louisiana Commission on HIV, AIDS, and Hepatitis C Education, Prevention, and Treatment; to revise the name of the commission; to provide for the means by which the chairman of the commission is selected; to delete references to AIDS within laws pertaining to the commission; to repeal provisions terminating the commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:259(B)(34) is hereby amended and reenacted to read as follows:

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

* * *

B. The following agencies, as defined in R.S. 36:3, are placed within the Louisiana Department of Health and shall perform and exercise their powers, duties, functions, and responsibilities as otherwise provided by law:

* * *

(34) The Louisiana Commission on HIV, AIDS, and Hepatitis C Education, Prevention, and Treatment (R.S. 40:2018.1).

* * *

Section 2. R.S. 40:2018.1(A), (B)(1)(i), (C), and (E) are hereby amended and reenacted to read as follows:

§2018.1. Louisiana Commission on HIV, AIDS, and Hepatitis C Education, Prevention, and Treatment

A. The legislature hereby establishes within the office of public health of the Louisiana Department of Health a commission which shall be designated the "Louisiana Commission on HIV, AIDS, and Hepatitis C Education, Prevention, and Treatment". The commission shall be composed of thirty-

three members as provided in Subsection B of this Section.

B.(1) Twenty members shall serve at the governor's pleasure and shall be appointed by the governor as follows:

* * *

(i) Three representatives from the Louisiana Department of Health who have knowledge of policies related to HIV, AIDS, and hepatitis C and who work in the office of public health, office of behavioral health, and bureau of health services financing, respectively.

* * *

~~C. The chairman of the commission shall be appointed by the governor and the commission, in open session, shall elect from among its members a chairman, who shall serve as chairman without salary.~~

* * *

E. The functions of the commission shall be to:

(1) Serve as an advisory body to the governor and the Louisiana Department of Health on matters relating to hepatitis C, HIV, and AIDS and HIV.

(2) Serve as a coordinating forum on matters relating to hepatitis C, HIV, and AIDS and HIV between and among state agencies, local government, and nongovernmental groups.

(3) Research and review all state regulations, guidelines, policies, and procedures relative to prevention, treatment, and care of hepatitis C, and HIV infection, and AIDS and, when appropriate, make recommendations to the governor, the secretary of the Louisiana Department of Health, and the legislature.

(4) Provide a forum for an annual public hearing on matters relating to hepatitis C, HIV, and AIDS and HIV as well as a mechanism for other public comments and peer reviews on federal and state-funded programs related to hepatitis C, HIV, and AIDS and HIV.

* * *

Section 3. R.S. 40:2018.1(G) is hereby repealed in its entirety.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 327

HOUSE BILL NO. 270
BY REPRESENTATIVE STAGNI
AN ACT

To enact R.S. 33:4712.24, relative to the naming of public buildings by the city of Kenner; to authorize the governing authority of the city of Kenner to name the Kenner council on aging building in honor of a living person; to provide for an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4712.24 is hereby enacted to read as follows:

§4712.24. Naming of Kenner council on aging building
Notwithstanding R.S. 42:267 or any other law to the contrary, the governing authority of the city of Kenner may name the Kenner council on aging building in honor of Mable Trepagnier Brown.

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 328

HOUSE BILL NO. 287
BY REPRESENTATIVE WILLARD
AN ACT

To enact R.S. 47:359(L), relative to occupational license taxes; to provide for the levy of occupational license taxes on certain computer programming businesses; to provide for the rate of the tax; to provide for requirements and limitations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:359(L) is hereby enacted to read as follows:

§359. Businesses where licenses are based on flat fees

The following types of business shall obtain an annual license based on the flat fee designated hereafter. For purposes of this Section, the minimum tax noted in R.S. 47:344 for most new businesses for the first year of commencement or fractional part thereof does not apply.

* * *

L. Computer programming. For each business in which eighty percent of gross revenues of the business comes from providing software as a service, infrastructure as a service, platform as a service, software programming,

website hosting, website design, and networking services, the license shall be one-tenth of one percent of the annual gross receipts for professional fees for services rendered by the business, with a minimum tax of fifty dollars and a maximum tax of two thousand dollars. The tax levied herein shall be levied only on the business and not separately on any individual who is employed by or is a member of the taxpayer which conducts its business as a firm, partnership, or corporation. For purposes of this Subsection, "software as a service" means a delivery model in which software is licensed on a subscription basis and is accessed solely through the internet.

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 329

HOUSE BILL NO. 301
BY REPRESENTATIVE EDMONDS
AN ACT

To enact R.S. 32:413(E), relative to the designation of duplicate on a driver's license; to provide for the issuance of a duplicate driver's license; to prohibit a duplicate designation on a driver's license; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:413(E) is hereby enacted to read as follows:

§413. Loss or destruction of licenses; duplicate driver's license

* * *

E. Any duplicate driver's license issued pursuant to this Section shall not exhibit a duplicate designation regardless of its class.

* * *

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 330

HOUSE BILL NO. 308
BY REPRESENTATIVE JEFFERSON
AN ACT

To amend and reenact R.S. 23:1592(F), relative to unemployment compensation benefits; to provide for an increase in the minimum weekly benefit amount; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1592(F) is hereby amended and reenacted to read as follows:

§1592. Weekly benefit amount

* * *

F. The weekly benefit amount pursuant to this Section to unemployed individuals filing a new claim for benefits may be modified in accordance with the provisions in R.S. 23:1474. In no event shall the weekly amount paid pursuant to this Section be more than as designated in R.S. 23:1474 nor less than ~~ten~~ thirty-five dollars.

* * *

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 331

HOUSE BILL NO. 317
BY REPRESENTATIVE WILLARD
AN ACT

To enact R.S. 22:1337(D), relative to homeowners' insurance policies; to provide for policy deductibles as applied to named storm, hurricane, and wind and hail deductibles; to require the execution of a separate form that lists the specific amount for each deductible expressed as a percentage of the insured value of the property or as a specific dollar amount or both; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1337(D) is hereby enacted to read as follows:

§1337. Homeowners' insurance deductibles applied to named-storms, hurricanes, and wind and hail deductibles

* * *

D.(1) The commissioner shall prescribe a separate form regarding named storm, hurricane, and wind and hail deductibles proposed in a policy of homeowners' insurance. The form shall list the specific amount for each deductible expressed as a percentage of the insured value of the property, or as a specific dollar amount, or as both. For new policies with an effective date after January 1, 2023, an insurer shall provide the form and request that it be signed by the named insured or his legal representative. The completion of

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* As it appears in the enrolled bill

a new form shall not be required if a renewal, reinstatement, substitute, or amended policy is issued to the same named insured by the same insurer or any of its affiliates.

(2) An insurer shall provide a new form and request that it be signed by the named insured or his legal representative, if the insurer changes the percentage or specific dollar amount of any named storm, hurricane, or wind and hail deductible listed in the policy. If the policy uses a percentage deductible, a new form shall not be required if the dollar amount of the deductible changes, because of an increase in policy limits; however, a new form shall be required if the percentage changes.

(3) A new form provided to an insured shall be for the insured's informational purposes only, and it shall not affect the terms and conditions of the policy.

(4) If a policy is purchased using electronic means or the insured elects to receive policy documents electronically, the insurer shall transmit the form, provided for in this Subsection, to the insured electronically and provide a method whereby the insured may sign the form electronically.

(5) Nothing in this Subsection shall be interpreted to create a cause of action not otherwise provided by law.

Section 2. This Act shall become effective on January 1, 2023; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on January 1, 2023, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 332

HOUSE BILL NO. 349
BY REPRESENTATIVE BRYANT
AN ACT

To amend and reenact R.S. 17:493(D), relative to the removal of school bus operators; to provide for appeals of disciplinary actions under certain circumstances; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:493(D) is hereby amended and reenacted to read as follows:

§493. Removal of bus operators; procedures; right to appeal

* * *

D. Within twenty calendar days after ~~written notice of the charges~~ receipt of the superintendent's interim disciplinary action, if any, the bus operator may request a hearing before a disciplinary hearing officer. If the bus operator fails to timely request a hearing, the disciplinary action becomes final.

* * *

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 333

HOUSE BILL NO. 363
BY REPRESENTATIVES BRYANT, ADAMS, BOYD, BRASS, DUPLESSIS,
EDMONSTON, FISHER, FREEMAN, FREIBERG, GAINES, GLOVER,
GREEN, HARRIS, HUGHES, JEFFERSON, JENKINS, TRAVIS JOHNSON,
JORDAN, LACOMBE, LAFLEUR, LARVADAIN, LYONS, MAGEE,
MARCELLE, NEWELL, CHARLES OWEN, PIERRE, SELDERS, STAGNI,
AND WILLARD
AN ACT

To amend and reenact R.S. 17:3902(B)(5), relative to the evaluation of teachers and administrators; to require that student learning targets used to inform the student growth component of an evaluation be developed in a meeting of each person being evaluated and his evaluator; to prohibit such targets not developed in this manner from being used in evaluations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3902(B)(5) is hereby amended and reenacted to read as follows:

§3902. Evaluation program; process

* * *

B. The elements of evaluation and standards for effectiveness shall be defined by the board pursuant to rules and regulations promulgated for such purpose. Such rules and regulations shall require that, at a minimum, local evaluation plans contain the following elements:

* * *

(5)(a) Measure of effectiveness. Fifty percent of such evaluations shall be

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

based on evidence of growth in student achievement as determined by the board. Data derived from a value-added assessment model, as determined by the board, shall be a factor in determining evidence of student growth for grade levels and subjects for which value-added data is available and shall comprise thirty-five percent of the overall evaluation. For grade levels and subjects for which value-added data is not available and for personnel for whom value-added data is not available, the board shall establish measures of student growth. The model shall take into account important student factors, including but not limited to special education, economic disadvantage, attendance, and discipline. However, neither the value-added model nor the measures of student growth for grade levels and subjects for which value-added data are not available shall, in any given year, include a test score or data of a student who has ten or more unexcused absences in any school semester in that year. The board shall develop and adopt a policy to invalidate such student growth data for any teacher for any school year in which there is a natural disaster or any other unexpected event that results in the temporary closure of the school.

(b) Each person being evaluated and his evaluator shall meet for the purpose of discussing the student learning targets of each student. Student learning targets not discussed in a meeting between a person and his evaluator shall not be used in the person's evaluation.

* * *

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 334

HOUSE BILL NO. 377
BY REPRESENTATIVE HUVAL
AN ACT

To amend and reenact R.S. 15:590(7) and to enact R.S. 15:545(A)(3), relative to fingerprinting persons arrested for operating a motor vehicle while intoxicated; to provide for duties of law enforcement in every parish, municipality, and the state; to provide for additional offenses that require fingerprint and identification data; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:590(7) is hereby amended and reenacted and R.S. 15:545(A)(3) is hereby enacted to read as follows:

§545. Duty of law enforcement

A.

* * *

(3) It shall be the duty of the sheriff of every parish, the chief of police of each municipality, and every chief officer of every other law enforcement agency operating within this state to record the fingerprints of all persons arrested for any offense involving the operation of a vehicle while intoxicated, including local ordinances pertaining to operating a motor vehicle while intoxicated. However, there shall be no duty to record fingerprints if the fingerprint system at the local prison is unavailable.

* * *

§590. Obtaining and filing fingerprint and identification data
The bureau shall obtain and file the name, fingerprints, description, photographs, and any other pertinent identifying data as the deputy secretary deems necessary, of any person who meets any of the following:

* * *

(7) Has been arrested, or has been issued a summons, for a violation of R.S. 14:98, 98.1, 98.2, 98.3, 98.4, 98.6, or any other offense for operation of a vehicle while intoxicated, including local ordinances pertaining to operating a motor vehicle while intoxicated.

* * *

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 335

HOUSE BILL NO. 417
BY REPRESENTATIVES HILFERTY, FREIBERG, AND LANDRY
AN ACT

To amend and reenact R.S. 17:436.1(K)(1) and to enact R.S. 17:407.50.2, relative to licensed early learning centers and public elementary and secondary schools; to provide with respect to anaphylaxis training; to provide with respect to the administration of medication; to authorize the maintenance of a supply of auto-injectable epinephrine; to provide for definitions; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:436.1(K)(1) is hereby amended and reenacted and R.S. 17:407.50.2 is hereby enacted to read as follows:

§407.50.2. Administration of auto-injectable epinephrine; definition; conditions; exceptions

A. Notwithstanding any provision of law to the contrary, the head of each early learning center shall adopt a policy authorizing a trained early

THE ADVOCATE
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* As it appears in the enrolled bill

learning center employee to administer auto-injectable epinephrine, as defined in Paragraph (B)(3) of this Section, to a child who the trained early learning center employee, in good faith, professionally believes is having an anaphylactic reaction, whether or not such child has a prescription for epinephrine. At least one employee at each early learning center shall receive training from a registered nurse, a licensed medical physician, a child care health consultant, anaphylaxis training organization, or any other entity approved by the Louisiana Department of Health in the administration of auto-injectable epinephrine. Such training may be considered continuing education and be applied to the early learning center's annual continuing education requirements. The trained employee may administer the auto-injectable epinephrine to respond to a child's anaphylactic reaction under a standing protocol from a physician licensed to practice medicine in the state.

B.(1) Each early learning center may maintain a supply of auto-injectable epinephrine at the center in a secure and easily accessible location. A healthcare professional authorized to prescribe medications may prescribe epinephrine auto-injectors in the name of the early learning center to be maintained for use when deemed necessary pursuant to the provisions of this Section.

(2) Each early learning center shall distribute the policy required by this Section to all parents or other legal guardians.

(3)(a) For the purposes of this Section, "auto-injectable epinephrine" means a medical device for the immediate self-administration or assisted-administration of epinephrine by or to a person at risk for anaphylaxis.

(b) For the purposes of this Section, an anaphylaxis training organization is a nationally recognized organization that provides anaphylaxis education or a training program whose leadership includes a physician authorized to practice medicine and surgery or osteopathic medicine and surgery and who is board-certified in allergy and immunology as that designation is issued by a medical specialty certifying board recognized by the American Board of Medical Specialties or American Osteopathic Association.

C. The following are not liable for damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with epinephrine training, unless the act or omission constitutes willful or wanton misconduct:

(1) A licensed early learning center.

(2) An employee of a licensed early learning center.

(3) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine auto-injectors to or consults with an early learning center.

(4) An anaphylaxis training organization and its personnel.

* * *

§436.1. Administration of medication; definition; conditions; restrictions; exceptions

* * *

K.(1) Notwithstanding any provision of law or any rule, regulation, or policy to the contrary, the governing authority of each public elementary and secondary school shall adopt a policy authorizing a school nurse or trained school employee to administer auto-injectable epinephrine, as defined in Subparagraph (J)(4)(a) of this Section, to a student who the school nurse or trained school employee, in good faith, professionally believes is having an anaphylactic reaction, whether or not such student has a prescription for epinephrine. At least one employee at each school shall receive training from an anaphylaxis training organization, a registered nurse, or a licensed medical physician in the administration of auto-injectable epinephrine. The school nurse or trained employee may administer the auto-injectable epinephrine to respond to a student's anaphylactic reaction, under a standing protocol from a physician licensed to practice medicine in the state. For the purposes of this Paragraph, an anaphylaxis training organization means a nationally recognized organization that provides anaphylaxis education or a training program whose leadership includes a physician authorized to practice medicine and surgery or osteopathic medicine and surgery and who is board-certified in allergy and immunology as that designation is issued by a medical specialty certifying board recognized by the American Board of Medical Specialties or American Osteopathic Association.

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 336

HOUSE BILL NO. 469
BY REPRESENTATIVE TRAVIS JOHNSON
AN ACT

To enact Chapter 33 of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:1301 through 1306, relative to the "Delta Bike Trail Commission"; to create and provide with respect to the Delta Bike Trail Commission; to provide for the membership of the commission; to provide for the duties and responsibilities of the commission; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 33 of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:1301 through 1306, is hereby enacted to read as follows:

CHAPTER 33. DELTA BIKE TRAIL COMMISSION

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

§1301. Short title

This Chapter shall be known and may be referred to as the "Delta Bike Trail Commission", which shall be created to be a body politic and corporate and a political subdivision of the state with all of the powers of a political subdivision and with such further powers and functions as are set forth in this Chapter.

§1302. Delta Bike Trail Commission; purpose; domicile

A. The commission shall be domiciled in the municipalities of Concordia, Tensas, Madison, and East Carroll parishes, with its headquarters in Vidalia, Louisiana.

B.(1) The commission is created for the purpose of overseeing the development and upkeep of the Delta Bike Trail, a bike and walking trail along and on the Mississippi River in Northeast Louisiana through the parishes of Concordia, Tensas, Madison, and East Carroll, referred to in this Chapter as the "trail".

(2) The commission has the authority to do the following:

(a) Receive funding from the Department of Transportation and Development, the Department of Culture, Recreation, and Tourism, or any federal state funds or grants for the development of the Delta Bike Trail.

(b) Promote marathons, nature-based, recreational, scenic, cultural, historic, and other forms of tourism.

(c) Improve transportation and communication facilities and access within the trail area.

(d) Further develop family-oriented recreational facilities along the trail area.

(e) Promote and market the region through a variety of communications media including maps, guides, tapes, videos, advertisement, signage, and electronic media.

§1303. Delta Bike Trail Commission; membership; officers

A. The commission members shall serve four-year terms.

B. The commission shall consist of seven members designated and appointed by each of the following:

(1) The lieutenant governor.

(2) The secretary of the Department of Transportation and Development.

(3) The state representative for District 21.

(4) The president of the Concordia Parish Police Jury.

(5) The president of the East Carroll Parish Police Jury.

(6) The president of the Tensas Parish Police Jury.

(7) The president of the Madison Parish Police Jury.

C. The members of the commission shall not receive any salary for the performance of their duties. The commissioners may be reimbursed for mileage expenses incurred for attendance at meetings of the commission, subject to the availability of funds. The mileage allowance shall be fixed by the commission in an amount not to exceed the mileage allowance authorized under state travel regulations at rates and standards as promulgated by the division of administration.

