

ACTS OF 2022 LEGISLATURE

Acts 681-776

ACT No. 681

SENATE BILL NO. 178
BY SENATOR FIELDS
AN ACT

To enact R.S. 17:5105, relative to the Taylor Opportunity Program for Students; to provide relative to eligibility for awards; to waive or modify certain eligibility provisions for certain students in response to circumstances related to certain natural disasters and certain public health emergencies; to authorize the administering agency to waive eligibility requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:5105 is hereby enacted to read as follows:

§5105. Eligibility for students impacted by Hurricane Ida

A. The legislature finds that due to the effects of Hurricane Ida, it is in the best interest of the people of the state that initial and continuing eligibility requirements established in Part I of this Chapter for awards pursuant to the Taylor Opportunity Program for Students be modified as provided by this Section.

B. Provisions of this Chapter that provide for initial eligibility are modified or waived as more fully specified in this Subsection:

(1) Notwithstanding the provisions of R.S. 17:5062, the deadline for taking the ACT or SAT for students graduating from high school in 2021 is December 31, 2021. The administering agency may provide an exception to this deadline if the student provides documentation that he was registered for a test that was canceled due to Hurricane Ida and was unable to schedule a test before the deadline due to circumstances beyond his control as determined by the administering agency. The administering agency shall not reduce the time period of eligibility for the award, as set forth in R.S. 17:5002, of an applicant who qualifies for an award pursuant to the authority granted by this Paragraph. The initial award or upgraded award shall be paid for the first time beginning with the semester during which the qualifying score was achieved.

(2) A student who is certified by his principal to have graduated during the 2021-2022 school year from an eligible out-of-state high school shall not be required to have a higher minimum composite score on the ACT than required by R.S. 17:5024 for a student who graduates from an eligible Louisiana high school.

(3) The requirement that a student complete a core curriculum shall be waived upon proper documentation by his principal that failure to comply is due solely to the fact that required courses were not available to the student at the school attended.

(4)(a) A dependent or independent student shall be deemed to meet program residency requirements if he actually resided in Louisiana during his entire eleventh grade year and was enrolled for such time in an eligible Louisiana high school or, for a dependent student, if he has a parent or court-ordered custodian who actually resided in an affected parish for at least the twelve months prior to August 27, 2021.

(b) A parent or court-ordered custodian of a dependent student who is eligible for a program award pursuant to the provisions of R.S. 17:5029, relative to students who graduate from certain out-of-state high schools and who was displaced as a resident from an affected parish shall be deemed to meet residency requirements if the parent or court-ordered custodian actually resided in Louisiana for at least the twelve months prior to August 27, 2021.

(5) A student who during the 2021-2022 school year successfully completes at the twelfth grade level a home study program approved by the State Board of Elementary and Secondary Education, referred to in this Subsection as the “state board”, shall be eligible for a program award by complying with the provisions of R.S. 17:5029 relative to certain home study students. In such case, the requirement that the student, if ever enrolled in an eligible Louisiana high school, begin the program no later than the end of the tenth grade is waived.

(6) The provisions of Paragraphs (2) through (5) of this Subsection shall apply only to a student who on August 27, 2021, was enrolled in a public or nonpublic high school that is located in an affected parish and that has the approval required by Part I of this Chapter for program eligibility purposes or who resided in such a parish and was enrolled in a home study program approved by the state board.

C.(1) Provisions of this Chapter relative to continuing eligibility are modified or waived with respect to the 2021-2022 academic year as more fully specified in this Subsection:

(a) The provisions of R.S. 17:5041 and 5042 requiring a student to make steady academic progress and achieve a certain cumulative grade point average are waived.

(b) For a student whose program award is suspended due to a low grade point average or failure to make steady academic progress, the time periods provided in Part I of this Chapter for him to meet such requirements before losing eligibility shall be extended by one semester for each semester that he is unable to enroll or complete.

(c) The provisions of R.S. 17:5043 providing that a student’s eligibility shall be reduced by a semester for each semester that he is enrolled in an out-of-state college or university are waived.

(2) The provisions of this Subsection shall apply only to a person who, on August 27, 2021, was eligible for or had a program award and who meets either of the following criteria:

(a) His home of record was in an affected parish. For purposes of this Subparagraph, “home of record” means the domiciliary address of a dependent student’s parent or court-ordered custodian or an independent student’s domiciliary address.

(b) He was enrolled in an eligible college or university in an affected parish.

(3) Notwithstanding the provisions of Paragraph (2), this Subsection shall also apply to a student who, on August 27, 2021, was a member of the Louisiana National Guard called to active duty to assist in the preparation for and response to Hurricane Ida.

D. For purposes of this Section, “affected parish” means Jefferson, Lafourche, Livingston, Plaquemines, St. Charles, St. Helena, St. James, St. John the Baptist, Tangipahoa, or Terrebone.

E.(1) The administering agency may waive any provision of Part I of this Chapter that imposes a program eligibility requirement that a student cannot comply with if it determines that the failure to comply is, more likely than not, due solely to the effects of Hurricane Ida.

(2) The administering agency may waive any provision of Part I of this Chapter that imposes a program eligibility requirement that a student cannot comply with if it determines that the failure to comply is, more likely than not, due solely to the effects of any gubernatorially declared disaster or emergency. The authority granted by this Paragraph shall apply only to the 2021-2022 academic year.

(3) In addition to the provisions of the Administrative Procedure Act relative to legislative oversight, the Joint Legislative Committee on the Budget shall have oversight and approval authority over any rule proposed for adoption pursuant to the authority granted by this Subsection.

F. The administering agency may adopt any rule, policy, or guideline necessary to implement the provisions of this Section and shall disseminate information regarding program changes pursuant to the provisions of this Section in the most timely manner possible.

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 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 682

SENATE BILL NO. 192

BY SENATORS BOUDREAUX, BARROW, BERNARD, BOUIE, CARTER, FIELDS, FOIL, HARRIS, LUNEAU, MCMATH, FRED MILLS, MIZELL, PRICE, SMITH, TARVER AND WARD AND REPRESENTATIVES COUSSAN, FREIBERG, GAINES, GLOVER, JEFFERSON, JENKINS, JORDAN, LAFLEUR, LARVADAIN, LYONS, NEWELL, PIERRE, SELDERS, THOMPSON, WHITE AND WILLARD

AN ACT

To enact R.S. 17:3138.10 and R.S. 36:651(K)(10), relative to postsecondary education for students with intellectual and developmental disabilities; to establish the Postsecondary Inclusive Education Fund as a special fund in the state treasury; to provide for the purposes of the fund; to create and provide for the Postsecondary Inclusive Education Advisory Council; to require annual reports with respect to the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3138.10 is hereby enacted to read as follows:

§3138.10. Louisiana Postsecondary Inclusive Education Fund; Postsecondary Inclusive Education Advisory Council

A.(1)(a) The Louisiana Postsecondary Inclusive Education Fund, referred to in this Section as the “fund”, is hereby created within the state treasury as a special fund for the purpose of funding an approved comprehensive inclusive postsecondary education program at each public postsecondary education institution in the state in order to provide pathways to postsecondary degree, certificate, and apprenticeship programs designed to increase independent living and employment opportunities for students with intellectual and developmental disabilities.

(b) An approved inclusive education program, referred to in this Section as an “inclusive program”, shall mean a federally approved comprehensive transition and postsecondary program offered at a Louisiana public postsecondary institution.

(2) Any money donated to the fund or appropriated to the fund by the legislature shall be deposited in the fund. Monies in the fund shall be invested in the same manner as monies in the general fund. Interest earned on investment of monies in the fund shall be credited to the fund.

(3) Monies in the fund shall be appropriated to the Board of Regents for distribution to public postsecondary institutions only for:

(a) The creation, operation, and expansion of inclusive programs.

(b) Technical assistance in creating or expanding inclusive programs.

(c) Dissemination of information on inclusive programs in Louisiana to students with intellectual or developmental disabilities and the parent or guardian of the students.

(4) Any funds distributed to an institution that remain unexpended or unobligated at the end of the fiscal year shall remain in the fund and, subject to appropriation, be available for use in the subsequent fiscal year by an institution for the purposes as provided in this Section.

(5) Funding shall be distributed by the Board of Regents to a public postsecondary education management board only upon the certification by the board, on behalf of the receiving institution, that the institution has or is creating an inclusive program and that all funds shall be used by the institution for the inclusive program.

(6) The fund is in addition to, and separate from, other monies appropriated or allocated to any public postsecondary education management board. Allocations from the fund shall not be included in the Board of Regents' funding formula calculation, nor shall they supplant any state general fund allocations to institutions. The availability of the fund shall not in any way substitute, limit, or otherwise affect the allocation of any funds otherwise available to those institutions under state or federal laws.

B.(1) The Postsecondary Inclusive Education Advisory Council, referred to in this Section as the "council", is hereby created under the auspices of the Board of Regents for the purpose of advising the board with respect to inclusive programs and methods to fund and expand inclusive programs in the state.

(2) The council shall assist the Board of Regents in:

(a) Identifying existing inclusive programs capable of providing technical assistance to institutions creating or expanding inclusive programs and developing a method to provide grants for such technical assistance.

(b) Developing an annual application process for public postsecondary institutions to request funds to create or expand inclusive programs.

(c) Reviewing applications and determining the amount of funds to distribute for each inclusive program.

(d) Determining a method to distribute information about inclusive programs to students and their families.

(3)(a) The council shall be composed of the following members:

(i) Two members with expertise in postsecondary educational programming for students with intellectual and developmental disabilities, appointed by the governor.

(ii) The commissioner of higher education or his designee.

(iii) A director of an inclusive program appointed by the chairman of the Senate Committee on Education.

(iv) A director of an inclusive program appointed by the chairman of the House Committee on Education.

(v) The president of the Louisiana State University System or his designee.

(vi) The president of the Southern University System or his designee.

(vii) The president of the University of Louisiana System or his designee.

(viii) The president of the Louisiana Community and Technical College System or his designee.

(ix) The executive director of the Louisiana Developmental Disabilities Council or his designee.

(x) The director of the Louisiana Rehabilitation Services or his designee.

(xi) An alumnus of an inclusive program appointed by the Louisiana Developmental Disabilities Council.

(xii) The parent or legal guardian of a student who is enrolled in or who has completed an inclusive program appointed by the Louisiana Developmental Disabilities Council.

(xiii) The superintendent of the Special School District or his designee.

(b) Any member selecting a designee shall select the designee from his respective system, agency, office, or association who has expertise in transitional postsecondary educational services.

(4) A vacancy in the membership of the council shall be filled in the same manner as the original appointment.

(5) Members of the council shall elect a chairman, vice chairman, and other officers as they consider necessary.

(6) The members of the council shall serve without compensation, except for per diem or reimbursement of expenses to which they may be entitled as members of the constituent organizations.

(7)(a) The council shall meet upon the call of the chairman or of a quorum of the members of the council.

(b) The chairman shall give at least seven day's notice to the members of the council of the time and place where each meeting will be held.

(c) The commissioner of higher education shall, no later than September 1, 2022, convene the first meeting of the council.

(8) A majority of the members of the council shall constitute a quorum for the transaction of business.

(9) The council shall be domiciled in Baton Rouge but may hold public meetings elsewhere in the state.

C.(1) By February first of each year, the Board of Regents, with assistance from the council, shall submit a report to the Senate Committee on Education,

the Senate Committee on Finance, the House Committee on Education, and the House Committee on Appropriations.

(2) The report shall include:

(a) A detailed accounting of the fund.

(b) The following information for each program that received a distribution from the fund:

(i) The name of the program.

(ii) The name of the institution housing the program.

(iii) The amount provided to the program from the fund for the current academic year and in total.

(iv) Whether the program is operational or in development. If the program is in development, the date the program will begin offering services to students shall be reported.

(v) The student capacity of the program, both in the current academic year and the upcoming academic year.

(vi) The actual number of students enrolled in the program.

(vii) The number of students, if any, on a waiting list for the program.

(viii) A description of the services offered through the program.

(ix) The number of students that completed the program, both during the prior academic year and in total.

(x) The number and percentage of program completers who are employed.

(xi) The number and percentage of program completers who are living independently.

(xii) The purpose for which monies from the fund were requested.

(c) Details on each technical assistance grant provided from the fund.

(d) Recommendations for additional money for the fund, if any.

(3) Each public postsecondary education management board shall report to the Board of Regents the information necessary for the Board of Regents to complete the report.

(4) The report shall be posted on the Board of Regents' website.

Section 2. R.S. 36:651(K)(10) is hereby enacted to read as follows:
§651. Transfer of boards, commissions, departments, and agencies to Department of Education; boards, commissions, and agencies within Department of Education

* * *

K. The following agencies are placed within the Department of Education and shall perform and exercise their powers, duties, functions, and responsibilities as provided by law:

* * *

(10) Postsecondary Inclusive Education Advisory Council (R.S. 17:3138.10).

* * *

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 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 683

SENATE BILL NO. 209
BY SENATOR STINE
AN ACT

To amend and reenact R.S. 22:1969(A)(1), relative to the commissioner of insurance; to authorize the commissioner to order certain penalties to persons engaging in an unfair method of competition or an unfair or deceptive act or practice; to increase the maximum penalties for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:1969(A)(1) is hereby amended and reenacted to read as follows:

§1969. Violations; penalties

A. If, after receiving the person's answer or response or if no answer or response is received within twenty days of receipt of mailing, faxing, or delivery of the notice, the commissioner shall determine that the person charged has engaged in an unfair method of competition or an unfair or deceptive act or practice, he shall reduce his findings to writing and shall issue and cause to be served upon the person charged with the violation a copy of such findings and an order requiring such person to cease and desist from engaging in such method of competition, act, or practice and order any one or more of the following:

(1) Payment of a monetary penalty of not more than one thousand dollars for each and every act or violation, but not to exceed an aggregate penalty of one hundred thousand dollars unless the person knew or reasonably should have known he was in violation of this Part, in which case the penalty shall be not more than twenty-five thousand dollars for each and every act or violation, but not to exceed an aggregate penalty of two hundred fifty thousand dollars five hundred thousand dollars in any six-month period.

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Approved by the Governor, June 18, 2022.

A true copy:

ACT No. 684

SENATE BILL NO. 228
BY SENATOR MORRIS
AN ACT

To enact R.S. 44:42, relative to public records custodians; to provide for immunity from suit in certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:42 is hereby enacted to read as follows:

§42. Immunity from suit for invasion of privacy

A. Any custodian who releases records in response to a public records request made pursuant to this Chapter shall be immune from any lawsuit for invasion of privacy alleged to be caused by the release of public records, provided the custodian acts on advice of counsel.

B. This Section shall not apply if the release of the records is proven to be arbitrary and capricious.

C. A custodian who claims the immunity provided by this Section shall be entitled to a presumption that his conduct was not arbitrary and capricious upon presenting a prima facie case of his reliance on advice of counsel.

D. For purposes of this Section “advice of counsel” means a determination by the custodian’s selected attorney, or if the custodian is an attorney, upon the custodian’s own diligent determination in his capacity as attorney.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 685

SENATE BILL NO. 235
BY SENATOR ALLAIN
AN ACT

To amend and reenact R.S. 47:340(E)(3) and (5), (G)(1) through (5), the introductory paragraph of (G)(6), (G)(8), and (11), (H)(3), (12), and (13), and (I), to enact R.S. 47:339.1, and to repeal R.S. 47:340(H)(15), relative to the administration of local sales and use taxes; to provide for the powers and duties of the Louisiana Sales and Use Tax Commission for Remote Sellers; to authorize the commission to collect local sales and use taxes for collectors that enter into contracts with the commission; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:340(E)(3) and (5), (G)(1) through (5), the introductory paragraph of (G)(6), (G)(8), and (11), (H)(3), (12), and (13), and (I) are hereby amended and reenacted and R.S. 47:339.1 is hereby enacted to read as follows:

§339.1. Louisiana Sales and Use Tax Commission for Remote Sellers; nonremote sales

A. In addition to the duties of the commission pursuant to R.S. 47:339, the commission shall:

(1) Develop a single electronic return for all state and local sales and use taxes in consultation with the Louisiana Uniform Local Sales Tax Board and the Department of Revenue.

(2) Have the authority to enter into contracts with collectors of local sales and use tax and state sales and use tax for the collection of tax from qualifying nonremote sellers. The tax monies received pursuant to these contracts shall, at all times, be and remain the property of the respective taxing authorities.

(3) Provide the minimum tax administration, collection, and payment requirements required by federal law with respect to the collection and remittance of sales and use tax imposed on nonremote sales that the commission is authorized by contract to collect.

(4) Establish a fiscal agent for the purpose of nonremote sales and use tax remittances.

B. Definitions.

(1) “Local taxing authority” and “local” means those parishes, municipalities, special tax districts, political subdivisions, parish governing bodies, and school boards who are authorized under the provisions of the Constitution of Louisiana, the Louisiana Revised Statutes of 1950, and jurisprudence to levy and collect local sales and use taxes.

(2) The term “nonremote sale” means a sale that is made by a nonremote seller that is not a remote sale.

(3) The term “nonremote seller” means a seller that is not a remote seller.

(4) The term “remote sale” means a sale that is made by a remote seller for delivery into Louisiana.

(5) The term “remote seller” means a seller who sells for sale at retail, use, consumption, distribution, or for storage to be used for consumption or distribution any taxable tangible personal property, products transferred electronically, or services for delivery within Louisiana, but does not have a physical presence in Louisiana. The term “remote seller” includes “marketplace facilitators” as defined in R.S. 47:340.1.

(6) The term “qualifying nonremote sale” means a sale by a qualifying nonremote seller in a parish that has entered into a contract for collection by

the commission pursuant to Paragraph (A)(2) of this Section.

(7) The term “qualifying nonremote seller” means a nonremote seller that has a physical location in this state and is registered to file and remit local sales and use taxes pursuant to a local ordinance in two or more parishes.

(8) “Sales and use taxes” and “taxes” shall mean the sales and use taxes levied by the state of Louisiana under the provisions of Title 47 of the Louisiana Revised Statutes of 1950, and the sales and use taxes levied by local taxing authorities in Louisiana under the provisions of the Constitution of Louisiana, statutory laws authorizing the imposition of such taxes, and local sales and use tax ordinances.

C. (1) Notwithstanding the provisions of Subsection A of this Section, the commission shall not begin development of the single electronic return and the implementation of the other duties set forth in Subsection A of this Section until either a local collector or the Department of Revenue executes a contract pursuant to this Section with the commission. Once a contract is executed, the single electronic return shall be available to taxpayers on the first day of the second calendar quarter after the contract is executed.

(2) If the commission certifies at a joint meeting of the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means that the commission has insufficient funds available from R.S. 47:340(E)(3) to meet the deadline set forth in Paragraph (1) of this Subsection for the development, the commission may request an extension of the deadline from the committees until funds are available either through R.S. 47:340(E)(3) or an appropriation.

§340. Louisiana Sales and Use Tax Commission for Remote Sellers; members; powers

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E.

(3) The commission and its operations shall be funded by an amount equal to actual expenses incurred which amount shall not exceed one percent of the total amount of state and local sales and use tax collected on remote sales by the commission. Subject to the limitations provided in this Paragraph, this amount shall be retained by the commission on a monthly basis from current collections of state and local sales tax on remote sales as collected by the commission prior to monthly distribution to the state and local collectors. The commission shall have no authority to retain these monies unless and until a federal law authorizing states to require remote sellers and their agents to collect state and local sales and use taxes on their sales in each state has been enacted and becomes effective or a decision by the United States Supreme Court overrules the physical presence requirement for a remote seller to collect and remit state and local sales and use tax on remote sales for delivery into the state. Upon distribution of the local sales and use tax collected from remote sellers by the commission, the local collectors may retain the usual and customary percentage of collections in accordance with local ordinances or agreements.

* * *

(5)(a) If use tax collections pursuant to R.S. 47:302(K) yield insufficient revenue to fulfill the dedication for the adjudication of local sales and use tax matters that is made pursuant to R.S. 47:302(K)(7) for interagency transfers to the Department of State Civil Service, Board of Tax Appeals, Local Tax Division, and there is no means of financing available to satisfy the dedication pursuant to R.S. 47:337-102(D)(3), the remaining amount necessary to satisfy the dedication shall be considered an actual expense of this commission pursuant to Paragraph (3) of this Subsection, and payment of the interagency transfer due shall be made from local sales and use tax collections of the commission within the first thirty days of the fiscal year.

(b) A part of the interagency transfer due pursuant to Section 2 of Act No. 198 of the 2014 Regular Session of the Legislature may be designated as an actual expense of the commission pursuant to Paragraph (3) of this Subsection, and payment of that designated part may be made from state sales and use tax collections of the commission pursuant to a written agreement with the secretary.

* * *

G. The commission shall have the power, duty, and authority:

(1) To serve as the single entity within the state of Louisiana responsible for all state and local sales and use tax administration, return processing, and audits for remote sales delivered into Louisiana and for nonremote sales that the commission is authorized by contract to collect.

(2) To serve as the central, single agency to which remote sellers shall make state and local sales and use tax remittances and as the central, single agency to which qualifying nonremote sellers shall make state and local sales and use tax remittances on nonremote sales that the commission is authorized by contract to collect.

(3) To assign and direct a single audit of remote sellers for the state and all local taxing authorities and assign and direct a single audit of qualifying nonremote sellers for all state and local taxing authorities that have entered into a contract with the commission pursuant to R.S. 47:339.1.

(4) To serve as the single state of Louisiana agency to represent both state and local taxing authorities in taking appropriate action to enable Louisiana to participate in programs designed to allow Louisiana to more efficiently enforce and collect state and local sales and use taxes on sales made by remote sellers and qualifying nonremote sellers.

(5) To conduct administrative hearings as requested by aggrieved remote sellers and qualifying nonremote sellers, administer oaths, and make adjustments to assessments when justified by the facts and the law, and render decisions following such hearings.

(6) To require remote sellers and qualifying nonremote sellers to register with the commission.

* * *

(8) To enter into agreements to waive or suspend prescription with remote sellers as to state and local taxes and with qualifying nonremote sellers.

* * *

(11) To enter into voluntary disclosure agreements with remote sellers as to state and local sales and use taxes and with qualifying nonremote sellers.
H. Nothing in this Chapter shall be construed to:

* * *

(3) Authorize the commission to exercise any right or perform any function presently exercised by local sales and use tax authorities under present law except as provided in contracts entered into pursuant to R.S. 47:339.1.

* * *

(12) Authorize the commission to serve as a central state collection agency for local sales and use taxes except as provided in contracts entered into pursuant to R.S. 47:339.1.

* * *

(13) Limit any statutory and ordinal provisions in place as of June 16, 2017, that require dealers and taxpayers, with respect to non-remote sales, to pay and remit directly to the single sales and use tax collector in each parish the sales and use taxes due to each local taxing authority within each parish except as provided in contracts entered into pursuant to R.S. 47:339.1.

* * *

~~(15)I.~~ The sums of money collected by the remote seller remote sellers and nonremote sellers and remitted to the commission pursuant to R.S. 47:339 and 339.1 for payment of sales and use taxes imposed by the state and local taxing authorities shall, at all times, be and remain the property of the respective taxing authorities and deemed held in trust for taxing authorities, including while in the possession of the commission.

~~I.~~ The Louisiana State Law Institute is hereby authorized and requested to review all statutes which contain phrases being changed by this Chapter and in all locations it deems appropriate change the references, particularly those that apply to the levy and collection of state and local sales and use taxes.

Section 2. R.S. 47:340(H)(15) is hereby repealed.

Section 3. On or before January 31, 2023, the Department of Revenue, the Louisiana Uniform Local Sales Tax Board, and the Louisiana Sales and Use Tax Commission for Remote Sellers shall jointly submit an informational report on the benefits, challenges, savings, and costs associated with the development, implementation, and maintenance of a combined state and local sales and use tax return for remote and nonremote sales and the designation of a centralized processor of state and local sales tax returns and remittances. The report shall include information on best practices from other states in which a single entity receives and remits revenues directly to all taxing authorities in the state and information on the feasibility of remitting local sales and use taxes daily as received from dealers to the local sales tax collectors. The report shall be submitted to the Senate Committee on Revenue and Fiscal Affairs and the House Committee on Ways and Means. Following publication of the report, interested stakeholders shall be invited to provide written comments within forty-five days of publication which shall be added as an appendix to the report and submitted to the committees.

Section 4. 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 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 686

**SENATE BILL NO. 275
BY SENATOR ABRAHAM
AN ACT**

To enact Chapter 15-B of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:5081 through 5089, relative to affiliates and subsidiaries of local housing authority members; to authorize the pooling of coverage risks; to authorize the pooling of coverage risks that the board of the risk management organization agency deems appropriate; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 15-B of Title 33 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 33:5081 through 5089 is hereby enacted to read as follows:

**CHAPTER 15-B. LOCAL HOUSING AUTHORITY AFFILIATES
AND SUBSIDIARIES SELF-INSURANCE ACT OF 2022**

§5081. Definitions

The following words and terms shall have the meaning indicated unless the context clearly indicates differently:

(1) “Affiliate” means an entity as defined in R.S. 40:384.

(2) “Governing body” means the body which exercises the functions of the affiliate or subsidiary of the local housing authority.

(3) “Risk management organization” means an association formed by two or more affiliates and subsidiaries of local housing authorities by an agreement for the development and administration of a risk management program and one or more group self-insurance funds.

(4) “Risk management program” means a plan and activities carried out under such plan by a risk management organization to reduce risk of loss, including safety engineering and other loss prevention and control techniques, and to administer one or more local self-insurance funds, each established for one or more risks, including the processing and defense of claims brought against members of the organization.

(5) “Local housing authority” means any parish or municipal housing authority.

(6) “Self-insurance fund” means a pool of monies established by a risk management organization from contributions of its members in order to do the following:

(a) Pool any one or more of the following risks: general liability, workers’ compensation, directors and officers liability, including employment practices liability, property, or any other line of coverage approved by the board of trustees of the risk management organization.

(b) Purchase insurance for risks of general liability, workers’ compensation, property coverage, or other lines of coverage approved by the board of trustees of the risk management organization.

(7) “Subsidiary” means an entity as defined in R.S. 40:384.

§5082. Authority of the affiliate or subsidiary of local housing authority to form, join, and participate in risk management agency

A. Any two or more subsidiaries and affiliates of a local housing authority may make and execute an agreement between or among themselves to form and become members of a risk management organization. After a risk management organization has been formed, any affiliate or subsidiary of a local housing authority may, subject to the bylaws and requirements of the entity, become a member and through participation in the organization may do any of the following items:

(1) Pool its general liability risks in whole or in part with those of other affiliates and subsidiaries of local housing authorities.

(2) Pool its workers’ compensation risks in whole or in part with those of other affiliates and subsidiaries of local housing authorities.

(3) Pool its directors and officers liability risks, including employment practices liability coverage, in whole or in part with those of other affiliates and subsidiaries of local housing authorities.

(4) Pool its property coverage risks in whole or in part with those of other affiliates and subsidiaries of local housing authorities.

(5) Pool other coverage risks the board of trustees or the risk management organization may determine to be appropriate in whole or in part with those of other affiliates and subsidiaries of local housing authorities.

(6) Purchase insurance for risks of general liability, workers’ compensation, directors and officers liability, including employment practices liability, property or other insurance for such other lines of coverage pooled by the risk management organization with other affiliates and subsidiaries of local housing authorities participating in and belonging to the risk management organization. The pooled risks of the participating affiliates and subsidiaries of local housing authorities shall be described in a plan of coverages with the total premium prorated among the participants.

B. Affiliates and subsidiaries of local housing authorities concluding an agreement under the provisions of this Chapter shall by resolution duly adopted by their governing body designate the Louisiana Housing Council, Inc. to administer the risk management agency and any group self-insurance fund or funds established by the organization, and to administer the terms and conditions of the agreement by which the organization and any self-insurance fund or funds have been established.

C. All arrangements and agreements made under the authority of this Chapter shall be reduced to writing. Any affiliate and subsidiary of a local housing authority may become a member of a risk management organization by the resolution adopted by its governing body in the same manner as are other proceedings of the governing body. The risk management organization will operate under the name and style as provided in the agreement and shall have the power to sue and be sued.

§5083. Governance of risk management organizations

The insurance committee of the Louisiana Housing Council, Inc., shall constitute the board of trustees of the organization established as provided in R.S. 33:5082 and shall be authorized to adopt bylaws for the administration of the organization, subject to approval of the executive committee of the Louisiana Housing Council, Inc.

§5084. Risk management organization not an insurance company or insurer

A. A risk management organization is not an insurance company or an insurer under the laws of this state and the development and administration by the organization of a group self-insurance refund or funds established for one or more risks shall not constitute doing business as an insurance company. Agreements between affiliates and subsidiaries of housing authorities providing for the creation and maintenance of a risk management organization shall not be deemed to constitute insurance as defined by R.S. 22:46, nor shall the risk management organization or the development of a group self-insurance fund be subject to the provisions of Chapter 1 of Title 22 of the Louisiana Revised Statutes of 1950.

B. Any declaration of coverages issued to its members by the organization shall have the following notice:

In the event of insolvency of the risk management organization, the members of the organization are not covered by the Louisiana Insurance Guaranty Association or the Louisiana Life and Health Insurance Guaranty Association, which guarantees only specific types of policies issued by insurance companies authorized to do business in Louisiana.

§5085. Minimum contributions before risk sharing
A self-insurance fund shall not function as a means of sharing risks of loss among the members of a risk management organization until the risk management organization administering the fund has received, for general liability, property coverage, and any other pooled line of coverage risks, an annual gross premium calculated in accordance with the applicable manual premium rate or rates, plus or minus applicable experience credits or debits, of not less than two hundred thousand dollars for each line of risk.

§5086. Limited liability of members
A. An affiliate or subsidiary of a local housing authority shall not, by reason of being a member of a risk management organization and contributing to a self-insurance fund, be liable to the risk management organization, to any other member, or to any claimant against the organization itself or another member, except for payment of contributions provided in the agreement between the affiliate or subsidiary of the local housing authority and the risk management organization. No risk management organization agreement shall provide for a donation, in whole or in part, of funds of one affiliate or subsidiary of the local housing authority for the benefit of another. Nothing in this Section shall be construed to reduce or limit a participating member's rights or obligations with respect to its employees under the provisions of Chapter 10 of Title 23 of the Louisiana Revised Statutes of 1950.

B. A risk management organization shall administer the assets of a self-insurance fund to maintain appropriate levels of reserves and to ascertain full and timely payment of all fund obligations, including without limitation loss fund requirements, administrative expenses, and costs of insurance.

§5087. Authority of commissioner of insurance
A. Each risk management organization shall file with the commissioner of insurance within six months of the end of the organization's fiscal year a certified audited financial statement and a review of its operations and general condition by a certified independent casualty actuary.

B. No risk management organization shall become operational until issued a certificate of authority by the commissioner of insurance under such rules and regulations as he may promulgate to assure compliance with the provisions of this Chapter. The commissioner of insurance may examine the books, records, and affairs of any risk management organization for the purpose of determining compliance with this Chapter and may revoke the certificate of authority of any organization determined to not be in compliance with this Chapter.

§5088. Excess Insurance
A. A risk management organization shall establish and maintain an aggregate loss fund or stop loss provision as part of the excess insurance policy placements in an amount of not more than one million five hundred thousand dollars for each risk underwritten. The trust fund for each risk underwritten shall maintain a cash reserve for each coverage year sufficient to cover payment of the entire aggregate loss fund, as defined in the applicable excess insurance policy or policies for that risk.

B. Workers' compensation coverage shall provide statutory workers' compensation benefits coverage, including employers' liability coverage with minimum limits of one million dollars.

C. The provisions of this Section regarding excess insurance shall apply only to self-insurance funds.

D. Nothing in this Section shall be construed to reduce or limit a participating affiliate or subsidiary of a local housing authority member's rights or obligations with respect to its employees under the provisions of this Chapter.

E. A risk management organization shall maintain at all times a contract or contracts of specific excess insurance of at least one million dollars per occurrence and a contract of annual aggregate excess insurance of at least two million dollars with respect to general liability claims.

F. Excess insurance carriers selected by the risk management organization shall have a current A.M. Best rating of A-VII as of the date of commencement of coverage.

G. The organization shall maintain at all times contracts of excess insurance with respect to all lines of coverage as may be approved by the board of trustees of the organization in such amounts as determined by the board of trustees of the organization.

§5089. Audit of funds
The legislative auditor may examine and audit the books and accounts of any fund established under the provisions of this Chapter pursuant to the provisions of R.S. 24:513. In addition, each participating affiliate or subsidiary of a local housing authority member at its cost may cause an examination and audit by its representatives of any self-insurance funds in which it participates pursuant to this Chapter.

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 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 687

SENATE BILL NO. 280

BY SENATOR BERNARD
AN ACT

To amend and reenact R.S. 38:21, 22, 23, 26(C), 27, and 28(B), and to enact R.S. 38:28(C) and (D), relative to DOTD and the inspection, regulation, and supervision of all present or future dams within the state; to provide for additional requirements for the engineer; to provide for certain penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:21, 22, 23, 26(C), 27, and 28)B(are hereby amended and reenacted and R.S. 38:28(C) and (D) are hereby enacted to read as follows:

§21. Intent

It is the responsibility of the state to provide a means for the inspection, regulation, and supervision of all present or future dams within the state and the operation and maintenance of those as specified in this Chapter, both federal and nonfederal but excluding the Toledo Bend Dam, **and the locks and dams on the Red River, Ouachita River, Black River, Mississippi River, and tributaries under the jurisdiction of the United States Army Corps of Engineers,** in order to prevent and correct potential hazards to downstream life and property in the event of failure of any dam.

§22. Definitions

~~For the purposes of this Chapter,~~ **When used in this Chapter, the following words, terms and phrases, shall have the following meaning:**

(1) a dam “Dam” is any artificial barrier, including appurtenant works, which does or will impound or divert water or any other liquid substance and which ~~(1) is~~ **has** or will be **have a dam height** of twenty-five feet or more in height from the bed of the watercourse measured at the downstream toe of the barrier ~~or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the maximum water storage elevation or (2) has or will have an impounding capacity at a maximum water~~ **liquid** storage elevation **capacity** of fifty acre-feet or more. This definition does not include any dam or barrier that is not or will not be in excess of six feet in height, regardless of storage capacity or which has or will have a storage capacity of maximum water storage elevation **capacity** not in excess of fifteen acre-feet, regardless of height.

(2) “Dam height” **means the difference in elevation of the bed of the watercourse measured at the downstream toe of the barrier or from the lowest elevation of the outside limit of the barrier, if it is not across a stream channel or watercourse, to the lowest point on the crest of the dam excluding any spillways or controlled openings.**

(3) “Modification” **means enlargements or changes that may affect the safety of the dam, including but not limited to adding significant amounts of material to, or removing material from the cross-section of a dam; changing the dimensions or elevations of spillways; correcting damages associated with significant seepage through or under the dam; building a roadway or placing utilities on or in any part of the dam or altering the operational features of a dam excluding activities associated with routine maintenance.**

§23. Permit or consent required

~~A.~~ All dams, as herein ~~above~~ described **in R.S. 38:22**, both federal and nonfederal but excluding the Toledo Bend Dam, **and the locks and dams on the Red River, Ouachita River, Black River, Mississippi River and tributaries under the jurisdiction of the United States Army Corp of Engineers,** shall be under the jurisdiction of the state acting through the chief engineer of the Department of Transportation and Development, office of engineering. The chief engineer, or his authorized representative, shall have supervision and overview of the construction, modification, operation, and maintenance of the dams to the extent required to protect life and property and to provide for the safety and welfare of the public. No person, partnership, association, corporation, agency, or political subdivision shall construct any such dam or make, construct, or permit to be made or constructed any ~~change in~~ **modification of** the dam without first obtaining the written consent or permit of the chief engineer. No permit is required for routine maintenance.

B. All designs for new dams or for modifications or removal of existing dams under the jurisdiction of the state shall be designed by a professional engineer registered in Louisiana and shall be in compliance with all rules and regulations promulgated under the provisions of the Administrative Procedure Act. The engineer providing professional services shall notify the owner in writing of the owner's obligation to obtain a permit or written consent of the chief engineer before the start of construction of a new dam or modification or removal of an existing dam.

* * *

§26. Violations; orders of chief engineer; remedial measures; emergency situations; designated operation and maintenance

* * *

C. The commission or political subdivision under whose authority the following dams are established, is hereby authorized to transfer the maintenance and operation thereof to the Department of Transportation and Development, office of engineering, and the Department of Transportation and Development, office of engineering, is hereby authorized and directed to operate and maintain the dam, water-control structures, gates, spillway, and related appurtenances to the extent that it deems necessary to ensure that the manmade impoundment structure and the attendant water-control devices are functioning to design capabilities.

- (1) Bundick Creek in Beauregard Parish
- (2) Kepler Creek Dam in Bienville Parish
- (3) Ivan Lake Dam in Bossier Parish
- (4) Lake Bistineau **Dam** in Bossier Parish

- (5) Black Lake Dam in Caddo Parish
(6) Lake Claiborne Dam in Claiborne Parish
(7) Smithport Dam in DeSoto Parish
(8) Chicot Lake Dam in Evangeline Parish
(9) Turkey Creek Dam in Franklin Parish
(10) Iatt Lake Dam in Grant Parish
(11) Nantachie Lake Dam in Grant Parish
(12) Caney Lake ~~Dam~~ in Jackson Parish
(13) ~~Allen~~-Chivery ~~Dam~~ in Natchitoches Parish
(14) Saline Lake Dam in Natchitoches Parish
(15) Bayou Cocodrie in Rapides Parish
(16) John K. Kelly Grand Bayou in Red River Parish
(17) Bayou Darbonne Dam and Reservoir in Union Parish
(18) Lower Anacoco ~~Dam~~ in Vernon Parish
(19) Vernon Lake Dam in Vernon Parish
(20) Black Lake Bayou Reservoir in Natchitoches Parish
(21) Nantachie Lake Dam No. 2 in Grant Parish

* * *

§27. Damage claims

No action may be brought against the state of Louisiana, its agencies, or its agents and employees for the recovery of damages caused by the partial or total failure of any dam or through the operation of any dam on the basis that such defendant or defendants is liable to the claimant because of the approval of the dam, or the approval of plans for flood handling during the period of construction, **modification, removal**, or the issuance or enforcement of orders relative to maintenance, **repair, modification, removal**, or operation of the dam, or the control and regulation of the dam, or the measures taken to protect against failure of the dam during an emergency.

§28. Penalties

A. * * *

~~B. Whoever violates any of the provisions of this Section shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both. Any engineer providing professional services who designs a new dam or a modification or removal of an existing dam without notifying the owner in writing of the owner's obligation to obtain a permit or written consent of the chief engineer prior to the start of construction shall be reported to the Louisiana Professional Engineering and Land Surveying Board (LAPELS).~~

~~C. Upon request of the Department of Transportation and Development, the state police may issue a citation to any person who is in violation of Subsection A of this Section. Every person who is convicted of a violation of Subsection A of this Section shall be guilty of a misdemeanor and shall be fined not more than five hundred dollars or be imprisoned for not more than six months, or both.~~

~~D. Every fine imposed pursuant to the provisions of this Section shall be collected by the court and forwarded to the state treasurer for deposit in the Transportation Trust Fund to defray the costs of the Louisiana Dam Safety Program.~~

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

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 688

SENATE BILL NO. 283
BY SENATOR BERNARD
AN ACT

To amend and reenact R.S. 18:1945(C), relative to redistricting plans; to provide for redistricting plan submission requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1945(C) is hereby amended and reenacted to read as follows:

§1945. Submission of redistricting plans to the secretary of state; required format

* * *

C. No redistricting plan **of a local governing body** shall be implemented unless the information required in Subsection A or B of this Section is received by the secretary of state prior to 4:30 p.m. four weeks prior to the date the qualifying period opens. **However, technical corrections to a timely submitted redistricting plan of a local governing body may be submitted no later than ten days prior to the date the qualifying period opens.**

* * *

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 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 689

SENATE BILL NO. 297

BY SENATORS BARROW, BERNARD, BOUDREAUX, BOUIE, CARTER,
CONNICK, FIELDS, HEWITT, JACKSON, MIZELL, POPE, PRICE AND
SMITH
AN ACT

To amend and reenact R.S. 17:3399.12(3) and (5)(a) and (b), 3399.13.1(F), 3399.16(A) and (E), and 3399.18(B)(17), (E), and (F), relative to power-based violence at public postsecondary institutions; to provide relative to definitions and implementation of the Campus Accountability and Safety Act; to require a report to the legislature; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3399.12(3) and (5)(a) and (b), 3399.13.1(F), 3399.16(A) and (E), and 3399.18(B)(17), (E), and (F) are hereby amended and reenacted to read as follows:

§3399.12. Definitions

For the purposes of this Part, the following terms and phrases shall have the following meanings unless the context clearly indicates otherwise:

* * *

(3) “Employee” means:

(a)(i) An administrative officer, official, or employee of a public postsecondary education board or institution.

(ii) Anyone appointed to a public postsecondary education board or institution.

(iii) Anyone employed by or through a public postsecondary education board or institution.

(iv) Anyone employed by a foundation or association related to a public postsecondary education management board or institution.

(b) “Employee” does not include a student enrolled at a public postsecondary institution **whose employment is contingent upon enrollment as a student**, unless the student works for the institution in a position such as a teaching assistant or a residential advisor.

* * *

(5) “Power-based violence” means any form of interpersonal violence intended to control or intimidate another person through the assertion of power over the person and shall include the following:

(a) Dating violence (R.S. 46:2151(C)).

(b) Domestic abuse and family violence (R.S. 46:2121.1(2) and 2132(3)). For the purposes of this Part, domestic abuse shall also include any act or threat to act that is intended to coerce, control, punish, intimidate, or exact revenge on the other party, for the purpose of preventing the victim from reporting to law enforcement or requesting medical assistance or emergency victim services, or for the purpose of depriving the victim of the means or ability to resist the abuse or escape the relationship.

* * *

§3399.13.1. Administrative reporting requirements

* * *

F. The Board of Regents, **in consultation with the Louisiana Power-Based Violence Review Panel**, shall annually submit a report to the governor, the president of the Senate, the speaker of the House of Representatives, and the Senate and House committees on education **and select committees on women and children** by January fifteenth which shall include system-wide and statewide information. The report shall also include any recommendations for legislation. The report shall be published on the website of the Board of Regents.

* * *

§3399.16. Safety education; recognition and reporting of potential threats to safety

A. ~~The~~ **Not later than the beginning of the fall semester of 2022, the** administration of each institution, in consultation with campus or local law enforcement agencies, shall develop and distribute information to students regarding power-based violence, campus safety, and internet and cell phone safety and online content that is a potential threat to school safety.

* * *

E. Each institution shall adopt a policy to implement the provisions of this ~~Part~~ **Section**. The policy shall require that for every report of an incident of power-based violence or a safety threat received, the actions taken by the institution and the campus law enforcement agency or security officers be documented. The ~~polices~~ **policy** shall also provide for guidelines on referring the reports to the appropriate law enforcement agencies.

* * *

§3399.18. Louisiana Power-Based Violence Review Panel

* * *

B. The panel shall be composed of the following members:

* * *

(17) A Title IX coordinator representing ~~a~~ **each** public postsecondary education system. ~~The Title IX coordinator shall serve for one year, and the membership shall rotate between the higher education systems in the following order: the Louisiana State University System, the Southern~~

~~University System, the University of Louisiana System, and the Louisiana Community and Technical College System. Each coordinator shall be appointed by his system the president of the system.~~

~~E. The commissioner of higher education shall call an organizational meeting of the panel by August 15, 2021. The panel shall elect a chairman, and any other officers deemed necessary, from among the membership.~~

~~F. The panel shall meet at least two times per year up to a maximum of four times per year, and may meet at other times upon the call of the chair or as provided by panel rules.~~

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 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 690

SENATE BILL NO. 311
BY SENATOR MILLIGAN
AN ACT

To amend and reenact R.S. 29:726.5(A), (B), and (D) and 726.6(A), (B), (C) (1), and (D) and to enact R.S. 29:726(E)(30) and 726.5(C)(4), relative to the Governor's Office of Homeland Security and Emergency Preparedness; to provide for authority and responsibilities; to provide for promulgation of rules; to provide for an annual emergency preparedness class; to provide for disbursement of assets and diversion of resources during an emergency; to provide for the Louisiana Commission on School and Nonprofit Security; to provide for a fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:726.5(A), (B), and (D) and 726.6(A), (B), (C)(1), and (D) are hereby amended and reenacted and R.S. 29:726(E)(30) and 726.5(C)(4) are hereby enacted to read as follows:

§726. Governor's Office of Homeland Security and Emergency Preparedness; authority and responsibilities

E. The office shall either directly or through authorized assignment to another state agency or department:

(30) Prior to August 1, 2022, promulgate standards and regulations in accordance with the Administrative Procedure Act regarding disbursement of assets and diversion of resources during a federally or gubernatorially declared emergency. For purposes of expeditious implementation of the provisions of this Paragraph, the office shall utilize emergency rulemaking for the promulgation of the initial administrative rules.

§726.5. Louisiana Commission on ~~School and Nonprofit Safety and Security~~
A. The Louisiana Commission on **School and Nonprofit Safety and Security**, hereinafter referred to as the "commission", is hereby established within the Governor's Office of Homeland Security and Emergency Preparedness to study and make recommendations on the security needs of **schools and** nonprofit organizations that are at high risk of terrorist attacks in Louisiana, including recommendations on the establishment, administration, and funding of a grant program for eligible entities to apply for security grants covering security personnel, security training, facility hardening, and other necessary security measures.

B. The commission shall be comprised of the following members:

(1) The director of the Governor's Office of Homeland Security and Emergency Preparedness, or his designee, ~~who shall serve as chair of the commission.~~

(2) ~~A representative of the governor's office appointed by the governor.~~

(3) The chair of the House Select Committee on Homeland Security or his designee.

(4) (3) The chair of the Senate Select Committee on Homeland Security or his designee.

(5) (4) The superintendent of state police or his designee.

(6) (5) The executive director of the Louisiana Sheriffs' Association or his designee **with expertise in terrorist attacks.**

(7) ~~The executive director of the Louisiana Association of Chiefs of Police or his designee.~~

(8) (6) The executive director of the Louisiana Interchurch Conference or his designee.

(9) ~~The executive director of the Louisiana Association of Nonprofit Organizations.~~

(7) **The superintendent of the Department of Education or his designee.**

C.

(4) **The commission shall elect a chair by a majority vote of the members.**

D. The commission shall issue a report to the Governor's Office of Homeland

Security and Emergency Preparedness, **the Senate Select Committee on Homeland Security, and the House Select Committee on Homeland Security** of its findings and recommendations with respect to the security status and needs of **schools and** nonprofit organizations that are at high risk of terrorist attacks in Louisiana. The report shall be issued annually and at such other times as deemed necessary by the commission or the Governor's Office of Homeland Security and Emergency Preparedness.

§726.6. Fund and grant program

A. The Governor's Office of Homeland Security and Emergency Preparedness is authorized and directed to establish a grant program through which eligible **schools and** nonprofit organizations described in Subsection B of this Section can apply for and receive grants to defray the cost of security enhancements or measures including:

- (1) Safety and security planning.
- (2) Safety and security equipment.
- (3) Security-related technology.
- (4) Safety and security training.
- (5) Safety and security exercises.
- (6) Threat awareness and response training.
- (7) Upgrades to existing structures that enhance safety and security.
- (8) Vulnerability and threat assessments.
- (9) Security personnel.

B. (1) Eligible nonprofit organizations include organizations that meet all of the following requirements:

(1) (a) The organization is described in Section 501(c)(3) of the Internal Revenue Code and exempt from tax under Section 501(a) of the Internal Revenue Code.

(2) (b) The organization is determined by the program administrator to be at risk of a terrorist attack. Factors the program administrator may consider in making its determination include but are not limited to the following:

(a) (i) Prior incidents that have occurred at any facility owned or used by the organization.

(b) (ii) Prior threats made against the organization.

(c) (iii) Current events or incidents impacting other organizations that have a similar mission, belief, or ideology.

(d) (iv) Feedback or information on the current local threat environment from local law enforcement agencies, parish offices of homeland security and emergency preparedness, the Louisiana State Analytical and Fusion Exchange, field offices of the Federal Bureau of Investigation, and other organizations, entities, or agencies.

(2) **Eligible schools include public elementary or secondary schools in a city, parish, or other local public school district or other political subdivision and nonpublic schools approved by the State Board of Elementary and Secondary Education pursuant to R.S. 17:11.**

C.(1) There is hereby established in the state treasury a special fund to be known as the Louisiana **School and Nonprofit Safety and Security Grant** Program Fund, hereinafter referred to in this Subsection as the "fund". Interest earned on the investment of monies in the fund shall be deposited in and credited to the fund. Unexpended and unencumbered monies in the fund at the close of each fiscal year shall remain in the fund. Monies in the fund shall be appropriated, administered, and used solely for the purposes of the security grant program as provided by this Section.

D. The Governor's Office of Homeland Security and Emergency Preparedness shall adopt any regulations or rules, pursuant to the Administrative Procedure Act, necessary to implement the security grant program established by this Section and to administer the Louisiana **School and Nonprofit Safety and Security Grant Program Fund.**

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 691

SENATE BILL NO. 313
BY SENATOR CLOUD
AN ACT

To enact R.S. 33:441(D), relative to Mayor's court; to provide relative to training requirements for mayors and magistrates; to provide relative to verification of training; to provide relative to continuing education; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:441(D) is hereby enacted to read as follows:

SUBPART G. MUNICIPAL COURTS

§441. Mayor's court

D. Every mayor or magistrate presiding over a mayor's court pursuant to this Subpart shall be required to receive training within ninety days of assuming status as presiding authority, either online or in-person, which training shall be provided by the Louisiana Supreme Court. This training shall include ethics and training on judicial and legal procedures related to mayor's courts. The Legislative Auditor shall verify attendance at this training and assist the Supreme Court in providing this training. Following the initial training requirements, presiding mayors and magistrates shall receive, each year,

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

continuing education as prescribed by the Louisiana Supreme Court.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 692

SENATE BILL NO. 314
BY SENATOR CORTEZ
AN ACT

To amend and reenact R.S. 4:149 and 217(E), relative to historical horse racing; to provide for offtrack wagering facilities; to provide for purse supplements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:149 and 217(E) are hereby amended and reenacted to read as follows:

§149. Wagering; rules and regulations

The commission may prescribe rules and regulations under which shall be conducted all horse races upon the results of which there is wagering. The commission shall, as may be necessary, prescribe additional special rules and regulations applicable separately to thoroughbreds and quarter horses. The commission shall make rules governing, permitting, and regulating the wagering on horse races under the form of mutuel wagering by patrons, known as pari-mutuel wagering, whether on live or historical horse races. Only those persons receiving a license from the commission may conduct this type of wagering, and shall restrict this form of wagering to a any space within the race meeting grounds or an offtrack wagering facility, **as determined solely by the commission**. All other forms of wagering on the result of horse races are illegal.

* * *

§217. Purse supplements; designation and distribution

* * *

E. Notwithstanding, and in lieu of, any other provision of law, the monies designated for purses under the provisions of R.S. 4:216(E) from wagers placed at offtrack wagering facilities on historical horse races shall be distributed in the same manner as set forth in R.S. 27:438(B) as in effect at the time of any such distribution, and if R.S. 27:438(B)(2)(a) becomes effective, any such quarter horse purse supplements shall **not** be included in the calculation of the applicable maximum of one million dollars per state fiscal year and the settlement amount as set forth therein.

* * *

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 693

SENATE BILL NO. 323
BY SENATORS CLOUD, WHITE AND HENRY AND REPRESENTATIVE GAROFALO
AN ACT

To enact R.S. 15:903.1, relative to juveniles; to provide for the placement of children in the custody of the office of juvenile justice; to provide for juvenile facilities; to provide for a tiered system of secured juvenile facilities; to provide for rulemaking; to provide for terms, conditions, procedures, and requirements; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:903.1 is hereby enacted to read as follows:

§903.1. Tiered system of secured juvenile facilities

A. Notwithstanding any other provisions of law to the contrary, the deputy secretary for youth services shall adopt rules to develop and implement a tiered system of secure juvenile facilities in the state for the placement of children in the custody of the office of juvenile justice. The tiered system shall be developed and implemented for the placement of low risk, medium, and high risk children. The rules shall be adopted no later than January 1, 2023, and shall be adopted in accordance with the Administrative Procedure Act.

B. The rules, at a minimum, shall include all of the following:

(1) An assessment of each child to be performed upon placement in the custody of the office of juvenile justice and at other times determined necessary by the deputy secretary. The assessment shall be used to classify each child as high risk, medium risk, or low risk by evaluating risk factors, including but not limited to age, sex, criminogenic, and aggressive tendencies. The results of an assessment shall determine facility placement of a child.

(2) A medical, educational, and psychological evaluation of each child to be performed upon placement in the custody of the office of juvenile justice.

(3) A continuum of care plan for each child in the custody of the office of juvenile justice, which, at a minimum, shall include treatment, service, academic, and vocational opportunities.

C. For the purposes of this Section:

(a) A child is deemed “in the custody of the office of juvenile justice” if he is judicially committed to the Department of Public Safety and Corrections, youth services, office of juvenile justice, regardless of where the child is physically

held, including but not limited to state-run secure facilities, state-run nonsecure facilities, contracted facilities, and detention centers.

(b) A “juvenile facility” is any facility in which a child judicially committed to the office of juvenile justice is placed, whether the facility is run directly by the state or contracted by any agency of the state.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 694

SENATE BILL NO. 332
BY SENATOR HENRY
AN ACT

To amend and reenact R.S. 26:80(A)(2) and 280(A)(2), relative to the office of alcohol and tobacco control; to provide relative to permits; to provide relative to residency requirements; to remove the two-year residency requirement for alcohol retail permits; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§80. Qualifications of applicants for permits

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

* * *

(2) Be a citizen of the United States and the state of Louisiana and a resident of the state of Louisiana continuously for a period of not less than two years next preceding the date of the filing of the application. However, the requirements as to Louisiana citizenship **and residency** do not apply to wholesalers or retailers who held permits on or prior to January 1, 1946, **or to liquor retailers as defined in R.S. 26:2(14).**

* * *

§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:

* * *

(2) Be a citizen of the United States and of the state of Louisiana and a resident of the state of Louisiana continuously for a period of not less than two years next preceding the date of the filing of the application. However, the requirements as to Louisiana citizenship **and residency** do not apply to wholesale or retail dealers who have continuously held permits since July 26, 1944, **or to liquor retailers as defined in R.S. 26:241(11).**

* * *

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 695

SENATE BILL NO. 347
BY SENATOR MILLIGAN AND REPRESENTATIVE GAROFALO
AN ACT

To amend and reenact R.S. 38:2237.1(D) and R.S. 39:1672(C)(2) and 1753.1(A)(1) and (E), and to enact R.S. 39:1672(C)(7), relative to procurement of certain telecommunications equipment; to provide for audits of documentation submitted by certain vendors; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2237.1(D) is hereby amended and reenacted to read as follows:

§2237.1. Procurement of telecommunications or video surveillance equipment or services by state agencies and certain educational entities

* * *

~~D. This Section shall apply only to procurements initiated on or after August 1, 2021, by state agencies, certain educational entities, and their service providers. **Any vendor or other entity who provides the documentation required in Subsection B of this Section found to supply telecommunications or video surveillance equipment or services as defined to the procuring agency, certain educational entity or their service provider that were prohibited at the time of procurement shall, at its own expense, replace the prohibited telecommunications or video surveillance equipment or services with nonprohibited equipment or services of at least equal quality and performance. Compliance with this Section by a procuring agency and certain educational entities is subject to audit by the Louisiana Legislative Auditor.**~~

Section 2. R.S. 39:1672(C)(2) and R.S. 39:1753.1(A)(1) and (E) are hereby amended and reenacted and R. S. 39:1672(C)(7) is hereby enacted to read as follows:

§1672. Authority to debar or suspend

* * *

C.