D. The members of the commission shall elect from among themselves a chair and other officers as they deem necessary.

E. The commission shall meet not less than quarterly. The commission may hold such other meetings as it deems necessary. Meetings may be called by the chairman or by a majority of the members.

F. The commission shall adopt bylaws to govern its affairs and activities.

G. The commission created pursuant to this Chapter shall be subject to the provisions of R.S. 42:1101 et seq.

H. The commission may perform, procure from the Department of Transportation and Development with the consent of its secretary, or procure from outside service providers any service or portion of services necessary to fulfill the duties and obligations of the commission.

§1304. Public records; public meetings; right of public agencies to records

The board created by this Chapter shall be subject to and fully comply with the public records law, R.S. 44:1 et seq., and the open meetings law, R.S. 42:11 et seq., of the state. The proceedings and documents of the board shall be public records. All reports, maps, or other technical documents produced in whole or in part by the board may be utilized by the board or any other public agency in any manner that it deems necessary and advisable in the conduct of its duties.

§1305. Advice

The parish planning and zoning departments of Concordia, Tensas, Madison, and East Carroll parishes, and all its subcommittees, shall serve in an advisory capacity to the commission, relative to the trail or any projects contemplated by or to be undertaken by the commission.

§1306. Duties and authority

The commission may exercise powers necessary, appurtenant, convenient, or incidental to the carrying out of its purposes, including but not limited to the following rights and powers:(1) To adopt rules and regulations necessary to carry out the purposes of the commission, for the governance of its affairs, and for the conduct of its business.

(2) To adopt, use, and alter at will an official seal.

(3) To plan, construct, reconstruct, maintain, improve, operate, own, or lease projects within the trail area in the manner determined by the commission and to pay any project costs in connection therewith.

(4) To sue and be sued in its own name.

(5) To impose and revise fees and charges in connection with its projects sufficient to pay all project costs, maintenance, operation, debt service, and reserve or replacement costs, and other necessary or usual charges.

(6) To receive grants, donations, funds, or other resources from any source,

including proceeds from the sale of services.

(7) To acquire property, including rights-of-way; and hold and use any franchise or property, immovable, movable, or mixed, tangible or intangible, or any interest therein, necessary or desirable for carrying out the purposes of the commission.

(8) To contract with any person, partnership, association, or corporation desiring the use of any part of the trail or trail area, including the right-of-way adjoining the paved portion, for placing thereon any of the following: a telephone, fiber optic, telegraph, electric light, or power lines, gas stations, garages, and restaurants, or for any other purpose, and to fix the terms, conditions, rents, and rates of charges limited to no more than the direct and actual cost of the commission in administering the permitting process.

(9) To enter into contracts including those for purchase, construction, and improvement of works and facilities necessary in connection with the planning and development of the trail.

(10) To sell or lease property owned by it when such property is no longer needed for public purposes.

(11) To appoint agents or employees, prescribe their duties, and fix their compensation.

(12) To provide matching grants for the restoration or improvement of private properties located within the trail or trail area, when such restoration or improvement is determined by the commission to be consistent with the master plan for the development of the trail.

(13) To do all acts and perform things necessary or convenient to execute the powers granted to the commission by law.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 337

HOUSE BILL NO. 473
BY REPRESENTATIVE DUPLESSIS
AN ACT

To amend and reenact R.S. 44:32(C)(1)(a), relative to public records; to provide for examination of public records; to provide for a fee for transmitting electronic copies of public records; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:32(C)(1)(a) is hereby amended and reenacted to read as follows:

§32. Duty to permit examination; prevention of alteration; payment for overtime; copies provided; fees

* * *

C.(1)(a) For all public records, except public records of state agencies, it shall be the duty of the custodian of such public records to provide copies to persons so requesting. The custodian may establish and collect reasonable fees for making copies of public records, which may include the transmission of electronic copies of public records. The custodian may request payment of fees in advance of production. Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state.

* * *

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 338

HOUSE BILL NO. 509
BY REPRESENTATIVE MINCEY
AN ACT

To enact R.S. 17:420, relative to public school teachers; to require the state Department of Education to maintain a database and to report to the legislative education committees on training that professional teachers are required to complete; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:420 is hereby enacted to read as follows:

§420. Required teacher training

A. The state Department of Education shall create and maintain a database of training that professional teachers are required by law to complete. The department shall provide for teachers to have access to the database, through its website or by other means. The database shall include the following information with respect to each required topic or course of such training:

(1) The legal provision establishing the requirement.

(2) The topic or subject matter of the course and a brief description of its contents.

(3) Available resources for completion of the training, including links to such resources or materials if applicable.

(4) The frequency that a teacher must repeat or update their training on the topic.

(5) The approximate time, in hours, that completion of the training requires. B. Every five years the department shall prepare and submit a report to the House Committee on Education and the Senate Committee on Education on the training that professional teachers are required by law to complete. The report shall include the following:

(1) A complete list of all required training including a description of each course and legal citations for the requirement.

(2) The approximate time, in hours, that completion of each training course requires and an estimate of the total amount of time that a teacher will invest in all such training in a typical year.

(3) With respect to the total time reported pursuant to Paragraph (2) of this Subsection, an estimate of the percentage of that time for which the teacher is not compensated.

(4) A list of specific recommendations for changes to the legal requirements regarding such training, including specific recommendations regarding training requirements that should be repealed, modified, or added.

Section 2. The state Department of Education shall submit the first report required by R.S. 17:420 as enacted by this Act by January 17, 2023.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 339

HOUSE BILL NO. 532
BY REPRESENTATIVES HUVAL AND GAROFALO
AN ACT

To enact R.S. 22:36, relative to health insurance coverage for fire employees; to generally prohibit a health insurance issuer from refusing enrollment of retired fire employees based solely on the status of retirement; to prohibit discrimination between active and retired fire employees for purposes of insurance coverage; to provide for applicability; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:36 is hereby enacted to read as follows:

§36. Discrimination prohibited; health insurance coverage; fire employees; applicability

A. A health insurance issuer shall not refuse to accept for enrollment any fire employee formerly employed by a municipality, parish, or fire protection district with which the health insurance issuer maintains a policy of group health insurance coverage, where such fire employee is no longer employed by the municipality, parish, or fire protection district as a result of retirement, and where such fire employee is not yet eligible for Medicare.

B. A health insurance issuer shall not discriminate between an active fire employee and retired fire employee on the basis of an active or retired status.

C.(1) This Section does not require a health insurance issuer to provide coverage for a retired fire employee under circumstances in which an active fire employee could lawfully be denied coverage nor requires a health insurance issuer to offer terms, rates, or benefits to a retired fire employee that it is not required to offer to an active fire employee.

(2) Notwithstanding the provisions of this Section, this Section shall not be construed to require a municipality, parish, or fire protection district to offer health insurance coverage to early retiree fire employees, nor prohibit a municipality, parish, or fire protection district from offering health insurance coverage to only active fire employees, nor prohibit a health insurance issuer from offering coverage that complies with such eligibility decision of the municipality, parish, or fire protection district.

D. As used in this Section, the term "fire employee" includes a retired employee of a fire protection district or of a municipal or parish fire department.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 340

HOUSE BILL NO. 572
BY REPRESENTATIVE JORDAN
AN ACT

To enact R.S. 33:4763(C), relative to condemned property; to provide for an online condemned property list; to provide for public access; to provide for removal of properties from the list; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4763(C) is hereby enacted to read as follows:

§4763. Decision of parish or municipal governing authority; order to demolish or repair

* * *

C.(1) The parish or municipal governing authority shall keep and maintain

a list of condemned properties throughout the parish or municipality.

(a) All properties shall be identified by tax block and lot number, the name of the owner of record, if known, and the street address of the lot.

(b) The condemned property list shall be regularly updated and accessible to the public online through a parish or municipal website or third-party website.

(2) Once the decision and order of the parish or municipal governing authority is final as provided in this Section, the property shall be added to the list of condemned properties throughout the parish or municipality.

(3) The parish or municipal governing authority shall remove any property from the list of condemned properties once it has been determined that the property is no longer condemned as determined by the parish or municipal governing authority that determined the property as condemned.

(4) The intent of this Subsection is to make additional information regarding condemned property available to the public and the press. A parish or municipal governing authority that has complied with the requirements of R.S. 33:4762 and 4765 shall be deemed to have met due process requirements regarding notifying property owners about condemned property.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 341

HOUSE BILL NO. 582
BY REPRESENTATIVES STAGNI, CREWS, DUPLESSIS, ECHOLS,
EMERSON, FISHER, GAINES, HARRIS, IVEY, MIKE JOHNSON,
JORDAN, LAFLEUR, LARVADAIN, MARCELLE, MCMAHEN, CHARLES
OWEN, PRESSLY, SCHLEGEL, SELDERS, AND THOMPSON
AN ACT

To amend and reenact R.S. 37:1103(introductory paragraph) and to enact R.S. 37:1131 through 1145, relative to adding the state of Louisiana to the Licensed Professional Counselors Interstate Compact; to provide for the increase of public access to professional counseling services; to provide for the enhancement of public health and safety; to provide for multistate practice regulations; to provide for spousal support for relocating active duty military personnel; to provide for the exchange of licensure among member states; to provide for use of telehealth technology; to provide for uniformity of professional counseling licensure requirements; to eliminate the requirement for licenses in multiple states; to provide for opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1103(introductory paragraph) is hereby amended and reenacted and R.S. 37:1131 through 1145 are hereby enacted to read as follows: §1103. Definitions

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

* * *

§1131. Purpose

A. The purpose of this compact is to facilitate interstate practice of licensed professional counselors with the goal of improving public access to professional counseling services. The practice of professional counseling occurs in the state where the client is located at the time of the counseling services. The compact preserves the regulatory authority of states to protect public health and safety through the current system of state licensure.

B. This compact is designed to achieve the following objectives:

(1) Increase public access to professional counseling services by providing for the mutual recognition of other member state licenses.

(2) Enhance the states' ability to protect the public's health and safety.

(3) Encourage the cooperation of member states in regulating multistate practice for licensed professional counselors.

(4) Support spouses of relocating active duty military personnel.

(5) Enhance the exchange of licensure, investigative, and disciplinary information among member states.

(6) Allow for the use of telehealth technology to facilitate increased access to professional counseling services.

(7) Support the uniformity of professional counseling licensure requirements throughout the states to promote public safety and public health benefits.

(8) Invest all member states with the authority to hold a licensed professional counselor accountable for meeting all state practice laws in the state in which the client is located at the time care is rendered through the mutual recognition of member state licenses.

(9) Eliminate the necessity for licenses in multiple states.

(10) Provide opportunities for interstate practice by licensed professional counselors who meet uniform licensure requirements.

§1132. Definitions

As used in this compact, and except as otherwise provided, the following definitions shall apply:

(1) "Active duty military" means full-time duty status in the active uniformed service of the United States, including members of the National Guard and Reserve on active duty orders pursuant to 10 U.S.C. Chapters 1209 and 1211.

(2) "Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or

other authority against a licensed professional counselor, including actions against an individual's license or privilege to practice such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a licensed professional counselor's authorization to practice, including issuance of a cease and desist action.

(3) "Alternative program" means a nondisciplinary monitoring or practice remediation process approved by a professional counseling licensing board to address impaired practitioners.

(4) "Continuing competence" or "continuing education" means a requirement, as a condition of license renewal, to provide evidence of completion of educational and professional activities relevant to practice or area of work.

(5) "Counseling Compact Commission" or "commission" means the national administrative body whose membership consists of all states that have enacted the compact.

(6) "Criminal history background check" means all state records of arrest, prosecution, and conviction, including those which have been expunged or dismissed pursuant to Code of Criminal Procedure Articles 893 or 894, as well as national records which shall include fingerprints of the applicant, biometrics, and other identifying information, if so requested by the licensing board.

(7) "Current significant investigative information" means either of the following:

(a) Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the licensed professional counselor to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction.

(b) Investigative information that indicates that the licensed professional counselor represents an immediate threat to public health and safety regardless of whether the licensed professional counselor has been notified and had an opportunity to respond.

(8) "Data system" means a repository of information about licensees, including but not limited to continuing education, examination, licensure, investigative, privilege to practice, and adverse action information.

(9) "Encumbered license" means a license in which an adverse action restricts the practice of licensed professional counseling by the licensee and said adverse action has been reported to the National Practitioners Data Bank (NPDB).

(10) "Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of licensed professional counseling by a licensing board.

(11) "Executive committee" means a group of directors elected or appointed to act on behalf of, and within the powers granted to them by, the commission.

(12) "Home state" means the member state that is the licensee's primary state of residence.

(13) "Impaired practitioner" means an individual who has a condition(s) that may impair their ability to practice as a licensed professional counselor without some type of intervention and may include but are not limited to alcohol and drug dependence, mental health impairment, and neurological or physical impairments.

(14) "Investigative information" means information, records, and documents received or generated by a professional counseling licensing board pursuant to an investigation.

(15) "Jurisprudence requirement", if required by a member state, means the assessment of an individual's knowledge of the laws and rules governing the practice of professional counseling in a state.

(16) "Licensed professional counselor" means a counselor licensed by a member state, regardless of the title used by that state, to independently assess, diagnose, and treat behavioral health conditions.

(17) "Licensee" means an individual who currently holds an authorization from the state to practice as a licensed professional counselor.

(18) "Licensing board" means the agency of a state, or equivalent, that is responsible for the licensing and regulation of licensed professional counselors.

(19) "Member state" means a state that has enacted the compact.

(20) "Privilege to practice" means a legal authorization, which is equivalent to a license, permitting the practice of professional counseling in a remote state.

(21) "Professional counseling" means the assessment, diagnosis, and treatment of behavioral health conditions by a licensed professional counselor.

(22) "Remote state" means a member state other than the home state, where a licensee is exercising or seeking to exercise the privilege to practice.

(23) "Rule" means a regulation promulgated by the commission that has the force of law.

(24) "Single state license" means a licensed professional counselor license issued by a member state that authorizes practice only within the issuing state and does not include a privilege to practice in any other member state.

(25) "State" means any state, commonwealth, district, or territory of the United States of America that regulates the practice of professional counseling.

(26) "Telehealth" means the application of telecommunication technology to deliver professional counseling services remotely to assess, diagnose, and treat behavioral health conditions.

(27) "Unencumbered license" means a license that authorizes a licensed professional counselor to engage in the full and unrestricted practice of professional counseling.

§1133. State participation in the compact

A. To participate in the compact, a state shall currently:

(1) License and regulate licensed professional counselors.

(2) Require licensees to pass a nationally recognized exam approved by the commission.

(3) Require licensees to have a sixty semester-hour or ninety quarter-hour master's degree in counseling or sixty semester-hours or ninety quarter-hours of graduate course work in the following areas:

(a) Professional counseling orientation and ethical practice.

(b) Social and cultural diversity.

(c) Human growth and development.

(d) Career development.

(e) Counseling and helping relationships.

(f) Group counseling and group work.

(g) Diagnosis, treatment, assessment, and testing.

(h) Research and program evaluation.

(i) Other areas as determined by the commission.

(4) Require licensees to complete a supervised postgraduate professional experience as defined by the commission.

(5) Have a mechanism in place for receiving and investigating complaints about licensees.

B. A member state shall:

(1) Participate fully in the commission's data system, including using the commission's unique identifier as defined in rules.

(2) Notify the commission, in compliance with the terms of the compact and rules, of any adverse action or the availability of investigative information regarding a licensee.

(3)(a) Implement or utilize procedures for considering the criminal history records of applicants for an initial privilege to practice.

(b) The licensing board shall be entitled to the criminal history record and identification files of the Louisiana Bureau of Criminal Identification and Information located within the Department of Public Safety and Corrections, referred to hereafter in this Subparagraph as the "bureau", of any person who is required to be licensed as a licensed professional counselor. Fingerprints, biometrics, and other identifying information of the applicant shall be submitted to the bureau for qualification and registry, and the bureau shall, upon request of the licensing board and after receipt of such fingerprint card and other identifying information from the applicant, make available to the licensing board all arrest and conviction information contained in the bureau's criminal history record and identification files which pertain to the applicant for licensure. In addition, the fingerprints shall be forwarded by the bureau to the Federal Bureau of Investigation for a national criminal history record check. In accordance with the authority provided for in this Chapter, the costs of providing the information required pursuant to this Section shall be charged by the bureau, as specified in R.S. 15:587(B), to the licensing board for furnishing information contained in the bureau's criminal history record and identification files, including any additional cost of providing the national criminal history records check, which pertains to the applicant. The licensing board may impose any or all such fees or costs on the applicant.

(c) A member state shall fully implement a criminal background check requirement, within a time frame established by rule, by receiving the results of the Federal Bureau of Investigation record search on criminal background checks and use the results in making licensure decisions.

(d) Communication between a member state, the commission, and among member states regarding the verification of eligibility for licensure through the compact shall not include any information received from the Louisiana Bureau of Criminal Identification and Information and from the Federal Bureau of Investigation relating to a federal criminal records check performed by a member state under Public Law 92-544.

(4) Comply with the rules of the commission.

(5) Require an applicant to obtain or retain a license in the home state and meet the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws.

(6) Grant the privilege to practice to a licensee holding a valid unencumbered license in another member state in accordance with the terms of the compact and rules.

(7) Provide for the state commissioner's attendance of the Counseling Compact Commission meetings.

C. Member states may charge a fee for granting the privilege to practice.

D. Individuals not residing in a member state shall remain eligible to apply for a member state's single state license as provided under the laws of each member state. However, the single state license granted to these individuals shall not be recognized as granting a privilege to practice professional counseling in any other member state.

E. Nothing in this compact shall affect the requirements established by a member state for the issuance of a single state license.

F. A license issued to a licensed professional counselor by a home state to a resident in that state shall be recognized by each member state as authorizing a licensed professional counselor to practice professional counseling, under a privilege to practice, in each member state.