* * *

(2) Conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, receiving stolen property, or

any other offense indicating a lack of business integrity or business honesty which currently, seriously, and directly affects responsibility as a state contractor.

(7) Violation of the procurement of telecommunications or video surveillance equipment or services by agencies and certain educational entities set forth in R.S. 39:1753.1.

§1753.1. Procurement of telecommunications or video surveillance equipment or services by state agencies and certain educational entities

A. (1) “Agency” shall have the same meaning as provided in R.S. 36:3 **means any department, office, division, commission, council, board, bureau, committee, institution, agency, government corporation, or other establishment or official of the executive branch of state government or any parish, city, town, governmental body, and any other subdivision of the state or public agency thereof, public authority, public educational, health, or other institution, and to the extent provided by law, any other entity which expends public funds for the acquisition or leasing of supplies, services, major repairs, and construction.**

E. This Section shall apply only to procurements initiated on or after August 1, 2021, by state agencies, certain educational entities, and their service providers. **Any vendor or other entity who provides the documentation required in Subsection C of this Section found to supply telecommunications or video surveillance equipment or services as defined to the procuring agency, certain educational entity or their service provider that were prohibited at the time of procurement shall, at its own expense, replace the prohibited telecommunications or video surveillance equipment or services with nonprohibited equipment or services of at least equal quality and performance. Compliance with this Section by a procuring agency and certain educational entities is subject to audit by the Louisiana Legislative Auditor.**

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 696

SENATE BILL NO. 348
BY SENATOR CLOUD
AN ACT

To enact R.S. 42:812, relative to the Office of Group Benefits; to provide for requirements for health plans; to provide for information on denied prior authorizations be transmitted to healthcare providers; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 42:812 is hereby enacted to read as follows:

§812. Transparency in prior authorizations

A. Beginning January 1, 2023:

(1) **The office shall require every health plan offered through the office to furnish in writing or provide electronically, within one business day of a written or oral request by a healthcare provider, the medical criteria and any other requirements that must be satisfied in order for a particular healthcare service, procedure, or prescription drug to be prior authorized by the health plan.**

(2) **Upon the denial of a prior authorization by a health plan offered through the office, the office shall require the health plan to provide with the written notification of the denial either a copy of the applicable law, regulation, policy, procedure, or medical criterion or guideline that was used by the health plan in the determination to deny the prior authorization or instructions on how to access such law, regulation, policy, procedure, or medical criterion or guideline on the website of the health plan that is publicly accessible.**

B. The office may adopt rules in accordance with the Administrative Procedure Act as are necessary for the implementation of this Section.

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 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 697

SENATE BILL NO. 358
BY SENATOR JACKSON AND REPRESENTATIVE THOMPSON
AN ACT

To amend and reenact the introductory paragraph of R.S. 17:416(A)(1)(b)(ii), 416(A)(1)(c)(ii)(dd), (2)(a), the introductory paragraph of 416(A)(4), 416(A)(4)(b) and (c), 416.13, 416.20(A), and 3996(B)(32) and to enact R.S. 17:416.14, relative to bullying; to renumber and reorganize present law relative to bullying; to require all elementary and secondary schools to institute a program to prohibit and prevent bullying; to provide for fines for failure to act; and to

provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 17:416(A)(1)(b)(ii), 416(A)(1)(c)(ii)(dd), (2)(a), the introductory paragraph of 416(A)(4), 416(A)(4)(b) and (c), 416.13, 416.20(A), and 3996(B)(32) are hereby amended and reenacted and R.S. 17:416.14 is hereby enacted to read as follows:

§416. Discipline of students; suspension; expulsion

A.(1)

(b)

(ii) In addition to those procedures set forth in ~~R.S. 17:416.13~~ **R.S. 17:416.14** regarding bullying, disciplinary action by a school employee may include but is not limited to:

(c)

(ii)

(dd) The principal or designee shall follow all procedures set forth in ~~R.S. 17:416.13~~ **R.S. 17:416.14** regarding bullying.

(2) As used in this Section:

(a) “Bullying” is defined in ~~R.S. 17:416.13~~ **R.S. 17:416.14**.

(4) The governing authority of each public elementary and secondary school shall adopt such rules and regulations as it deems necessary to implement the provisions of this Subsection and of ~~R.S. 17:416.13~~ **R.S. 17:416.14**. Such rules and regulations shall include but not be limited to the following provisions:

(b) Procedures implementing the provisions of ~~R.S. 17:416.13~~ **R.S. 17:416.14** regarding bullying.

(c) A procedure requiring that, within a reasonable period of time, a principal shall review any such report and then act upon it as provided by this Section, or ~~R.S. 17:416.13~~ **R.S. 17:416.14**, or explain the reasons for failing to act to the local superintendent of schools or his designee and to the teacher, other school employee, student, parent, or legal guardian reporting the violation.

§416.13. Student code of conduct; requirement; ~~bullying; prohibition; notice; reporting; accountability~~

A. ~~Code of Conduct.~~ The governing authority of each public elementary and secondary school shall adopt a student code of conduct for the students in the schools under its jurisdiction. The code of conduct shall be in compliance with all existing rules, regulations, and policies of the ~~school board~~ **local school governing authority** and of the State Board of Elementary and Secondary Education and all state laws relative to student discipline and shall include any necessary disciplinary action to be taken against any student who violates the code of conduct.

B. ~~Bullying Policy.~~ (1) The governing authority of each public elementary and secondary school shall adopt, and incorporate into the student code of conduct, a policy prohibiting the bullying of a student by another student, which includes the definition of bullying as provided in ~~Subsection C of this Section~~ **R.S. 17:416.14**. This policy ~~must~~ **shall** be implemented in a manner that is ongoing throughout the school year and integrated with a school’s curriculum, a school’s discipline policies, and other violence prevention efforts.

§416.14. Bullying; definition; prohibition; notice; reporting; accountability

A. For the purposes of this Title, “bullying” shall mean:

(1) **A pattern of any one or more of the following:**

(a) ~~Gestures, including but not limited to obscene gestures.~~

(b) ~~Written, electronic, or verbal communications, including but not limited to calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors. Electronic communication includes but is not limited to a communication or image transmitted by email, instant message, text message, blog, or social networking website through the use of a telephone, mobile phone, pager, computer, or other electronic device.~~

(c) ~~Physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property.~~

(d) ~~Repeatedly and purposefully shunning from activities.~~

(2)(a) ~~Where the pattern of behavior as provided in Paragraph (1) of this Subsection is exhibited toward a student, more than once, by another student or group of students and occurs, or is received by, a student while on school property, at a school-sponsored or school-related function or activity, at any designated school bus stop, in any school bus or any other school or private vehicle used to transport students to and from school or any school-sponsored activity or event.~~

(b) ~~The pattern of behavior as provided in Paragraph (1) of this Subsection shall have the effect of physically harming a student, placing the student in reasonable fear of physical harm, damaging a student’s property, placing the student in reasonable fear of damage to the student’s property, or shall be sufficiently severe, persistent, and pervasive enough to either create an intimidating or threatening educational environment, have the effect of substantially interfering with a student’s performance in school, or have the effect of substantially disrupting the orderly operation of the school.~~

B. ~~Each elementary and secondary school shall institute a program to prohibit and prevent bullying. The program shall:~~

(1) ~~Define bullying as provided in Subsection A of this Section.~~

(2) ~~Ensure each student, each student’s parent or legal guardian, and each~~

school administrator, teacher, counselor, bus operator, school employee, and volunteer is aware of his duties and responsibilities relative to preventing and stopping bullying.

(3) Provide for a process for reporting and investigating alleged incidents of bullying.

(4) Provide for appropriate discipline of a student found guilty of bullying.

(5) Provide for appropriate remedies for a student found to have been bullied.

(6) Provide for procedures for investigating and reporting each school administrator, teacher, counselor, bus operator, and school employee for failure to act as provided in Subsection I of this Section.

~~(2)~~**C.** The governing authority of each public elementary and secondary school shall:

~~(a)~~**(1)** Conduct a review of the student code of conduct required by this Section ~~R.S. 17:416.13~~ and amend the code as may be necessary to assure that the policy prohibiting the bullying of a student by another student specifically addresses the behavior constituting bullying, the effect the behavior has on others, including bystanders, and the disciplinary and criminal consequences, and includes the definition of bullying as provided in Subsection ~~E~~ **A** of this Section.

~~(b)~~**(2)** Create a program to provide a minimum of four hours of training for new employees who have contact with students and two hours of training each year for all school employees who have contact with students, including bus operators, with respect to bullying. The training shall specifically include the following:

~~(i)~~**(a)** How to recognize the behaviors defined as bullying in Subsection ~~E~~ **A** of this Section.

~~(ii)~~**(b)** How to identify students at each grade level in the employee's school who are most likely to become victims of bullying, while not excluding any student from protection from bullying.

~~(iii)~~**(c)** How to use appropriate intervention and remediation techniques and procedures.

~~(iv)~~**(d)** The procedures by which incidents of bullying are to be reported to school officials.

~~(v)~~**(e)** Information on suicide prevention, including the relationship between suicide risk factors and bullying. This content shall be based on information supported by peer-reviewed research conducted in compliance with accepted scientific methods and recognized as accurate by leading professional organizations and agencies with relevant experience.

C. Definition of Bullying. "Bullying" means:

~~(1) A pattern of any one or more of the following:~~

~~(a) Gestures, including but not limited to obscene gestures and making faces.~~

~~(b) Written, electronic, or verbal communications, including but not limited to calling names, threatening harm, taunting, malicious teasing, or spreading untrue rumors. Electronic communication includes but is not limited to a communication or image transmitted by email, instant message, text message, blog, or social networking website through the use of a telephone, mobile phone, pager, computer, or other electronic device.~~

~~(c) Physical acts, including but not limited to hitting, kicking, pushing, tripping, choking, damaging personal property, or unauthorized use of personal property.~~

~~(d) Repeatedly and purposefully shunning or excluding from activities.~~

~~(2)(a) Where the pattern of behavior as provided in Paragraph (1) of this Subsection is exhibited toward a student, more than once, by another student or group of students and occurs, or is received by, a student while on school property, at a school-sponsored or school-related function or activity, in any school bus or van, at any designated school bus stop, in any other school or private vehicle used to transport students to and from schools, or any school-sponsored activity or event.~~

~~(b) The pattern of behavior as provided in Paragraph (1) of this Subsection must have the effect of physically harming a student, placing the student in reasonable fear of physical harm, damaging a student's property, placing the student in reasonable fear of damage to the student's property, or must be sufficiently severe, persistent, and pervasive enough to either create an intimidating or threatening educational environment, have the effect of substantially interfering with a student's performance in school, or have the effect of substantially disrupting the orderly operation of the school.~~

D. The State Board of Elementary and Secondary Education, in collaboration with the state Department of Education, shall develop and adopt rules and regulations to implement the provisions of this Section relative to the procedures and processes to be used to report and investigate bullying and which shall include but not be limited to:

(1) Notice to Students and Parents. The governing authority of each public elementary and secondary school shall inform each student, orally and in writing at the orientation required under R.S. 17:416.20, of the prohibition against bullying of a student by another student, the nature and consequences of such actions, including the potential criminal consequences and loss of driver's license as provided in R.S. 17:416.1, and the proper process and procedure for reporting any incidents involving such prohibited actions. A copy of the written notice shall also be delivered to each student's parent or legal guardian.

(2) Reporting. (a) The governing authority of each public elementary and secondary school shall develop a procedure for the reporting of incidents of bullying. This shall include a form for the purposes of bullying reports. The form shall include an affirmation of truth of statement. Any bullying report submitted regardless of recipient shall use this form, but additional information may be provided. The form shall be available on the Department

of Education's website and the website of each public elementary and secondary school.

(b) Students and parents. Any student who believes that he has been, or is currently, the victim of bullying, or any student, or any parent or **legal** guardian, who witnesses bullying or has good reason to believe bullying is taking place, may report the situation to a school official. A student, or parent or **legal** guardian, may also report concerns regarding bullying to a teacher, counselor, other school employee, or to any parent ~~chaperoning or chaperone~~ supervising a school function or activity. Any report of bullying shall remain confidential.

(c) School personnel. Any teacher, counselor, bus operator, or other school employee, whether full- or part-time, and any ~~parent chaperoning or chaperone~~ supervising a school function or activity, who witnesses bullying or who learns of bullying ~~from a student~~ pursuant to Subparagraph (b) of this Paragraph, shall report the incident to a school official. A verbal report shall be submitted by the school employee or the parent on the same day as the employee or parent witnessed or otherwise learned of the bullying incident, and a written report shall be filed no later than two days thereafter.

(d) Retaliation. Retaliation against any person who reports bullying in good faith, who is thought to have reported bullying, who files a complaint, or who otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited conduct and subject to discipline. School and district resources shall not be used to prohibit or dissuade any person who meets the specifications of this Subparagraph.

(e) False Reports. Intentionally making false reports about bullying to school officials is prohibited conduct and will result in the appropriate disciplinary measures as determined by the governing authority of the school in accordance with the rules and regulations of the State Board of Elementary and Secondary Education.

(3) Investigation Procedure. The State Board of Elementary and Secondary Education shall develop and adopt a procedure for the investigation of reports of bullying of a student by another student. The procedure shall include the following:

(a) Scope of investigation. An investigation shall include an interview of the reporter, the **alleged** victim, the alleged bully, and any witnesses, and shall include obtaining copies or photographs of any audio-visual evidence.

(b) Timing. The school shall begin an investigation of any complaint that is properly reported and that alleges conduct prohibited in this Section the next business day during which school is in session after the report is received by the school official. The investigation shall be completed not later than ten school days after the date the written report of the incident is submitted to the appropriate school official. If additional information is received after the end of the ten-day period, the school principal or his designee shall amend all documents and reports required by this Section to reflect such information.

(c) Appeal. (i) If the school official does not take timely and effective action pursuant to this Section, the student, parent **or legal guardian**, or school employee may report the bullying incident to the ~~city, parish, or other local school board or~~ local school governing authority. The ~~school board or~~ school governing authority shall begin an investigation of any complaint that is properly reported and that alleges conduct prohibited in this Section the next business day during which school is in session after the report is received by ~~a school board or~~ the governing authority official.

(ii) If the ~~school board~~ **local school governing authority** does not take timely and effective action, the student, parent **or legal guardian**, or other school employee may report the bullying incident to the state Department of Education. The department shall track the number of reports, shall notify in writing the superintendent and the president of the school's governing authority, and shall publish the number of reports by school district or governing authority on its website. The department shall provide both the number of actual reports received and the number of reports received by affected student.

(iii) For the purposes of this Section, a report means a written document that meets the requirements of Subparagraph (2)(a) of this Subsection.

(d) Parental Notification. (i) Upon receiving a report of bullying, the school official shall notify the ~~student's~~ parent or legal guardian **of each involved student** according to the definition of notice created by the state Department of Education.

(ii) Under no circumstances shall the delivery of the notice to the parent or legal guardian, which is required by this Subsection, be the responsibility of an involved student. Delivery of the notice by an involved student shall not constitute notice as is required pursuant to this Subsection.

(iii) Before any student under the age of eighteen is interviewed, his parent or legal guardian shall be notified by the school official of the allegations made and shall have the opportunity to attend any interviews with his child conducted as part of the investigation. If, after three attempts in a forty-eight-hour period, the parents or legal guardians of a student cannot be reached or do not respond, the student may be interviewed.

(iv) The State Board of Elementary and Secondary Education, in collaboration with the state Department of Education, shall develop a procedure for meetings with the parent or legal guardian of the **alleged** victim and the parent or legal guardian of the alleged perpetrator. This procedure shall include:

(aa) Separate meetings with the parents or legal guardians of the **alleged** victim and the parents or legal guardians of the alleged perpetrator.

(bb) Notification of parents or legal guardians of the **alleged** victim and of the alleged perpetrator of the available potential consequences, penalties,

and counseling options.

(cc) In any case where a teacher, principal, or other school employee is authorized in this Section to require the parent or legal guardian of a student who is under the age of eighteen and not judicially emancipated or emancipated by marriage to attend a conference or meeting regarding the student's behavior and, after notice, the parent, ~~tutor~~, or legal guardian willfully refuses to attend, that the principal or his designee shall file a complaint with a court exercising juvenile jurisdiction, pursuant to Children's Code Article 730(8) and 731. The principal may file a complaint pursuant to Children's Code Article 730(1) or any other applicable ground when, in his judgment, doing so is in the best interests of the student.

(e) Disciplinary Action. If the school has received a report of bullying, has determined that an act of bullying has occurred, and after meeting with the parent or legal guardian of the students involved, the school official shall:

(i) Take prompt and appropriate disciplinary action, ~~pursuant to R.S. 17:416 and 416.1~~, against the student that the school official determines has engaged in conduct which constitutes bullying, if appropriate.

(ii) Report criminal conduct to law enforcement, if appropriate.

(f) Parental Relief. (i) If a parent, legal guardian, teacher, or other school official has made four or more reports of separate instances of bullying, as provided in Paragraph (2) of this Subsection, and no investigation pursuant to Paragraph (3) of this Subsection has occurred, the parent or legal guardian with responsibility for decisions regarding the education of the **alleged** victim about whom the report or reports have been made may exercise an option to have the student enroll in or attend another school operated by the governing authority of the public elementary or secondary school in which the student was enrolled on the dates when at least three of the reports were submitted.

(ii) The parent **or legal guardian** shall file a request with the **local school** superintendent for the transfer of the student to another school under the governing authority's jurisdiction.

(iii) The governing authority of the public elementary or secondary school in which the student is enrolled shall make a seat available at another public elementary or secondary school under its jurisdiction within ten school days of the parent or legal guardian's request for a transfer. If the governing authority has no other school under its jurisdiction serving the grade level of the **alleged** victim, within fifteen school days of receiving the request, the superintendent or director of the governing authority shall:

(aa) Inform the student and his parent or legal guardian and facilitate the student's enrollment in a statewide virtual school.

(bb) Offer the student a placement in a full-time virtual program or virtual school under the jurisdiction of the school's governing authority.

(cc) Enter into a memorandum of understanding with the superintendent or director of another governing authority to secure a placement and provide for the transfer of the student to a school serving the grade level of the **alleged** victim under the jurisdiction of the **cooperating** governing authority, pursuant to R.S. 17:105 and 105.1.

(iv) If no seat or other placement pursuant to Item (iii) of this Subparagraph is made available within thirty calendar days of the receipt by the **local school** superintendent of the request, the parent or legal guardian may request a hearing with the school's governing authority, which shall be public or private at the option of the parent or legal guardian. The school's governing authority shall grant the hearing at the next scheduled meeting or within sixty calendar days, whichever is sooner.

(v) At the end of any school year, the parent or legal guardian may make a request to the governing authority of the school at which the student was enrolled when at least three of the reports were filed to transfer the student back to the school. The governing authority shall make a seat available at the school at which the student was originally enrolled. No other schools shall qualify for transfer under this Subparagraph.

(g) Documentation. (i) The state Department of Education shall develop a behavior incidence checklist that the governing authority of each public elementary and secondary school shall use to document the details of each reported incident of bullying.

(ii) The governing authority of each public elementary and secondary school shall report all such documented incidences of bullying to the state Department of Education as prescribed in rules adopted by the State Board of Elementary and Secondary Education in accordance with the Administrative Procedure Act and documented incidents in reports received by the local superintendent of schools pursuant to R.S. 17:415.

(iii) After the investigation and meeting with the parents **or legal guardians of each involved student**, pursuant to this Section, a school, ~~local school board or other~~ **or** local school governing authority shall:

(aa) Compose a written document containing the findings of the investigation, including input from the **involved** students' parents' or legal guardian, and the decision by the school or school system official. The document shall be placed in the school records of ~~both students~~ **each involved student**.

(bb) Promptly notify the complainant of the findings of the investigation and that remedial action has been taken, if such release of information does not violate the law.

(cc) Keep complaints and investigative reports confidential, except as provided in this Section and where disclosure is required to be made pursuant to 20 U.S.C. 1232g or by other applicable federal laws, rules, or regulations or by state law.

(dd) Maintain complaints and investigative reports for three years in the event that disclosure is warranted by law enforcement officials.

(ee) As applicable, provide a copy of any reports and investigative documents

to the governing authority of the school ~~in order that the governing authority can comply with the provisions of R.S. 17:416.1~~.

(ff) As applicable, provide a copy of any reports and investigative documents to the state Department of Education. Upon receipt, the department shall remove any reports related to the investigative documents from notation on the department's website, but shall maintain a record of those reports for three years.

(gg) As applicable, provide a copy of any reports and investigative documents to the appropriate law enforcement officials.

E. Parental Responsibilities. Nothing herein shall be deemed to interfere with the authority and the responsibility that a parent or legal guardian has for the student at all times, but particularly when the student is not on the school premises, is not engaged in a school-sponsored function or school-sponsored activity, and is not being transported by school-sponsored means of transportation.

F. This Section shall not be interpreted to conflict with or supercede the provisions requiring mandatory reporting pursuant to Louisiana Children's Code Article 609 and as enforced through R.S. 14:403.

G. Preclusion. (1) This Section shall not be interpreted to prevent a victim of bullying, or his parent or legal guardian, from seeking redress under any other available law, either civil or criminal.

(2) Nothing in this Section is intended to infringe upon the right of a school employee or student to exercise their right of free speech.

H. Construction; equal protection. All students subject to the provisions of this Section shall be protected equally and without regard to the subject matter or the motivating animus of the bullying.

I. The State Board of Elementary and Secondary Education shall adopt rules to require all approved nonpublic schools to implement bullying policies to those required of public schools.

J. Failure to act. (1) Any teacher, counselor, bus operator, administrator, or other school employee, whether full- or part-time, who witnesses bullying or who receives a report of bullying from an alleged victim, and who fails to report the incident to a school official shall be investigated by the school governing authority. Upon finding a reasonable expectation that the individual failed to act, the school governing authority shall suspend the individual without pay. The length of the suspension shall be determined by the school's governing authority based on the severity of the bullying inflicted on the victim. The school governing authority shall report each finding of a failure to report and the length of suspension issued to each employee who failed to report to the state Department of Education.

(2) Any school administrator or official who fails to notify a parent or legal guardian of a report of bullying, timely investigate a report of bullying, take prompt and appropriate disciplinary action against a student that was determined to have engaged in bullying, or report criminal conduct to the appropriate law enforcement official shall be investigated by the school governing authority. Upon finding a reasonable expectation that the individual failed to act, the school governing authority shall suspend the individual without pay. The length of the suspension shall be determined by the school's governing authority based on the severity of the bullying inflicted on the victim. The school governing authority shall report each finding of a failure to report bullying and the length of suspension issued to the employee who failed to report to the department. The report shall be submitted by August first annually.

(3) The department shall provide a report to the state board on the number of reports of failures to report bullying received by the department from school governing authorities. The report shall be submitted by September first annually.

* * *

§416.20. Student conduct standards; awareness and understanding by students; required orientation; guidelines

A. In addition to any other requirements established by law, rule, or regulation relative to student discipline and conduct, the governing authority of a public elementary or secondary school shall require that every student be provided an orientation during the first five days of each school year regarding school disciplinary rules and provisions of the code of student conduct applicable to such students, including but not limited to the policy on bullying as provided in ~~R.S. 17:416.13~~ **R.S. 17:416.14**. Orientation instruction shall be provided by the school principal or his designees and shall include but not be limited to consequences for failing to comply with such school disciplinary rules and code requirements, including suspension, expulsion, the possibility of suspension of a student's driver's license for one year as provided in R.S. 17:416.1, and the possible criminal consequences of violent acts committed on school property, at a school-sponsored function, or in a firearm-free zone. The orientation also shall clearly communicate to students the rights afforded teachers pursuant to R.S. 17:416.18 and other applicable law relative to the discipline of students.

* * *

§3996. Charter schools; exemptions; requirements

* * *

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

* * *

(32) Procedures on bullying pursuant to ~~R.S. 17:416-13~~ **R.S. 17:416.14.**
* * *

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 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 698

SENATE BILL NO. 359
BY SENATOR JACKSON
AN ACT

To amend and reenact R.S. 40:2608(A)(1), (2), and (4) and 2610(A), relative to forfeiture; to provide relative to receipt of notice of forfeiture; to provide relative to extension of time for filing of claims to seized property; to provide relative to time limits; and to provide for relative matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:2608(A)(1), (2), and (4) and 2610(A) are hereby amended and reenacted to read as follows:

§2608. Commencement of forfeiture proceedings; **notice of pending forfeiture;** property release requirements

* * *

A. Forfeiture proceedings shall be commenced as follows:

(1)(a) When the district attorney intends to forfeit property, pursuant to the provisions of this Chapter, he shall provide the owner and interest holder with a written assertion within forty-five days after actual or constructive seizure, except in cases in which the property is held for evidentiary purpose, the district attorney shall institute forfeiture proceedings within forty-five days after the final disposition of all criminal proceedings associated with the conduct giving rise to forfeiture.

(b) If the district attorney fails to initiate forfeiture proceedings against property seized for forfeiture by serving Notice of Pending Forfeiture within one hundred twenty days after its seizure for forfeiture or if the state fails to pursue forfeiture of the property upon which a timely claim has been properly served by filing a Petition for Forfeiture proceeding within ninety days after Notice of Pending Forfeiture, or if the district attorney fails to provide a written assertion, pursuant to the provisions of this Paragraph, the property shall be released from its seizure for forfeiture on the request of an owner or interest holder, pending further proceedings pursuant to the provisions of this Chapter.

(b)(c) When no written assertion has been given to the claimant, within the time delays provided herein, the claimant may file a Motion for Release of Seized Property pursuant to the criminal jurisdiction of the court.

(2) If, after Notice of Pending Forfeiture, a claimant files a request for stipulation of exemption pursuant to **R.S. 40:2609 or is granted an extension to file a claim** pursuant to R.S. 40:2610, the district attorney may delay filing the judicial forfeiture proceeding for a total of one hundred eighty days after the service of Notice of Pending Forfeiture.

* * *

(4) Notice is effective upon personal service, publication, or the **receipt mailing** of a written notice **by certified mail**, whichever is earlier, and shall include a description of the property, the date and place of seizure, the conduct giving rise to forfeiture or the violation of law alleged, and a summary of procedures and procedural rights applicable to the forfeiture action.

* * *

§2610. Claims

A. Only an owner of or interest holder in property seized for forfeiture may file a claim, and shall do so in the manner provided in this Section. The claim shall be mailed to the seizing agency and to the district attorney by certified mail, return receipt requested, within thirty days after Notice of Pending Forfeiture. **No extension of time for the filing of a claim shall be granted. The court may grant an extension of time for the filing of a claim pursuant to this Section for good cause shown. Incarceration of an owner or interest holder during the original thirty-day period shall create a rebuttable presumption of good cause as to the owner or interest holder. A motion requesting an extension shall be filed within sixty days after receipt of the Notice of Pending Forfeiture.**

* * *

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 699

SENATE BILL NO. 368
BY SENATOR HARRIS AND REPRESENTATIVE DUPLESSIS
AN ACT

To amend and reenact R.S. 33:4882, relative to building and zoning regulations in parishes and municipalities; to require that the governing authority of any municipality or parish not allow and not cause any building or land to lose nonconforming use status by reason of vacancy or cessation of normal operations during a specified time period; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:4882 is hereby amended and reenacted to read as follows: §4882. Building and zoning regulations in local governmental subdivisions; nonconforming use

A. Notwithstanding any provision of law or municipal or parish ordinance or resolution to the contrary, the governing authority of any municipality or parish and any agency of any such municipality or parish shall not allow and shall not cause any building or land to lose its nonconforming use status because, during all or part of the period of ~~August 29, 2005~~ **March 11, 2020**, through ~~August 28, 2007~~ **March 16, 2022**, as a result of damage caused by ~~Hurricane Katrina or Hurricane Rita~~, it is temporarily vacant or operations normally carried on in such building or on such land have been temporarily discontinued.