§1134. Privilege to practice

A. To exercise the privilege to practice under the terms and provisions of

the compact, the licensee shall do all of the following:

- (1) Hold a license in the home state.
- (2) Have a valid United States Social Security Number or National Practitioner Identifier.
- (3) Be eligible for a privilege to practice in any member state in accordance with Subsections D, G, and H of this Section.
- (4) Have not had any encumbrance or restriction against any license or privilege to practice within the previous two years.
- (5) Notify the commission that the licensee is seeking the privilege to practice within a remote state.
- (6) Meet any continuing competence or continuing education requirements established by the home state
- (7) Pay any applicable fees, including any state fee, for the privilege to practice.
- (8) Meet any jurisprudence requirements established by any remote state in which the licensee is seeking a privilege to practice.
- (9) Report to the commission any adverse action, encumbrance, or restriction on license taken by any nonmember state within thirty days from the date the action is taken.

B. The privilege to practice is valid until the expiration date of the home license. The licensee shall comply with the requirements of Subsection A of this Section to maintain the privilege to practice in the remote state.

C. A licensee providing professional counseling in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state.

D. A licensee providing professional counseling services in a remote state is subject to that state's regulatory authority. A remote state may, in accordance with due process and that state's laws, remove a licensee's privilege to practice in the remote state for a specific period of time, impose fines, and take any other necessary actions to protect the health and safety of its citizens. The licensee is not eligible for a privilege to practice in any member state until the specific time for removal has passed and all fines are paid.

E. If a home state license is encumbered, the licensee shall lose the privilege to practice in any remote state until all of the following occur:

- (1) The home state license is no longer encumbered.
- (2) The licensee has not had any encumbrance or restriction against any license or privilege to practice within the previous two years.

F. Once an encumbered license in the home state is restored to good standing, the licensee shall meet the requirements of Subsection A of this Section to obtain a privilege to practice in any remote state.

G. If a licensee's privilege to practice in any remote state is removed, the licensee shall lose the privilege to practice in all other remote states until all of the following have occurred:

- (1) The specific period of time for which the privilege to practice was removed has ended.
- (2) All fines have been paid.
- (3) The licensee has not had any encumbrance or restriction against any license or privilege to practice within the previous two years.

H. Once the requirements of Subsection G of this Section have been met, the licensee shall meet the requirements in Subsection A of this Section to obtain a privilege to practice in a remote state.

§1135. Obtaining a new home state license based upon the privilege to practice

A. A licensed professional counselor may hold a license issued by the home state, which allows for a privilege to practice, in only one member state at a time.

B. If a licensed professional counselor changes his primary state of residence by moving between two member states:

- (1) The licensed professional counselor shall file an application for obtaining a new home state license based on a privilege to practice, pay all applicable fees, and notify the current and new home state in accordance with applicable rules adopted by the commission.
- (2) Upon receipt of an application for obtaining a new home state license by virtue of a privilege to practice, the new home state shall verify that the licensed professional counselor meets the pertinent criteria outlined in R.S. 37:1134 via the data system, without need for primary source verification except for:

- (a) A Federal Bureau of Investigation fingerprint-based criminal background check if not previously performed or updated pursuant to applicable rules adopted by the commission in accordance with Public Law 92-544.
- (b) Other criminal background checks as required by the new home state.
- (c) Completion of any requisite jurisprudence requirements of the new home state.

- (3) The former home state shall convert the former home state license into a privilege to practice once the new home state has activated the new home state license in accordance with applicable rules adopted by the commission.
- (4) If a licensed professional counselor does not meet the criteria for a privilege to practice described in R.S. 37:1134, the new home state for the licensed professional counselor shall apply its requirements for issuing a new single-state license.
- (5) The licensed professional counselor who obtains a new home state license by the criteria described in this Section shall pay all applicable fees to the new home state in order to be issued a new home state license.

C. If a licensed professional counselor changes his primary state of residence by moving from a member state to a nonmember state, or from a

nonmember state to a member state, the state criteria shall apply for issuance of a single-state license in the new state.

D. Nothing in this compact shall interfere with a licensee's ability to hold a single-state license in multiple states; however, for the purposes of this compact, a licensee shall have only one home state license.

E. Nothing in this Section shall affect the requirements established by a member state for the issuance of a single-state license.

§1136. Active duty military personnel or his spouses

Active duty military personnel, or the spouse of an active duty member of the military, shall designate a home state where the individual has a current license in good standing. The individual may retain the home state designation during the period the service member is on active duty. Subsequent to designating a home state, the individual shall only change his home state through application for licensure in the new state or through the process outlined in R.S. 37:1135.

§1137. Compact privilege to practice telehealth

A. Member states shall recognize the right of a licensed professional counselor, licensed by a home state in accordance with R.S. 37:1133 and under rules promulgated by the commission, to practice professional counseling in any member state via telehealth under a privilege to practice as provided in the compact and rules promulgated by the commission.

B. A licensee providing professional counseling services in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state.

§1138. Adverse actions

A.(1) In addition to the other powers conferred by state law, a remote state shall have the authority, in accordance with the existing state due process law, to:

- (a) Take adverse action against a licensed professional counselor's privilege to practice within that member state.

- (b) Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses as well as the production of evidence. Subpoenas issued by a licensing board in a member state for the attendance and testimony of witnesses or the production of evidence from another member state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

- (2) Only the home state shall have the power to take adverse action against a licensed professional counselor's license issued by the home state.

B. For purposes of taking adverse action, the home state shall give the same priority and effect to reported conduct received from a member state as it would if the conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

C. The home state shall complete any pending investigations of a licensed professional counselor who changes his primary state of residence during the course of the investigations. The home state shall also have the authority to take appropriate action and shall promptly report the conclusions of the investigations to the administrator of the data system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any adverse actions.

D. A member state, if otherwise permitted by state law, may recover from the affected licensed professional counselor the costs of investigations and disposition of cases resulting from any adverse action taken against that licensed professional counselor.

E. A member state may take adverse action based on the factual findings of the remote state, provided that the member state follows its own procedures for taking the adverse action.

F. Joint investigations:

- (1) In addition to the authority granted to a member state by its respective professional counseling practice act or other applicable state law, any member state may participate with other member states in joint investigations of licensees.

- (2) Member states shall share any investigative, litigation, or compliance materials in furtherance of any joint or individual investigation initiated under the compact.

G. If adverse action is taken by the home state against the license of a licensed professional counselor, the licensed professional counselor's privilege to practice in all other member states shall be deactivated until all encumbrances have been removed from the state license. All home state disciplinary orders that impose adverse action against the license of a licensed professional counselor shall include a statement that the licensed professional counselor's privilege to practice is deactivated in all member states during the pendency of the order.

H. If a member state takes adverse action, it shall promptly notify the administrator of the data system. The administrator of the data system shall promptly notify the home state of any adverse actions by remote states.

I. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action.

§1139. Establishment of Counseling Compact Commission

A.(1) The compact member states hereby create and establish a joint public agency known as the Counseling Compact Commission.

- (2) The commission is an instrumentality of the compact states.

- (3) Venue is proper and judicial proceedings by or against the commission

shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the commission is located. The commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

(4) Nothing in this Section shall be construed to be a waiver of sovereign immunity.

B. All of the following provisions shall apply to the membership, voting, and meeting of the commission:

(1) Each member state shall have and be limited to one delegate selected by that member state's licensing board.

(2) The delegate shall be a current member of the licensing board or the board administrator.

(3) Any delegate may be removed or suspended from office as provided by the laws of the state from which the delegate is appointed.

(4) The member state licensing board shall fill any vacancy occurring on the commission within sixty days.

(5) Each delegate shall be entitled to one vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the commission.

(6) A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

(7) The commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

(8) The commission shall by rule establish a term of office for delegates and may by rule establish term limits.

C. The commission shall have power to carry out all of the following duties:

(1) Establish the fiscal year of the commission.

(2) Establish bylaws.

(3) Maintain its financial records in accordance with the bylaws.

(4) Meet and take such actions as are consistent with the provisions of this compact and the bylaws.

(5) Promulgate rules which shall be binding to the extent and in the manner provided for in the compact.

(6) Bring and prosecute legal proceedings or actions in the name of the commission, provided that the standing of any state counselor licensing board to sue or be sued under applicable law shall not be affected.

(7) Purchase and maintain insurance and bonds.

(8) Borrow, accept, or contract for services of personnel including but not limited to employees of a member state.

(9) Hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters.

(10) Accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize, and dispose of the same; provided that at all times the commission shall avoid any appearance of impropriety or conflict of interest.

(11) Lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, real, personal or mixed; provided that at all times the commission shall avoid any appearance of impropriety.

(12) Sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property real, personal, or mixed.

(13) Establish a budget and make expenditures.

(14) Borrow money.

(15) Appoint committees, including standing committees composed of members, state regulators, state legislators or their representatives, and consumer representatives, and such other interested persons as may be designated in this compact and the bylaws.

(16) Provide and receive information from, and cooperate with, law enforcement agencies.

(17) Establish and elect an executive committee.

(18) Perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of professional counseling licensure and practice.

D. The executive committee shall have the power to act on behalf of the commission according to the terms of this Section, including all of the following terms:

(1)(a) The executive committee shall be composed of up to eleven members.

(b) Seven voting members shall be elected by the commission from the current membership of the commission.

(c) Up to four ex-officio, nonvoting members shall be from four recognized national professional counselor organizations.

(d) The ex-officio members will be selected by their respective organizations.

(2) The commission may remove any member of the executive committee as provided in bylaws.

(3) The executive committee shall meet at least annually.

(4) The executive committee shall have the following duties and responsibilities:

(a) Recommend to the entire commission changes to the rules or bylaws, changes to this compact legislation, fees paid by compact member states such as annual dues, and any commission compact fee charged to licensees for the privilege to practice.

(b) Ensure compact administration services are appropriately provided, contractual or otherwise.

(c) Prepare and recommend the budget.

(d) Maintain financial records on behalf of the commission.

(e) Monitor compact compliance of member states and provide compliance reports to the commission.

(f) Establish additional committees as necessary.

(g) Other duties, as provided in rules or bylaws.

(5) Meetings of the commission.

(a) All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in R.S. 37:1141.

(b) The commission or the executive committee or other committees of the commission may convene in a closed, nonpublic meeting if the commission or executive committee or other committees of the commission discuss any of the following:

(i) Noncompliance of a member state with its obligations under the compact.

(ii) The employment, compensation, discipline or other matters, practices, or procedures related to specific employees or other matters related to the commission's internal personnel practices and procedures.

(iii) Current, threatened, or reasonably anticipated litigation.

(iv) Negotiation of contracts for the purchase, lease, or sale of goods, services, or real estate.

(v) Accusations against any person of a crime or formally censuring any person.

(vi) Disclosure of trade secrets or commercial or financial information that is privileged or confidential.

(vii) Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy.

(viii) Disclosure of investigative records compiled for law enforcement purposes.

(ix) Disclosure of information related to any investigative reports prepared by or on behalf of or for use of the commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to this Section.

(x) Matters specifically exempted from disclosure by federal or member state statute.

(c) If a meeting, or portion of a meeting, is closed pursuant to this Paragraph, the commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision.

(d) The commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefore, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the commission or order of a court of competent jurisdiction.

(6) Financing of the commission.

(a) The commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

(b) The commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

(c) The commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the commission and its staff, which shall be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the commission, which shall promulgate a rule binding upon all member states.

(d) The commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the commission pledge the credit of any of the member states, except by and with the authority of the member state.

(e) The commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the commission.

(7) All of the following provisions relating to qualified immunity, defense, and indemnification shall apply to the commission:

(a) The members, officers, executive director, employees, and representatives of the commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this Subparagraph shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

(b) The commission shall defend any member, officer, executive director, employee, or representative of the commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that the person against whom the claim is made had a

reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities; provided that nothing in this Subparagraph shall be construed to prohibit that person from retaining his own counsel; and provided further, that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

(c) The commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

§1140. Data system

A. The commission shall provide for the development, maintenance, and utilization of a coordinated database and reporting system containing licensure, adverse action, and investigative information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the data system on all individuals to whom this compact is applicable as required by the rules of the commission, including all of the following:

(1) Identifying information.

(2) Licensure data.

(3) Adverse actions against a license or privilege to practice.

(4) Non-confidential information related to alternative program participation.

(5) Any denial of application for licensure, and the reason for such denial.

(6) Other information that may facilitate the administration of this compact, as determined by the rules of the commission.

(7) Current significant investigative information.

C. Investigative information pertaining to a licensee in any member state shall only be available to other member states.

D. The commission shall promptly notify all member states of any adverse action taken against a licensee or an individual applying for a license. Adverse action information pertaining to a licensee in any member state shall be available to any other member state.

E. Member states contributing information to the data system may designate information that may not be shared with the public without the express permission of the contributing state.

F. Any information submitted to the data system that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the data system.

§1141. Rulemaking

A. The commission shall promulgate reasonable rules in order to effectively and efficiently achieve the purpose of the compact. Notwithstanding the foregoing, in the event the commission exercises its rulemaking authority in a manner that is beyond the scope of the purposes of the compact, or the powers granted hereunder, then such an action by the commission shall be invalid and have no force or effect.

B. The commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted in accordance with this Section. Rules and amendments shall become binding as of the date specified in each rule or amendment.

C. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact within four years of the date of adoption of the rule, then such rule shall have no further force and effect in any member state.

D. Rules or amendments to the rules shall be adopted at a regular or special meeting of the commission.

E. Prior to promulgation and adoption of a final rule or rules by the commission, and at least thirty days in advance of the meeting at which the rule will be considered and voted upon, the commission shall file a notice of proposed rulemaking in all of the following areas:

(1) On the website of the commission or other publicly accessible platform.

(2) On the website of each member state's professional counseling licensing board or other publicly accessible platform or the publication in which each state would otherwise publish proposed rules.

F. The notice of proposed rulemaking shall include all of the following:

(1) The proposed time, date, and location of the meeting in which the rule will be considered and voted upon.

(2) The text of the proposed rule or amendment and the reason for the proposed rule.

(3) A request for comments on the proposed rule from any interested person.

(4) The manner in which interested persons may submit notice to the commission of their intention to attend the public hearing and any written comments.

G. Prior to adoption of a proposed rule, the commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

H. The commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by any of the following parties:

(1) At least twenty-five persons.

(2) A state or federal governmental subdivision or agency.

(3) An association having at least twenty-five members.

I.(1) If a hearing is held on the proposed rule or amendment, the commission shall publish the place, time, and date of the scheduled public hearing. If the hearing is held via electronic means, the commission shall publish the mechanism for access to the electronic hearing.

(2) All persons wishing to be heard at the hearing shall notify the executive director of the commission or other designated member in writing of their desire to appear and testify at the hearing no less than five business days before the scheduled date of the hearing.

(3) Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

(4) All hearings shall be recorded. A copy of the recording shall be made available on request.

(5) Nothing in this Section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the commission at hearings required by this Section.

J. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the commission shall consider all written and oral comments received.

K. If no written notice of intent to attend the public hearing by interested parties is received, the commission may proceed with promulgation of the proposed rule without a public hearing.

L. The commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

M. Upon determination that an emergency exists, the commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this Section shall be retroactively applied to the rule as soon as reasonably possible, but in no event later than ninety days after the effective date of the rule. For the purposes of this Subsection, an emergency rule is one that shall be adopted immediately in order to:

(1) Meet an imminent threat to public health, safety, or welfare.

(2) Prevent a loss of commission or member state funds.

(3) Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule.

(4) Protect public health and safety.

N. The commission or an authorized committee of the commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the commission. The revision shall be subject to challenge by any person for a period of thirty days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the commission prior to the end of the notice period. If no challenge is made, the revision shall take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the commission.

§1142. Oversight; dispute resolution; enforcement

A. All of the following provisions shall apply with respect to the compact:

(1) The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

(2) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the commission.

(3) The commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in the proceeding for all purposes. Failure to provide service of process to the commission shall render a judgment or order void as to the commission, this compact, or promulgated rules.

B.(1) All of the following provisions relative to default, technical assistance, and termination shall apply with respect to default, technical assistance, and termination:

(2) If the commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the commission shall do all of the following:

(a) Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, and any other action to be taken by the commission.

(b) Provide remedial training and specific technical assistance regarding the default.

C. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

D. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the commission to the governor, the

majority and minority leaders of the defaulting state's legislature, and each of the member states.

E. A state that has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

F. The commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the commission and the defaulting state.

G. The defaulting state may appeal the action of the commission by petitioning the United States District Court for the District of Columbia or the federal district where the commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

H. All of the following dispute resolution requirements shall apply to the commission:

(1) Upon request by a member state, the commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

(2) The commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

I. All of the following provisions relating to enforcement shall apply with respect to the commission and the compact:

(1) The commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

(2) By majority vote, the commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

(3) The remedies herein shall not be the exclusive remedies of the commission. The commission may pursue any other remedies available under federal or state law.

§1143. Date of implementation of the commission for counseling profession compact, practice and associate rules, withdrawal, and amendment

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the commission relating to assembly and the promulgation of rules. Thereafter, the commission shall meet and exercise rulemaking powers necessary for the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the commission shall have the full force and effect of law on the day the compact becomes law in that state.

C.(1) Any member state may withdraw from this compact by enacting a statute repealing the statute.

(2) A member state's withdrawal shall not take effect until six months after enactment of the repealing statute.

(3) Withdrawal shall not affect the continuing requirement of the withdrawing state's professional counseling licensing board to comply with the investigative and adverse action reporting requirements of this compact prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any professional counseling licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

§1144. Construction and severability

This compact shall be liberally construed so as to effectuate its purposes. The provisions of this compact shall be severable and if any phrase, clause, sentence, or provision of this compact is declared to be contrary to the constitution of any member state or of the United States or the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any member state, the compact shall remain in full force and effect as to the remaining member states and in full force and effect as to the member state affected as to all severable matters.

§1145. Binding effect of compact and other laws

A. A licensee providing professional counseling services in a remote state under the privilege to practice shall adhere to the laws and regulations of the remote state.

B. Nothing in this Part shall prevent the enforcement of any other law of a member state that is not inconsistent with the compact.

C. Any laws of a member state in conflict with the compact are superseded to the extent of the conflict.

D. Any lawful actions of the commission, including all rules and bylaws promulgated by the commission, are binding upon the member states.

E. All agreements between the commission and the member states are

binding in accordance with their terms.

F. In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, the provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.

Section 2. (A) The Louisiana State Law Institute is hereby directed to designate R.S. 37:1101 and 1102 as Part I of Chapter 13 of Title 37 of the Louisiana Revised Statutes of 1950, and is further directed to apply to the Part the heading "Short title and purpose".

(B) The Louisiana State Law Institute is hereby directed to designate R.S. 37:1103 through 1123 as Part II of Chapter 13 of Title 37 of the Louisiana Revised Statutes of 1950, and is further directed to apply to the Part the heading "Mental Health Counselor Licensing - General Provisions".

(C) The Louisiana State Law Institute is hereby directed to designate R.S. 37:1131 through 1145, as enacted by Section 1 of this Act, as Part III of Chapter 13 of the Louisiana Revised Statutes of 1950, and is further directed to apply to the Part the heading "Mental Health Counselor Licensure Compact".

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 342

HOUSE BILL NO. 587

BY REPRESENTATIVES HILFERTY AND WILLARD
AN ACT

To amend and reenact R.S. 38:330.12.1(C)(5) and (7), relative to the composition of the Lakefront Management Authority Board; to provide relative to the appointment of authority members; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:330.12.1(C)(5) and (7) are hereby amended and reenacted to read as follows:

§330.12.1. Lakefront Management Authority; creation; composition; powers, duties, functions

* * *

C. The authority shall be composed of the following members who shall be subject to Senate confirmation, provided that no elected official shall be appointed to serve as a member of the authority:

* * *

(5) Two members appointed jointly by the presidents of the Lakeshore, Lake Vista, Lake Terrace, and Lake Oaks property owners associations. The associations involved in the appointment of these members shall comply with the following:

(a) The appointed members shall reside within the residential boundaries of the Lakeshore, Lake Vista, Lake Terrace, and Lake Oaks neighborhoods.

(b) Preference shall be given to the neighborhood with the least number of representatives appointed for the authority.

(c) Nomination and reappointment shall be determined by a majority vote of the presidents of the property owners associations.

* * *

(7) One member appointed by the ~~Lake Pontchartrain Basin Foundation~~ Pontchartrain Conservancy.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 343

HOUSE BILL NO. 604

BY REPRESENTATIVE DAVIS
AN ACT

To amend and reenact R.S. 32:705(B)(3) and (4) and 707(D)(1)(a) and (J)(1)(c) (introductory paragraph) and R.S. 47:303(B)(2) and to enact R.S. 32:705(B)(5), relative to the transfer of ownership of a vehicle; to provide for the delivery of a certificate to a purchaser; to provide for application for certificates of title; to provide for vendor title responsibilities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:705(B)(3) and (4) and 707(D)(1)(a) and (J)(1)(c)(introductory paragraph) are hereby amended and reenacted and R.S. 32:705(B)(5) is hereby enacted to read as follows:

§705. Delivery of certificate to purchaser of vehicle

* * *

B. For purposes of this Section, an "endorsement" means one of the following:

* * *

(3) The signature of the seller if the certificate of title or other document transferring ownership to an insurance company is for a motor vehicle which is subject to an insurance settlement or has been declared a total loss by that insurance company.

(4) The signature of the seller if the certificate of title or other document is transferring ownership to a dealer licensed by the Louisiana Motor Vehicle Commission or Louisiana Used Motor Vehicle Commission, or when transferring ownership from a licensed dealer to a purchaser.

(4) (5) The signature of the seller in the presence of an authorized officer, as defined in R.S. 32:702(17)(2), who shall verify the identity of the seller and who shall subscribe his name as a witness thereon, when the seller is transferring ownership to a purchaser who is granting a security interest in the vehicle to the federally insured financial institution that is making a secured loan to the purchaser.

* * *

§707. Application for certificates of title; exception; salvage title; antique vehicles; reconstructed title

* * *

D.(1)

* * *

(a) A proper bill of sale, or ~~sworn~~ statement of ownership, or a ~~duly certified~~ copy thereof, or such other evidence of ownership as the commissioner may in his discretion require; or

* * *

J.(1)

* * *

(c) A ~~sworn~~ statement in the form prescribed by the Department of Public Safety and Corrections, office of motor vehicles, which states that:

* * *

Section 2. R.S. 47:303(B)(2) is hereby amended and reenacted to read as follows:

§303. Collection

* * *

B.

* * *

(2) Every vendor of such a vehicle shall furnish to the purchaser at the time of sale a ~~notarized~~ statement showing the serial number, ~~motor number~~, type, year, and model of the vehicle sold, the total sales price, any allowance for and a description of any vehicle taken in trade, and the total cash difference paid or to be paid by the purchaser between the vehicles purchased and traded in and the sales or use tax to be paid, along with such other information as the collector of revenue may by regulation require. All labor parts, accessories, and other equipment which are attached to the vehicle at the time of sale and which are included in the sale price are to be considered a part of the vehicle.

* * *

Section 3. The provisions of this Act that amend R. S. 32:707(D)(1)(a) and (J) (1)(c)(introductory paragraph) and R.S. 47:303(B)(2) shall be effective January 1, 2023.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 344

HOUSE BILL NO. 625
BY REPRESENTATIVE SELDERS
AN ACT

To amend and reenact R.S. 40:2155(B)(2) and to enact R.S. 40:2155(B)(3), relative to behavioral health service providers; to provide for offsite locations; to provide for defined geographic service locations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2155(B)(2) is hereby amended and reenacted and R.S. 40:2155(B)(3) is hereby enacted to read as follows:

§2155. Licensure of behavioral health services providers

* * *

B.

* * *

(2) The geographic service location for a public or private behavioral health services provider licensed pursuant to this Part shall be defined to include all of the following:

(a) ~~The the~~ parish in which the provider's business office is located,;

(b) ~~Any any~~ parish contiguous to the parish in which the provider's business office is located, ~~and~~

(c) ~~Any any~~ distance location within a fifty-mile radius of the provider's business office.

(3) A behavioral health service provider may operate within a fifty-mile radius of one designated offsite location.

* * *

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 345

HOUSE BILL NO. 630
BY REPRESENTATIVE BRYANT
AN ACT

To designate a portion of Louisiana Highway 31 in Iberia Parish and St. Martin Parish as the "Judge Paul deMahy Highway"; to designate a portion of Louisiana Highway 675 in Iberia Parish as the "Judge Charles L. Porter Highway"; to designate a portion of Louisiana Highway 347 in St. Martin Parish as the "Judge Carl J. Williams Memorial Parkway"; to designate a portion of Louisiana Highway 96 in St. Martin Parish as the "Judge C. Thomas Bienvenu, Jr. Memorial Highway"; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Louisiana Highway 31 from the northern city limits of New Iberia in Iberia Parish to the southern city limits of St. Martinville in St. Martin Parish shall be known and is hereby designated as the "Judge Paul deMahy Highway".

Section 2. The portion of Louisiana Highway 675 from the western city limits of New Iberia to United States Highway 90 in Iberia Parish shall be known and is hereby designated as the "Judge Charles L. Porter Highway".

Section 3. The portion of Louisiana Highway 347 from Louisiana Highway 96 in St. Martinville to Louisiana Highway 350 in Parks located in St. Martin Parish shall be known and is hereby designated as the "Judge Carl J. Williams Memorial Parkway".

Section 4. The portion of Louisiana Highway 96 in the city limits of St. Martinville in St. Martin Parish shall be known and is hereby designated as the "Judge C. Thomas Bienvenu, Jr. Memorial Highway".

Section 5. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation provided local or private monies are received by the department equal to the department's actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of five hundred fifty dollars per sign.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 346

HOUSE BILL NO. 647
BY REPRESENTATIVE HILFERTY
AN ACT

To amend and reenact R.S. 33:9091.14(D)(1), (2), (4), (5), and (6), relative to Orleans Parish; to provide relative to the Mid-City Security District; to provide relative to the governing board of the district; to provide relative to the membership of the board; to provide relative to board appointments and officers; to provide for an effective date; and to provide for related matters. Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9091.14(D)(1), (2), (4), (5), and (6) are hereby amended and reenacted to read as follows:

§9091.14. Mid-City Security District

* * *

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

(a) The Mid-City Neighborhood Organization or its successor shall appoint four members, ~~one of whom shall be from the City Park Triangle.~~

(b) ~~The Parkview Neighborhood Association~~ City Park Neighborhood Association or its successor shall appoint ~~one member~~ three members.

(2) All members appointed pursuant to ~~Paragraph (1)~~ Paragraphs (1) and (4) of this Subsection shall be qualified voters and residents of the district.

* * *

(4)(a) Any vacancy which occurs prior to the expiration of the term for which a member of the board has been appointed shall be filled for the remainder of the unexpired term in the same manner as the original appointment. If the appointing authority responsible for the appointment of a member fails to fill a vacancy within thirty days, the remaining members of the board shall appoint an interim successor to serve until the position is filled by the appointing authority.

(b) Board members shall be eligible for reappointment; however, board members shall serve for no more than two consecutive three-year terms. A board member shall be eligible for reappointment to the commission two years from the date of expiration of his second term.

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

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

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to

become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 347

HOUSE BILL NO. 669
BY REPRESENTATIVE PIERRE
AN ACT

To amend and reenact R.S. 32:408.1(E) and R.S. 40:1461(A) and to enact R.S. 15:587(A)(1)(e)(vi) and (vii), relative to background checks of private training or private driving instructor training schools or agencies; to provide for a criminal history background check of every person engaged in private driving instructor training school or agency; to provide for noncommercial driving examinations or tests; to modify the procedure for a criminal history background check of the principal of the third-party examiner or tester; to define the term "criminal history background check"; to provide for fingerprints and other identifying information; to require the office of motor vehicles to execute a thorough background investigation to be conducted by the Louisiana Bureau of Criminal Identification and Information; to provide for the cost of fingerprint cards; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(e)(vi) and (vii) are hereby enacted to read as follows:

§587. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information

A.(1)(a) * * *

(e) * * *

(vi) The office of motor vehicles shall execute a thorough background investigation, including a criminal history background check of every applicant for the purpose of verifying the qualifications of the applicant or renewal pursuant to the requirements of this Section. For purposes of this Item, a "criminal history background check" shall be defined as a check of all state records of arrest, prosecution, conviction, including those which have been expunged or dismissed pursuant to the Code of Criminal Procedure Articles 893 or 894, as well as national records which shall include fingerprints of the applicant and other identifying information, if so requested by the department.

(vii) The department shall require any current or prospective person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses pursuant to R.S. 32:408.1 or R.S. 40:1461 to submit to a criminal history records check to be conducted by the Louisiana Bureau of Criminal Identification and Information. Fingerprints and other identifying information from the current or prospective person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses shall be submitted to the bureau. In addition, when the department requests national criminal history records check, the bureau shall forward the fingerprints to the Federal Bureau of Investigation for a national criminal history records check and shall provide the agency with the national criminal history record information of the current or prospective person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses pursuant to R.S. 32:408.1 or R.S. 40:1461. Cost incurred by the department for processing Louisiana State Police and Federal Bureau of Investigation fingerprint cards shall be borne by the applicant.

Section 2. R.S. 32:408.1(E) is hereby amended and reenacted to read as follows:

§408.1. Third-party testing; proof of testing * * *

E. The principal of the third-party examiner or tester who has or is seeking a contract with the Department of Public Safety and Corrections, public safety services, to administer commercial or noncommercial driving examinations and tests shall consent to, pass, and pay the costs of an annual a criminal history background check pursuant to R.S. 15:587.

Section 3. R.S. 40:1461(A) is hereby amended and reenacted to read as follows:

§1461. Requirements for private training and driving instructor schools

A.(1) Every person engaged in the business of operating a private driving instructor training school or agency, or providing driving courses, shall apply for and procure a license from the Department of Public Safety and Corrections, public safety services. No person shall advertise or otherwise hold himself before the public, for remuneration, as qualified, licensed, or otherwise approved to train or instruct without having first obtained a license or contract with the Department of Public Safety and Corrections, public safety services.

(2) Every person engaged in the business of operating a private driving

instructor training school or agency, or providing driving courses who has or is seeking a contract or license with the Department of Public Safety and Corrections, public safety services, shall consent to, pass, and pay the costs of a criminal history background check pursuant to R.S. 15:587.

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 348

HOUSE BILL NO. 679
BY REPRESENTATIVE DUPLESSIS
AN ACT

To amend and reenact R.S. 42:1111(E)(2)(d), relative to ethics; to provide relative to certain required statements regarding assistance in connection with certain transactions; to provide for the time period for certain actions by the Board of Ethics regarding such statements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:1111(E)(2)(d) is hereby amended and reenacted to read as follows:

§1111. Payment from nonpublic sources * * *

E. Payments for rendering assistance to certain persons. * * *

(2) * * *

(d) The board shall review all statements filed in accordance with this Paragraph. If the board determines that a statement is deficient or may suggest a possible violation of this Part, it shall, within ten days of no later than the second regularly scheduled meeting of the board following the receipt of such statement, notify the elected official filing the statement of its findings. Such notification shall be deemed confidential and privileged and shall be made public only in connection with a public hearing by the board for an alleged violation of this Part where such would be relevant to the alleged violation for which the elected official is being investigated.

Approved by the Governor, June 10, 2022

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 349

HOUSE BILL NO. 732
BY REPRESENTATIVE DUPLESSIS
AN ACT

To enact Chapter 17-E of Title 25 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 25:850.21, and to repeal R.S. 33:2740.26, relative to Orleans Parish; to provide relative to the Louis Armstrong Park Authority and Historic Jazz District; to provide that the district is a political subdivision of the state; to provide relative to the governing board of the district; to provide relative to the membership of the board; to provide relative to the powers and duties of the district; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 17-E of Title 25 of the Louisiana Revised Statutes of 1950, comprised of R.S. 25:850.21, is hereby enacted to read as follows:

CHAPTER 17-E. LOUIS ARMSTRONG PARK AUTHORITY AND HISTORIC JAZZ DISTRICT

§850.21. Louis Armstrong Park Authority and Historic Jazz District; creation, composition, and powers

A. There is hereby created within the parish of Orleans, as more specifically provided in Subsection B of this Section, a body politic and corporate which shall be known as the Louis Armstrong Park Authority and Historic Jazz District, referred to in this Section as the "district". The district shall be a political subdivision of the state as defined in the Constitution of Louisiana.

B. The boundaries of the district shall be that area of the city of New Orleans bounded on the east by Esplanade Avenue, on the south by Rampart Street, on the west by Canal Street, and on the north by North Claiborne Avenue, including the contiguous property on both sides of these streets.

C. The district is established for the primary object and purpose of acquiring ownership, leasing, or entering into a management agreement for the Louis Armstrong Park facility from or with the city of New Orleans. Additionally, the district is authorized to promote, encourage, and enhance the park and all areas within the boundaries of the district through renewed commerce, industry, and utilization and development of the human resources of the area. The objectives of the district may include such matters as music, housing, economic development, skills and technical training, the cultural and historic value of the area, tourism, entertainment, health, and day care facilities.

D.(1) The district shall be governed by a seventeen-member board of

commissioners, referred to in this Section as the “board”. The board shall be composed as follows:

(a) The governing board of the Greater Treme Consortium, Inc., shall appoint one member.

(b) The governing board of Save Our Soul Coalition, Inc., shall appoint one member.

(c) The governing board of the Louis Armstrong Educational Foundation, Inc., shall appoint one member.

(d) The governing boards of the Claiborne Cultural Innovation District and the Claiborne Merchants & Business Association shall jointly appoint one member.

(e) The governing board of the Historic Faubourg Treme Association shall appoint one member.

(f) The governing board of French Quarter Citizens, Inc., shall appoint one member.

(g) The governing board of the Congo Square Preservation Society shall appoint one member.

(h) The governing board of the New Orleans Black Masking Indian Cooperative shall appoint one member.

(i) The governing board of the Kumbuka African Drum and Dance Collective shall appoint one member.

(j) The governing board of the New Orleans Culture Preservation Committee shall appoint one member.

(k) The governing board of Tamborine and Fan, Inc., shall appoint one member.

(l) The governing board of the New Orleans Musicians’ Clinic and Assistance Foundation shall appoint one member.

(m) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district or his designee.

(n) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district or his designee.

(o) The member of the United States House of Representatives whose district encompasses all or the greater portion of the area of the district or his designee.

(p) The mayor of the city of New Orleans or his designee.

(q) The member of the governing authority of the city of New Orleans whose district encompasses all or the greater portion of the area of the district or his designee.

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

(3)(a) Board members serving pursuant to Subparagraphs (1)(a) through (1) of this Subsection shall serve three-year terms after serving initial terms as provided in this Subparagraph. Four members shall serve initial terms of three years; four shall serve initial terms of two years; and four shall serve initial terms of one year, as determined by lot at the first meeting of the board.

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

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

(5) Board members are eligible for reappointment.

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

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

(8) The board shall adopt such rules and regulations as it deems necessary or advisable for conducting its business affairs and, to the extent that funds are available, shall hire such assistants and employees as are needed to assist the board in the performance of its duties. Rules and regulations of the board relative to the notice and conduct of meetings shall conform to applicable law, including, if applicable, R.S. 42:11 et seq., relative to open meetings. The board shall hold regular meetings as shall be provided for in the bylaws and may hold special meetings at such times and places within the district as may be prescribed in the bylaws.

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

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

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

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

(1) To incur debt.

(2) To sue and be sued.

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

(4) To adopt bylaws and rules and regulations.

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

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

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

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

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

(10) To establish committees or subcommittees.