B. Notwithstanding the provisions of Subsection A of this Section, the governing authority of any parish having a population in excess of ~~four~~ **three** hundred ~~fifty~~ thousand, based on the latest federal decennial census, may by ordinance reduce the time period of ~~August 29, 2005~~ **March 11, 2020**, through ~~August 28, 2007~~ **March 16, 2022**, provided in Subsection A of this Section.

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

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 700

SENATE BILL NO. 378
BY SENATOR PEACOCK AND REPRESENTATIVE GAROFALO
AN ACT

To enact Chapter 62 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3221, relative to advertisements; to provide for requirements and disclosures in an advertisement; to provide for unfair and deceptive acts or practices; to provide for definitions, terms, conditions, and procedures; to provide for penalties; 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. ADVERTISEMENTS

§3221. Advertisements; unfair or deceptive acts or practices

A. For the purposes of this Section, the following terms apply:

(1) "Advertisement" means any communication through a media entity for mass distribution of information.

(2) "Media entity" means a radio broadcast station, television broadcast station, cable television company, newspaper company, periodical company, billboard company, advertisement agency, media platform, or bona fide news or public interest website operator.

B. An advertisement shall not be deceptive or misleading and shall not do any of the following:

(1)(a) Be presented as a medical alert, health alert, drug alert, public service announcement, or a substantially similar phrase that suggests to a reasonable viewer the advertisement is offering professional, medical, or government agency advice about any medication or medical device.

(b) The provisions of this Paragraph shall not apply to an advertisement that offers professional, medical, or government agency advice about any medication or medical device if the person responsible for the advertisement is authorized by law to offer the advice in an advertisement.

(2) Display the logo of a federal or state government agency in a manner that suggests to a reasonable viewer the advertisement is presented by a federal or state government agency or by an entity approved by or affiliated with a federal or state government agency.

(3) Use the term "recall" when referring to a product that has not been recalled in accordance with an applicable state or federal regulation.

C.(1) An advertisement that references a prescription drug or medical device approved by the United States Food and Drug Administration shall state both of the following:

(a) The identity of the sponsor of the advertisement.

(b) That the drug or medical device is approved by the United States Food and Drug Administration, unless the drug or medical device has been recalled in accordance with an applicable state or federal regulation.

(2) An advertisement referencing a prescription drug approved by the United States Food and Drug Administration shall include the following statement or a substantially similar statement: "Consult your physician before making decisions regarding prescribed medication or medical treatment."

D. The statements required to appear in an advertisement pursuant to this

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

Section shall be made in written and verbal formats, except as follows:

(1) If the statements appear in an advertisement that is in print format only, including but not limited to a newspaper or other periodical advertisement, the statements shall be in writing.

(2) If the statements appear in an advertisement that is in audible format only, including but not limited to a radio advertisement, the statements shall be made verbally.

E.(1)(a) A written statement to appear in an advertisement pursuant to this Section shall be presented clearly, conspicuously, and for a sufficient length of time for a reasonable viewer to see and read the statement.

(b) A court may determine that a written statement in an advertisement is in compliance with the provisions of this Section if the statement is printed in the same size and style of font and for the same duration as other printed information in the advertisement.

(2)(a) A verbal statement required to appear in an advertisement pursuant to this Section shall be audible, intelligible, and presented with equal prominence as the other parts of the advertisement.

(b) A court may determine that a verbal statement in an advertisement is in compliance with the provisions of this Section if the statement is made at approximately the same volume and uses approximately the same number of words per minute as the voice-over of longest duration in the advertisement other than the information required by this Section.

F. A violation of this Section shall be a deceptive and unfair trade practice and shall subject the violator to all penalties provided for in the Unfair Trade Practices and Consumer Protection Law, R.S. 51:1401 et seq.

G.(1) The provisions of this Section shall not apply to any media entity responsible for the production or publication of any advertisement found to be in violation of this Section.

(2) The carriage, distribution, transmission, or display of any advertisement by a media entity shall not be considered a violation of this Section.

H. The provisions of this Chapter shall not apply to any member of a profession if the regulation of that profession has been granted to a governmental entity pursuant to Article V, Section 5 of the Constitution of Louisiana.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 701

SENATE BILL NO. 389
BY SENATOR REESE
AN ACT

To amend and reenact R.S. 32:414(R)(1) and 415(C)(1) and R.S. 47:296.2(A), (B), and (D), relative to the suspension and denial of renewing a driver's license for the nonpayment of individual income taxes; to provide for notification requirements; to authorize the secretary of the Department of Revenue to adopt rules that increase the threshold for suspension in certain circumstances; to authorize alternatives to suspension; to provide for technical corrections; to prohibit certain penalties for certain violations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:414(R)(1) and 415(C)(1) are hereby amended and reenacted to read as follows:

§414. Suspension, revocation, renewal, and cancellation of licenses; judicial review

* * *

R.(1) The secretary of the Department of Public Safety and Corrections shall suspend and deny the renewal of a taxpayer's driver's license when notified by the Department of Revenue that the department has an assessment or judgment against the individual that has become final and nonappealable, as provided in R.S. 47:296.2.

* * *

§415. Operating vehicle while license is suspended; offenses in other states; record of offenses given other states

* * *

C.(1) A person with a Class "D" or Class "E" driver's license who violates the provisions of Subsection A of this Section may be fined up to five hundred dollars or imprisoned for not more than six months, or both and may be subject to a civil penalty of up to one thousand two hundred fifty dollars. A person shall not be arrested or imprisoned for a violation of this Section due solely to a suspension imposed pursuant to R.S. 32:414(R)(1).

* * *

Section 2. R.S. 47:296.2(A), (B), and (D) are hereby amended and reenacted to read as follows:

§296.2. Suspension and denial of renewal of drivers' licenses

A. A suspension of driving privileges shall be imposed and renewal of a driver's license shall be denied if all of the following conditions are met:

(1) The Department of Revenue has an assessment or judgment against an individual that has become final and nonappealable, ~~if the~~

(2) The amount of the final assessment or final judgment is in excess of one thousand dollars of individual income tax, exclusive of penalty, interest, costs, and other charges.

(3) The individual has not paid the assessment or judgment.

(4) The individual has not entered into an installment agreement with the

Department of Revenue within ninety days of the date the assessment or judgment became final and nonappealable.

B.(1) The suspension and denial shall be effective until such time as the individual has paid or made arrangements to pay the delinquent tax, interest, penalty, and all costs and the Department of Revenue notifies the Department of Public Safety and Corrections, office of motor vehicles, of the payment or arrangement to pay.

(2) Upon payment or arrangement to pay, the Department of Revenue shall promptly notify the office of motor vehicles and the individual's driving privileges shall be reinstated without additional action required of the individual. Notwithstanding any provision of law to the contrary, the office of motor vehicles shall not impose a fee when reinstating an individual's driving privileges when a suspension is imposed pursuant to this Section.

(3) The Department of Revenue may enter into an interagency agreement with the office of motor vehicles to reimburse the office of motor vehicles for the actual expenses associated with the license suspensions and reinstatements pursuant to R.S. 32:414(R). One-sixth of such reimbursement shall provide for and continue the existing dedication applicable to reinstatement fees pursuant to R.S. 32:414(H) for emergency medical services.

* * *

D.(1) The secretary of the Department of Revenue, in cooperation with the secretary of the Department of Public Safety and Corrections, shall adopt and promulgate rules and regulations in accordance with the provisions of the Administrative Procedure Act to effectuate the orderly and expeditious suspension and denial of renewal and reissuance of drivers' licenses in accordance with the provisions of this Section.

(2) Notwithstanding the provisions of Subsection A of this Section, the secretary of the Department of Revenue may, by rule, provide for suspension of driver's license privileges at higher thresholds of individual income tax due based on an individual's historical compliance with Louisiana tax laws, the facts and circumstances relating to the unpaid tax liability, and may accept surety or other collateral in lieu of suspension of a driver's license.

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

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 702

SENATE BILL NO. 393
BY SENATOR WHITE AND REPRESENTATIVES BACALA, GAROFALO
AND SEABAUGH
AN ACT

To amend and reenact R.S. 14:95.1(D) and to enact R.S. 14:2(B)(29) and 95.1(E), relative to crimes of violence; to designate the crime of possession of firearm or carrying concealed weapon by a person convicted of certain felonies as a crime of violence; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95.1(D) is hereby amended and reenacted and R.S. 14:2(B)(29) and 95.1(E) are hereby enacted to read as follows:

§2. Definitions

* * *

B. In this Code, "crime of violence" means an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon. The following enumerated offenses and attempts to commit any of them are included as "crimes of violence":

* * *

~~(29) Repealed by Acts 2017, No. 281, §3, eff. August 1, 2017. Possession of a firearm or carrying of a concealed weapon by a person convicted of certain felonies in violation of R.S. 14:95.1(D).~~

* * *

§95.1. Possession of firearm or carrying concealed weapon by a person convicted of certain felonies

* * *

D. If a violation of this Section is committed during the commission of a crime of violence as defined in R.S. 14:2(B), and the defendant has a prior conviction of a crime of violence, then the violation of this Section shall be designated as a crime of violence.

E. For the purposes of this Section, "firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.

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

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 703

SENATE BILL NO. 394
BY SENATOR BERNARD
AN ACT

To enact R.S. 22:1060.8, relative to coverage of drugs under certain conditions when the drug is approved by the United States Food and Drug Administration; to require a health coverage plan to cover drugs for off-label use with certain terms and conditions; to require a health coverage plan to cover drugs for minors under certain terms and conditions; to provide for exclusions and limitations; 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. 22:1060.8 is hereby enacted to read as follows:
§1060.8. Coverage of drugs approved by the United States Food and Drug Administration; exclusions; definitions

A. No health coverage plan delivered or issued for delivery in this state shall limit or exclude coverage involving a minor for a drug on the basis that the drug is prescribed for a use that is different from the use for which that drug has been approved by the United States Food and Drug Administration and all of the following apply:

(1) The drug has been approved by the United States Food and Drug Administration.

(2) The drug is prescribed by a licensed healthcare provider for the treatment of a life threatening, chronic, or seriously debilitating disease or condition in a minor and the drug has been approved by the United States Food and Drug Administration for the same condition or disease in an adult and the drug is medically necessary to treat the disease or condition.

(3) The drug has been recognized for the treatment of the disease or condition in pediatric application by one of the following:

- (a) The American Medical Association Drug Evaluations.
- (b) The American Hospital Formulary Service Drug Information.
- (c) The United States Pharmacopeia Dispensing Information, Volume 1, "Drug Information for the Health Care Professional".

(d) Recognized in two articles from major peer-reviewed medical journals that present data supporting the proposed off-label use or uses as generally safe and effective unless there is clear and convincing contradictory evidence presented in a major peer-reviewed journal.

(4) The drug is on the insurer's formulary or preferred drug list, if any.

B. If requested by the health insurance insurer, the prescriber shall be responsible for submitting to the health insurance insurer documentation supporting compliance with the provision of this Section.

C. Any coverage required by this Section shall include medically necessary services associated with the administration of a drug that is subject to the conditions of the health coverage plan.

D. The provisions of this Section shall not require coverage for any of the following:

(1) The treatment of a condition or disease that is excluded under the terms of the health coverage plan.

(2) An experimental drug not approved by the United States Food and Drug Administration.

(3) A drug not listed on the health coverage plan's formulary or preferred drug list, if any.

E. The coverage provided in this Section may be subject to annual deductibles, coinsurance, and copayment provisions as are consistent with those established under the health coverage plan and may be subject to prior authorization.

F. For purposes of this Section, "health coverage plan" means any hospital or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract, or other agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this insurance plan, and the office of group benefits programs. "Health coverage plan" does not include a plan providing coverage for excepted benefits defined in R.S. 22:1061, limited benefit health insurance plans, and short-term policies that have a term of less than twelve months.

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 the approval by the legislature.

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 704

SENATE BILL NO. 397
BY SENATOR CONNICK
AN ACT

To amend and reenact R.S. 33:2569, relative to the position of assistant police chief for the city of Westwego; to provide relative to seniority; to provide regarding demotion from the position; to provide relative to corrective and

disciplinary actions; 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. 33:2569 is hereby amended and reenacted to read as follows:
§2569. Assistant police chief; city of Westwego

A. Notwithstanding the provisions of R.S. 33:2541 or any other law to the contrary, the position of assistant chief of police for the city of Westwego shall be in the unclassified service, and the right of selection, appointment, supervision, and discharge for any such position shall be vested in the chief of police of the city.

B.(1) Any person who is appointed from a position in the classified service to serve as assistant chief of police shall not forfeit his seniority accumulated to the date of his appointment, and he shall continue to accumulate seniority in accordance with the provisions of this Part during the time he holds the position of assistant chief of police.

(2) If any such person is demoted, or otherwise vacates the position on the approval of the chief of police, he shall be demoted to a position in the class he held immediately preceding his appointment as assistant chief of police. If an assistant chief of police who is appointed from a position in the classified police service is subjected to corrective disciplinary action, he shall have the same rights as any other employee in the municipal fire and police civil service.

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 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 705

HOUSE BILL NO. 598
BY REPRESENTATIVES SELTERS, BOYD, AND FISHER
AN ACT

To amend and reenact R.S. 40:1730.33, relative to building codes and inspections; to provide for the applicability of building codes; to provide for determining the applicable codes; to expressly require the inspector to conduct inspections under the proper codes; to provide for the resolution of ambiguity in determining the applicable code; to provide for the scope of inspector authority; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:1730.33 is hereby amended and reenacted to read as follows:

§1730.33. Codes applicable to building inspections

A. Buildings must be inspected in accordance with Notwithstanding any other law to the contrary, an inspector shall conduct a building inspection using the requirements of the codes in effect for the locality on the date of the issuance of the original building permit, except that: when performing inspections on residential structures for the purposes of allowing occupancy and reconnecting utilities. When conducting inspections to allow occupancy or reconnecting utilities to an existing residential structure, the intent of the inspection is to ascertain the general safety of the structure and its appropriateness for occupancy.

(1) If no date of issuance of an original building permit can be found, an inspector shall conduct the inspection using the requirements of the codes in effect on the date of submission of the completed original building permit application to the local authority must be used.

(2) If no date of application for, or date of issuance of, the original building permit is available, the director building official of the applicable parish planning and development service or similar agency shall determine the nearest possible date by using use court records and other available documents, such as transfer of property records, mortgage records, tax records, or rent records, to ascertain the nearest date possible to the issuance of the original building permit. If the building official is able to determine a date pursuant to the requirements of this Paragraph, an inspector shall conduct the inspection using the requirements of the codes in effect on the date established by the building official.

(3) If ambiguity exists after attempting to determine an applicable date under Paragraphs (1) and (2) of this Subsection, an inspector shall conduct an inspection using the requirements of the least restrictive codes in effect during the period of time beginning one calendar year prior to and ending one calendar year subsequent to the earliest recorded date of transfer of the property to be inspected.

B. Nothing in this Section shall be construed to authorize an inspector to have or use discretion in determining what codes shall apply to an inspection pursuant to this Part.

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 706

HOUSE BILL NO. 524
BY REPRESENTATIVE LYONS
AN ACT

To amend and reenact R.S. 27:625(G)(5) and R.S. 29:726.6(Section heading) and to enact R.S. 29:726.7, relative to services for people with disabilities affected by disasters; to create the Disability-Focused Disaster Preparedness and Response Fund as a special fund in the state treasury; to provide for dedication to the fund of revenue from the tax upon net gaming proceeds from sports wagering; to authorize the use of monies in the fund for certain purposes; to create and provide for a program to conduct needs assessments among, and provide services to, people with disabilities affected by disasters; to provide for duties and responsibilities of the Governor's Office of Homeland Security and Emergency Preparedness with respect to the program; to authorize the Governor's Office of Homeland Security and Emergency Preparedness to utilize certain monies for administrative costs and grant administration; to require the Governor's Office of Homeland Security and Emergency Preparedness to contract with a disability assessment and coordination entity for certain functions; to provide relative to state actions to obtain federal reimbursement for certain disaster-related expenses; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 27:625(G)(5) is hereby amended and reenacted to read as follows:

§625. State tax; levy

* * *

G. After complying with the provisions of Subsection D of this Section, each fiscal year the state treasurer shall credit the following amounts to the following funds:

* * *

(5) Two percent of the monies collected pursuant to this Section, not to exceed five hundred thousand dollars, shall be credited to the ~~Disability Affairs Trust Fund established by R.S. 46:2583~~ Disability-Focused Disaster Preparedness and Response Fund established by R.S. 29:726.7.

* * *

Section 2. R.S. 29:726.6(Section heading) is hereby amended and reenacted and R.S. 29:726.7 is hereby enacted to read as follows:

§726.6. Fund and grant program for security measures; eligible applicants

* * *

§726.7. Disability-Focused Disaster Preparedness and Response Fund and program

A.(1) The legislature hereby creates in the state treasury a special fund to be known as the "Disability-Focused Disaster Preparedness and Response Fund". The fund shall consist of monies deposited pursuant to R.S. 27:625(G)(5); any additional monies transferred to the fund by the legislature; and any monies designated for the fund and received by the state treasurer from donations, gifts, or grants. Monies in the fund shall be invested by the state treasurer in the same manner as monies in the state general fund. Interest earned on the investments of monies in the fund shall be deposited in and credited to the fund following compliance with applicable requirements of Article VII, Section 9(B) of the Constitution of Louisiana relative to the Bond Security and Redemption Fund. Unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

(2) The monies in the Disability-Focused Disaster Preparedness and Response Fund shall be used solely for the purposes provided for in this Section and only in the amounts appropriated by the legislature.

(3) The Governor's Office of Homeland Security and Emergency Preparedness may utilize no more than three percent of the monies annually deposited into the fund pursuant to R.S. 27:625(G)(5) for administrative costs, including costs of grant administration.

B. As used in this Section, the following terms have the meaning ascribed to them in this Subsection:

(1) "DACE" means a disability assessment and coordination entity.

(2) "Person with a disability" means any person with access and functional needs across the life span, including persons who are elderly.

C. The purpose of this Section is to address particular identified needs of people with disabilities affected by disasters through assessment of individual needs, coordination of resources to meet those needs, and training of personnel to competently and effectively identify needs through appropriate assessment methods and to proficiently coordinate with the proper entities that provide necessary services, thereby establishing an effective network that will identify people who need disability-related resources in disaster periods and ensure that those who need help will be connected to those who can provide help.

D. The Governor's Office of Homeland Security and Emergency Preparedness, referred to hereafter in this Section as "GOHSEP", shall contract with a DACE whose director possesses the qualifications required by Subsection F of this Section. The DACE shall perform all of the following functions:

(1) Work with GOHSEP to develop a statewide plan which shall include but not be limited to all of the following elements:

(a) Conduct individual assessments of needs of people with disabilities in shelters and areas impacted by disasters.

(b) Provide training that addresses meeting the needs of people with disabilities impacted by disasters to disability stakeholders, other entities

that serve people with disabilities, and government agencies.

(c) Enhance cooperation between the entities identified in Subparagraph (b) of this Paragraph so that the needs of people with disabilities relating to disaster preparedness and response will be met.

(d) Where necessary, directly meet the needs of people with disabilities impacted by disasters.

(2) Administer the initial implementation of the plan provided for in this Subsection.

(3) Administer the plan provided for in this Subsection on an ongoing basis.

(4) Conduct individual needs assessments for people with disabilities.

(5) Coordinate with state and local governmental entities, disability stakeholders, and affected individuals with disabilities or their representatives to meet individual needs identified in assessments.

(6) Directly meet the needs of people with disabilities impacted by disasters in instances in which no other option for furnishing of such assistance is available.

(7) Provide necessary training to GOHSEP to meet the needs of people with disabilities that are impacted by disasters.

(8) Maintain staffing necessary to administer the plan provided for in this Subsection.

(9) Collect data relative to the activities conducted pursuant to this Section and provide an annual report to GOHSEP.

E. All state and local governmental agencies with which the DACE engages in carrying out its functions shall work collaboratively with the DACE.

F. The director of the DACE shall possess all of the following qualifications:

(1) At least two years of experience in each of the following:

(a) A leadership role in community-based disability-related non-profit organizations in Louisiana.

(b) The role of appointed member of a statewide disability-related council in Louisiana.

(c) Disaster response with a focus on people with disabilities.

(d) Employment at a Louisiana state agency with a focus on people with disabilities.

(e) Employment in the field of special education.

(f) Employment at an administrative level with a home- and community-based service provider licensed by the Louisiana Department of Health.

(2) A master's degree or above in education, health care, or social services.

G.(1) GOHSEP shall seek federal reimbursement for eligible disaster-related expenses incurred in the provision of resources and services to people with disabilities affected by disasters as authorized by the provisions of this Section.

(2) GOHSEP may enter into a contract, memorandum of understanding, or any other type of agreement with the DACE for the purpose of securing federal reimbursement for eligible disaster-related expenses.

Section 3. The provisions of Sections 1 and 2 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 4. The provisions of this Section and Section 3 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, the provisions of this Section and Section 3 of this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 707

HOUSE BILL NO. 546
BY REPRESENTATIVES MINCEY, BRASS, HARRIS, JEFFERSON,
CHARLES OWEN, SCHLEGEL, ST. BLANC, AND TARVER
AN ACT

To amend and reenact R.S. 17:7(6)(b)(i)(aa) and to repeal R.S. 17:7.1(A)(7), relative to teacher preparation and certification; to revise requirements for entry into a teacher preparation program; to revise requirements for initial certification of school teachers; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:7(6)(b)(i)(aa) is hereby amended and reenacted to read as follows:

§7. Duties, functions, and responsibilities of board

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

* * *

(6)

* * *

(b)(i)(aa) A person applying for initial certification as a teacher in a public school shall have passed satisfactorily an examination, which shall include ~~English proficiency~~, pedagogical knowledge, and knowledge in his area of specialization as a prerequisite to the granting of such certificate.

However, a person who is employed as a foreign language teacher in a Certified Foreign Language Immersion Program pursuant to R.S. 17:273.2, and who is not otherwise eligible to receive state authorization to teach through participation in the Foreign Associate Teacher Program, shall not be required to pass the examination required by this Subitem, but shall at least have a baccalaureate degree and shall be subject to all provisions of state law relative to background checks and criminal history review applicable to the employment of public school personnel.

* * *

Section 2. R.S. 17:7.1(A)(7) 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 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 708

HOUSE BILL NO. 557
BY REPRESENTATIVES WILLARD AND LANDRY
AN ACT

To enact Subpart E of Part I of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:1248.21, relative to the dispensation of contraceptives; to provide for the Louisiana Department of Health relative to requiring health plans of the state Medicaid program to provide reimbursement for a six-month supply of contraceptive drugs dispensed at one time; to provide for a required usage period; to provide for definitions; to provide for applicability; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Subpart E of Part I of Chapter 5-E of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1248.21, is hereby enacted to read as follows:

SUBPART E. MEDICAID COVERAGE FOR CONTRACEPTIVES
§1248.21. Dispensation of contraceptive drugs; six-month supply; coverage
A. The Louisiana Department of Health shall require all Medicaid health plans issued or renewed in this state on or after January 1, 2023, to include the dispensing of a six-month supply of contraceptive drugs to be obtained at one time by the insured, unless the insured requests a smaller supply or the prescribing provider instructs for the insured to receive a smaller supply. The insured shall have used the same contraceptive drugs for at least the consecutive six months prior to receiving a six-month supply. Contracts with managed care plans shall allow the insured to receive onsite dispensing of the prescribed contraceptive drugs at family practice clinics, if available. Dispensing practices shall follow all licensing and clinical guidelines for appropriate prescribing and dispensing to ensure the health of the insured while maximizing access to effective contraceptive drugs.
B. For purposes of this Section, “contraceptive drugs” means all drugs approved by the United States Food and Drug Administration that are used to prevent pregnancy including but not limited to hormonal drugs administered orally, transdermally, and intravaginally.
C. Nothing in this Section shall apply to any drug, medicine, or other substance prescribed, dispensed, or distributed that is intended to induce an abortion.

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 709

HOUSE BILL NO. 567
BY REPRESENTATIVES BOYD, BACALA, BRASS, BRYANT, CARPENTER, DESHOTEL, FISHER, FREEMAN, GREEN, LAFLEUR, LANDRY, LARVADAIN, LYONS, MARCELLE, DUSTIN MILLER, NEWELL, PIERRE, SCHLEGEL, SELDERS, THOMPSON, WHITE, AND WILLARD AND SENATOR BARROW
AN ACT

To enact R.S. 17:195.2, relative to school nutrition programs; to create a pilot program to be implemented in certain schools; to require the State Board of Elementary and Secondary Education and the Department of Agriculture and Forestry to collaborate relative to the pilot program; requires the state Department of Education to administer the pilot program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 17:195.2 is hereby enacted to read as follows:
§195.2. Lifestyle Choices pilot program
A. The legislature finds that:
(1) Children can make more healthy choices with increased access to fresh, unprocessed produce; whole, healthy grains; and lean sources of protein that

all contribute to a balanced diet.
(2) Offering healthier options to children is one way to get students involved in nutrition.
(3) Some students do not get well-rounded meals at home, which makes the food they eat at school even more significant.
(4) School lunches should be composed of more health-conscious food and less processed food.
(5) Louisiana students need a base of healthy eating habits that include eating lean meats, fish, fresh produce, and dairy and an understanding of the food pyramid.
B.(1) The State Board of Elementary and Secondary Education, in collaboration with the Department of Agriculture and Forestry, shall develop and implement a program whereby fresh food is incorporated into school-provided lunches at certain schools. The state Department of Education shall administer the program, the purpose of which is assisting school and school food service personnel to identify and utilize all available resources to increase the variety of healthy food options in school nutrition programs.
(2) The Department of Education shall identify and select public school governing authorities for operation of a pilot program as defined by this Section.
(3) The Department of Education and the Department of Agriculture and Forestry shall collaboratively:

(a) Provide an inventory of food distribution companies with which public schools or school districts may contract.
(b) Disseminate procurement guidelines, school food safety information, and liability insurance requirements to food distribution companies that can potentially contract with schools and school districts for the implementation of the pilot program.
(c) Consult with the Louisiana State University Agricultural Center, the Southern University Agricultural Center, the Louisiana Farm to School Alliance, and other stakeholders, as necessary.
C. The State Board of Elementary and Secondary Education, the Department of Agriculture and Forestry, and the Department of Education shall utilize existing personnel and resources for the development, implementation, and administration of this program.
Approved by the Governor, June 18, 2022.
A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 710

HOUSE BILL NO. 610
BY REPRESENTATIVE GREEN
AN ACT

To enact Chapter 22 of Title 6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 6:1401 through 1403, relative to student loans; to define terms; to prohibit student loan servicers from engaging in certain activities; to authorize student loan servicers to engage in certain activities; to provide for written inquiries; to provide for complaints; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. Chapter 22 of Title 6 of the Louisiana Revised Statutes of 1950, comprised of R.S. 6:1401 through 1403, is hereby enacted to read as follows:

CHAPTER 22. STUDENT LOAN SERVICERS
§1401. Definitions
As used in this Chapter, the following terms have the following meanings:
(1) “Nonconforming payment” means a payment made by a student loan borrower that is more or less than the required payment for a student education loan account.
(2) “Service” or “servicing” means:
(a) Receiving any scheduled periodic payments from a student loan borrower or notification of such payments and applying payments to the student loan borrower’s account pursuant to the terms of the student education loan or a governing contract.
(b) Maintaining account records for the loan and communicating with the student loan borrower regarding the loan, on behalf of the loan’s holder, during a period when no payment is required on a student education loan.
(c) Interactions with a student loan borrower, including activities to help prevent default on obligations arising from student education loans, conducted to facilitate the activities described in Subparagraphs (a) and (b) of this Paragraph.
(3)(a) “Student education loan” means any of the following:
(i) A loan that is made, insured, or guaranteed under Title IV of the Higher Education Act of 1965, as amended.
(ii) A loan that is extended to an individual with the express expectation that the funds extended shall be used in whole or in part to pay expenses that are included as part of the cost of attendance of a student as defined in 20 U.S.C. 1087, regardless of whether the loan is provided through the educational institution that the student loan borrower attends or directly to the student loan borrower from the lender.
(iii) A loan that is extended in order to refinance or consolidate a consumer’s existing student education loan.
(b) The term does not include any of the following, regardless of the purpose for the loan:

(i) A loan under an open-end credit plan as defined in 12 CFR 1026.2.
(ii) A loan secured by real property.
(4) “Student loan borrower” means a resident of this state who meets either of the following criteria:
(a) Has received or agreed to pay a student education loan.
(b) Shares repayment responsibility with a resident described in Subparagraph (a) of this Paragraph.
(5) “Student loan servicer” means a person or entity who is engaged in the business of servicing a student education loan owed by a student loan borrower.
§1402. Duties of student loan servicers
A. Except as required by a court order or federal law, a student loan servicer shall not do any of the following:
(1) Employ, directly or indirectly, any scheme, device, or artifice to mislead a student loan borrower.
(2) Engage in any unfair, abusive, or deceptive trade practice toward any person.
(3) Misrepresent information or omit any material information in connection with the servicing of a student education loan, including but not limited to the following:
(a) Any fee owed by a student loan borrower.
(b) Any payment due by a student loan borrower.
(c) The appropriateness or availability of a student loan borrower’s repayment options.
(d) The terms and conditions of the student education loan.
(e) The student loan borrower’s obligations pursuant to the student education loan.
(4) Obtain property by misrepresentation of fact or omission of material fact.
(5) Allocate a nonconforming payment in a manner other than as directed by the student loan borrower if, in writing or electronically, the student loan borrower does any of the following:
(a) Make a one-time direction for the allocation of future payments.
(b) Direct an allocation of a payment at the time the payment is made.
(c) Direct an allocation in response to an inquiry by the student loan servicer.
(d) Change an existing direction for the allocation of future payments.
(6) Misapply or refuse to correct a misapplication of a payment from a student loan borrower.
(7) Provide inaccurate information to a consumer reporting agency or refuse to correct inaccurate information provided to a consumer reporting agency.
(8) If a student loan servicer regularly reports information to a consumer reporting agency, fail to report the favorable history of a student loan borrower to a nationally recognized consumer reporting agency at least once a year.
(9) Refuse to communicate with an authorized representative of a student loan borrower who provides a written authorization signed by the student loan borrower, except as provided for in Subsection B of this Section.
(10) Negligently make a false statement or omit a material fact in connections with any informational report filed with, or any investigation conducted by, a state or local government agency.
B. A student loan servicer may adopt procedures to verify that an authorized representative of a student loan borrower is authorized to act on behalf of the student loan borrower.
§1403. Written inquiries and complaints
A. A student loan servicer shall acknowledge receipt of a written inquiry or complaint from a student loan borrower or the authorized representative of a student loan borrower within ten days after receiving the inquiry or complaint.
B. Unless a response to the written inquiry is included in the acknowledgment required pursuant to Subsection A of this Section, a student loan servicer shall provide information responding to a written inquiry or complaint received pursuant to Subsection A of this Section within thirty days after receiving the inquiry or complaint.
C. If a written inquiry or complaint received pursuant to Subsection A of this Section relates to a student loan borrower’s account balance, the information provided pursuant to Subsection B of this Section is to include either of the following:
(1) A statement that the student loan servicer has corrected the account balance.
(2) An explanation of why the student loan servicer believes that the student loan borrower’s account is correct.
D. If a student loan borrower requests a document concerning the account of the student loan borrower that is in the possession or control of a student loan servicer, the student loan servicer shall provide the document within thirty days after receiving the request.
E. If a student loan servicer receives a nonconforming payment, the student loan servicer shall do all of the following:
(1) Notify the student loan borrower that the payment is a nonconforming payment within ten days after receiving the payment.
(2) Ask the student loan borrower how he would like the student loan servicer to apply the nonconforming payment to the student loan borrower’s account.

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin

Secretary of State

ACT No. 711

HOUSE BILL NO. 652
BY REPRESENTATIVE HILFERTY
AN ACT

To amend and reenact R.S. 33:4090(A) and to enact R.S. 33:4159.1 and 4159.2, relative to the Sewerage and Water Board of New Orleans; to provide relative to the powers and duties granted to the New Orleans City Council with respect to the board; to provide relative to costs associated with sewer and water connections; 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. 33:4090(A) is hereby amended and reenacted and R.S. 33:4159.1 and 4159.2 are hereby enacted to read as follows:

§4090. Apportionment of cost of connections with mains; making connections
A. ~~For any individual lot of record, the property owner shall bear all costs, inclusive of meter boxes, for initial connections extended from the sewer and water main to the property line. Any additional costs from the property line to on-site facilities including but not limited to expanded connections or new or additional meter boxes, shall be installed and maintained at the cost of the property owner.~~

A.(1) For a lot of record which existed prior to 1954, one sewer connection and one water connection extending from the respective main to the property line shall be installed by and at the expense of the board, and from that point on, each shall be made at the cost and expense of the owner of the property.
(2) For all lots created after 1954, the property owner shall bear all costs, inclusive of meter boxes, for connections extended from the sewer and water main to the property line. Any additional costs from the property line to onsite facilities shall be installed and maintained at the cost of the property owner.

* * *

§4159.1. Regulation; city council

A. The New Orleans City Council shall have the power to compile financial statements and to examine, audit, or review the books and accounts of the Sewerage and Water Board of New Orleans, referred to in this Section as the “board”. The scope of the examinations may include financial accountability, legal compliance, and evaluations of the economy, efficiency, and effectiveness of the board’s programs or any combination thereof. In addition, the city council shall have access to and be permitted to examine all papers, books, accounts, records, files, instruments, documents, films, tapes, and any other forms of recordation, including but not limited to computers and recording devices, and all software and hardware which hold data, is part of the technical processes leading up to the retention of data, or is part of the security system.

B. In lieu of examinations of the records and accounts of the board, the city council may, at its discretion, accept an audit or review report prepared by a licensed certified public accountant, provided that such audit or review is performed in accordance with generally accepted governmental auditing standards and the Louisiana Governmental Audit Guide. Such audits shall be completed within six months of the close of the board’s fiscal year. Reviews shall be conducted in accordance with the authoritative pronouncements issued by the American Institute of Certified Public Accountants and guidance provided in the Louisiana Governmental Audit Guide. For the limited purpose of providing the audits and reviews as provided in this Subsection, the certified public accountant shall have the access and assistance privileges afforded the legislative auditor in R.S. 24:513(E) and (I). However, the certified public accountant shall comply with any and all restrictions imposed by law on documents, data, or information deemed confidential by law and furnished to the certified public accountant during the course of the audit or review.

C. The city council may prescribe the terms and conditions of any such audit or review conducted by a licensed certified public accountant and may approve the terms and conditions prior to its commencement and require the board to present the terms and conditions to the city council for approval. The city council shall also have access to the working papers of the accountant during the examination and subsequent to its termination.

D.(1) The city council may issue subpoenas to the board to compel the production of public and private books, documents, records, papers, films, tapes, and electronic data processing media. A subpoena shall be served by registered or certified mail, return receipt requested, to the board’s business address.

(2) If the board refuses to obey a subpoena issued pursuant to this Subsection, a judicial district court, upon application by the city council, may issue an order requiring a board representative to appear before the court to show cause why the board should not be held in contempt for refusal to obey the subpoena. Failure to obey a subpoena may be punished as a contempt of court.

E. The city council may adopt any rules and regulations it deems necessary to implement the provisions of this Section.

F. Nothing in this Section shall be construed to limit the powers of the legislative auditor.

§4159.2. Powers of the city council

A.(1) The city council may establish, by ordinance, procedures regarding the billing policies of the board, including reducing or modifying a bill received by a customer, or waiving late charges or accrued interest, subject to the authority established by the billing ordinance as set forth in Paragraph (2) of this Subsection.

(2) The city council shall establish a billing ordinance working group to review and opine on ordinances before any such ordinance may be considered by the Public Works, Sanitation, and Environmental Committee of the city council, including evaluating the necessity of such an ordinance. This working group shall convene within ninety days of the effective date of this Section to establish procedural guidelines and within thirty days of the filing of an ordinance that impacts any aspect of the Sewerage and Water Board of New Orleans billing process or policies. The findings of this working group shall be made part of the official record before consideration of any such ordinance drafted pursuant to this Section.

(3) The billing ordinance review working group shall be comprised of the following members:

(a) The chairman of the New Orleans City Council Budget, Audit, and Board of Review Committee, or his designee.

(b) The chairman of the New Orleans City Council Public Works, Sanitation, and Environment Committee, or his designee.

(c) The chairman of the New Orleans City Council Governmental Affairs Committee, or his designee.

(d) A member of the House of Representatives residing in Orleans Parish, or his designee, appointed by the New Orleans City Council president.

(e) A member of the Senate residing in Orleans Parish, or his designee, appointed by the New Orleans City Council president.

(f) The executive director of the Sewerage and Water Board of New Orleans, or his designee.

(g) The president of the Sewerage and Water Board of New Orleans, or his designee.

(4) The procedures established by the city council shall be uniformly implemented so as to prevent special treatment as it relates to any bill modification or amnesty.

B.(1) The city council may open an investigation of the board after the occurrence of any catastrophic failure of the city's sewerage and drainage infrastructure. Any information regarding such a failure requested in writing from the board by the city council shall be submitted to the council not later than thirty days after receipt of the written request.

(2) For purposes of this Section, a catastrophic failure shall be defined as an impact to board-owned-and-operated equipment or assets that result in a diminished level of service to more than ten thousand customers and an emergency declaration by the board's general superintendent.

C. The city council may request the attendance of a representative of the board at any meeting of the Public Works, Sanitation and Environment Committee of the city council.

Section 2. The city council of New Orleans shall implement R.S. 33:4159.2(A) as enacted by this Act within ninety days of the effective date of this Act.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 712

HOUSE BILL NO. 714

**BY REPRESENTATIVES FREIBERG, GEYMANN, AND FREEMAN
AN ACT**

To enact Part XII of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:771 through 776, relative to the sale of certain cosmetics; to provide definitions; to prohibit the sale of certain cosmetics; to provide exemptions; to provide for application of law in political subdivisions; to provide for penalties; to provide for severability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XII of Chapter 2 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:771 through 776, is hereby enacted to read as follows:

PART XII. SALE OF COSMETICS TESTED ON ANIMALS

§771. Definitions

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

(1) "Cosmetic" means either of the following:

(a) Articles intended to be applied to or introduced into the human body or any part thereof for purposes of cleansing, beautifying, promoting attractiveness, or altering appearance.

(b) Articles intended for use as a component of any articles provided for in Subparagraph (a) of this Paragraph.

(c) "Cosmetic" does not include soap.

(2) "Cosmetic animal testing" means the internal or external application or exposure of any cosmetic product, cosmetic ingredient, or nonfunctional constituent to the skin, eyes, or any other body part, organ, or extremity of a live nonhuman vertebrate.

(3) "Cosmetic ingredient" means any single chemical entity or mixture used as a component in the manufacture of a cosmetic product as defined in 21

CFR 700.3(e) on the date of enactment of this Part.

(4) "Cosmetic product" means a finished and complete cosmetic.

(5) "Manufacturer" means any entity required to specify conspicuously its name and place of business on the label of a cosmetic in package form pursuant to 21 CFR 701.12.

(6) "Nonfunctional constituent" means any incidental ingredient as defined in 21 CFR 701.3(1) on the date of enactment of this Part.

(7) "Supplier" means any entity that provides, whether directly or through a third party, any cosmetic ingredient used by a manufacturer in the formulation of a cosmetic product.

§772. Prohibition on the sale or offer for sale of certain cosmetics

Notwithstanding any provision of law to the contrary, it is unlawful for a manufacturer to sell or offer for sale in this state a cosmetic that utilized cosmetic animal testing during the development or manufacture of the cosmetic, if the cosmetic animal testing was conducted by the manufacturer, any supplier of the manufacturer, or any person or business hired or contracted by the manufacturer.

§773. Exemptions

A. The provisions of this Part shall not apply to the following instances of cosmetic animal testing:

(1) Cosmetic animal testing conducted outside of the United States as required by a foreign regulatory authority, provided that no evidence derived from the testing was relied upon to substantiate the safety of the cosmetic ingredient or cosmetic product being sold by the manufacturer in this state.

(2) Cosmetic animal testing conducted for any cosmetic or cosmetic ingredient subject to regulation under 21 USC 351 et seq.

(3) Cosmetic animal testing conducted for a cosmetic ingredient intended to be used in a product that is not a cosmetic product and conducted pursuant to a requirement of a federal, state, or foreign regulatory authority, provided that no evidence derived from the testing was relied upon to substantiate the safety of a cosmetic sold in this state by a cosmetics manufacturer, unless all of the following apply:

(a) There is no nonanimal alternative method or strategy recognized by any federal or state agency or the Organisation for Economic Co-operation and Development for the relevant safety endpoints for the cosmetic ingredient or nonfunctional constituent.

(b) There is documented evidence of the noncosmetic intent of the test.

(c) There is a history of use of the ingredient outside of cosmetics at least twelve months prior to reliance.

(4) Cosmetic animal testing requested, required, or conducted by a federal or state regulatory authority if all of the following apply:

(a) There is no nonanimal alternative method or strategy recognized by any federal or state agency or the Organisation for Economic Co-operation and Development for the relevant safety endpoints for the cosmetic ingredient or nonfunctional constituent.

(b) The cosmetic ingredient or nonfunctional constituent poses a risk of causing a specific substantiated human health problem and the need to conduct cosmetics animal testing is justified and supported by a detailed research protocol proposed as the basis for the evaluation of the cosmetics ingredient or nonfunctional constituent.

(c) The cosmetic ingredient or nonfunctional constituent is in wide use and, in the case of a cosmetic ingredient, cannot be replaced by another cosmetic ingredient capable of performing a similar function.

B. The provisions of this Part shall not apply to any of the following:

(1) A cosmetic in its final form, which was tested on animals before the effective date of this Part, regardless of if the cosmetic is manufactured on or after the effective date of this Part.

(2) An ingredient in a cosmetic, which was tested on animals before the effective date of this Part, even if the ingredient is manufactured on or after the effective date of this Part.

(3) A cosmetic manufacturer reviewing, assessing, or retaining evidence from a cosmetic animal test.

§774. Political subdivisions; prohibition

No parish or political subdivision of this state shall establish or continue any prohibition on or relating to cosmetic animal testing, as defined in this Part, that is not identical to the prohibitions set forth in this Part.

§775. Penalties

A manufacturer that sells or offers for sale a cosmetic in violation of this Part commits a civil violation punishable by a fine of not more than one thousand dollars for the first day of each violation and an additional fine of five hundred dollars for each day that each violation continues.

§776. Severability

If any provision of this Part is held invalid, or if its application to any person or circumstance is held invalid, such invalidity does not affect other provisions or applications which can be given effect without the invalid provision or application.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 713

HOUSE BILL NO. 715

BY REPRESENTATIVE GREEN

AN ACT

To amend and reenact R.S. 22:691.2(introductory paragraph), 691.6(D), (M), and (N), and 691.10(A), (C)(1), (3), (4), and (F) and to enact R.S. 22:691.2(13) through (15), 691.6(O) and (P), 691.7(A)(1)(g) through (i) and (6), and 691.10(G), relative to the Insurance Holding Company System Regulatory Law; to provide for definitions; to provide for a group capital calculation; to provide for a liquidity stress test; to provide for the continuity of essential services and functions provided by affiliates; to provide for jurisdiction of the rehabilitation court; to provide for a bond or deposit requirement; to provide for the ownership of the records of an insurer; to provide for confidentiality; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:691.2(introductory paragraph), 691.6(D), (M), and (N), and 691.10(A), (C)(1), (3), (4), and (F) are hereby amended and reenacted and R.S. 22:691.2(13) through (15), 691.6(O) and (P), 691.7(A)(1)(g) through (i) and (6), and 691.10(G) are hereby enacted to read as follows:

§691.2. Definitions

As used in this Subpart, the following terms shall have these meanings ~~unless the context shall otherwise require~~: the meaning ascribed in this Section unless the context clearly requires otherwise:

* * *

(13) “Group capital calculation instructions” means the group capital calculation instructions as adopted by the NAIC and as amended by the NAIC in accordance with the procedures adopted by the NAIC.

(14) “NAIC liquidity stress test framework” means the separate NAIC publication which includes a history of the NAIC’s development of regulatory liquidity stress testing, the scope criteria applicable for a specific data year, and the liquidity stress test instructions and reporting templates for a specific data year, such scope criteria, instructions and reporting template being as adopted by the NAIC and amended by the NAIC in accordance with the procedures adopted by the NAIC.

(15) “Scope criteria” as detailed in the NAIC liquidity stress test framework means the designated exposure bases along with minimum magnitudes thereof for the specific data year, used to establish a preliminary list of insurers considered scoped into the NAIC liquidity stress test framework for that data year.

(16) “Federal reserve” means the Board of Governors of the Federal Reserve System, as provided in 12 U.S.C. 241.

(17) “NAIC” means the National Association of Insurance Commissioners.

* * *

§691.6. Registration of insurers

* * *

D. Materiality. No information need be disclosed on the registration statement filed pursuant to Subsection B of this Section if the information is not material for the purposes of this Section. Unless the commissioner by rule, regulation, or order provides otherwise: sales, purchases, exchanges, loans, or extensions of credit, investments, or guarantees involving one-half of one percent or less of an insurer’s admitted assets as of the thirty-first day of December next preceding shall not be deemed material for purposes of this Section. The definition of materiality provided in this Subsection shall not apply for the purposes of the group capital calculation or the liquidity stress test framework.

* * *

M.(1) Group capital calculation. Except as provided in Paragraph (2) of this Subsection, the ultimate controlling person of every insurer subject to registration shall concurrently file, with the registration, an annual group capital calculation as directed by the lead state commissioner. The report shall be completed in accordance with the NAIC group capital calculation instructions, which may permit the lead state commissioner to allow a controlling person that is not the ultimate controlling person to file the group capital calculation. The report shall be filed with the lead state commissioner of the insurance holding company system as determined by the commissioner in accordance with the procedures within the Financial Analysis Handbook adopted by the NAIC.

(2) The following insurance holding company systems are exempt from filing the group capital calculation:

(a) An insurance holding company system that has only one insurer within its holding company structure, that only writes business and is only authorized in its domestic state, and assumes no business from any other insurer.

(b) An insurance holding company system that is required to perform a group capital calculation specified by the federal reserve. The lead state commissioner shall request the calculation from the federal reserve under the terms of information sharing agreements in effect. If the federal reserve cannot share the calculation with the lead state commissioner, the insurance holding company system is not exempt from the group capital calculation filing.

(c) An insurance holding company system with a supervisor whose group-wide supervisor is not based in the United States and is located within a reciprocal jurisdiction as described in R.S. 22:651(F) that recognizes the U.S. state regulatory approach to group supervision and group capital.

(d) An insurance holding company system that meets all of the following criteria:

(i) It provides information to the lead state that meets the requirements for accreditation under the NAIC financial standards and accreditation program, either directly or indirectly through the group-wide supervisor, who has determined such information is satisfactory to allow the lead state to

comply with the NAIC group supervision approach, as detailed in the NAIC Financial Analysis Handbook.

(ii) The group-wide supervisor not based in the United States, that is not in a reciprocal jurisdiction, recognizes and accepts, as specified by the commissioner in regulation, the group capital calculation as the world-wide group capital assessment for United States insurance groups who operate in that jurisdiction.

(3) Notwithstanding the provisions of Subparagraphs (2)(c) and (d) of this Subsection, a lead state commissioner shall require the group capital calculation for United States operations of any insurance holding company system not based in the United States if, after any necessary consultation with other supervisors or officials, it is deemed appropriate by the lead state commissioner for prudential oversight and solvency monitoring purposes or for ensuring the competitiveness of the insurance marketplace.

(4) Notwithstanding the exemptions from filing the group capital calculation in Subparagraphs (2)(c) and (d) of this Subsection, the lead state commissioner has the discretion to exempt the ultimate controlling person from filing the annual group capital calculation or to accept a limited group capital filing or report in accordance with the criteria as specified by the commissioner through rules and regulations.

(5) If the commissioner determines that an insurance holding company system no longer meets one or more of the requirements for an exemption from filing the group capital calculation pursuant to this Section, the insurance holding company system shall file the group capital calculation at the next annual filing date, unless given an extension by the commissioner based on reasonable grounds shown.

N.(1) Liquidity stress test. The ultimate controlling person of every insurer subject to registration and scoped into the NAIC liquidity stress test framework shall file the results of its liquidity stress test. The filing shall be made to the lead state insurance commissioner of the insurance holding company system as determined by the procedures within the Financial Analysis Handbook adopted by the NAIC.

(2) The NAIC liquidity stress test framework includes scope criteria applicable to a specific data year. These scope criteria are reviewed at least annually by the financial stability task force or its successor. Any change to the NAIC liquidity stress test framework or to the data year for which the scope criteria are to be measured shall be effective on the first of January of the year following the calendar year such changes are adopted. Insurers meeting at least one threshold of the scope criteria are considered scoped into the NAIC liquidity stress test framework for the specified data year, unless the lead state insurance commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should not be scoped into the framework for that data year. Similarly, insurers that do not meet at least one threshold of the scope criteria are considered scoped out of the NAIC liquidity stress test framework for the specified data year, unless the lead state insurance commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, determines the insurer should be scoped into the framework for that data year.

(3) The lead state commissioner, in consultation with the NAIC Financial Stability Task Force or its successor, shall address concerns regarding regulators wishing to avoid being scoped in and out of the NAIC liquidity stress test framework on a frequent basis.

(4) The performance of, and filing of the results from, a specific year’s liquidity stress test shall comply with the NAIC liquidity stress test framework instructions and reporting templates for that year and any lead state insurance commissioner determinations, in conjunction with the NAIC Financial Stability Task Force or its successor, provided within the framework.

O. Violations. The failure to file a registration statement or any summary of the registration statement or enterprise risk filing required by this Section within the time specified for filing shall be a violation of this Section.

~~N. P.~~(1) Incorporation by reference. Any information contained in any financial statement, annual report, proxy statement, statement filed with a governmental authority, or any other document may be incorporated by reference, provided the document is filed as an exhibit to the registration statement. Any excerpt of a document may be filed as an exhibit if the document is extensive. Any documents currently on file with the commissioner which were filed within three years need not be attached as exhibits, but shall be referred to if not so attached. All references to information contained in exhibits or in documents duly filed shall clearly identify the material and specifically indicate that the material is to be incorporated by reference to the item. No materials shall be incorporated by reference in any instance that the incorporation would render the statement incomplete, unclear, or confusing.

(2) If a filing requires a summary or outline of the provisions of any document, only a brief statement shall be made as to the pertinent provisions of the document. In addition to the brief statement, the summary or outline may incorporate, by reference, particular parts of any exhibit or document currently on file with the commissioner which was filed within three years and may be included in its entirety by the reference. ~~In any case where~~ If two or more documents required to be filed as exhibits are substantially identical in all material respects except as to the parties, the dates of execution, or other details, a copy of one of the documents shall be filed with a schedule identifying the omitted documents and setting forth the material details in which such documents differ from the documents filed.

§691.7. Standards and management of an insurer within an insurance

holding company system

A. * * *

(1) Transactions within an insurance holding company system to which an insurer subject to registration is a party shall be subject to the following standards:

* * *

(g)(i) If an insurer is deemed by the commissioner to be in a hazardous financial condition, as defined in regulations promulgated by the commissioner, or a condition that would be grounds for supervision, conservation, or a delinquency proceeding, the commissioner may require the insurer to secure and maintain either a deposit, held by the commissioner, or a bond, as determined by the insurer at the insurer's discretion, for the duration of the contract or agreement or the existence of the condition for which the commissioner required the deposit or the bond.

(ii) In determining whether a deposit or a bond is required, the commissioner may consider whether concerns exist with respect to the affiliated person's ability to fulfill the contract or agreement, if the insurer were to be put into liquidation.

(iii) Once the insurer is deemed to be in a hazardous financial condition or a condition that would be grounds for supervision, conservation, or a delinquency proceeding, such that a deposit or bond is necessary, the commissioner may determine the amount of the deposit or bond, not to exceed the value of the contract or agreement in any one year, and whether such deposit or bond should be required for a single contract, multiple contracts, or a contract with a specific person.

(h) All records and data of the insurer held by an affiliate are the property of the insurer, are subject to control of the insurer, are identifiable, and are segregated or readily capable of segregation, at no additional cost to the insurer, from all other persons' records and data. This includes all records and data that are otherwise the property of the insurer in whatever form maintained, including but not limited to claims and claim files, policyholder lists, application files, litigation files, premium records, rate books, underwriting manuals, personnel records, and financial records or similar records within the possession, custody, or control of the affiliate. At the request of the insurer, the affiliate shall provide that the receiver can obtain a complete set of all records of any type that pertain to the insurer's business, obtain access to the operating systems on which the data is maintained, obtain the software that runs those systems either through assumption of licensing agreements or otherwise, and restrict the use of the data by the affiliate if it is not operating the insurer's business. The affiliate shall provide a waiver of any landlord lien or other encumbrance to give the insurer access to all records and data, if the affiliate defaults under a lease or other agreement.

(i) Premiums or other funds belonging to the insurer that are collected by or held by an affiliate are the exclusive property of the insurer and are subject to the control of the insurer. Any right of offset in the event an insurer is placed into rehabilitation shall be subject to the provisions of Chapter 9 of this Title, R.S. 22:2001 et seq.

* * *

(6)(a) Any affiliate that is party to an agreement or contract with a domestic insurer that is subject to Subparagraph (2)(d) of this Subsection shall be subject to the jurisdiction of any supervision, seizure, conservatorship, or receivership proceedings against the insurer and shall be subject to the authority of any supervisor, conservator, rehabilitator, or liquidator for the insurer appointed pursuant to Subpart H of Part III of Chapter 2 of this Title, R.S. 22:731 et seq., and Chapter 9 of this Title, R.S. 22:2001 et seq., for the purpose of interpreting, enforcing, and overseeing the affiliate's obligations under the agreement or contract to perform services for the insurer that are any of the following:

(i) An integral part of the insurer's operations, including but not limited to management, administrative, accounting, data processing, marketing, underwriting, claims handling, investment, or any other similar functions.

(ii) Essential to the insurer's ability to fulfill its obligations under insurance policies.

(b) The commissioner may require that an agreement or contract, pursuant to Subparagraph (2)(d) of this Subsection, for the provision of any services described in Items (a)(i) and (ii) of this Paragraph specify that the affiliate consents to the jurisdiction as set forth in this Paragraph.

* * *

§691.10. Confidential treatment

A. (1) Documents, materials, or other information in the possession or control of the ~~Department of Insurance~~ department that are obtained by or disclosed to the commissioner or any other person in the course of an examination or investigation made pursuant to R.S. 22:691.8 and all information reported or provided to the commissioner pursuant to R.S. 22:691.4(B)(12) and (13), 691.6, 691.7, and 691.9.1 shall be recognized as proprietary information containing trade secrets, shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action. However, the commissioner is authorized to use the documents, materials, or other information in the furtherance of any regulatory or legal action brought as a part of the commissioner's his official duties. The commissioner shall not otherwise make the documents, materials, or other information public without the prior written consent of the insurer to which it pertains unless the commissioner, after giving the insurer and its affiliates who would be affected thereby notice and opportunity to be heard, determines that the interest of policyholders, shareholders, or the public will

be served by the publication thereof, in which event the commissioner may publish all or any part in such manner as may be deemed appropriate.