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

(1) Seek the designation of the park as a national park in any way it deems appropriate, including communication and cooperation with any state or federal authority or commission. Additionally, the board may seek designation as the federal or state management authority for such park.

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

(3) Make recommendations concerning the need for and the proposed general location of public and private works and facilities, including but not limited to pollution control facilities.

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

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

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

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

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

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

(10) Solicit the assistance and active cooperation of industry and private civic organizations which are active in anti-litter and recycling efforts to assist in the control and reduction of litter within the boundaries of the district. The board may also encourage industry and private civic organizations to participate in the “adopt-a-road” program as provided in R.S. 48:235 for the purpose of controlling litter along the public roads in the district.

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

(12) Contract with the city of New Orleans for the purchase or lease-management of any parks within the boundaries of the district and to assess an admission fee regarding any such park.

Section 2. R.S. 33:2740.26 is hereby repealed in its entirety.

Section 3. The terms of members serving on the governing board of the Louis Armstrong Park Authority and Historic Jazz District on the effective date of this Act shall terminate on the effective date of this Act. The members of the governing board of the Louis Armstrong Park Authority and Historic Jazz District shall be appointed and shall take office as provided in this Act and shall serve terms of office as provided in this Act.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 350

HOUSE BILL NO. 776
BY REPRESENTATIVE GLOVER
AN ACT

To designate a portion of Interstate 49 in Shreveport, Louisiana, as "The Cooper Road Pioneers Memorial Interchange".

Be it enacted by the Legislature of Louisiana:

Section 1. The portion of Interstate 49 that passes over Louisiana Highway 3194 in Shreveport, Louisiana, shall be known and hereby designated as "The Cooper Road Pioneers Memorial Interchange".

Section 2. The Department of Transportation and Development or its contractors are hereby directed to erect and maintain appropriate signage reflecting this designation provided local or private monies are received by the department equal to the department's actual costs for material, fabrication, mounting posts, and installation of each sign, not to exceed the sum of one thousand six hundred eighty dollars per sign.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 351

HOUSE BILL NO. 777
BY REPRESENTATIVE GLOVER
AN ACT

To amend and reenact R.S. 33:2476.6, relative to the municipal fire and police civil service board in certain municipalities; to provide relative to the office of board secretary; to provide relative to the salary and benefits of the secretary; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2476.6 is hereby amended and reenacted to read as follows: §2476.6. Municipal fire and police civil service boards in certain municipalities; board secretary

A. Notwithstanding the provisions of R.S. 33:2476(L)(1), ~~a in any municipality having a population in excess of one hundred fifty thousand but not more than two hundred ten thousand persons, based on the latest federal decennial census, the board may fill the office of secretary for the municipal fire and police civil service board by employing any other person on a full-time basis with a rate of salary and benefits equivalent to like administrative personnel of the municipality, as determined by the municipality on a full-time basis any person whom the board deems qualified. The secretary shall receive compensation and benefits within a salary range comparable to that established for classified personnel employed in similar administrative positions by the respective municipality. The secretary is solely accountable to the board and shall serve at the pleasure of the board.~~

B. The duties of the ~~full-time~~ secretary ~~will~~ shall be assigned by the civil service board.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 352

HOUSE BILL NO. 780
BY REPRESENTATIVE MAGEE
AN ACT

To enact Part V of Chapter 12-A of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:4709.31, relative to the city of Houma; to create the Houma Restoration District; to provide relative to the boundaries, purpose, governance, and powers and duties of the district; to provide relative to district funding; 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. Part V of Chapter 12-A of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:4709.31, is hereby enacted to read as follows:

PART V. HOUMA RESTORATION DISTRICT

§4709.31. Houma Restoration District; creation; governing authority; powers; duties

A.(1) The Houma Restoration District is hereby created as a special municipal district in Houma and is hereafter referred to in this Section as the "district". The district is created as a body politic and corporate and a political subdivision of the state of Louisiana.

(2) The district is comprised of all property on either side of and all property between West/East Park Avenue and West/East Main Street between their intersections with Morgan Street and Grand Caillou Road.

(3) The primary purposes of the district are to provide for restoration and preservation of the character of the area within the district, to provide opportunity for cultural events, and to encourage economic development within the district that is consistent with the plan adopted by its board of commissioners.

B.(1) The district shall be governed by a board of commissioners appointed as follows:

(a) The member of the Louisiana House of Representatives whose district includes all or the greater portion of the restoration district shall appoint one member.

(b) The member of the Louisiana Senate whose district includes all or the greater portion of the restoration district shall appoint one member.

(c) The president of Terrebonne Parish shall appoint one member.

(d) The governing authority of Terrebonne Parish shall appoint one member.

(e) The board of directors of the Houma-Terrebonne Chamber of Commerce shall appoint one member.

(f) The governing board of the Houma Downtown Development Corporation shall appoint two members.

(g) The Houma Historic Preservation District shall appoint one member who is a representative of a nonprofit organization involved with historic preservation in Houma.

(h) The member of the Terrebonne Parish governing authority whose council district includes all or the greater portion of the district shall appoint one member.

(2)(a) Commissioners shall serve six-year terms after initial terms as provided in Subparagraph (b) of this Paragraph.

(b) Of the initial appointments, two shall serve one-year terms, two shall serve two-year terms, two shall serve three-year terms, and one shall serve a four-year term as determined by lot at the first meeting of the board.

(3) Any vacancy which occurs prior to the expiration of a term shall be filled for the remainder of the unexpired term in the manner of the original appointment.

(4) As soon as practical after appointment, the members shall meet at the call of the parish president and elect from their number a chairman and such other officers as they deem appropriate.

(5) The board shall adopt rules for the transaction of business and shall keep a record of its resolutions, transactions, findings, and determinations.

C.(1) The board shall prepare or cause to be prepared a plan or plans, hereafter referred to as the "plan", specifying the layout and character of development within the district. The plan shall include but not necessarily be limited to the following: the nature and location of enterprises to be located within the district, guidelines for the general character of the external appearance of buildings and facilities within the district to whatever extent and detail the authority or the town may deem appropriate, and plans for transportation into and within the district either by foot, vehicle, watercraft, or any other means.

(2) In the development of the plan, the board shall conduct such public hearings, publish such notice with respect thereto, and disseminate such information as the authority, in the exercise of its sound discretion, may deem appropriate or advisable and in the public interest.

(3) The plan shall be adopted by a majority vote of the full membership of the board, and after the plan has been adopted, it may be altered or amended only by adoption of a resolution by a majority of the full membership of the board.

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

D. Pursuant to the purposes for which the district was created, the board may:

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

(2) Undertake public works and operate public facilities that will encourage economic development within or encourage residents and tourists to visit the district.

(3) Acquire property within the district and enter contracts for lease or conveyance of all or any part of the property located in the district to any private person or entity who will undertake restoration and preservation of such property or contribute to economic development in the area.

(4) Issue certificates of appropriateness regarding any work in the erection of any new building or in the alteration of, addition to, painting, repainting, or demolishing of any existing building within the district. Any application for a certificate shall be accompanied by the full plans and specifications thereof, so far as they relate to the proposed appearance, color, texture of materials, and architectural design of the exterior, including the front, sides, rear, and roof of such building, or alteration or addition of any outbuilding, party wall, courtyard, fence, or other dependency thereof.

(5) Require approval of signage in the district and may adopt guidelines regulating the appearance, color, size, position, method of attachment, texture of materials, and design of signs in accordance with the character and overall design of the district.

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

(1) To sue and be sued, and as such, to stand in judgment.

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

(3) To acquire by gift, grant, purchase, or lease, and to hold and use any property, real, personal, mixed, tangible, or intangible, or any interest

therein, necessary or desirable for carrying out the objects and purposes of the district.

(4) To sell, transfer, or convey any property acquired by it, or any interest therein, at any time to accomplish the objects and purposes of the district subject to applicable law. Any such sale, transfer, or conveyance shall provide for a fair and equitable return of revenue to the district.

(5) To lease or sublease all or any portion of any property for a term not exceeding ninety-nine years at a fixed or variable rental subject to applicable law. Any such lease entered into shall provide for a fair and equitable return of revenue to the district.

(6)(a) To sell, lease for a term of up to ninety-nine years, exchange, or otherwise dispose of or transfer to or with other political corporations of this state or private persons at public or private sale any residential or subdivision land, property, improvements, or portions thereof, including real property, which is, in the opinion of the board of commissioners, appropriate to accomplish the objectives and purposes of the district.

(b) Prior to any disposition or transfer of property pursuant to this Paragraph, a majority of the total board membership shall approve the disposition or transfer and fix the price and terms of the sale, lease, exchange, or other contract to be made with reference to the property. Such disposition or transfer shall not require advertisement or public bids nor require any notice to be published in a newspaper or to be posted in any public place.

(7) To make and collect reasonable charges for the use of property of the district and for services rendered by the district; and to regulate fees or rentals charged for use of privately owned facilities located on property owned or sold by the district when such facilities are offered for use by the public or by a private industrial, commercial, research, or other economic development entity or activity.

(8) To enter into contracts to achieve the district's objectives and purposes, including but not limited to contracts for professional and other services and for the purchase, lease, acquisition, sale, construction, operation, maintenance, and improvements of land, public works, and facilities, as the district may deem necessary or convenient to accomplish the objectives and purposes of the district, subject to R.S. 38:2211 et seq.

(9) To plan, develop, regulate, operate, and maintain activities and planned land uses to foster creation of new jobs, economic development, industry, health care, commerce, manufacturing, tourism, relocation of people and businesses to the area, shipbuilding, aviation, military, warehousing, transportation, offices, recreation, housing development, and conservation.

(10) To acquire land and improvements to construct, operate, and maintain facilities, improvements, and infrastructure, including buildings, roads, bridges, drainage, and utilities, and to perform other functions and activities on property owned or leased by the district to accomplish the objectives and purposes of the district and to protect the public health and welfare.

(11) In its own name and behalf, to incur debt, and issue general obligation bonds, under the authority of and subject to the provisions of Article VI, Section 33 of the Constitution of Louisiana, and Subpart A of Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950, for the establishment, operation, and maintenance of district property or to carry out the other public purposes of this Section, and to issue revenue bonds, borrow money, and issue certificates of indebtedness, notes, and other debt obligations as evidence thereof and provide for the manner and method of repayment.

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

(13) To utilize the services of the executive departments of the state upon mutually agreeable terms and conditions.

(14) To adopt bylaws for the regulation of its affairs and the conduct of its business.

(15) To do any and all things necessary or proper for the government, regulation, development, and control of the business of the board of commissioners.

F.(1) The board of commissioners may, subject to the provisions of this Subsection and other applicable provisions of law, levy ad valorem taxes within the district.

(2) The board of commissioners may, subject to the provisions of this Subsection and other applicable provisions of law, levy a sales and use tax at a rate not to exceed one percent. Any such tax shall be in addition to all other sales and use taxes authorized by law and shall be excluded when calculating the combined rate of sales and use taxes levied in the parish pursuant to Article VI, Section 29(B) of the Constitution of Louisiana including but not limited to sales and use taxes authorized by R.S. 47:338.54. Such tax shall be levied upon the sale at retail, the use, lease or rental, the consumption, and the storage for use or consumption, of tangible personal property, and on sales of services, all as defined in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950, R.S. 47:301 et seq., in the district. Sales and use taxes shall be collected at the same time and in the same manner as set forth in Chapter 2-D of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950.

(3)(a) No tax may be levied pursuant to Paragraph (1) or (2) of this Subsection unless the levy is authorized by a majority of the electors of the district who vote at an election held for that purpose in accordance with the Louisiana Election Code.

(b) A tax proposition submitted to the voters shall state the rate, duration, and purpose of the tax as requested by duly adopted resolution of the governing authority of the district. The rate, duration, and use of any tax

shall be as so stated in the proposition authorizing its levy.

(4)(a) The board of commissioners may, subject to the provisions of this Subsection and other applicable provisions of law, incur debt and fund tax revenues into bonds in the manner provided by Part III of Chapter 4 of Subtitle II of Title 39 of the Louisiana Revised Statutes of 1950.

(b) Any proposition submitted to the voters for the issuance of bonds secured by sales and use taxes shall state the amount of bonds to be issued, and the district governing authority shall not issue such bonds in an amount exceeding the stated amount.

(5) The district may, on its own initiative, call a special election to submit to the qualified electors of the district a proposition or propositions authorizing the levy of a tax or the issuance of bonds or both.

G. Nothing in this Section shall be construed in a manner that in any way limits the authority granted by or pursuant to the Terrebonne Parish home rule charter to any official or entity.

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 353

HOUSE BILL NO. 791
BY REPRESENTATIVE KERNER
AN ACT

To enact R.S. 56:302.9(J), relative to penalties for charter fishing without required credentials; to provide for penalties; to provide for vessel monitoring system requirements; to provide for rules and regulations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:302.9(J) is hereby enacted to read as follows:
§302.9. Charter boat fishing guide license; nonresident fee

* * *

J.(1) In addition to any other penalty provided for in the Section, any person convicted of a second offense of violating Subsections A or B of this Section, the offender may only operate a vessel that employs a vessel monitoring system for the three years after the date of the conviction. For any person convicted of a third or subsequent offense of violating Subsections A or B of this Section, the offender may only operate a vessel that employs a vessel monitoring system for ten years after the date of the conviction.

(2) Whenever a offender is required to employ a vessel monitoring system, access to the monitoring system shall be granted to the department and the offender shall notify the department on which vessel or vessels the offender will be operating for commercial or recreational use. Any person required to be on board a vessel with an approved vessel monitoring system shall comply with all rules and regulations promulgated by the department or the commission to ensure compliance with vessel monitoring system requirements. The cost of a vessel monitoring system shall be the responsibility of the offender. The department shall approve the vessel monitoring system for use pursuant to this Section.

(3) Any charter guide or individual posing as a charter guide required to operate a vessel with an approved vessel monitoring system who is found operating any vessel that is not equipped with such a system, for commercial or recreational purposes, may have their charter guide license suspended and may be prohibited from obtaining such a license for the remainder of the year in which the person was found not abiding by the vessel monitoring requirement. In addition, the violator shall be sentenced to perform no less than forty hours of community service. If available, the hours shall be served in a litter abatement community service program.

(4) The department shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 354

HOUSE BILL NO. 797
BY REPRESENTATIVE DUPLESSIS
AN ACT

To amend and reenact R.S. 33:9039.62, 9039.68(A)(3) and (B)(1), (2)(b), and (3), 9039.69(A)(3) and (5), and 9039.72(A)(14) and to enact R.S. 33:9039.63.1, 9039.68(B)(2)(c), 9039.69(C), and 9039.72(D), relative to Orleans Parish; to provide relative to the BioDistrict New Orleans; to provide relative to the boundaries and powers and duties of the district; to provide relative to the creation of subdistricts; to require that district projects be in compliance with certain rules and regulations; 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. 33:9039.62, 9039.68(A)(3) and (B)(1), (2)(b), and (3), 9039.69(A) (3) and (5), and 9039.72(A)(14) are hereby amended and reenacted and R.S. 33:9039.63.1, 9039.68(B)(2)(c), 9039.69(C), and 9039.72(D) are hereby enacted to read as follows:

§9039.62. BioDistrict New Orleans; creation; territorial jurisdiction

A. There is hereby created the BioDistrict New Orleans, referred to in this Chapter as the "district". The district shall be composed of ~~all of the territory located in the parish of Orleans bounded by Earhart Blvd., Carrollton Ave., Loyola Ave., and Iberville St. all of the territory located in the parish of Orleans included within the following perimeter: From the corner of Iberville Street and North Derbigny Street proceed south along the apparent eastern right of way of North Derbigny Street to the point where the northern property line of Lot A. of Square 217 intersects with North Derbigny Street. Thence proceed west through the entirety of Square 217 along the northern property lines of Lot A, Lots 4 and 5, Lots 25, 26, and part of 24, Lot C, Lots 9, 10, and 11 and Lot 21 or 12 of Square 217. Crossing North Roman Street, proceed west along the southern property line of Lot 2 of Square 45. Thence turn north and proceed in Square 245 along the western property lines of Lot 2, Lot 3, Lot 4, and Lot 5. Thence turn west and proceed along the southern property lines of Lot 11, Lot 12, Lot 13 or 19, Lot 14 or 18, Lot 15 or 17, and Lot 16 of Square 245 to where it intersects with the apparent eastern right of way of North Prieur Street. Crossing North Prieur Street at an oblique southwest angle, proceed along the northern property lines of Lot C, Lot 3, Lot 4, Lot 5, Lot 6, Lot 16, Lot 17, Lot 20, Lot 21, and Lot 19 of Square 246. Crossing North Johnson Street proceed west along the northern property lines of Lot 23, Lot A, Lot B or 7R, Lot C or Part of Lot 4-7, Lot A or 8, Lot A or 9, Lots 8, 9, and 10, and Lot C, of Square 275. Thence, from where the rear property line of Lot B, Lot 8, Lot 9, Lot 10, and Lot C, Square 275 intersects with North Galvez Street, proceed South along the apparent eastern right of way of North Galvez Street to the intersection of North Galvez street and the apparent southern right of way of Canal Street. Thence west along the apparent southern right of way of Canal Street for three blocks to the intersection of the apparent southern right of way of Canal Street and the apparent eastern right of way of North Rocheblave Street. Thence three blocks south along the apparent eastern right of way of South Rocheblave Street to the southeast corner of South Rocheblave Street and Banks Street. Thence one block west along the apparent southern right of way of Banks Street to the intersection of Banks Street and South Dorgenois Street. Follow the apparent eastern right of way of South Dorgenois Street south one block to the intersection of Tulane Avenue. Thence follow the apparent northern right of way of Tulane Avenue in a northeast direction four blocks to the corner of South Galvez Street. Thence south along the apparent eastern right of way of South Galvez Street for two blocks to the intersection with Perdido Street. Thence follow the apparent northern right of way of Perdido Street east to where Perdido Street intersects with the eastern property line of Lot B and Part of 15, and Lot 18 or 14 of Square 517. Follow said property line in a southern direction to the northern boundary of Lot A-1. Thence proceed west to the most northerly northwest corner of Lot A-1.~~

Thence proceed south in the direction of Poydras Street along the eastern boundary lines of Lot 19, Lot 11 or 21, Lot 12 or 20, and Lot 22. Thence proceed west along the southern property line of Lot 22 to where it intersects with the eastern side of South Galvez Street. Thence, proceed south along the apparent eastern right of way of South Galvez Street to the intersection of South Galvez Street and Poydras Street. Thence proceed along Poydras Street in a westward direction to the intersection of Poydras Street and South Broad Street. Thence proceed north along South Broad Street one block to the corner of South Broad Street and Perdido Street.