(2) For purposes of the information reported and provided to the department pursuant to R.S. 22:691.6(M), the commissioner shall maintain the confidentiality of the group capital calculation and group capital ratio produced within the calculation and any group capital information received from an insurance holding company supervised by the United States Federal Reserve Board or any U.S. group-wide supervisor.

(3) For purposes of the information reported and provided to the department pursuant to R.S. 22:691.6(N), the commissioner shall maintain the confidentiality of the liquidity stress test results, supporting disclosures, and any liquidity stress test information received from an insurance holding company supervised by the United States Federal Reserve Board and group-wide supervisors not based in the United States.

* * *

C. In order to assist in the performance of the commissioner's duties, the commissioner:

(1) May share documents, materials, or other information, including the confidential and privileged documents, materials, or information subject to Subsection A of this Section, including proprietary information and trade secret documents and materials, with other state, federal, and international regulatory agencies with the NAIC and its affiliates and subsidiaries and with state, federal, and international law enforcement authorities, including members of any supervisory college described in R.S. 22:691.9, provided that the recipient agrees in writing to maintain the confidentiality and privileged status of the document, material, or other information, and has verified in writing the legal authority to maintain confidentiality.

* * *

(3) May receive documents, materials, or information, including otherwise confidential and privileged documents, materials, or information, including proprietary and trade secret information, from the NAIC and its affiliates and subsidiaries and from regulatory and law enforcement officials of other foreign or domestic jurisdictions, and shall maintain as confidential or privileged any document, material, or information received with notice or the understanding that it is confidential or privileged under the laws of the jurisdiction that is the source of the document, material, or information.

(4) Shall enter into written agreements with the NAIC and any third-party consultant designated by the commissioner governing the sharing and use of information provided pursuant to this Subpart consistent with this Subsection that shall:

(a) Specify procedures and protocols regarding the confidentiality and security of information shared with the NAIC and its affiliates and subsidiaries or a third-party consultant designated by the commissioner pursuant to this Subpart, including procedures and protocols for sharing by the NAIC with other state, federal, or international regulators. The agreement shall provide that the recipient agrees in writing to maintain the confidentiality and privileged status of the documents, materials, and other information and has verified, in writing, the legal authority to maintain such confidentiality.

(b) Specify that ownership of information shared with the NAIC and its affiliates and subsidiaries or a third-party consultant pursuant to this Subpart remains with the commissioner and the NAIC's use of the information by the NAIC or a third-party consultant, designated by the commissioner, is subject to the direction of the commissioner.

(c) Excluding documents, materials, and information reported pursuant to R.S. 22:691.6(N), prohibit the NAIC or a third-party consultant, designated by the commissioner from storing the information shared pursuant to this Section in a permanent database after the underlying analysis is completed.

(d) Require prompt notice to be given to an insurer whose confidential information in the possession of the NAIC or a third-party consultant, designated by the commissioner, pursuant to this Subpart is subject to a request or subpoena to the NAIC or a third-party consultant designated by the commissioner for disclosure or production.

(4) (e) Require the NAIC and its affiliates and subsidiaries or a third-party consultant, designated by the commissioner, to consent to intervention by an insurer in any judicial or administrative action in which the NAIC and its affiliates and subsidiaries or a third-party consultant, designated by the commissioner, may be required to disclose confidential information about the insurer shared with the NAIC and its affiliates and subsidiaries or a third-party consultant, designated by the commissioner, pursuant to this Subpart.

(f) For documents, materials, and information reporting, pursuant to R.S. 22:691.6(N), in the case of an agreement involving a third-party consultant, provide for notification of the identity of the consultant to the applicable insurers.

* * *

F. Documents, materials, or other information in the possession or control of the NAIC or a third-party consultant, designated by the commissioner, pursuant to this Subpart shall be confidential by law and privileged, shall not be subject to subpoena, and shall not be subject to discovery or admissible in evidence in any private civil action.

G. Except as otherwise may be required under the provisions of this Subpart, the making, publishing, disseminating, circulating, or placing before the public, or causing directly or indirectly to be made, published, disseminated, circulated, or placed before the public in a newspaper, magazine, or other publication, or in the form of a notice, circular, pamphlet, letter, or poster, or broadcasted over any radio station, television station, or by any other electronic means of communication available to the public, or in

any other way as an advertisement, announcement, or statement containing a representation or statement with regard to the group capital calculation, group capital ratio, the liquidity stress test results, or supporting disclosures for the liquidity stress test of any insurer or any insurer group, or of any component derived in the calculation by any insurer, broker, or other person engaged in any manner in the insurance business is prohibited. However, if any materially false statement with respect to the group capital calculation, resulting group capital ratio, an inappropriate comparison of any amount to an insurer's or insurance group's group capital calculation or resulting group capital ratio, liquidity stress test result, supporting disclosures for the liquidity stress test, or an inappropriate comparison of any amount to an insurer's or insurance group's liquidity stress test result or supporting disclosures is published in any written publication and the insurer is able to demonstrate to the commissioner, with substantial proof, the falsity of such statement or its inappropriateness, the insurer may publish announcements in a written publication, if the sole purpose thereof is to rebut the materially false statement.

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 714

HOUSE BILL NO. 762
BY REPRESENTATIVE ZERINGUE
AN ACT

To amend and reenact R.S. 56:1684(D)(1) and to enact R.S. 36:610(B)(13), R.S. 56:10(B)(17), and Part VI of Chapter 8 of Title 56 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 56:1931 through 1936, relative to the Louisiana Outdoors Forever Program; to create the Louisiana Outdoors Forever Program and the Louisiana Outdoors Forever Fund; to provide for executive branch organization; to create a project selection board and a technical advisory board; to provide for board membership and duties; to provide for program eligibility and applications; to provide for natural areas; to provide for administrative rules; to provide for program termination; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 36:610(B)(13) is hereby enacted to read as follows:
§610. Transfer of agencies and functions to Department of Wildlife and Fisheries

* * *

B. The following agencies, as defined in R.S. 36:3, are transferred to and hereinafter shall be within the Department of Wildlife and Fisheries, as provided in R.S. 36:802.

* * *

(13) The Louisiana Outdoors Forever Program project selection board and technical advisory board (R.S. 56:1931 et seq.).

* * *

Section 2. R.S. 56:1684(D)(1) is hereby amended and reenacted and R.S. 56:10(B)(17) and Part VI of Chapter 8 of Title 56 of the Louisiana Revised Statutes of 1950, comprised of R.S. 56:1931 through 1936, are hereby enacted to read as follows:

§10. Annual report to governor; estimate of proposed expenditures; particular funds; limitations on purposes for use of monies in particular funds and accounts; warrants; vouchers; surplus funds

* * *

B.

* * *

(17) There is hereby created within the Conservation Fund a special account known as the “Louisiana Outdoors Forever Fund”. The funds in this account shall be used solely for and in accordance with the Louisiana Outdoors Forever Program, provided for in R.S. 56:1931 et seq. Any appropriations, public or private grants, gifts, or donations received by the state or the Department of Wildlife and Fisheries for the purposes of this program shall be credited to the fund. The monies in the fund shall be subject to the same requirements as provided for in Paragraph (1) of this Subsection. The monies in the fund shall be invested by the treasurer in the same manner as the monies in the state general fund and all interest earned shall be deposited and credited to the fund after compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana. All unexpended or unencumbered monies remaining in the fund at the end of the fiscal year shall remain to the credit of the fund.

* * *

§1684. Categories of classification
Each office of state parks holding will be identified and operated according to the basic purpose for which it is established and will be selected, operated and identified according to the following classification categories and the criteria thereof:

* * *

D. “State parks” are natural areas which, when evaluated on a statewide basis, possess outstanding potential for recreation utilization. The natural area must possess outstanding scenic and natural qualities to provide a recreation opportunity of high quality in a natural setting.

The criteria for the selection of areas to be designated as state parks shall

be:

(1) Size: A state park shall be of sufficient size to insure efficient operation and maintenance of its recreation facilities and have sufficient buffer to preserve the natural integrity of the area.

All state parks, except those currently within the system and those in Caddo and Bossier Parishes, must adhere to an absolute minimum size standard of two hundred and fifty acres and preferred minimum size standard of four hundred acres. The secretary of the Department of Culture, Recreation and Tourism will determine in each case which minimum standard will be applicable.

* * *

PART VI. LOUISIANA OUTDOORS FOREVER PROGRAM

§1931. Louisiana Outdoors Forever Program; fund

There is hereby established within the Department of Wildlife and Fisheries the Louisiana Outdoors Forever Program for the purpose of providing funding for outdoor conservation projects in the state. The administration of the program and the conservation projects selected for funding under the program shall be funded by the Louisiana Outdoors Forever Fund as provided for in R.S. 56:10(B)(17).

§1932. Project selection board

A. The program shall be governed by a project selection board composed of the following members:

(1) The governor or his designee.

(2) The executive assistant to the governor for coastal activities or his designee.

(3) The lieutenant governor or his designee from the office of state parks.

(4) The commissioner of the Department of Agriculture and Forestry or his designee.

(5) The secretary of the Department of Environmental Quality or his designee.

(6) The secretary of the Department of Natural Resources or his designee.

(7) The secretary of the Department of Wildlife and Fisheries or his designee.

(8) The speaker of the House of Representatives or his designee.

(9) The president of the Senate or his designee.

B. The members of the board representing the Louisiana Legislature shall be nonvoting members.

C. The project selection board shall elect a chairman at its first meeting each year. The chairman shall serve a one-year term and may be reelected by the board.

D. The project selection board shall make all final determinations regarding the selection of projects for funding under the program.

§1933. Technical advisory board

A. The project selection board shall be advised by a technical advisory board composed of the following members:

(1) Subject matter representatives from the following:

(a) The office of the governor.

(b) The division of administration.

(c) The office of coastal activities.

(d) The office of state parks.

(e) The Department of Agriculture and Forestry.

(f) The Department of Environmental Quality.

(g) The Department of Natural Resources.

(h) The Department of Wildlife and Fisheries.

(2) Up to three representatives of nonprofit conservation organizations having offices in Louisiana and engaged in conservation efforts in the state may be appointed by the governor, provided that no such representative may participate in the evaluation of applications from their own organization.

B. The technical advisory board shall review and evaluate applications in accordance with the program criteria and scoring and forward assessments to the project selection board.

§1934. Program eligibility; application process

A.(1) State agencies, political subdivisions of the state, including local governing authorities, and nongovernmental organizations working in coordination with public agencies may apply to the program for funding.

(2) The program shall be strictly voluntary and in no way invokes eminent domain.

B. The following types of projects may be eligible for funding:

(1) Land conservation of important natural areas, including fish and wildlife habitat.

(2) Water quality projects related to land conservation or land management, including those lands that protect drinking water supplies.

(3) Working land, farms, and forested land.

(4) Recreational properties related to important natural areas and public use.

(5) Historic properties adjacent to or integral to habitat restoration or enhancement.

C. Application forms as well as information about application requirements shall be made available online.

D. Submitted applications shall be evaluated by the technical advisory board and selected by the project selection board using defined criteria and scoring based on a clear, defensible, science-based process.

E. The department shall, in accordance with the Administrative Procedure Act, promulgate rules and regulations necessary to implement this program. Such rules shall include procedures for applying to the program and detailed criteria and scoring to be used by the boards in their evaluation and selection

of projects for funding.
§1935. Transparency
The Louisiana Outdoors Forever Program, fund, project selection board, and technical advisory board shall be subject to all applicable laws concerning public meetings and public records, including the Open Meetings Law, the Public Records Law, and the Ethics Code. In addition, the meetings of each board shall be open to the public, broadcast via the internet when possible, and allow time for public comment. Meeting minutes shall be made available to the public. Information about the members of each board shall also be readily available to the public.

§1936. Program termination
The Louisiana Outdoors Forever Program shall terminate on July 1, 2033.
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 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 715

HOUSE BILL NO. 789
BY REPRESENTATIVE WILLARD
AN ACT

To enact Chapter 22 of Title 6 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 6:1401 through 1404, relative to private education lenders; to create a registry; to provide for required contents; to allow for enforcement; to provide for rulemaking; and to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 22 of Title 6 of the Louisiana Revised Statutes of 1950, comprised of R.S. 6:1401 through 1404, is hereby enacted to read as follows:

CHAPTER 22. PRIVATE STUDENT LOAN REGISTRY

§1401. Definitions
For purposes of this Chapter the following words have the following meanings:

(1) “Commissioner” means the commissioner of the Office of Financial Institutions.

(2) “Private education lender” means any person engaged in the business of securing, making, or extending a private education loan, or any holder of a private education loan. “Private education lender” shall not include any person who services a private education loan, to the extent such person does not also secure, make, extend, or own the loan. “Private education lender” shall not include any federally insured financial institution, its subsidiaries, and affiliates.

(3) “Private education loan” means an extension of credit or a debt or obligation owed or incurred by a consumer, contractual or otherwise, contingent or absolute, that meets all of the following criteria:

(a) Is not made, insured, or guaranteed under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

(b) Is extended to or owed or incurred by a consumer expressly, in whole or in part, for postsecondary education expenses, regardless of whether the extension of credit or debt or obligation owed or incurred is provided by the provider of postsecondary education that the student attends.

(c) Does not include any loan that is secured by immovable property or a dwelling.

(4) “Provider of postsecondary education” means a person engaged in the business of providing postsecondary education, via correspondence, online, or in this state, to a person located in this state.

§1402. Private education lender registry

A. No person shall engage in business as a private education lender in this state without first satisfying the requirements set forth in Subsection B of this Section.

B. A private education lender operating in this state shall do all of the following:

(1) Register with the commissioner pursuant to any registration procedures set forth by the commissioner by rule, which may include the payment of a fee set by the commissioner by rule and registration through the Nationwide Multistate Licensing System and Registry. The commissioner may prescribe an alternative registration process and fee structure for a provider of postsecondary education. The registration requirements of this Paragraph shall not apply to a licensed lender pursuant to R.S. 9:3557 or any bank, savings bank, savings and loan association, or credit union operating pursuant to authority granted by the commissioner.

(2) Provide the commissioner with the following documents and information:

(a) A list of all schools at which the private education lender has provided a private education loan to a student residing in this state.

(b) The total number and dollar amount of private education loans made annually to students residing in this state.

(c) The total number and dollar amount of private education loans made annually at each school as identified in Subparagraph (a) of this Paragraph.

(d) The range of starting interest rates and percentage of applicants who

receive those rates.

(e) The default rate for borrowers obtaining private education loans from the private education lender, if applicable, including the default rate for private education loans made to students for each school listed pursuant to Subparagraph (a) of this Paragraph.

(f) A copy of the promissory note, agreement, contract or other instrument used by a private education lender during the previous year to substantiate that a private education loan has been extended to the consumer or that a consumer owes a debt to the private education lender.

(g) The total number and dollar amount of private education loans made with a cosigner annually.

(3) Provide to the commissioner the documents and information enumerated in Paragraph (B)(2) of this Section pursuant to any procedures set forth by the commissioner, which may include reporting through the Nationwide Multistate Licensing System and Registry.

C. Not later than one year following enactment of this Chapter, the commissioner shall create a publicly accessible website that includes the following information about private education lenders registered in this state:

(1) The name, address, telephone number, and website for all registered private education lenders.

(2) A summary of the information required by Paragraph (B)(2) of this Section.

(3) Copies of all promissory notes, agreements, contracts, or other instruments provided to the commissioner as required by Subparagraph (B)(2)(f) of this Section.

§1403. Violations

The commissioner may enforce the provisions of this Chapter using the commissioner’s authority pursuant to R.S. 6:121.1. Each violation of this Chapter, including any order, rule, or regulation made or issued pursuant to this Chapter, shall constitute a separate offense.

§1404. Rules

The commissioner shall promulgate rules as are necessary to implement the provisions of this Chapter.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 716

HOUSE BILL NO. 790
BY REPRESENTATIVE HOLLIS
AN ACT

To amend and reenact R.S. 32:707(D)(1)(b)(iv), relative to the application for certificates of ownership and salvage title for total loss motor vehicles; to provide requirements for lien satisfaction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:707(D)(1)(b)(iv) is hereby amended and reenacted to read as follows:

§707. Application for certificates of title; exception; salvage title; antique vehicles; reconstructed title

* * *

I.(1)

* * *

(b) If an insurance company or its authorized agent is unable to obtain the certificate of title from the owner or lienholder within thirty days from the settlement of the property damages claim, the insurance company or its authorized agent may submit an application for a salvage title and signed under penalty of perjury, which application shall be accompanied by all of the following:

* * *

(iv) A release of lien executed by each current holder of a security interest in the motor vehicle. Alternatively, if after satisfaction of all liens, any lien that is not released after sixty days from the date of the loss, an insurance company or its authorized agent may submit proof of full payment, a copy of the most recent letter of guarantee from each holder of a lien that has not been released indicating the payoff amount, and evidence of two attempts to contact the lienholder as provided in Item (b)(i) of this Paragraph. If payment is made by check, proof of payment shall consist of a copy of the front and back of the paid check listing all endorsements of the named payees. If payment is made by electronic transfer, proof of payment shall consist of evidence of the payment transaction from the account of the payer, including submission of a screenshot of payment. In addition, submission shall certify that any payoff funds were not returned by the lienholder. The insurance company shall sign a hold harmless affidavit, on a form approved by the department. The office of motor vehicles may charge a fee of no more than one hundred dollars for each transaction.

* * *

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 717

HOUSE BILL NO. 867
BY REPRESENTATIVE MOORE
AN ACT

To amend and reenact R.S. 32:267(A)(2) and (E), to enact R.S. 32:267(A)(3) and (4), and to repeal R.S. 32:57.4 and 267.1, relative to the designation of highway safety corridors by the Department of Transportation and Development; to remove references to electronic enforcement; to provide for penalties; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:267(A)(2) and (E) are hereby amended and reenacted and R.S. 32:267(A)(3) and (4) are hereby enacted to read as follows:

§267. Highway safety corridor

A.

* * *

(2) After review of all data and studies used in the establishment of a highway safety corridor and the subsequent establishment of the highway safety corridor, the secretary of the Department of Transportation and Development, the superintendent of the Louisiana State Police, and the executive director of the Louisiana Highway Safety Commission shall not be liable for any property damages, injuries, or deaths that may arise from any enforcement pursuant to ~~R.S. 32:267.1~~ this Section in the highway safety corridor.

(3) “Highway safety corridor” means a special segment of a highway that has been identified by data analysts and approved by a majority vote of the Safety Corridor Advisory Group to be locations with a high potential for safety improvement, especially for fatal and serious injury crashes. The primary cause of these crashes is driver behavior such as speeding, aggressive driving, impairment, and distracted driving.

(4) “Highway safety corridor violation” means use of a highway safety corridor in a manner not authorized by this Chapter or any regulation promulgated pursuant to this Chapter.

* * *

E. Any person violating the provisions of this Chapter while on the portion of a highway which is designated as a highway safety corridor shall be fined and penalized as provided in R.S. 32:57(D) ~~or 267.1~~.

* * *

Section 2. R.S. 32:57.4 and 267.1 are hereby repealed in their entirety.

Section 3. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If this Act is 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 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 718

HOUSE BILL NO. 887
BY REPRESENTATIVES ROBBY CARTER AND EDMONDS
AN ACT

To amend and reenact Civil Code Articles 2315.1(D) and 2315.2(D), relative to wrongful death and survival actions; to provide for actions brought by a child given in adoption; to provide for actions brought by a sibling given in adoption; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Articles 2315.1(D) and 2315.2(D) are hereby amended and reenacted to read as follows:

Art. 2315.1. Survival action

* * *

D.(1) As used in this Article, the words “child”, “brother”, “sister”, “father”, “mother”, “grandfather”, and “grandmother” include a child, brother, sister, father, mother, grandfather, and grandmother by adoption, respectively.

(2) As used in the Article, the words “child”, “brother”, and “sister” include a child, brother, or sister given in adoption, respectively.

* * *

Art. 2315.2. Wrongful death action

* * *

D.(1) As used in this Article, the words “child”, “brother”, “sister”, “father”, “mother”, “grandfather”, and “grandmother” include a child, brother, sister, father, mother, grandfather, and grandmother by adoption, respectively.(2) As used in the Article, the words “child”, “brother”, and “sister” include a child, brother, or sister given in adoption, respectively.

* * *

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 719

HOUSE BILL NO. 888
BY REPRESENTATIVES FREIBERG, BRASS, JEFFERSON, CHARLES
OWEN, PHELPS, SCHLEGEL, ST. BLANC, AND TARVER
AN ACT

To enact R.S. 17:3138.4, relative to postsecondary education; to require the Board of Regents to establish a process for designating an institution as a “Hunger-Free Campus”; to require the Board of Regents to establish a related grant program; to provide for eligibility criteria for institutions; to provide for an effective date; to provide relative to reporting; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3138.4 is hereby enacted to read as follows:

§3138.4. Hunger-Free Campus; designation; grant program

A.(1) The Board of Regents, referred to in this Section as the “board”, shall establish a process for a postsecondary education institution to be designated as a “Hunger-Free Campus”.

(2) To be eligible to receive this designation, an institution shall do all of the following:

(a) Establish a Hunger-Free Campus task force that meets a minimum of three times per academic year to set at least two goals with action plans and that includes, at minimum, two or more students enrolled at the institution, a representative from the office of student affairs, and a representative from the office of financial aid.

(b) Notify, on an individual basis, students who receive need-based financial aid of their potential eligibility to receive Supplemental Nutrition Assistance Program (SNAP) benefits.

(c) Hold or participate in at least one anti-hunger awareness event per academic year.

(d) If no campus food pantry or charitable food distribution exists on campus, assess the need to provide access to on-campus food distribution, to a local off-campus food pantry, or to an on-campus food pantry.

B.(1) The board shall develop an application process for institutions seeking this designation.

(2) The board shall review each application and award the initial designation to institutions meeting the requirements provided in Subsection A of this Section.

(3) The designation shall apply for two years.

(4) After receiving the initial designation, an institution may submit a renewal application to the board in accordance with timelines established by the board.

(5) If the board determines that the institution meets the requirements specified in Subsection A of this Section based on its renewal application, the institution shall receive the designation for an additional two-year period. If the board determines that an institution does not meet the requirements, the board shall provide written notice to the institution, and the institution shall have forty-five days from receipt of the notice to correct or amend its renewal application. If the institution does not submit a corrected or amended application or if the corrected or amended application does not meet the requirements as determined by the board, the institution shall not receive the designation for that year.

C.(1) The board shall establish a Hunger-Free Campus grant program. The purpose of the program shall be to provide grants to the following:

(a) Public postsecondary education institutions designated as “Hunger-Free Campuses”.

(b) Nonpublic, not-for-profit postsecondary education institutions that disproportionately serve low-income students, as determined by the board, and that have been designated as “Hunger-Free Campuses”.

(2) The purpose of the grant funding shall be to assist postsecondary education institutions in raising awareness on resources available to address basic food needs, leveraging existing infrastructure, maximizing federal programs, and building strategic partnerships at the local, state, and national levels to address food insecurity among students.

(3) The board shall create an application process for postsecondary institutions seeking grant funding.

(4) To be eligible for grant funds, postsecondary education institutions must meet the criteria provided in Paragraph (1) of this Subsection and demonstrate progress or commitment to implementing at least one of the following anti-hunger initiatives:

(a) The development of a student meal credit sharing program in which students can use either unused or donated meals from other students in prepaid meal programs.

(b) The establishment of a campus emergency fund to support students with emergency expenses, including but not limited to those associated with food, shelter, utilities, and childcare.

(c) The designation of one or more staff persons responsible for assisting food insecure students to access nutrition and other basic needs resources, including by assisting students with the SNAP application process.

(d) The dissemination, at least once every three academic years, of an anonymous campus-wide survey assessing student food security.

(e) The establishment of an on-campus food pantry.

(5) The awarding of grants through the program is subject to the appropriation of funds by the legislature for this purpose.

Section 2. The Board of Regents shall submit a report to the governor, the

House Committee on Education, and the Senate Committee on Education not later than two years after the establishment of the Hunger-Free Campus grant program. The report shall include, at minimum, the number and amounts of the grant awards, the impact the grant program has had on establishing additional hunger-free campuses at public postsecondary education institutions, and any recommendations relative to the expansion of the grant program.

Section 3. This Act shall be known and may be cited as the “Hunger-Free Campus 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 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 720

HOUSE BILL NO. 910
BY REPRESENTATIVE THOMAS
AN ACT

To amend and reenact R.S. 37:3302(introductory paragraph), (1), (2), (8), and (11) and to enact R.S. 37:3302(13), relative to athletic trainers; 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. 37:3302(introductory paragraph), (1), (2), (8), and (11) are hereby amended and reenacted and R.S. 37:3302(13) is hereby enacted to read as follows:

§3302. Definitions

As used in this Chapter, the following words and phrases terms have the meanings meaning hereinafter ascribed to them in this Section:

(1) “Athlete” means an individual designated as such by the board, an educational institution, a professional athletic organization, or other board-approved organization who participates in an athletic activity sponsored by such institution or organization.

(2) “Athletic trainer” means an individual licensed by the board as an athletic trainer with the specific qualifications set forth in R.S. 37:3306.1 who, under the general supervision of a physician, carries out the practice of prevention, emergency management, and physical rehabilitation of athletic injuries and sports-related conditions incurred by athletes. In carrying out these functions, the athletic trainer shall use whatever physical modalities are prescribed by a team physician or consulting physician, or both.

* * *

(8) “Emergency management” means the immediate care given to an injured athlete under the general supervision of the team or consulting physician. To accomplish this care, an athletic trainer may use such methods as accepted first aid procedures approved by the American Red Cross, the American Heart Association, or protocol previously established by the athletic trainer and the team or consulting physicians.

* * *

(11) “Physical rehabilitation” means the care given to athletes following an athletic injury and recovery. These treatments and rehabilitation programs may consist of preestablished methods of physical modality use and exercise as prescribed by a team physician, consulting physician, or both. Physical rehabilitation also includes working cooperatively with and under the general supervision of a physician with respect to the following:

* * *

(13) “Athletic injury” means any injury, illness, or medical condition sustained by an athlete as a result of his participation in exercises, sports, games, or recreational activities.

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 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 721

HOUSE BILL NO. 938
BY REPRESENTATIVE DUSTIN MILLER
AN ACT

To amend and reenact R.S. 4:150(A) and 169(A)(3), relative to horse racing; to extend the term of certain licenses; to provide for renewal; to provide an expiration date; to make technical changes; to provide for an effective date;

and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:150(A) and 169(A)(3) are hereby amended and reenacted to read as follows:

§150. Licenses to owners, trainers, jockeys, and riders; qualifications of applicant for a license

A.(1) ~~The Commission~~ commission may grant, refuse, suspend, or withdraw licenses to horse owners, jockeys, riders, agents, trainers, grooms, stable foremen, exercise boys, veterinarians, valets, platers, ~~and/or~~ or anyone licensed pursuant to this Part and any rules and regulations the ~~Commission~~ commission adopts and upon the payment of a license fee as fixed pursuant to this Part. No license under this ~~section~~ Section shall be granted for more than ~~one three~~ three fiscal year ~~years~~, but a license issued pursuant to this Part is valid at all race meetings in ~~the~~ this state during the period. Any license may be revoked by the commission and any person whose license has been revoked is ineligible to participate in racing unless the license is returned by the commission with permission to operate thereunder. No license shall be refused to any applicant who is qualified in accordance with the rules and regulations adopted by the commission, ~~and~~ and no license shall be revoked without just cause.