Proceed east along the apparent northern right of way of Perdido Street to the eastern property line of the Lot owned by HTJ Investments, LLC. Proceed north following said property line the width of Square 586 to where said property line intersects with Gravier Street. Thence proceed west along the apparent northern right of way of Gravier Street to where the western property line of Lot 26, in Square 585 intersects with Gravier Street. Thence, proceed north along said property line until the southern property line of Lot 22 or Part of Lot 22. Thence proceed in an easterly direction towards South Dorgenois Street along the northern boundary lines of Lot 26, Lot 27, and Lot 28. Thence proceed north toward Tulane Avenue along the westernmost property line of Lot 22 or Part of Lot 22, and Lot 30.

Thence run east towards South Dorgenois Street along the rear line of Lot 22 or Part of Lot 22, and Lot 30. Thence turn at a ninety degree angle north and follow the westernmost property line of Lot 40 and Lot 41. Thence run east along the northern property line of Lot 41, until it intersects with South Dorgenois Street. Thence proceed north along the apparent western right of way of South Dorgenois Street (crossing Tulane Avenue) until you reach the intersection of the apparent western right of way of South Dorgenois Street and the southern property line of Part of Lot 29, Lot 30 or P, Lot 40, Lot 41 in Square-1 of Square 584. Proceed west along said property line until it intersects with the easternmost border of Lot A or Lot 47. Thence turn south along the easternmost property line of Lot A or Lot 47 until it intersects with the northernmost property line of Lot 22. Thence continue in a westerly direction along the northernmost property lines of Lot 22 or 33, Lot 21 or 32, and Lot 19 or 20 or Lot 30 and 31. Crossing Manassas Place into Square

Number 584, continue westward along the northernmost property lines of Lot 17 or 29 or B, Lot 16-B., and Part of Lot 12, Lot 13, or Lot 25 or the Rear Part of Lot 27, Lot 14 or Lot 26, Lot 15 or Lot 27.

Thence turn southwest along the westernmost property line of Part of Lot 17 or 29 or Lot B, Lot 16-B, and Part of Lot 12, Lot 13, or Lot 25 or the Rear Part of Lot 27, Lot 14 or Lot 26, 15 or Lot 27 until it intersects with the northern property line of Lot V, Lot W, Lot X or Part of Lot 23 Lot 24, and Lot 25. Proceed west along the northern property line of Lot V, Lot W, Lot X or Part of Lot 23 Lot 24, and Lot 25 to the point it intersects with the eastern side of South Broad Street. Thence cross South Broad Street at a slight southwest angle to the intersection of South Broad Street and Baudin Street. Proceed west along the apparent southern right of way of Baudin Street for two blocks. Thence south along the apparent eastern right of way of South Dupre Street one block to the intersection with Tulane Avenue. Thence proceed southwesterly along the apparent northern right of way of Tulane Avenue, approximately two-thirds of a block to the intersection of Tulane Avenue and the eastern property line of Lot 13 in Square 627. Thence Proceed northward along said line until it intersects with the southern property line of the rear part of Lot 21. Thence proceed in a westward direction along the rear property line of Lot 13 until it intersects with the easternmost property line of Lot A. Thence turn south along the eastern property line of Lot 13 to where it intersects with the northeastern corner of Lot 12. Thence proceed west along the rear property lines of Lot 12 and Lot 11 to the intersection with South Gayoso Street. Crossing South Gayoso Street proceed west along the entire northern property line of Lot 1-A, crossing the entirety of Square 636 stopping at the intersection of said property line and the apparent western right of way of South Salcedo Street. Thence run north along the apparent western right of way of South Salcedo Street back to the apparent southern right of way of Baudin Street. Thence proceed west along the apparent southern right of way of Baudin Street one block to the corner of South Lopez Street. Thence proceed south on the apparent eastern right of way of South Lopez Street (crossing Tulane Avenue) and reaching the intersection of South Lopez Street and the apparent southern right of way of Tulane Avenue. Proceed northeast along the apparent southern right of way of Tulane Avenue two blocks to the intersection with the apparent eastern right of way of South Gayoso Street. Turn south on the apparent eastern right of way of South Gayoso Street until it intersects with the northern property line of Lot 16., Square 626. Proceed thence east along the northernmost property lines of Lot 16 and Lot 27 across the entirety of Square 626 until you reach the apparent western right of way of South Dupre Street. Cross South Dupre Street at a slight southeast angle intersecting with the apparent eastern right of way of South Dupre Street and the southwest corner of Lot 21A. Thence proceed east along the entire southernmost property line of 21A across the entirety of Square 613 to where it intersects with the apparent western right of way of South White Street. Thence south on the apparent western right of way of South White Street until you reach the corner of South White Street and Gravier Street. Proceed thence southwest along the apparent northern right of way of Gravier Street one block west to the corner of Gravier Street and South Dupre Street. Thence proceed south along the apparent eastern right of way of South Dupre Street south one block to the intersection of Perdido Street and South Dupre Street. Thence proceed in a southwesterly direction five blocks along the apparent northern right of way of Perdido Street to the corner of Perdido Street and the eastern side of S. Norman C. Francis Parkway. Proceed from this corner approximately one and one-half blocks north on South Norman C. Francis Parkway until the intersection with South Norman C. Francis Parkway and the southernmost property line of Lot B and Part of Lot 14 or 15 of Square 677. Thence an easterly direction towards South Rendon Street along the southernmost property line of Lot B and Part of Lot 14 or 15 and the northernmost property line of Lot 29 where said property line intersects with the apparent western right of way of South Rendon Street. Thence north along the apparent western right of way of South Rendon Street to where it intersects with the apparent northern right of way of Tulane Avenue. Thence proceed in a slight northeast angle to the intersections of Tulane Avenue, South Lopez Street, and D'Hemecourt Street. Thence proceed in a westerly direction along the apparent southern right of way of D'Hemecourt Street three blocks (Crossing South Norman C. Francis Parkway) to the corner of D'Hemecourt Street and the apparent eastern right of way of South Clark Street. From the corner of D'Hemecourt and South Clark, proceed south to the point where the apparent eastern right of way of South Clark Street intersects the northern property line of Lot Z or 3, Square 689. Proceed east along the northern property line of Lot Z or 3 to where it intersects with the western property line of Lot 3. Thence turn south and follow the western property line of Lot 3 until it intersects with the northernmost apparent right of way of Tulane Avenue. Thence turn west and follow Tulane Avenue to the intersection with South Clark Street. Proceed south along the apparent eastern right of way of South Clark Street (crossing Tulane Avenue) to the corner of South Clark Street and the apparent northern right of way of Gravier Street. Proceed west along the apparent northern right of way of Gravier Street approximately one and one-half blocks to the point on Gravier Street where it intersects with the western property line of Lot 5 and Part of Lot K Square 715. Continue in a northern direction along the western property lines of Lot 6, Lot 7, Lot 8, Lot 9, Lot 10, and part of Lot 11 until it intersects with the southwest corner of Lot 13. Proceed thence east along the southern property lines of Lot 13, Lot 14, Lot 15, and Lot 17, Square 715 to the intersection with the apparent western right of way of South Genois Street. Thence proceed north along the apparent western right of way of South Genois Street to the intersection with Tulane Avenue.

Thence proceed westerly along the apparent southern right of way of Tulane Avenue two blocks to the southwest corner of Tulane Avenue and South Cortez Street. Thence briefly north on the apparent western right of way of South Cortez Street (crossing Tulane Avenue) to the intersection of South Cortez Street and Ulloa Street. Thence west three blocks along the apparent southern right of way of Ulloa Street to the corner of South Carrollton Avenue. Thence proceed briefly south along the eastern side of South Carrollton Avenue (crossing Tulane Avenue) until it intersects with the northernmost property line of Lot 1, Square 763. Proceed thence along the northern boundary line of Lot 3 in a meandering southeast direction and then south along the property lines of Lot 3 and Lot 2 to the intersection with the southernmost boundary of Square 763 and the apparent northern right of way of Gravier Street. Proceed thence west along the apparent northern right of way of Gravier Street to the intersection with South Carrollton Avenue. Proceed south along the eastern side of South Carrollton Avenue to the corner of South Carrollton Avenue and Edinburgh Street. From the corner of South Carrollton Avenue and Edinburgh Street, proceed east five blocks along the apparent northern right of way of Edinburgh Street to the corner of Edinburgh Street and Broadway Street. Thence proceed north one block along the apparent western right of way of Broadway Street to the intersection with Palm Street. From the intersection of Broadway and Palm Streets, proceed east along the apparent northern right of way of Palm Street moving at a slight northeast angle at the intersection of Palm Street and Audubon Street until you come to the dividing line between Square 23 and Square 128. Proceed north along said boundary line of Squares 23 and 128 to the intersection with the apparent southern right of way of Washington Avenue. Continue along Washington Avenue in a northwesterly direction to the southwest corner of Broadway Street and Washington Avenue. Thence proceed north (crossing Washington Avenue and Drexel Drive), continuing north along the apparent eastern right of way of Broadway Street two blocks to the intersection of Broadway Street and Dixon Street. Thence one block west along the apparent southern right of way of Dixon Street to the intersection of Dixon Street and Pine Street. Thence proceed one block north along the apparent western right of way of Pine Street to the intersection of Pine Street and Howard Avenue. Proceed east along Howard Avenue three blocks to the corner of Howard Avenue and South Genois Street. Thence proceed south along the apparent eastern right of way of South Genois Street for two blocks to the intersection of South Genois Street and Drexel Drive. Thence east one block along the apparent northern right of way of Drexel Drive to the intersection of South Clark Street. From the corner of South Clark Street and Drexel Drive proceed south along the apparent eastern right of way of South Clark two blocks to the intersection with Washington Avenue and South Clark Street. Proceed along the apparent southern right of way of Washington Avenue in a southeast direction to the intersection of Washington Avenue and Earhart Boulevard. From the corner of Earhart Boulevard and Washington Avenue proceed on Earhart Boulevard in a generally northeast direction until Earhart Boulevard intersects with Loyola Avenue. From the intersection of Loyola Avenue and Earhart Boulevard, proceed in a meandering northwest direction along the western side of Loyola Avenue and Elk Place to the intersection of Elk Place and Iberville Street. Proceed thence west along the apparent southern right of way of Iberville Street seven blocks (crossing North Claiborne) to the intersection with Iberville and North Derbigny Street to a point. Said point being the point of beginning.

B. The district shall be a political subdivision of the state as defined in Article VI, Section 44(2) of the Constitution of Louisiana. Pursuant to Article VI, Sections 19 and 20 of the Constitution of Louisiana, the district, acting through its board of commissioners, the governing authority of the district, is hereby granted all of the rights, powers, privileges, and immunities accorded by law and the Constitution of Louisiana to political subdivisions of the state, including but not limited to the power to incur debt, except as otherwise provided in this Chapter.

* * *

§9039.63.1. Additional limitations; expropriation

Notwithstanding any right, power, authority, privilege, exemption, or immunity that the district may have under the Constitution of Louisiana, this Chapter, or any other provision of general law, the district and any subdistricts shall not have the right to, and shall not acquire property by expropriation or exercise any power of eminent domain over any property and shall not enter into any cooperative endeavor agreement with any other entity, public or private, to acquire property by expropriation or eminent domain.

* * *

§9039.68. General powers

A. In addition to the powers and duties elsewhere granted in this Chapter, the board is hereby granted and shall have and may exercise all powers necessary or convenient for the carrying out of its objects and purposes, including but not limited to the following:

* * *

(3) To acquire by gift, grant, purchase, or lease, ~~or otherwise~~ and to hold and use any property, real, personal, or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the objects and purposes of the district. The district shall have no power of expropriation or eminent domain.

* * *

B.(1) At least ten days after publication of a notice in the official journal of the district, a public hearing shall be conducted, and the board may then designate one or more areas within or without the boundaries of the

district as they may exist from time to time as a separate subdistrict, or as an enlargement or reduction of the original district, provided that subdistricts created by the board outside the then current boundaries of the district need not be contiguous to the district. Any territory outside the original boundaries of the district that is sought to be included or excluded in the district, or designated as a separate subdistrict, may only be so included, excluded, or designated subject to the approval of the Legislature of Louisiana and the governing authority of the city of New Orleans, by ordinance. Each subdistrict shall constitute a separate political subdivision of the state, governed by the district board with the same powers and limitations of the district. Each designated subdistrict area shall be representative of its geographic location and designated as "BioDistrict Economic Development Subdistrict for _____".

(2)

* * *

(b) Subdistricts created outside the ~~then current~~ boundaries of the district also need not be contiguous to the district. Any territory outside the district that is sought to be included or excluded in the district or designated as a subdistrict, may only be so subject to the approval of the Legislature of Louisiana and the governing authority of the city of New Orleans, by ordinance. Each subdistrict shall constitute a separate political subdivision of the state, governed by the district board with the same powers and limitations of the district. Each designated subdistrict area shall be representative of its geographic location and designated as " BioDistrict Economic Development Subdistrict for _____".

(c) The board shall not designate as a separate subdistrict any area wholly within the boundaries of the district without prior approval of the Legislature of Louisiana and the governing authority of the city of New Orleans, by ordinance.

(3) No territorial jurisdiction or boundaries of the district shall be expanded, reduced, or extended and no subdistrict shall be created to include any area that is not entirely contained within the New Orleans Metropolitan Statistical Area without the approval of the Legislature of Louisiana and the governing authority of the city of New Orleans, by ordinance.

§9039.69. Special powers

A. In addition to the general powers granted in this Chapter, the district shall have the following special powers:

* * *

(3) To undertake any project ~~or program~~ beneficial to the district ~~whether~~ within ~~or outside~~ the boundaries of the district.

* * *

(5) To acquire real and personal property, including health education and enhancement facilities, by lease, purchase, or donation, ~~or otherwise~~ including but not limited to the following: land; improvements, oil, gas, and mineral rights; stocks; bonds; notes; and any other things of value. Title thereto shall be taken in the name of the district.

* * *

C. The district or any subdistrict shall enter into a payment in lieu of taxes agreement with the city of New Orleans prior to the acquisition of any property owned by the district that was not exempt from ad valorem taxes immediately preceding the district's acquisition of such property. The agreement shall provide that the district or subdistrict shall annually pay to the city of New Orleans an amount equal to the ad valorem taxes that would have been payable to the city had the property not been exempt from such taxation by reason of its ownership by the district or subdistrict.

* * *

§9039.72. Projects

A.

* * *

(14)(a) The support of any other type of bioscience projects or safety, security (police), parking, housing (student and workforce), conference and meeting facilities, transportation (pedestrian and vehicular), emergency preparedness, emergency operations, beautification, image, district identity, centralized laundry, janitorial services, maintenance services (grass cutting, street cleaning), development and enforcement of district standards for buildings (architectural), landscaping, streets and sidewalks, lighting and signage.

(b) The district or any subdistrict shall not adopt a district identity or any district standards for any area of the city of New Orleans without the prior approval of the governing authority of the city of New Orleans, by ordinance.

* * *

D.(1) All projects of the district and any subdistrict in the city of New Orleans shall be performed only within the boundaries of the district or subdistrict.

(2) All projects of the district and any subdistrict in the city of New Orleans shall be subject to and shall comply with the city of New Orleans master plan and all ordinances and rules and regulations governing zoning, building land use, historic preservation, historic districts, and neighborhood participation plans applicable to the area in which the project is located.

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 355

HOUSE BILL NO. 818
BY REPRESENTATIVE HUGHES
AN ACT

To amend and reenact R.S. 13:2575(A)(2), (B)(2), (D)(2), and (F)(2), relative to administrative adjudication; to provide relative to blighted or abandoned property; to provide for procedures; to provide for exemptions for certain populations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2575(A)(2), (B)(2), (D)(2), and (F)(2) are hereby amended and reenacted to read as follows:

§2575. Blighted or abandoned property; public health, housing, fire code, building code and certain other ordinance violations; administrative adjudication; procedure; appeal; penalties

A.

* * *

(2) For purposes of this Chapter, ~~except in any parish with a population of more than three hundred thousand and less than four hundred thousand according to the latest federal decennial census,~~ “blighted property” shall have the same meaning as provided in R.S. 33:1374(B)(1), and “abandoned property” shall have the same meaning as provided in R.S. 33:4720.59(D)(2).

B.

* * *

(2) ~~Except in any parish with a population of more than three hundred thousand and less than four hundred thousand according to the latest federal decennial census, any~~ Any municipality or parish that adopts an ordinance establishing an administrative adjudication hearing procedure for determining property to be blighted or abandoned, shall provide notice to the property owners and to all mortgagees of record as provided in Paragraphs (D)(2) and (F)(2) of this Section.

* * *

D.

* * *

(2) ~~Except in any parish with a population of more than three hundred thousand and less than four hundred thousand according to the latest federal decennial census, prior~~ Prior to holding an administrative hearing for the determination of blight or abandonment of property, the municipality or parish shall notify the property owner and each mortgagee of record in the parish mortgage records, at least thirty days in advance of the date of the administrative hearing. The notification shall state the time, date, and location of the hearing, the location of the subject property, and an explanation that the hearing is for the purpose of making a determination whether the subject property is blighted or abandoned. The notice shall be sent by certified or registered United States mail or personally served on the property owner at the address listed in the assessor’s office of the municipality or parish, and on each mortgagee of record at the address provided in the recorded mortgage.

* * *

F.

* * *

(2) ~~Except in any parish with a population of more than three hundred thousand and less than four hundred thousand according to the latest federal decennial census, within thirty days, excluding legal holidays, after~~ After the hearing to determine whether a property is blighted or abandoned, the hearing officer shall send written ~~post-hearing~~ ~~post-hearing~~ notice to the property owner and each mortgagee of record explaining whether the hearing officer determined the subject property to be blighted or abandoned and state whether any fine, penalty, costs, or fees are assessed. The ~~post-hearing~~ ~~post-hearing~~ notice shall be sent to the property owner and mortgagees of record in the manner provided for in Paragraph (D)(2) of this Section.

* * *

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 356

HOUSE BILL NO. 827
BY REPRESENTATIVES GADBERRY, AMEDEE, CARRIER, DESHOTEL,
GAINES, HODGES, HORTON, JEFFERSON, JENKINS, LARVADAIN,
LYONS, CHARLES OWEN, SELDERS, AND STAGNI
AN ACT

To enact Part VIII of Chapter 5-A of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1091, relative to health services for children; to provide relative to screening of children for autism spectrum disorder; to require such screening in certain instances; to provide for exceptions to the screening requirement; to provide a limitation of liability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part VIII of Chapter 5-A of the Louisiana Revised Statutes of

1950, comprised of R.S. 40:1091, is hereby enacted to read as follows:

PART VIII. AUTISM SPECTRUM DISORDER

§1091. Autism spectrum disorder: screening of children

A. Any primary care provider who performs early and periodic screening, diagnostic, and treatment preventive visits in accordance with the periodicity schedule of the Bright Futures initiative of the American Academy of Pediatrics shall promote age-appropriate screenings including, unless otherwise medically indicated, a standardized screening for autism spectrum disorder at any routine well child visit.

B. No primary care provider shall be liable for any civil damages or be subject to any disciplinary action by his licensing board as a result of any act or omission in connection with delivering or not delivering any service provided for in this Part.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 357

HOUSE BILL NO. 828
BY REPRESENTATIVES HORTON AND GEYMAN
AN ACT

To amend and reenact R.S. 40:4.9(B), relative to preparation in private homes of foods for sale; to provide relative to an exemption for home-based preparers of low-risk foods for sale from laws and regulations pertaining to food preparation; to provide for the annual sales threshold qualifying home-based food preparers for this exemption; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:4.9(B) is hereby amended and reenacted to read as follows:
§4.9. Low-risk foods; preparation in home for public consumption

* * *

B. This Section shall not apply to any preparer of low-risk foods made at a home for sale, whose gross annual sales equal ~~twenty thousand~~ thirty thousand dollars or more.

* * *

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 358

HOUSE BILL NO. 832
BY REPRESENTATIVE CARRIER
AN ACT

To enact Section 2 of Act No. 444 of the 2021 Regular Session of the Legislature of Louisiana, relative to restroom access for individuals with certain conditions; to provide for designation of an Act of the Legislature of Louisiana by means of a short title; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Section 2 of Act No. 444 of the 2021 Regular Session of the Legislature of Louisiana is hereby enacted to read as follows:

Section 2. This Act shall be known and may be cited as “Beau’s Law”.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 359

HOUSE BILL NO. 17
BY REPRESENTATIVES DEVILLIER AND ROMERO AND SENATORS
HENSGENS, ROBERT MILLS, MIZELL, PEACOCK, AND PRICE
AN ACT

To enact R.S. 11:1145.5, relative to the Louisiana School Employees’ Retirement System; to provide for a benefit increase; to provide for eligibility and funding; to provide for payment and timing of the benefit increase; 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. 11:1145.5 is hereby enacted to read as follows:

§1145.5. Permanent benefit increase; payable beginning July 1, 2022

A. Notwithstanding any provision of R.S. 11:1145.1, the board of trustees of the Louisiana School Employees’ Retirement System may pay a permanent benefit increase, payable beginning July 1, 2022, to the following retirees and beneficiaries:

(1) Any retiree, other than a disability retiree, who has attained at least age sixty and who has received a benefit for at least one year.

(2) Any nonretiree beneficiary whose receipt of benefits is not based on the death of a disability retiree, if benefits had been paid to the retiree or the

beneficiary, or both combined, for at least one year and if the retiree would have attained age sixty.

(3) Any disability retiree or a person who receives benefits from the system based on the death of a disability retiree, if benefits have been paid to the retiree or the beneficiary, or both combined, for at least one year. B. Any benefit increase paid pursuant of this Section shall be paid from the funds in the system's experience account.

C. The amount of the increase authorized by this Section shall be an amount determined by the system's actuary that is supported by the funds in the experience account up to the maximum payment of one and one-half percent of the benefit amount. The funds in the account shall be sufficient to fund such benefit fully on an actuarial basis. If the legislative auditor's actuary disagrees with the determination of the system's actuary, a cost-of-living adjustment shall not be granted.

D. Except as provided in this Section, the benefit adjustment shall be granted in accordance with R.S. 11:1145.1.

Section 2. The cost of this Act shall be funded with monies from the Louisiana School Employees' Retirement System's experience account. Any additional cost of this Act shall be funded with additional employer contributions in compliance with Article X, Section 29(F) of the Constitution of Louisiana.

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 360

HOUSE BILL NO. 21
BY REPRESENTATIVE BACALA
AN ACT

To enact R.S. 11:2225.5 and to repeal R.S. 11:107.2, 243(A)(8), 246(A)(8), and 2225(A)(7), relative to the Municipal Police Employees' Retirement System; to establish a funding deposit account; to provide for source of funding therefor; to authorize the board of trustees to adjust employer contribution rates; to provide for additional payments to retirees, survivors, and beneficiaries; to provide for funding of, eligibility for, and payment of the additional payments; to provide for payment of system liabilities; 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. 11:2225.5 is hereby enacted to read as follows:

§2225.5. Funding deposit account

A.(1) There is hereby established a funding deposit account, hereafter in this Section referred to as the "account". The account shall be credited and charged solely as provided in this Section.

(2) The balance in the account shall be set equal to zero as of July 1, 2022.

(3) The funds in the account shall earn interest annually at the board approved valuation interest rate, and the interest shall be credited to the account once a year.

B.(1) Notwithstanding any provision of R.S. 11:103 or 104 to the contrary, for fiscal years beginning on or after July 1, 2023, the board of trustees may require a net direct contribution rate of up to the following applicable limit:

(a) For a year in which the employer contribution rate determined under R.S. 11:103 is equal to or greater than the rate determined under R.S. 11:103 for the previous year, the rate determined under R.S. 11:103 plus eighty-five hundredths of one percentage point.

(b) For a year in which the employer contribution rate determined under R.S. 11:103 is lower than the rate determined under R.S. 11:103 for the previous year, the rate determined under R.S. 11:103 plus eighty-five hundredths of one percentage point plus one-half of the difference between the rates determined for the two years.

(2) For any fiscal year in which the board of trustees sets the direct employer contribution rate higher than the rate determined under R.S. 11:103, excess contributions resulting from the higher rate shall be used as provided in Paragraph (C)(1) of this Section or transferred to the account as provided in Paragraph (C)(2) of this Section.

C.(1) Except as provided in Paragraph (2) of this Subsection, any excess contributions resulting from the board's exercise of its authority pursuant to Paragraph (B)(1) of this Section shall be applied, until exhausted, exclusively to reduce the outstanding balance of the oldest positive amortization base; however, the future payments for such amortization base shall continue to be made according to the original amortization schedule established in compliance with the requirements of Article X, Section 29(E)(3) of the Constitution of Louisiana and R.S. 11:103 until the outstanding balance is fully liquidated.

(2) The board of trustees may dedicate a specific amount of excess contributions, up to the amount generated by setting the rate equal to eighty-five hundredths of one percentage point more than the rate determined under

R.S. 11:103, to be used solely to pay additional benefits to retirees, survivors, and beneficiaries. The dedicated amount of funds shall be credited to the account.

D. Beginning with the June 30, 2024, valuation, the board of trustees may, in any fiscal year, direct that the account be charged to provide additional benefits to retirees, survivors, and beneficiaries as provided in Subsection F of this Section.

E. The monies in the account shall not be considered system assets for purposes of calculating employer contributions.

F.(1) Funding for additional benefits for retirees, survivors, and beneficiaries shall be provided only from the funding deposit account and only when sufficient funds are available as determined by the actuary. The additional benefits shall be payable only as determined by the board of trustees, and the board shall determine the following:

(a) Whether the additional benefit will be a nonrecurring lump-sum payment or a permanent benefit increase; provided, however, that any additional benefit paid under the provisions of this Subsection shall be in the form of a nonrecurring lump sum no more frequently than once in a three-year period.

(b) Whether the additional benefit will be calculated is based upon the original or current benefit.

(c) Whether a minimum age will be required to receive an additional benefit.

(d) Whether a minimum period since benefit commencement longer than the period required in Subparagraph (2)(b) of this Subsection will be required to receive an additional benefit.

(2)(a) The amount of any permanent benefit increase shall not exceed three percent of the benefit to be used in the calculation in accordance with Subparagraph (1)(b) of this Subsection.

(b) No additional benefit shall be payable until at least one year has elapsed since benefit commencement.

Section 2. R.S. 11:107.2, 243(A)(8), 246(A)(8), and 2225(A)(7) are hereby repealed in their entirety.

Section 3. This Act shall become effective on June 30, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or June 30, 2022, whichever is later.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 361

HOUSE BILL NO. 28
BY REPRESENTATIVE MUSCARELLO
AN ACT

To amend and reenact Code of Civil Procedure Article 4844, relative to the City Court of Hammond; to provide for the jurisdictional amount in certain eviction proceedings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 4844 is hereby amended and reenacted to read as follows:

Art. 4844. Amount in dispute; eviction proceedings

A. A Except as otherwise provided in this Article, a parish court or city court shall have jurisdiction, concurrent with the district court, over suits by owners and landlords for the possession of leased premises as follows:

(1) When the lease is by the day and the daily rental is one hundred fifty dollars or less.

(2) When the lease is by the week and the weekly rental is five hundred dollars or less.

(3) When the lease is by the month and the monthly rental is three thousand dollars or less.

(4) When the lease is by the year and the annual rental is thirty-six thousand dollars or less.

(5) When the suit is to evict an occupant as defined by Article 4704, if the annual value of the right of occupancy does not exceed the amount in dispute to which the jurisdiction of the court is limited by Articles 4842 and 4843 or as to the amounts set forth in Subparagraphs (3) and (4) of this Paragraph.

(6) B. In the City Court of East St. Tammany, the city court shall have the same jurisdictional limit for possession of leased premises in eviction proceedings as provided for in Article 4912 for justice of the peace courts.

C. In the City Court of Hammond, the city court shall have jurisdiction over suits by owners and landlords for the possession of leased premises when the lease is by the month and the monthly rental is five thousand dollars or less.

B- D. In computing the jurisdictional amount for purposes of eviction suits, the daily, weekly, monthly, annual, or other rental provided by the lease, exclusive of interest, penalties, or attorney fees, shall determine the amount in dispute.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 362

HOUSE BILL NO. 38
BY REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact R.S. 13:5554(R)(2) and (3) and to enact R.S. 13:5554(R)(4) and 5554.8, relative to the payment of group insurance premium costs for persons retired from the Richland Parish Sheriff's Office; to provide for eligibility for payment of such costs for retired sheriffs and retired deputy sheriffs of the Richland Parish Sheriff's Office; to provide for effective dates; to create a permanent fund; to require the depositing of certain monies into the fund; to provide for investment of monies in the fund; to authorize the withdrawal of earnings; to provide for limitations on appropriations from the fund; to provide for audits of the fund; to provide for the membership and election on the investment advisory board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5554(R)(2) and (3) are hereby amended and reenacted and R.S. 13:5554(R)(4) and 5554.8 are enacted to read as follows:
§5554. Group insurance; kinds; amounts; subrogation

* * *

R. Notwithstanding the provisions of Subsection D of this Section, the sheriff of Richland Parish shall pay from the sheriff's general fund the premium costs of group insurance for any sheriff or full-time deputy sheriff who is entitled to receive monthly benefits from the Sheriff's Pension and Relief Fund and who retires from the Richland Parish Sheriff's Office as follows:

* * *

(2) For any sheriff or deputy sheriff who first becomes eligible to retire and subsequently retires after August 31, 2013, and before July 1, 2022, fifty percent of the premium costs of group hospital, surgical, and medical expense insurance and the first ten thousand dollars of life insurance contracted for under the provisions of this Section if the sheriff or deputy sheriff retires with at least twenty-five years of creditable service with the Richland Parish Sheriff's Office and has attained the age of fifty-five.

(3) For any sheriff or deputy sheriff who first becomes eligible to retire and subsequently retires after August 31, 2013, and before July 1, 2022, ~~one~~ one hundred percent of the premium costs of group hospital, surgical, and medical expense insurance and the first ten thousand dollars of life insurance contracted for under the provisions of this Section if the sheriff or deputy sheriff retires with thirty years or more of creditable service with the Richland Parish Sheriff's Office, regardless of age.

(4) For any sheriff or deputy sheriff who does not meet the requirements of Subparagraph (1)(a) or (b) of this Section and retires on or after July 1, 2022, from the Richland Parish Sheriff's Office and is eligible to receive benefits from the Sheriff's Pension and Relief Fund and meets the requirements of Subparagraph (a), (b), or (c) of this Paragraph, one hundred percent of the premium costs of group hospital, surgical, and medical expense insurance and the first ten thousand dollars of life insurance contracted for under the provisions of this Section, if the sheriff or deputy sheriff retires with any of the following qualifications:

(a) At least fifteen years of creditable service and is at least sixty years of age and has served twelve years of creditable service with the Richland Parish Sheriff's Office.

(b) At least twenty years of creditable service and is at least fifty-five years of age and has served twelve years of creditable service with the Richland Parish Sheriff's Office.

(c) At least thirty years of creditable service and has served twenty years of creditable service with the Richland Parish Sheriff's Office, regardless of age.

* * *

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

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

B. The sheriff of Richland Parish may contribute to the RREIF at his discretion.

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

D.(1) The earnings realized on the monies invested pursuant to Subsection C of this Section shall be available for the sheriff to withdraw for the sole purpose of paying the insurance premium costs provided in R.S. 13:5554(R) for retired sheriffs and retired deputy sheriffs of Richland Parish, legal representation costs for the RREIF Board, or both, provided that no such earnings shall be withdrawn until the amount of principal and accumulated earnings in the RREIF are equal to the sum of two million dollars.

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

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

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

(a) The sheriff or his designee.

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

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

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 363

HOUSE BILL NO. 39
BY REPRESENTATIVE CHARLES OWEN
AN ACT

To enact R.S. 35:418, relative to ex officio notaries public for the Beauregard Parish School Board; to authorize the superintendent of the Beauregard Parish School Board to designate ex officio notaries public; to provide for duties and functions of the ex officio notaries public; to provide for limitations and termination of the ex officio notaries public; 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. 35:418 is hereby enacted to read as follows:

§418. Ex officio notaries public for the Beauregard Parish School Board

A. Notwithstanding any provisions of the law relative to qualifications of notaries public, the superintendent of the Beauregard Parish School Board may designate and appoint no more than two employees in his office as ex officio notaries public.

B. Each employee so appointed as ex officio notary public may exercise, within his respective jurisdictional limits, the functions of a notary public only to administer oaths, receive sworn statements, and execute affidavits and acknowledgments, all limited to matters within the official functions of the office of the Beauregard Parish School Board.

C. All acts performed by each ex officio notary public authorized by this Section shall be performed without charge or other compensation and without the necessity of giving bond.

D. The superintendent of the Beauregard Parish School Board may suspend or terminate an appointment made in his office pursuant to this Section at any time, and a separation from the employ of the school board shall automatically terminate the former employee's appointment as an ex officio notary public.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 364

HOUSE BILL NO. 44
BY REPRESENTATIVE GREGORY MILLER
AN ACT

To amend and reenact R.S. 49:193(B)(10) and to enact R.S. 49:193(B)(11), relative to the sunset law; to add certain reports and related information to the list of required information to be provided to the legislative committees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 49:193(B)(10) is hereby amended and reenacted and R.S. 49:193(B)(11) is hereby enacted to read as follows:

§193. Re-creation of terminated entity; procedure

The procedure for re-creation of any statutory entity to be terminated under the provisions of this Part shall be as follows:

* * *

B. No later than thirty days after the referral of the statutory entities to the appropriate standing committees, the committees shall, separately or jointly, notify the statutory entities under their jurisdiction of the termination dates and provide them a tentative schedule for evaluation hearings. In addition, the committees shall, separately or jointly, request the Department of State Civil Service to review the job descriptions and staffing of each entity. After receipt of the notice of termination and evaluation from the appropriate standing committees, each statutory entity shall provide the standing committees with the following information at the same time it submits its budget request to the governor under the provisions of R.S. 39:33:

* * *

(10) The identity of each report the statutory entity is required by law to

produce, including the citation of the law requiring the report, an estimate of the agency resources expended to produce the report, and the opinion of the agency regarding the continued necessity of the report.

(11) Any other information which a standing committee in its discretion feels is necessary and proper in performing its review and evaluation duties.

* * *

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 365

HOUSE BILL NO. 49
BY REPRESENTATIVE HUVAL
AN ACT

To enact R.S. 47:338.223, relative to the town of Henderson; to authorize the town to levy a hotel occupancy tax; to provide for the use of tax revenues; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:338.223 is hereby enacted to read as follows:

§338.223. Town of Henderson; hotel occupancy tax; authorization

A.(1) In addition to any other tax levied and collected, the governing authority of the town of Henderson may levy and collect a tax upon the paid occupancy of hotel rooms located within the town. The hotel occupancy tax shall not exceed four percent of the rent or fee charged for such occupancy.