(2) The granting of a license to a trainer shall make him responsible for and be the absolute insurer of the condition of the horses he enters regardless of acts of third parties.

* * *

§169. Licenses, registrations, fees for participating in racing

A.

* * *

(3)~~(a)~~ Effective July 1, 2013, owners, trainers, jockeys, jockey agents, exercise persons, and veterinarians may renew the annual license fee for up to a three-year period which shall expire June thirtieth of the third year. Colors may also be registered at the annual license amount for up to a three-year period to expire June thirtieth of the third year.

(b) Beginning July 1, 2022, the commission may renew the annual license fee for the partnership licenses outlined in Paragraph (1) of this Subsection for up to a three-year period which shall expire June thirtieth of the third year.

* * *

Section 2. This Act shall become effective on June 30, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or June 30, 2022, whichever is later.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 722

HOUSE BILL NO. 963
BY REPRESENTATIVE ORGERON AND SENATORS FIELDS, JACKSON,
ROBERT MILLS, MIZELL, AND TALBOT
AN ACT

To enact R.S. 17:276.1 and 3996(B)(67), relative to required instruction in public schools; to require instruction in water safety for public school students; to provide relative to materials used for such instruction; to require public school governing authorities to adopt policies to implement such instruction; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. This Act shall be known and may be cited as the “Riley Bourgeois Act”.

Section 2. The legislature finds and declares the following:

(1) Drowning is the number one cause of accidental death among children ages one to four and the second leading cause of accidental death in children under the age of fourteen in our nation.

(2) According to the Centers for Disease Control and Prevention, drowning is the third leading cause of death in children ages one to four in our state.

(3) For every child who dies from drowning, another eight children receive emergency department care for non-fatal drowning.

(4) There were twenty-four infant and child drownings in our state in 2020.

Section 3. R.S. 17:276.1 and 3996(B)(67) are hereby enacted to read as follows:

§276.1. Water safety; required instruction

A.(1) Age- and grade-appropriate instruction on water safety shall be provided to each public school student. Such instruction shall be incorporated into an existing required course, such as health, physical education, or another course deemed appropriate by the public school governing authority.

(2) At a minimum, such instruction shall include instruction on the following:

(a) The proper use of flotation devices.

(b) Awareness of water conditions.

(c) The proper supervision of swim areas.

(d) Safe behaviors in and around the water.

(e) The importance of pool barriers and fencing.

(f) The importance of formal swim lessons.

(g) The importance of avoiding alcohol and substance use with water recreation.

(h) The importance of cardiopulmonary resuscitation for drowning victims

and the importance of administering such aid.
B.(1) Each governing authority shall adopt policies necessary for the implementation of this Section.
(2) Each governing authority may customize the instruction for its student population based on geographic characteristics and any other special circumstances applicable to the school or school district.
C.(1) The state Department of Education shall establish and maintain a clearinghouse of instructional materials and information regarding model water safety curricula and best practices for water safety instruction.
(2) The department shall review the materials and information at least once biannually and revise them based on updated information, as needed.

* * *
§3996. Charter schools; exemptions; requirements
* * *

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

* * *
(67) Water safety instruction, R.S. 17:276.1.
* * *

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 723

HOUSE BILL NO. 673
BY REPRESENTATIVE JORDAN
AN ACT

To amend and reenact R.S. 40:2869(D) and (E) and to enact R.S. 40:2869(A)(21) through (25) and (F) and R.S. 42:17.2, relative to pharmacy benefit managers; to provide for the pharmacy benefit manager monitoring advisory council; to provide for membership; to provide for technical changes; to provide for meetings of the advisory council conducted by electronic means; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 40:2869(D) and (E) are hereby amended and reenacted and R.S. 40:2869(A)(21) through (25) and (F) are hereby enacted to read as follows:
§2869. Pharmacy benefit manager monitoring advisory council; membership; functions

A. There is hereby created a pharmacy benefit manager monitoring advisory council, referred to hereafter in this Chapter as the "advisory council", that shall consist of the following members, each of whom may appoint a designee:

- * * *
(21) The governor.
(22) The chairman of the House Committee on Insurance.
(23) The chairman of the Senate Committee on Insurance.
(24) The chairman of the House Committee on Health and Welfare.
(25) The chairman of the Senate Committee on Health and Welfare.
* * *

D. The advisory council shall provide monitoring of pharmacy benefit managers in Louisiana to advise the legislature, commissioner of insurance, and Board of Pharmacy on the most effective and efficient manner of regulation of pharmacy benefit managers to ensure the protection of the public. Any licensed pharmacy benefit manager operating in the state of Louisiana shall provide full cooperation with the advisory council on matters including but not limited to those set forth in Subsection E of this Section.

E. The advisory council shall advise on matters that include but are including but not limited to the licensure and regulation of pharmacy benefit managers set forth in Title 22, Title 37, and Title 40 of the Louisiana Revised Statutes of 1950, applicable rules and regulations of state agencies, and federal laws or rules relative to pharmacy benefit managers.

F. The advisory council may conduct and its members may attend and participate in a meeting via electronic means in accordance with R.S. 42:17.2.
Section 2. R.S. 42:17.2 is hereby enacted to read as follows:
§17.2 Exception for meetings of the pharmacy benefit manager monitoring advisory council

A. Notwithstanding any other provision of this Chapter to the contrary, the pharmacy benefit manager monitoring advisory council, as provided for in R.S. 40:2869, may conduct and its members may attend and participate in a meeting via electronic means provided that the Louisiana Board of Pharmacy, the Department of Insurance, and the advisory council and its presiding officer comply with all the requirements of this Section.

B. No later than twenty-four hours prior to a meeting conducted pursuant to the provisions of this Section, the Louisiana Board of Pharmacy, the Department of Insurance, and the advisory council shall provide for all the following:

- (1) The notice and agenda for the meeting, which shall be posted on the

website of the Louisiana Board of Pharmacy and the Department of Insurance, emailed to any member of the public or the news media who requests notice of meetings of the public body, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the public body.

(2) Detailed information regarding how members of the public may participate in the meeting and submit comments regarding matters on the agenda, which information shall be posted on the website of the Louisiana Board of Pharmacy and the Department of Insurance, emailed to any member of the public or the news media who requests notice of meetings of the public body, and widely distributed to every known news media outlet that broadcasts or publishes news within the geographic area within the jurisdiction of the public body.

C. For each meeting conducted pursuant to this Section, the following requirements shall apply:

- (1) The advisory council shall provide a mechanism to receive public comment electronically both prior to and during the meeting.

(2) The advisory council shall properly identify and acknowledge all public comments during the meeting and shall maintain those comments in its record of the meeting.

(3) The presiding officer of the advisory council shall ensure both of the following:

- (a) That each person participating in the meeting is properly identified.
(b) That all parts of the meeting, excluding any matter discussed in executive session, are clear and audible to all participants in the meeting including the public.

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

(1) "Meeting via electronic means" shall mean a meeting occurring via teleconference or video conference.

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

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

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 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 724

HOUSE BILL NO. 677
BY REPRESENTATIVES JORDAN, LANDRY, AND WILLARD AND
SENATOR FRED MILLS
AN ACT

To enact R.S. 22:1034.1, relative to health insurance coverage; to require a health coverage plan to limit the cost-sharing amount for enrollees prescribed insulin; to require certain inclusion of insulin relative to drug formularies; 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. 22:1034.1 is hereby enacted to read as follows:
§1034.1 Health insurance coverage for insulin; limit on cost-sharing requirement

A. As used in this Section, the following terms apply:

- (1) "Formulary" has the same meaning as the term is defined in R.S. 22:1060.1.

(2) "Health coverage plan" means any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract, or other agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type in this state, including a group insurance plan, a self-insurance plan, and the Office of Group Benefits programs. "Health coverage plan" does not include a plan providing coverage for excepted benefits as defined in R.S. 22:1061, limited benefit health insurance plans, short-term policies that have a term of less than twelve months, and plans that do not provide prescription drug coverage.

(3) "Insulin" means a prescription drug that contains insulin and is used to treat diabetes. The term does not include an insulin drug that is administered to a patient intravenously.

B.(1) A health coverage plan shall not impose a cost-sharing provision for insulin in the health coverage plan's formulary as prescribed in Subsection C of this Section if the total amount the enrollee is required to pay exceeds seventy-five dollars per prescription for a thirty-day supply, regardless of the amount or type of insulin needed to fill the enrollee's prescription.

(2) On January first of each year, the limit on the amount that an insured is required to pay for a thirty-day supply of a covered prescription of insulin as provided for in this Subsection shall increase by a percentage equal to

the percentage change from the preceding year in the prescription drug component of the Consumer Price Index of the United States Department of Labor, Bureau of Labor Statistics.

C. A health coverage plan shall include at least one insulin from each therapeutic class in the plan's formulary that complies with the provisions of this Section.

Section 2. This Act shall apply to any new health coverage plan issued on and after January 1, 2023. Any health coverage plan in effect prior to January 1, 2023, shall convert to conform to the provisions of this Act on or before the renewal date, but no later than January 1, 2024.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 725

HOUSE BILL NO. 693
BY REPRESENTATIVE STEFANSKI
AN ACT

To amend and reenact R.S. 27:3(13)(i) and 27(A)(introductory paragraph) and (1), relative to the Gaming Control Law; to provide relative to the definition of “institutional investors”; to provide relative to the criteria for suitability for institutional investors; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:3(13)(i) and 27(A)(introductory paragraph) and (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:

* * *

(13) “Institutional investor” means a person that is:

* * *

(i) Any other regulated investor as the board may determine in its sole discretion consistent with the provisions of this Title investor as the board may determine in its sole discretion consistent with the provisions of this Title.

* * *

§27. Institutional investors or institutional lenders

A. An institutional investor otherwise required to be found suitable or qualified pursuant to the provisions of this Title and the rules adopted pursuant thereto shall be presumed suitable or qualified upon submitting documentation sufficient to establish qualifications as an institutional investor as defined in R.S. 27:3, and upon certifying that all of the following criteria:

(1) It meets any of the following:

(a) ~~owns~~ Owns, holds, or controls publicly traded securities issued by a licensee, permittee or holding, intermediate or parent company of a licensee or permittee in the ordinary course of business for investment purposes only.

(b) Is a plan or trust established and maintained by the United States Government, a state, or a political subdivision of a state that owns, holds, or controls equity in a licensee, permittee, or holding, intermediate or parent company or a licensee or permittee in the ordinary course of business for investment purposes only.

(c) Has been approved by the board pursuant to R.S. 27:3(13)(i) and owns, holds, or controls equity in a licensee, permittee, or holding, intermediate or parent company or a licensee or permittee in the ordinary course of business for investment purposes only.

* * *

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 July 1, 2022, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 726

HOUSE BILL NO. 102
BY REPRESENTATIVE MUSCARELLO
AN ACT

To amend and reenact R.S. 15:574.4.1(A)(1), relative to parole consideration and hearings; to provide relative to the time period for parole rehearings for certain prisoners; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4.1(A)(1) is hereby amended and reenacted to read as follows:

§574.4.1. Parole consideration and hearings

A.(1)(a) The parole hearings shall be conducted in a formal manner in accordance with the rules formulated by the committee and with the provisions of this Part. Before the parole of any prisoner is ordered, such

prisoner shall appear before and be interviewed by the committee, except those incarcerated in parish prisons or parish correctional centers, in which case one committee member may conduct the interview. The committee may order a reconsideration of the case or a rehearing at any time.

(b) Notwithstanding any other provision of law to the contrary, beginning on August 1, 2024, the committee shall not consider a parole rehearing of any prisoner who is serving a sentence for any of the following offenses until at least four years after the denial of parole:

(i) Any crime of violence as defined in R.S. 14:2(B) or sex offense as defined in R.S. 15:541, for which the prisoner is serving a life sentence and for which the prisoner is eligible for parole pursuant to any of the provisions of R.S. 15:574.4.

(ii) Any crime that is both a crime of violence as defined in R.S. 14:2(B) and a sex offense as defined in R.S. 15:541, for which the prisoner is serving a fixed term of years and for which the prisoner is eligible for parole pursuant to any of the provisions of R.S. 15:574.4.

(iii) Manslaughter (R.S. 14:31), for which the prisoner is eligible for parole pursuant to any of the provisions of R.S. 15:574.4.

* * *

Approved by the Governor, June 20, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 727

HOUSE BILL NO. 185
BY REPRESENTATIVE CHARLES OWEN
AN ACT

To amend and reenact R.S. 17:3399.31, 3399.32(E), and 3399.35(3) and (5) and to enact R.S. 17:3399.32(F) and (G) and 3399.38, relative to expressive activities at public postsecondary education institutions; to authorize institutions to require permits for expressive activities and to charge fees associated with such permits; to provide for policies and definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3399.31, 3399.32(E), and 3399.35(3) and (5) are hereby amended and reenacted and R.S. 17:3399.32(F) and (G) and 3399.38 are hereby enacted to read as follows:

§3399.31. Definitions

For the purposes of this Part, the following words, terms, and phrases shall have the following meanings, unless the context clearly requires otherwise:

(1) “Expressive activities” include but are not limited to any lawful verbal or written means by which individuals or groups communicate ideas to one another, as provided by the First Amendment of the Constitution of the United States of America and by the Constitution of Louisiana, including all forms of peaceful assembly, protest, speech, distribution of literature, carrying signs, and circulating petitions. This expressly excludes commercial activities where individuals or groups are being compensated or attempting to advertise, market, or accrue financial gain to any individual, corporation, business, or organization.

(2) “Material and substantial disruption” means when a person, with the intent and knowledge of doing so, significantly hinders expressive activity, prevents the communication of the message, or prevents the transaction of the business of a lawful meeting, gathering, or procession by either of the following:

(a) Engaging in fighting, violence, or similar unlawful behavior.

(b) Physically blocking or using threats of violence to prevent any person from attending, listening to, viewing, or otherwise participating in an expressive activity.

(2) (3) “Outdoor areas” are outside areas generally accessible to the majority of students, administrators, faculty, and staff, such as grassy areas, walkways, or other similar common areas, and do not include areas where access is restricted.

(4) “Student” means any person who is enrolled on a full-time or part-time basis in a public postsecondary education institution.

(5) “Student-on-student discriminatory harassment” means unwelcome conduct that targets its victim on the basis of a class protected under federal, state, or local law and that is so severe, pervasive, and objectively offensive and so undermines and detracts from the victim's educational experience that the victim is effectively denied equal access to an institution's resources and opportunities.

(3) (6) “Student organization” means an officially recognized group at a public postsecondary education institution, or a group seeking official recognition, comprised of ~~admitted~~ enrolled students.

§3399.32. Expressive activities; public postsecondary education institutions; protected

* * *

E.(1) A public postsecondary education institution may require a permit from any individual or group as a condition of being granted exclusive control of a location for expressive activity at a reserved time. Any such permitting process shall not be overly burdensome, and applications for permits shall be evaluated solely based on published content-neutral and viewpoint-neutral criteria. If a public postsecondary education institution denies a permit, it shall provide a reason for doing so in writing within two business days to the

applicant and allow the applicant to appeal the denial.
(2)(a) A public postsecondary education institution may charge a security fee to a student or student organization as part of an application for such a permit; however, no public postsecondary education institution shall charge security fees based on the content of the expression of the student or student organization, the content of the expression of an invited guest, or the anticipated reaction to any such content.

(b) The determination of whether or not the security fee is required and the amount of the fee shall be based solely on published content-neutral and viewpoint-neutral criteria, including but not limited to the time of the event, the location of the event, the anticipated size of the invited audience, and whether or not alcohol will be served.

(c) Any institution charging security fees pursuant to this Paragraph shall publish the criteria it uses for assessing the fees.

F. Each public postsecondary education institution shall prohibit student-on-student discriminatory harassment. An institution may not sanction or discipline a student's expression as student-on-student discriminatory harassment unless the expression meets the definition provided by this Part.

G.(1) Nothing in this Part shall be interpreted as preventing institutions from prohibiting, limiting, or restricting expression that is unprotected by the First Amendment of the Constitution of the United States of America does not protect, or Article I, Section 7 of the Constitution of Louisiana, such as true threats and or expressions directed to provoke and likely to produce imminent lawless actions, or from prohibiting harassment.

(2) Nothing in this Part shall be interpreted as preventing institutions from responding, through nonpunitive actions, to student expression that does not meet the definition of student-on-student discriminatory harassment.

(3) Nothing in this Part shall be interpreted as preventing institutions from maintaining policies prohibiting stalking or other criminal activity.

§3399.35. Management boards; policy on free expression
Each public postsecondary education management board, in collaboration with the Board of Regents, shall develop and adopt policies on free expression that contain at least the following:

(3) A provision that students and faculty have the freedom to discuss any topic that presents itself, as provided under the First Amendment of the Constitution of the United States of America and Article I, Section 7 of the Constitution of Louisiana and other applicable laws permit and within the limits on time, place, and manner of expression that are consistent with this Part and that are necessary to achieve in furtherance of a significant institutional interest; such restrictions shall be published and provide ample alternative means of expression.

(5) A provision that any person lawfully present on a campus may protest or demonstrate there. Protests and demonstrations that infringe upon the constitutional rights of others to engage in or listen to expressive activity by creating a substantial and material disruption to the functioning of the institution or to someone's expressive activity in any location reserved for that expressive activity shall not be permitted. No conduct shall be deemed a material and substantial disruption that is protected under the First Amendment to the United States Constitution or Article I, Section 7 of the Constitution of Louisiana. Such protected conduct includes but is not limited to lawful protests and counter-protests in the outdoor areas of campus generally accessible to the members of the public except during times when these areas have been reserved in advance for other events or minor, brief, or fleeting nonviolent disruptions of events that are isolated and short in duration.

§3399.38. Conflict with other laws
The provisions of this Part shall supersede and control to the extent of any conflict with any other provision of law and shall govern a public postsecondary education institution's obligation to address all forms of discriminatory harassment perpetrated by one student on another, including sexual harassment.

Approved by the Governor, June 20, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 728

HOUSE BILL NO. 202
BY REPRESENTATIVE MIKE JOHNSON
AN ACT

To amend and reenact R.S. 18:1491.1(B)(5) and to enact R.S. 18:1491.1(F), relative to campaign finance disclosure; to provide relative to the registration of political committees; to require political committees to include specified information on the statement of organization; to provide for the duties of the supervisory committee relative thereto; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 18:1491.1(B)(5) is hereby amended and reenacted and R.S. 18:1491.1(F) is hereby enacted to read as follows:

§1491.1. Registration of political committees

B. The statement of organization shall include:

(5)(a) A statement, if applicable, that the committee is a principal campaign committee and the candidate by whom it is designated as a principal campaign committee, if any, or a statement if applicable, that the committee is a subsidiary committee and the committee or candidate by whom it is designated as a subsidiary committee.

(b) A statement, if the committee is organized to support a single candidate and if applicable, that the committee is not the principal or subsidiary committee of the candidate and a certification by the committee that the committee is not working and will not work in coordination, consultation, or cooperation with the candidate.

(c) A statement, if applicable, that the committee is organized solely to make independent expenditures and a certification by the committee that the committee is not and will not make contributions, whether direct or in-kind as defined in R.S. 18:1483(6), in contravention of provisions of this Chapter.

F. If the supervisory committee receives a statement pursuant to Subparagraph (B)(5)(b) of this Section, the supervisory committee shall immediately notify the affected candidate of his obligations pursuant to R.S. 18:1491.3(C).

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

Approved by the Governor, June 20, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 729

HOUSE BILL NO. 249
BY REPRESENTATIVE WRIGHT
AN ACT

To amend and reenact R.S. 44:4.1(B)(21) and to enact R.S. 34:3499.2, relative to certain port facility records; to provide for the confidentiality of blueprints, floor plans, and interior renderings of such facilities and of blueprints, plans, and renderings of port infrastructure; to provide for an effective date; to provide for a public record exception; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:3499.2 is hereby enacted to read as follows:

§3499.2. Port facility and infrastructure records
A. Notwithstanding any other provision of law to the contrary, blueprints, floor plans, and renderings of the interior of a port facility or of a facility on port property and blueprints, plans, or renderings of port infrastructure shall be confidential and shall not be subject to inspection, examination, copying, or reproduction pursuant to the Public Records Law.

B. Nothing in this Section shall prohibit the disclosure of a blueprint, floor plan, or other rendering of the interior of a port facility or of a facility on port property or a blueprint, plan, or rendering of port infrastructure to appropriate persons, if such disclosure is necessary or required for any of the following:

- (1) To protect the health, safety, and welfare of the public.
- (2) To provide or procure security, services, or concessions in and around the port and its facilities.
- (3) To use as part of a public bid or request for proposal process or to accomplish construction maintenance, repairs, or development.
- (4) To facilitate interactions with a federal, state, or local governmental entity.

Section 2. R.S. 44:4.1(B)(21) 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:

(21) R.S. 34:340.21, 1005, 3499.2

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 20, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 730

HOUSE BILL NO. 456

BY REPRESENTATIVE NELSON
AN ACT

To amend and reenact R.S. 24:31, relative to legislative per diem payments; to allow certain members of the legislature to receive per diem payments as non-taxable travel allowances rather than compensation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 24:31 is hereby amended and reenacted to read as follows:

~~§31. Compensation of members; per diem election~~

A. The compensation of the members of the legislature shall be equal to the rate allowable for per diem deduction under Section 26 U.S.C. 162(h)(1) (B)(ii) of Title 26 of the United States Code for the location of the state capital during their attendance on that body.

B.(1) If the domicile of a member of the legislature is more than fifty miles from the state capitol, the member may elect to receive the per diem compensation established pursuant to Subsection A of this Section as either compensation or as a travel allowance pursuant to an accountable plan maintained in accordance with the rules and regulations established in accordance with 26 U.S.C. 162(h) by the house of the legislature to which the member is elected.

(2) Once an eligible member of the legislature has made his election regarding receipt of per diem as compensation or allowance as provided in Paragraph (1) of this Subsection, the election regarding per diem is irrevocable for the remainder of that calendar year.(3) An eligible member-elect may make the per diem election as provided in Paragraph (1) of this Subsection prior to taking the oath of office as a member, and the election regarding per diem is irrevocable during the remainder of the first calendar year of that member's service during the term of office to which he was elected.

Approved by the Governor, June 20, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 731

HOUSE BILL NO. 491
BY REPRESENTATIVES BACALA AND GAROFALO
AN ACT

To amend and reenact R.S. 14:65(A), relative to simple robbery; to amend the definition of simple robbery; to provide relative to when a person is part of a group of individuals and the person has the intent to take anything of value from a retail establishment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:65(A) is hereby amended and reenacted to read as follows:

~~§65. Simple robbery~~

A. Simple robbery is either of the following:

(a) the taking of anything of value belonging to another from the person of another or that is in the immediate control of another, by use of force or intimidation, but not armed with a dangerous weapon.

(b) The taking of anything of value when a person is part of a group of three or more individuals and the person has the intent to take anything of value from a retail establishment that is in the immediate control of a retail employee or employer and there is a reasonable belief that a reasonable person would not intercede because of fear.

* * *

Approved by the Governor, June 20, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 732

HOUSE BILL NO. 525
BY REPRESENTATIVE MCCORMICK
AN ACT

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

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration through the office of state lands, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have in and to all or any portion of the following described property in Caddo Parish to Walter Frank Ward, Sr.:

A portion of the dried bed of Caddo Lake, lying below the contour line to the current mean high water mark, lying adjacent and in front of the following described property:

That certain tract containing 4.98 acres, being more particularly described in that certain Cash Sale Deed dated August 26, 1997, recorded in Conveyance Book 3200, page 97, under Registry No. 1572585, in the Records of Caddo Parish, Louisiana

Section 2. The commissioner of administration through the office of state lands is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of any interest, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and Walter Frank Ward, Sr., in exchange for consideration proportionate to the appraised value of the property.

Section 3. If an agreement authorized by this Act is not entered into by December 31, 2023, the office of state lands is authorized to proceed with a sale of the property described in this Act in accordance with the procedures set forth in Title 41 of the Louisiana Revised Statutes of 1950.

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 20, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 733

HOUSE BILL NO. 530
BY REPRESENTATIVE MIGUEZ
AN ACT

To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in Iberia and St. Martin Parish; to provide for property descriptions; to provide for the reservation of mineral rights; to provide terms and conditions; to provide for an expiration of authority; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration through the office of state lands, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have in and to all or any portion of the following described property in St. Martin Parish to Harold Andrew Reaux, II:

A portion of the former bed of Spanish Lake lying adjacent and in front of Section 28, Township 11 South, Range 6 East, Louisiana Meridian, being more particularly described as that portion of a tract of land labeled "Tract II Harold A. Reaux, Jr." that lies Easterly of the Meander Line as re-established by Simon Freyou, as depicted on that certain plat of survey prepared by G.K. Pratt Munson, R.L.S. dated December 12, 1998.

Section 2. The commissioner of administration through the office of state lands is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and Harold Andrew Reaux, II, in exchange for consideration proportionate to the appraised value of the property.

Section 3. The commissioner of administration through the office of state lands, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have in and to all or any portion of the following described property in Iberia Parish to Mark Lipari:

That certain tract or parcel of land irregular in shape, being a portion of the former bed of Spanish Lake, lying adjacent and in front of Sections 39, 40 and 41, Township 11 South, Range 6 East, and Sections 54 and 10, Township 12 South, Range 6 East, Louisiana Meridian, Iberia Parish, and more particularly identified as follows: situated in Township 11 South, Range 6 East, Iberia Parish, Louisiana, being bounded now or formerly by lands owned as follows: Northerly and/or Northeasterly by Buck Island, LLC; Easterly and/or Southeasterly by Cane Row Golf and Turf Club, LLC; Southerly by Robert Landry, Ronald J. Gonsoulin, Alfred S. Landry, Landry and Manes, Inc., Kevin Gonsoulin, Wilbur L. Stiles, Jr., and MMTR, LLC; and Westerly and/or Northwesterly by James Holleman.

Section 4. The commissioner of administration through the office of state lands is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 3 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and Mark Lipari, in exchange for consideration proportionate to the appraised value of the property.

Section 5. If an agreement authorized by this Act is not entered into by December 31, 2024, the office of state lands is authorized to proceed with a sale of the properties described in this Act in accordance with the procedures

set forth in Title 41 of the Louisiana Revised Statutes of 1950.
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 20, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 734

HOUSE BILL NO. 539
BY REPRESENTATIVE FIRMENT
AN ACT

To amend and reenact R.S. 51:451(A) and to enact R.S. 37:2175.3(A)(12) through (18) and R.S. 51:452, relative to property insurance; to prohibit contractors from engaging in certain acts related to an insured's property insurance claim; to prohibit sellers of goods and services from assisting in paying an insured's deductible; to provide contract language advising insureds of their duty to pay their property insurance deductible; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 37:2175.3(A)(12) through (18) are hereby enacted to read as follows:
§2175.3. Home improvement contracting; prohibited acts; violations
A. The following acts are prohibited by persons or companies performing home improvement contracting services:

* * *
(12) Interpreting insurance policy provisions regarding coverage or duties under an insured's property insurance policy. A contractor shall be considered to have violated the provisions of this Paragraph if a person working on behalf of the contractor including but not limited to a compensated employee or a nonemployee who is compensated by the contractor violates the provisions of this Paragraph.

(13) Adjusting a property insurance claim on behalf of an insured as an adjuster, as defined in R.S. 22:1661. A contractor shall be considered to have violated the provisions of this Paragraph if a person working on behalf of the contractor including but not limited to a compensated employee or a nonemployee who is compensated by the contractor violates the provisions of this Paragraph.

(14) Providing an insured with an agreement authorizing repairs without providing a good faith estimate of the itemized and detailed costs of services and materials for repairs undertaken pursuant to a property damage claim. A contractor shall be considered to have violated the provisions of this Paragraph if a person working on behalf of the contractor including but not limited to a compensated employee or a nonemployee who is compensated by the contractor violates the provisions of this Paragraph. A contractor does not violate this Paragraph if, as a result of the insurer adjusting a claim, the actual cost of repairs differs from the initial estimate.