(2) The word "hotel" as used in this Section shall mean and include any establishment, public or private, including an establishment at a structure used as a residence, engaged in the business of furnishing or providing rooms or overnight camping facilities intended or designed for dwelling, lodging, or sleeping purposes to transient guests where such establishment consists of two or more guest rooms or two or more overnight camping facilities, or if the establishment has both guest rooms and camping facilities, at least one of each, and does not encompass any hospital, convalescent or nursing home or sanitarium, or any hotel-like facility operated by or in connection with a hospital or medical clinic providing rooms exclusively for patients and their families.

(3) The person who exercises or is entitled to occupancy of the hotel room shall pay the hotel occupancy tax at the time the rent or fee for occupancy is paid. "Person" as used in this Paragraph shall have the same definition as that contained in R.S. 47:301(8).

B. The governing authority shall impose the hotel occupancy tax by ordinance or resolution. The governing authority may adopt such ordinance or resolution only after a proposition authorizing the levy of the tax has been approved by a majority of the electors of the town voting at an election held for that purpose in accordance with the Louisiana Election Code. The governing authority may provide in the ordinance or resolution necessary and appropriate rules and regulations for the imposition, collection, and enforcement of the hotel occupancy tax.

C. The governing authority may enter into a contract with any public entity authorized to collect sales or use taxes, under such terms and conditions as it may deem appropriate including payment of a reasonable collection fee, for the collection of the hotel occupancy tax authorized by this Section. The hotel occupancy tax shall be in addition to all taxes levied upon the occupancy of hotel rooms located within the town.

D. Except as provided in Subsection C of this Section, the governing authority shall use the proceeds of the tax to fund economic development, tourism promotion, and related infrastructure within the town.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 366

HOUSE BILL NO. 55
BY REPRESENTATIVES BUTLER, AMEDEE, BRYANT, CARRIER,
WILFORD CARTER, CORMIER, EDMONDS, EDMONSTON, FISHER,
GADBERRY, HARRIS, HUGHES, JENKINS, LAFLEUR, LANDRY,
LARVADAIN, LYONS, MARCELLE, MCFARLAND, PRESSLY, ROMERO,
THOMPSON, VILLIO, AND WHITE
AN ACT

To amend and reenact R.S. 40:1250.31(A)(1), relative to the medical assistance program of this state known as Medicaid; to provide for Medicaid coverage of dental care for certain persons with developmental or intellectual disabilities; to extend Medicaid coverage for dental care to certain Medicaid enrollees who reside in intermediate care facilities for people with developmental disabilities; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1250.31(A)(1) is hereby amended and reenacted to read as follows:

THE ADVOCATE
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* As it appears in the enrolled bill

§1250.31. Dental care for certain adults with developmental or intellectual disabilities; Medicaid coverage required

A.(1) The Louisiana Department of Health shall ensure that comprehensive Medicaid coverage for dental care is provided to all of the following persons:

(a) Each each person of age twenty-one or older who is enrolled in any Medicaid waiver program for persons with developmental or intellectual disabilities.

(b) Each Medicaid enrollee of age twenty-one or older who resides in an intermediate care facility for people with developmental disabilities licensed in accordance with the provisions of R.S. 40:2180 et seq.

* * *

Section 2. The provisions of Section 1 of this Act shall become effective when an Act of the Louisiana Legislature containing a specific appropriation of monies for the implementation of the provisions of this Act becomes effective.

Section 3. The provisions of Sections 2 and 3 of 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, Sections 2 and 3 of this Act shall become effective on the day following such approval.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 367

HOUSE BILL NO. 63
BY REPRESENTATIVE FREEMAN
AN ACT

To amend and reenact R.S. 39:51.1(B)(1), relative to nongovernmental entity funding request forms; to exempt certain entities from providing certain information on the request form; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 39:51.1(B)(1) is hereby amended and reenacted to read as follows:

§51.1. General Appropriation Bill and other appropriation bills; nongovernmental entity funding request form; exemptions

* * *

B. Such information shall include, at a minimum, the following information:

(1) The entity's full legal name, mailing address, and physical address. However, an entity that provides services to victims of domestic violence or human trafficking shall be exempt from providing a physical address.

* * *

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 368

HOUSE BILL NO. 72
BY REPRESENTATIVE MAGEE
AN ACT

To amend and reenact R.S. 40:1496(F), relative to Terrebonne Parish Fire Protection District Number Six; to provide for membership of its board of commissioners; to provide for an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1496(F) is hereby amended and reenacted to read as follows:

§1496. Appointment of members of board; term; vacancies

* * *

F. Notwithstanding any provision of this Section to the contrary, the board of commissioners of Terrebonne Parish Fire Protection District Number Six shall consist of ~~seven~~ five members to be appointed as follows provided that the governing authority of Terrebonne Parish and the governing authority of Lafourche Parish have respectively authorized the extension of the boundaries of Terrebonne Parish Fire Protection District Number Six into Lafourche Parish as such an extension is provided for by R.S. 40:1493 and 1494:

(1) Five Four members shall be appointed by the governing authority of Terrebonne Parish. Such commissioners shall be electors of the area of Terrebonne Parish lying within the boundaries of the district.

(2) Two ~~commissioners~~ One commissioner shall be appointed by the governing authority of Lafourche Parish. Such ~~commissioners~~ commissioner shall be ~~electors~~ an elector of the area of ~~Lafourche Parish~~ lying within the boundaries of the district.

(3) The commissioners so appointed shall elect from their number a chairman of the board.

(4) Initial terms of two of the commissioners from Terrebonne Parish and

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

one of the commissioners commissioner from appointed by the governing authority of Lafourche Parish shall be one year, and the initial terms of the remaining commissioners shall be two years as determined by lot. All subsequent terms The term of office for each commissioners commissioner shall be two years.

* * *

Section 2. This Act does not require the removal of any member of the board serving on the effective date of this Act.

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

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 369

HOUSE BILL NO. 78
BY REPRESENTATIVE ZERINGUE
AN ACT

To amend and reenact R.S. 24:513(A)(2) and (3) and R.S. 39:75(A)(3), 80(A) and (B)(1)(introductory paragraph), 1302(3)(i), and 1538(E) and to repeal R.S. 24:513(J)(1)(c)(v), relative to certain annual state financial reports; to provide definitions; to provide requirements; to provide for resolution in the event of conflict with other provisions of law; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:513(A)(2) and (3) are hereby amended and reenacted to read as follows:

§513. Powers and duties of legislative auditor; audit reports as public records; assistance and opinions of attorney general; frequency of audits; subpoena power

A.

* * *

(2) The financial statements of individual state agencies, departments, boards, and commissions that are included within the ~~state's Comprehensive Annual Financial Report~~ annual comprehensive financial report required pursuant to R.S. 39:80 shall be audited by the legislative auditor, but may be audited by a licensed certified public accountant pursuant to the provisions of this Subsection.

(3) The financial statements of the offices of the independently elected public local officials, including judges, sheriffs, clerks of court, assessors, and district attorneys, all parish governing authorities, all political subdivisions created by parish governing authorities or by law, and all districts, boards, and commissions created by parish governing authorities either independently or in conjunction with other units of government, school boards, district public defender offices, municipalities, all political subdivisions created by municipal governing authorities, and all boards and commissions created by municipalities, either independently or in conjunction with other units of government, city courts, quasi-public agencies, housing authorities, mortgage authorities, or other political subdivisions of the state not included within the ~~state's Comprehensive Annual Financial Reports~~ annual comprehensive financial reports required pursuant to R.S. 39:80, hereinafter collectively referred to as "local auditee", shall be audited or reviewed by licensed certified public accountants subject to Paragraphs (5) and (6) of this Subsection, but may be audited by the legislative auditor pursuant to Paragraph (4) of this Subsection. The total compensation, reimbursements, and benefits of an agency head or political subdivision head or chief executive officer related to the position, including but not limited to travel, housing, unvouchered expenses, per diem, and registration fees shall be reported as a supplemental report within the financial statement of the local auditee; however, nongovernmental entities or not-for-profit entities that receive public funds shall report only the use of public funds for the expenditures itemized in the supplemental report. Any person authorized to conduct an audit of a governmental entity pursuant to R.S. 37:77, shall be permitted to continue auditing that governmental entity subject to the approval of the legislative auditor provided for in Paragraphs (5) and (6) of this Subsection.

* * *

Section 2. R.S. 39:75(A)(3), 80(A) and (B)(1)(introductory paragraph), and 1302(3)(i) are hereby amended and reenacted to read as follows:

§75. Avoidance of budget deficits

A.

* * *

(3)(a) At the first meeting of the Joint Legislative Committee on the Budget after publication of the ~~Comprehensive Annual Financial Report for the state of Louisiana~~, annual comprehensive financial report required pursuant to R.S. 39:80, the commissioner of administration shall certify to the committee the actual expenditures paid by warrant or transfer and the actual monies received and any monies or balances carried forward for any fund at the close of the previous fiscal year which shall be reflected in the budget status report.

(b) At the first meeting of the Joint Legislative Committee on the Budget

after publication of the ~~Comprehensive Annual Financial Report for the state of Louisiana~~, annual comprehensive financial report required pursuant to R.S. 39:80, the commissioner of administration and the legislative auditor shall present the report to the committee.

* * *

§80. Fiscal reporting

A. Within six months after the close of each fiscal year, the commissioner of administration shall cause to be prepared a ~~an annual~~ an annual comprehensive financial report containing those financial statements, including notes thereto, which are necessary for a fair presentation of the financial position and results of operations of the state in conformity with generally accepted accounting principles.

B.(1) At the same time as the ~~annual~~ annual comprehensive financial report is prepared as provided in Subsection A of this Section, the commissioner of administration shall cause to be prepared a narrative report covering the same fiscal year as the annual comprehensive financial report being prepared and explaining the financial condition and the operations of the state for the fiscal year covered, ~~by the comprehensive annual financial report~~. The narrative report shall be prepared with the express purpose of providing a brief, objective, and easily understood analysis of state government's financial performance for the preceding year, as well as facilitating wide dissemination of the report to the public. The narrative report shall include but not be limited to the following:

* * *

§1302. Definitions

For the purposes of this Chapter:

* * *

(3) "Political subdivision" means any:

* * *

(i) Political subdivisions of the state not included within the state's ~~Comprehensive Annual Financial Reports~~ annual comprehensive financial reports required pursuant to R.S. 39:80.

* * *

Section 3. R.S. 39:1538(E) is hereby amended and reenacted to read as follows:

§1538. Claims against the state

* * *

E. The division of administration, in cooperation with the attorney general as provided in R.S. 49:257(B), shall prepare a list of all final judgments against the state that are the result of a claim under Article XII, Section 10 of the Constitution of Louisiana and this Section and which remain unpaid. The list shall be updated quarterly, provided to the attorney general pursuant to R.S. 49:257(B), and information contained therein shall be included within the annual comprehensive annual financial report required pursuant to R.S. 39:80 in a manner determined by the commissioner of administration.

Section 4. R.S. 24:513(J)(1)(c)(v) is hereby repealed in its entirety.

Section 5. If the bill that originated as House Bill No. 228 of the 2022 Regular Session of the Legislature is enacted and becomes law, the provisions of Section 3 of this Act shall be null and void.

Section 6. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 370

HOUSE BILL NO. 88
BY REPRESENTATIVES HARRIS, AMEDEE, BAGLEY, BOURRIQUE, CARRIER, COUSSAN, CREWS, EDMONDS, EDMONSTON, FIRMENT, FONTENOT, GAROFALO, HODGES, HORTON, MIKE JOHNSON, MACK, MAGEE, MCCORMICK, MIGUEZ, ORGERON, SCHAMERHORN, SCHEXNAYDER, SEABAUGH, THOMPSON, WRIGHT, AND ZERINGUE
AN ACT

To enact R.S. 17:2119, relative to curricula; to require instruction in public schools on certain civics and history topics during a week each year designated as Celebrate Freedom Week; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:2119 is hereby enacted to read as follows:

§2119. Celebrate Freedom Week

Each September, in conjunction with Constitution Day and Constitution Week, each public school shall observe Celebrate Freedom Week. As part of this observance, the public school governing authority shall ensure that all students receive age and grade-appropriate instruction, in a social studies or other appropriate course, on topics related to freedom. Such topics may include but are not limited to instruction related to the nation's founding and the intent, meaning, and importance of the Declaration of Independence and the U.S. Constitution, including the Bill of Rights.

Approved by the Governor, June 10, 2022

A true copy:

ACT No. 371

HOUSE BILL NO. 118
BY REPRESENTATIVE FIRMENT
AN ACT

To amend and reenact R.S. 22:2171(C)(7), (D), (E)(6), (F)(12), (G)(12), and (H) through (L) and to enact R.S. 22:2171(C)(23) through (26) and (M), relative to the Louisiana Property and Casualty Insurance Commission; to provide for the members of the commission; to create an ad hoc committee under the commission to study catastrophe property claims; to provide for the members of the commission's ad hoc committees; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2171(C)(7), (D), (E)(6), (F)(12), (G)(12), and (H) through (L) are hereby amended and reenacted and R.S. 22:2171(C)(23) through (26) and (M) are hereby enacted to read as follows:

§2171. Louisiana Property and Casualty Insurance Commission

* * *

C. The commission shall consist of the following members:

* * *

(7) A representative of the ~~Property Casualty Insurers Association of America~~ American Property Casualty Insurance Association, selected by its governing body, or his designee.

* * *

(23) A representative of the Louisiana Claims Association.

(24) A representative of the National Association of Independent Insurance Adjusters.

(25) A representative of the American Adjuster Association.

(26) A representative of the American Policyholder Association.

D. The commission shall consist of ad hoc committees to study property and casualty insurance, including but not limited to the areas of automobile insurance, ~~homeowners~~ homeowners' insurance, and workers' compensation insurance, and catastrophe property claims. The commissioner of insurance shall appoint a chairperson and a vice chairperson for the commission and a chairperson and vice chairperson for each ad hoc committee.

E. The automobile insurance ad hoc committee shall consist of the following members:

* * *

(6) The representative of the ~~Property Casualty Insurers Association of America~~ American Property Casualty Insurance Association or his designee.

* * *

F. The homeowners ad hoc committee shall consist of the following members:

* * *

(12) The representative of the ~~Property Casualty Insurers Association of America~~ American Property Casualty Insurance Association or his designee.

G. The workers' compensation insurance ad hoc committee shall consist of the following members:

* * *

(12) The representative of the ~~Property Casualty Insurers Association of America~~ American Property Casualty Insurance Association or his designee.

H. The catastrophe property claims ad hoc committee shall consist of the following members:

(1) The governor or his designee.

(2) The commissioner of insurance or his designee.

(3) Two members of the Senate Committee on Insurance selected by its chairperson.

(4) Two members of the House Committee on Insurance selected by its chairperson.

(5) A representative of the Independent Insurance Agents & Brokers of Louisiana.

(6) A representative of the National Association of Mutual Insurance Companies.

(7) One consumer representative selected by the speaker of the House of Representatives.

(8) One consumer representative selected by the president of the Senate.

(9) A representative of the Louisiana Claims Association.

(10) A representative of the National Association of Independent Insurance Adjusters.

(11) A representative of the American Adjuster Association.

(12) A representative of the American Policyholder Association.

(13) A representative of the American Property Casualty Insurance Association.

(14) A representative of the Professional Insurance Agents of Louisiana.

I. The members of the commission shall serve without compensation, and their terms shall be for two years.

J. Any vacancies on the commission shall be filled in the same manner as the original appointments for the unexpired portion of the term of the vacated appointment.

K. A majority of the members of the commission shall constitute a quorum for the transaction of business. A majority of the members of an ad hoc committee shall constitute a quorum for the transaction of business of

the ad hoc committee. All official actions of the commission or any ad hoc committee shall require the affirmative vote of a majority of the members of the commission or ad hoc committee present and voting during meetings of the commission or ad hoc committee. The commission shall meet twice annually in any one calendar year and the ad hoc committees may meet on the call of the chairperson of the commission or of the ad hoc committee, or upon the request of any three members of the ad hoc committee.

~~K.(4)~~ L.(1) The commission shall submit to the governor, the Louisiana Legislature, and the commissioner of insurance on an annual basis prior to the convening of each regular legislative session an annual report on their actions, studies, findings, and recommendations of those laws and projects affecting property and casualty insurance.

(2)(a) The commission shall conduct all meetings and hearings, in accordance with R.S. 42:11 et seq., to receive testimony about that information it is charged with gathering. The commission shall also be permitted to receive further information and testimony from regional and national experts on insurance rating issues. The commission shall study ways to give incentives to those communities that have a greater enforcement rate over laws that directly or indirectly affect insurance rates in that community and state.

(b) All state and local agencies and political subdivisions shall cooperate with the commission and assist it in the gathering of information when requested. All materials in the possession or control of the commission or its employees shall be considered public records pursuant to R.S. 44:1 et seq.

~~L. M.~~ The commissioner of insurance shall appoint a director and an assistant director with the consent of the Senate who shall serve at the pleasure of the commissioner. The commissioner of insurance may also employ such persons, including two unclassified employees, as necessary to carry out the provisions of this Section and may establish the compensation of technical, professional, and clerical employees as needed for the commission to accomplish its work. Any such employee shall be compensated from the budget of the commissioner. All of the employees of the commission shall be under the direction and supervision of the commissioner of insurance.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 372

HOUSE BILL NO. 124
BY REPRESENTATIVE MUSCARELLO
AN ACT

To enact Code of Civil Procedure Article 195.1, relative to judicial proceedings conducted by audio-visual means; to provide for hearings and exceptions; to provide for judge trials; to provide for the discretion of the court; to provide for the consent of the parties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 195.1 is hereby enacted to read as follows:

Art. 195.1. Judicial proceedings by audio-visual means

A. A hearing on any motion or exception may be conducted by any audio-visual means at the discretion of the court. If witness testimony is necessary, a party may request that the hearing be conducted in person.

B. A judge trial may be conducted by any audio-visual means with the consent of all parties and permission of the court.

Approved by the Governor, June 10, 2022

A true copy:

R. Kyle Ardoin
Secretary of State