(15) Sharing in any legal fee earned by an attorney.
(16) Requiring an insured to sign an attorney representation agreement on behalf of an attorney.

(17) Accepting a fee, commission, or other valuable consideration, regardless of form or amount, in exchange for a referral by the person or company to an attorney or law firm.

(18)(a) Accepting an assignment of any rights, benefits, proceeds, or causes of action of an insured under a property insurance policy prior to completing the work described in the home improvement contract and the property insurer conducting its initial examination of the damage caused by the covered peril. The assignment of any rights, benefits, proceeds, or causes of action shall be limited to the scope of work and fees provided in the home improvement contract, which shall comply with the provisions of R.S. 37:2175.1.

(b) For the purposes of this Paragraph, home improvement contracting services shall include temporary repair, mitigation, reconstruction, or other repair of damage caused by a peril covered under a first-party property insurance policy.(c) The provisions of this Paragraph shall not be interpreted to limit the right of a person performing home improvement contracting services to perfect an otherwise valid lien on the property, as provided by law.

* * *
Section 2. R.S. 51:451(A) is hereby amended and reenacted and R.S. 51:452 is hereby enacted to read as follows:
§451. Payments and rebates charged against insurance deductibles; sellers of goods or services prohibited

A. No person selling or engaged in the sale of goods or services shall:
(1) Advertise or promise to provide goods or services. Provide goods or services or advertise or promise to provide goods or services to an insured in a transaction in which the goods or services will be paid for by the insured from the proceeds of the property insurance claim and, without the insurer's consent, the person selling the goods or services agrees to do any of the following:
(a) Pay, waive, absorb, or otherwise decline to charge or collect the amount

of the insured's deductible.
(b) Provide a rebate in connection with the sale of the goods or services that will offset all or part of the amount paid by the insured as a deductible.
(c) In any manner, assist the insured in avoiding monetary payment of the insured's deductible.
(2) Offer to pay, pay, or rebate all or part of any insurance deductible, under a property or casualty insurance policy, to a consumer as part of any arrangement for goods and services paid for by the consumer from proceeds of a property or casualty insurance policy.
(3) Charge an amount, for such goods or services, that exceeds the usual and customary charge by an amount equal to or greater than all or part of the applicable insurance deductible paid.

* * *
§452. Contract paid with insurance policy proceeds; notice required
A contract to provide goods or services that is reasonably expected to be paid wholly or partly with the proceeds from a claim under a property insurance policy and has a contract price of one thousand dollars or more shall contain the following notice in at least twelve-point boldfaced type: "Louisiana law requires a person insured under a property insurance policy to pay any deductible applicable to a claim made under the policy. It is a violation of Louisiana law for a seller of goods or services who reasonably expects to be paid wholly or partly from the proceeds of a property insurance claim to knowingly allow the insured person to fail to pay, or assist in the insured person's failure to pay the applicable insurance deductible."

Approved by the Governor, June 20, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 735

HOUSE BILL NO. 558
BY REPRESENTATIVES WILLARD AND GREEN
AN ACT

To enact R.S. 22:1892(A)(6), relative to claims settlement practices; to provide for a statement of insurance settlement proceeds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 22:1892(A)(6) is hereby enacted to read as follows:
§1892. Payment and adjustment of claims, policies other than life and health and accident; vehicle damage claims; extension of time to respond to claims during emergency or disaster; penalties; arson-related claims suspension
A.(1)

* * *
(6) If an insurer issues a check, draft, or other negotiable instrument that is jointly payable to an insured and a mortgagee or mortgage servicer as payment of insurance settlement proceeds for multiple types of coverage, the insurer shall provide with the check, draft, or other negotiable instrument, a statement indicating the dollar amount of insurance settlement proceeds paid under each type of coverage including but not limited to dwelling, personal property, and additional living expenses. In lieu of issuing a statement pursuant to this Paragraph, an insurer may issue separate checks, drafts, or other negotiable instruments for payment of each type of coverage.

* * *
Approved by the Governor, June 20, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 736

HOUSE BILL NO. 568
BY REPRESENTATIVES EDMONDS AND VILLIO
AN ACT

To enact R.S. 14:67.5(A)(3) and (C), relative to misappropriation without violence; to provide relative to adoption deception; to provide relative to elements of the offense; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:67.5(A)(3) and (C) are hereby enacted to read as follows:
§67.5. Adoption deception
A. Any person who is a birth mother, or who holds herself out to be a birth mother, who is interested in making an adoption plan and who knowingly or intentionally benefits from payment of adoption-related expenses in connection with that adoption plan commits adoption deception if any of the following occur:

* * *
(3) The person has the specific intent to make false representations to induce the payment of living expenses or other benefits in connection with a purported adoption placement.

* * *
C. The provisions of this Section shall not apply to a person who agrees to an adoption plan agreement and subsequently, in good faith, declines to proceed with the prospective adoption in favor of parenting the child.

Approved by the Governor, June 20, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 737

**HOUSE BILL NO. 691
BY REPRESENTATIVE EMERSON
AN ACT**

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

Be it enacted by the Legislature of Louisiana:

Section 1. The commissioner of administration through the office of state lands, notwithstanding any other provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, the state may have in and to all or any portion of the following described property to Laviolette Assets, LLC, for the property described in Section 2 of this Act:

All or partial interest in two (2) certain tracts or parcels of land, situated in the parish of St. Martin, containing approximately one hundred and fifty-four (154) acres, described as follows:

Tract 1: 140 acres, more or less being all or portions of Lot 5, Lot 6, and dried lake beds previously claimed by the state of Louisiana in Section 11, Township 9, Range 7 East.

Tract 2: Deeded as 14 acres more or less of Lot 4 located in Section 11, Township 9 South, Range 7 East.

Section 2. In exchange for the above described property in Section 1, the commissioner of administration and the office of state lands, notwithstanding any other provision of law to the contrary, are hereby authorized and empowered to accept, in addition to any other consideration, delivery of title to all or any portion of the following described property from Laviolette Assets, LLC:

All or partial interest in one (1) tract or parcel of land situated in the parish of St. Martin, containing approximately one hundred and forty (140) acres, described as follows:

Tract 1: 140 acres, more or less being all or portions of Lot 5, Lot 6, and dried lake beds previously claimed by the state of Louisiana in Section 11, Township 9, Range 7 East.

Section 3. The commissioner of administration and the office of state lands are hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as may be necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration, the office of state lands, and Laviolette Assets, LLC, in exchange for consideration, including the property described in Section 2 of this Act, proportionate to the appraised value of the property in Section 1 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 20, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 738

**HOUSE BILL NO. 701
BY REPRESENTATIVES HILFERTY AND GAROFALO
AN ACT**

To amend and reenact R.S. 29:727(D) and 737(C), relative to emergency preparedness; to provide relative to declarations of states of emergency declared by local officials; to provide for the duration of states of emergency; to provide for approval of an extension of a declaration of emergency under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 29:727(D) and 737(C) are hereby amended and reenacted to read as follows:

§727. Powers of the parish president; penalties for violations

* * *

D.(1) A local disaster or emergency may be declared only by the parish president, except as otherwise provided in this Chapter. In that event, the state of emergency shall continue until the parish president finds that the threat of danger has been dealt with to the extent that emergency conditions no longer exist. However, no state of emergency may continue for longer

than thirty days unless extended by the parish president, and no continuous state of emergency may continue for a period of more than ninety days unless approved by the parish governing authority.

(2) The state of emergency may be terminated by executive order or proclamation. The state of emergency or disaster may be terminated by the governor, a petition signed by a majority of the surviving members of either house of the legislature, or ~~by~~ a majority of the surviving members of the parish governing authority. The document terminating the state of emergency or disaster may establish a period during which no other declaration of emergency or disaster may be issued. The termination of a state of disaster or emergency pursuant to this Paragraph shall not affect changes to polling places for an election being conducted in accordance with R.S. 18:401.1 or 401.2.

(3) All executive orders or proclamations issued under this Subsection shall indicate the nature of the emergency, the area or areas which are or may be affected, and the conditions which brought it about. Any order or proclamation declaring, continuing, or terminating a local disaster or emergency shall be given prompt and general publicity and shall be filed promptly with the office of emergency preparedness and the office of the clerk of court.

* * *

§737. Municipalities; authority to respond to emergencies

* * *

C.(1) The state of emergency shall continue until the mayor or chief executive officer finds that the threat of danger has been dealt with to the extent that emergency conditions no longer exist. ~~The state of emergency may be terminated by executive order or proclamation, but~~ However, no state of emergency may continue for longer than thirty days unless extended by the mayor or chief executive officer, and no continuous state of emergency may continue for a period of more than ninety days unless approved by the municipal governing authority.

(2) The state of emergency or disaster may be terminated by the governor, parish president, a petition signed by a majority of the surviving members of either house of the legislature, a majority of the surviving members of the parish governing authority, or a majority of the surviving members of the municipal governing authority. The document terminating the state of emergency or disaster may establish a period during which no other declaration of emergency or disaster may be issued. The termination of a state of disaster or emergency pursuant to this Paragraph shall not affect changes to polling places for an election being conducted in accordance with R.S. 18:401.1 or 401.2.(3) All executive orders or proclamations issued under this Subsection shall indicate the nature of the emergency, the area or areas which are or may be affected, and the conditions which brought it about. Any order or proclamation declaring, continuing, or terminating a local disaster or emergency shall be given prompt and general publicity and shall be filed promptly with the Governor's Office of Homeland Security and Emergency Preparedness, the local office of homeland security and emergency preparedness, and the office of the clerk of court.

* * *

Approved by the Governor, June 20, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 739

**HOUSE BILL NO. 733
BY REPRESENTATIVE HORTON AND SENATOR SMITH
AN ACT**

To enact R.S. 32:191.1(F), relative to penalties for vehicle violations; to provide for the application of certain penalties to violations of any driver or operator of a vehicle; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:191.1(F) is hereby enacted to read as follows:

§191.1. Operating motorcycles on roadways laned for traffic

* * *

F. Penalties imposed by this Chapter shall be applicable to any driver or operator of a vehicle, as defined in R.S. 32:1, who is found guilty of or pleads guilty or nolo contendere to a violation of the provisions of this Chapter, including this Section, or any regulation of the department, secretary, and commissioner made pursuant thereto.

Approved by the Governor, June 20, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 740

**HOUSE BILL NO. 923
BY REPRESENTATIVE MCKNIGHT
AN ACT**

To amend and reenact R.S. 9:2796(A), relative to the limitation of liability for loss connected to Mardi Gras parades; to provide for liability associated with motordrawn floats and other vehicles; to provide a limitation of liability for

certain contractors and members of certain krewes and organizations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:2796(A) is hereby amended and reenacted to read as follows:

§2796. Limitation of liability for loss connected with Mardi Gras parades and festivities; fair and festival parades

A.(1) Notwithstanding any other law to the contrary, no person shall have a cause of action against any krewe or organization, any group traditionally referred to as Courir de Mardi Gras, or any member thereof, which presents Mardi Gras parades, including traditional rural Mardi Gras parades, processions, or runs in which participants ride on horseback, march, walk, or ride on horse-drawn or motordrawn floats, or wheeled beds, or other parades, whether held on a public or private street or waterway, or in a building or other structure, or any combination thereof, connected with pre-Lenten festivities or the Holiday in Dixie Parade, or against any nonprofit organization chartered under the laws of this state, or any member thereof, which sponsors fairs or festivals that present parades or courirs, for any loss or damage caused by any member thereof, during or in conjunction with or related to the parades or courirs presented by such krewe or organization, unless said loss or damage was caused by the deliberate and wanton act or gross negligence of the krewe or organization, or any member thereof as the case may be, or unless said member was operating a motor vehicle within the parade or festival and was a compensated employee of the krewe, organization, or courir. The provisions of this Section shall not be intended to limit the liability of a compensated employee of such krewe or organization for his individual acts of negligence.

(2) Notwithstanding any other law to the contrary, no person shall have a cause of action against a krewe, organization, or courir listed in Paragraph (1) of this Subsection, or a member, contractor, or employee of a contractor of such krewe, organization, or courir who is hired or contracted by the krewe, organization, or courir to construct or stage Mardi Gras parades for any loss or damage caused by the member, contractor, or employee of a contractor through the operation, transfer, or movement of a motordrawn float or other vehicle in connection with a Mardi Gras parade unless the loss or damage was caused by the deliberate and wanton act or gross negligence of the member, contractor, or employee of the contractor.

Approved by the Governor, June 20, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 741

HOUSE BILL NO. 924
BY REPRESENTATIVE EDMONDS
AN ACT

To enact R.S. 18:1353(C)(5), relative to the powers and duties of the secretary of state; to provide relative to voting; to provide for a post-election audit; to provide for policies and procedures relative to post-election audits; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 18:1353(C)(5) is hereby enacted to read as follows:

§1353. Secretary of state; powers and duties; voting systems and system components; voter registration

C. In addition to any other duties and functions provided by law, the secretary of state shall:

(5) Adopt and implement uniform policies and procedures for the conduct of a post-election tabulation audit of paper ballots and records related thereto.

Section 2. The provisions of this Act shall become effective on January 1, 2023, but shall be implemented only after the procurement and implementation of a new voting system by the secretary of state pursuant to R.S. 18:1362.2.

Approved by the Governor, June 20, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 742

HOUSE BILL NO. 983
BY REPRESENTATIVE BISHOP
AN ACT

To amend and reenact R.S. 17:3100.7(E), relative to the Louisiana Student Tuition Assistance and Revenue Trust Program and the Louisiana Student Tuition Assistance and Revenue Trust Kindergarten Through Grade Twelve Program; to authorize the transfer or rollover of funds from a college education savings account to an elementary and secondary education savings account; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:3100.7(E) is hereby amended and reenacted to read as

follows:

§3100.7. Termination of depositor's agreements; refund; conversion of the account to money; transfers

E. An account owner may not transfer or roll over any amount from an education savings account created pursuant to Chapter 22-A of this Title to an education savings account created pursuant to this Chapter without penalty.

Approved by the Governor, June 20, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 743

HOUSE BILL NO. 1048
BY REPRESENTATIVE MCKNIGHT
AN ACT

To amend and reenact R.S. 51:922 and to enact R.S. 51:938.2, relative to economic development; to provide for the Department of Economic Development; to add to the stated purposes of the Department of Economic Development; to require a continuous program designed to attract manufacturers; to provide for incentives; to provide for economic growth; to provide for workforce development; to provide for job creation; to provide for wages; to provide for community investment; to provide for quality of life; to provide for additional duties for the Department of Economic Development; to make technical changes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:922 is hereby amended and reenacted and R.S. 51:938.2 is hereby enacted to read as follows:

§922. Purpose

It is the purpose of this Chapter to effectuate the policy set forth in R.S. 51:921 by providing for all of the following:

(1) A program designed to create a non-political Department of Economic Development operated by a thoroughly professional staff;

(2) A continuing program of economic and industrial planning, and industrial development;

(3) A continuing program designed to furnish information to the general public and to state, regional, parish and local governmental and private agencies concerning ways and means of effectuating the policy set forth in R.S. 51:921; and,

(4) A continuing program of commercial and industrial planning, education, cooperation and assistance between the State of Louisiana and foreign countries, the federal government, other states and state, regional, parish and local public and private agencies and individuals.

(5) A continuing program designed to attract manufacturing facilities to this state, with a focus on economic incentives, necessary infrastructure, workforce development, and the potential benefits a manufacturing facility would provide the state, including but not limited to job creation, wages, community investment, and quality of life.

§938.2. Additional Duties of the Department of Economic Development: Manufacturing Development

A. Notwithstanding any other provision of law to the contrary, the Department of Economic Development shall do all of the following regarding manufacturing:

(1)(a) Develop and implement a state strategic plan for attracting manufacturers to the state.

(b) The purpose of the state strategic plan is to design a program for the preparation and distribution of promotional and informational materials citing the key economic benefits of locating manufacturing facilities in the state.

(2) Monitor the implementation of the state strategic plan to attract manufacturers to the state.

(3) Develop a plan to identify areas of land for future manufacturing use.

(4) Identify manufacturing sites that are ready for development.

(5) Develop a plan in conjunction with the office of workforce development and Technical College System for the training of skilled workers to ensure a scalable workforce.

(6) Develop a plan for locating and identifying property for potential workforce housing.

B. The department shall promote the development of the manufacturing industry within this state and may engage in all of the following activities:

(1) Contracting with and directing trade or industry representatives for the purpose of promoting Louisiana as a site for the development of future manufacturing facilities.

(2) Serving as an informational clearinghouse and providing technical assistance to individuals and entities engaged in manufacturing by compiling, producing, publishing, and updating a comprehensive directory on sites, facilities, services, tax incentives, and permitting practices for the state.

(3) Participating in regional, national, and international manufacturing conferences and networking opportunities.

(4) Sponsoring workshops and seminars on topics including but not limited to legal and financial aspects of locating manufacturers in the state.

C. All departments, commissions, boards, agencies, officers, and institutions of this state and all subdivisions thereof shall cooperate with the office in

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

carrying out the purposes of this Section.

D. The department is hereby designated as the applicant, administrative body, and recipient for accepting and administering any and all state, federal, and private funds awarded to and allocated by this state for any purpose covered by this Section.

E. The department shall provide the Legislature of Louisiana with an annual report regarding the provisions of this Section at least thirty days before the convening of the regular legislative session.

Approved by the Governor, June 20, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 744

HOUSE BILL NO. 1064 (Substitute for House Bill No. 1023 by Representative Farnum)

BY REPRESENTATIVES FARNUM, BOURRIQUE, WILFORD CARTER, DAVIS, GEYMANN, ROMERO, AND TARVER AND SENATORS FRED MILLS AND STINE

AN ACT

To amend and reenact R.S. 6:337 and 338, relative to the disbursement of insurance proceeds for damages to residential property; to provide for prompt endorsement; to require prompt payment to borrower-payees in certain circumstances; to require placement of settlement proceeds in a segregated account; to provide for requirements for a residential mortgagee or mortgage servicer; to provide for the payment of proceeds relative to additional living expenses and contents insurance; to provide for notice by a mortgagee or mortgage servicer in certain circumstances; to provide for the release of proceeds held by a mortgagee or mortgage servicer; to provide for civil money penalties; to provide for the payment of interest accrued on settlement proceeds; to provide for release of excess funds upon written request; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 6:337 and 338 are hereby amended and reenacted to read as follows:

§337. Duty of secured party upon payment of insurance claim for damage to mortgaged residential property

A. ~~If payment in settlement of a damage claim on residential property in which another person holds a mortgage is by check or draft, of an insurer, made payable jointly to the claimant and the person holding the mortgage, then such “settlement proceeds,” as defined in Subsection C of this Section, shall be placed in escrow and shall earn interest payable to the claimant in accordance with the provisions of Subsection C of this Section. All of the following provisions shall apply to a mortgagee or mortgage servicer servicing residential mortgage loans secured by a property that contains one to four residential dwelling units in this state:~~

(1) ~~The mortgagee or mortgage servicer shall promptly endorse a check, draft, or other negotiable instrument for insurance settlement proceeds payable jointly to the mortgagee or mortgage servicer and the borrower-payee by the insurance company. However, the mortgagee or mortgage servicer is not required to endorse such instrument if the borrower-payee refuses to endorse the instrument.~~

(2) ~~Insurance settlement proceeds received by a mortgagee or mortgage servicer that relate to compensation for damage to property or contents insurance coverage in which the mortgagee or mortgage servicer has a mortgage or security interest shall be promptly deposited into a segregated account of a federally insured financial institution, unless the mortgagee or mortgage servicer returns such insurance settlement proceeds to the borrower-payee or the check, draft, or negotiable instrument is missing the borrower-payee’s endorsement. The segregated account may at the discretion of the mortgagee or mortgage servicer be an individual deposit account for each borrower-payee or a master account containing subaccounts for each borrower-payee.~~

(3) ~~Insurance settlement proceeds received by a mortgagee or mortgage servicer that relate to contents insurance coverage in which the mortgagee or mortgage servicer does not have a security interest in the contents shall be promptly distributed to the borrower-payee via traceable delivery or electronic transfer.~~

(4) ~~Insurance settlement proceeds received by a mortgagee or mortgage servicer that relate to additional living expenses shall be promptly distributed to the borrower-payee via traceable delivery or electronic transfer.~~

B. ~~When the damaged property is replaced or otherwise repaired to the satisfaction of the claimant and the person holding the mortgage on the property, then any remaining balance in the escrow account shall be paid to the claimant together with all interest that accrued while the funds were in escrow. The person holding the security interest in the property shall cooperate fully with the claimant and the claimant’s insurer in releasing funds in a timely manner to replace or repair the damaged property. Notwithstanding the provisions of Subsection A of this Section, the mortgagee or mortgage servicer is not required to remit the portion of the insurance settlement proceeds relating to additional living expenses and contents insurance if the mortgagee or mortgage servicer is not able to determine which part of the proceeds relate to additional living expenses and contents insurance.~~

C.(1) As used in this Section, “settlement proceeds” means funds paid on an insurance claim for damage to residential immovable property as a result of Hurricane Katrina or Hurricane Rita, and where the funds equal twenty-five thousand dollars or more. These funds shall be held in escrow by the lender or loan servicer. Interest shall accrue on settlement proceeds after being held in escrow for more than thirty days. For purposes of this Subsection, compliance with Fannie Mae or Freddie Mac servicing guidelines for payment of interest on property damage claim funds held in escrow by the lender or loan servicer constitutes compliance with this Section.

~~D. If a mortgagee or mortgage servicer holds all or part of the insurance settlement proceeds pending completion of all or part of the repairs to the damaged property, the mortgagee or mortgage servicer shall notify the borrower-payee of each requirement with which the borrower-payee shall comply for the mortgagee or mortgage servicer to release the insurance settlement proceeds. The notice required by this Paragraph shall be provided not later than the tenth business day after the date the mortgagee or mortgage servicer receives payment of the insurance settlement proceeds.~~

(2) ~~Not later than the tenth business day after the date a mortgagee or mortgage servicer receives from the borrower-payee a request for release of all or part of the insurance settlement proceeds held by the mortgagee or mortgage servicer, the mortgagee or mortgage servicer shall do either of the following:~~

(a) ~~If the mortgagee or mortgage servicer does not require a property inspection be conducted and has received sufficient evidence of the borrower-payee’s compliance with the requirements specified by the mortgagee or mortgage servicer pursuant to Paragraph (1) of this Subsection for release of the insurance settlement proceeds, release to the borrower-payee, as requested, all or part of the proceeds.~~

(b) ~~Provide notice to the borrower-payee that explains with specificity both of the following:~~

(i) ~~The reason for the mortgagee or mortgage servicer’s refusal to release the insurance settlement proceeds to the borrower-payee.~~

(ii) ~~Each requirement with which the borrower-payee shall comply for the mortgagee or mortgage servicer to release the insurance settlement proceeds.~~

(3)(a) ~~Property inspections related to residential mortgage loans covered by this Section shall be conducted not later than the fifteenth business day after receipt by the mortgagee or mortgage servicer of both a request by the borrower-payee for a property inspection and receipt of sufficient evidence of the borrower-payee’s compliance with the requirements specified by the mortgagee or mortgage servicer pursuant to Paragraph (1) of this Subsection, provided that the borrower-payee is cooperative and that the premises are accessible.~~

(b) ~~A mortgagee or mortgage servicer may, at their discretion, allow property inspections to be conducted in person, through photographic or video evidence submitted by the borrower-payee, through a servicer-directed video call with the borrower-payee, or by any other means to document the progress or completion of repairs of the property.~~

(c) ~~Photographic or video evidence shall also clearly identify the repairs that are being documented and confirm the repairs were completed in accordance with the repair plan. Any photographic or video evidence provided to a mortgagee or mortgage servicer may not be accepted if it does not allow the mortgagee or mortgage servicer to determine the repairs are from the location of the property subject to the mortgage loan, does not authenticate when it was taken, or if it is believed by the mortgagee or mortgage servicer to have been altered in any way.~~

(4)(a) ~~The commissioner may impose civil money penalties of up to five hundred dollars per day for each day that a mortgagee or mortgage servicer fails to comply with the requirements of Paragraphs (1) or (2) of this Subsection. The penalties provided by this Paragraph shall not exceed five thousand dollars per violation.~~

(b) ~~Penalties shall be due and payable upon notice of their assessment to the mortgagee or mortgage servicer, unless such penalties are set aside after an administrative hearing pursuant to the provisions of the Administrative Procedure Act. The assessment of civil money penalties shall be final and definitive and subject to enforcement by the commissioner through judicial proceedings.~~

D.(1) ~~When the damaged property is replaced or otherwise repaired to the satisfaction of the borrower-payee and the mortgagee or mortgage servicer, then any remaining balance in the segregated account shall be paid to the borrower-payee together with all interest that accrued while the funds were in the segregated account in accordance with Paragraph (2) of this Subsection.~~

(2) ~~Interest shall accrue on insurance settlement proceeds where the funds equal twenty-five thousand dollars or more after being held by the mortgagee or mortgage servicer in a segregated account for more than thirty days. For the purposes of this Subsection, compliance with Fannie Mae or Freddie Mac servicing guidelines for payment of interest on property damage claim funds held by the mortgagee or mortgage servicer constitutes compliance with this Section.~~

E. ~~The provisions of this Section and R.S. 6:338 shall be applicable to state chartered federally insured financial institutions and their affiliates to the same extent that such provisions are applicable to federally chartered financial institutions.~~

F. ~~The provisions of this Section shall apply only to residential mortgage loans secured by a property that contains one to four residential dwelling units. However, the provisions of this Section shall not apply to a mortgagee or mortgage servicer when the borrower-payee is in default on his mortgage~~

loan, past due with payments on his mortgage loan, or in foreclosure related to his mortgage loan.

§338. Insurance settlement proceeds; return of excess funds; enforcement
A. ~~If a mortgage holder mortgagee or mortgage servicer is presented with a jointly payable insurance proceeds check, or draft, or other negotiable instrument for residential immovable property damage resulting from either Hurricane Katrina or Hurricane Rita, or both, which contains the mortgagor's borrower-payee's endorsement, and the mortgage holder mortgagee or mortgage servicer receives a written request from the borrower borrower-payee to release excess funds, then all mortgage holders the mortgagee or mortgage servicer shall have thirty fifteen business days after receiving such request and such check, or draft, or other negotiable instrument to provide their its endorsements and return all excess funds provided for in Subsection B of this Section. The fifteen-business day timeline for releasing excess funds provided by this Section shall not apply when the insurance proceeds check, draft, or other negotiable instrument requires the endorsement of multiple mortgagees or lien holders.~~

B. ~~The mortgage holder holding funds in escrow shall return to the mortgagor all funds considered to be excess funds. For purposes of this Section, the term "excess funds" shall mean insurance funds in excess of both of the following:~~

(1) ~~All loan balances of any mortgage holder mortgagee or mortgage servicer named as payee on the insurance claim check, or draft, or other negotiable instrument calculated as of the thirtieth day following receipt of the request and check or draft as outlined in Subsection A of this Section; and,~~

(2) ~~Six months of future accrued interest as calculated pursuant to the terms of the mortgage loans and calculated from the date of the payoff explained in Paragraph (B)(1) of this Section (1) of this Subsection.~~

C.(1) ~~The commissioner may impose civil money penalties of up to one five hundred fifty dollars per day of each day a mortgage holder subject to his jurisdiction mortgagee or mortgage servicer fails to comply with the requirements of Subsection B of this Section. The penalties provided in this Paragraph shall not exceed five thousand dollars per violation.~~

(2) ~~Penalties shall be due and payable upon notice of their assessment to the mortgage holder mortgagee or mortgage servicer, unless set aside after administrative hearing pursuant to the provisions of the Administrative Procedure Act. The assessment of civil money penalties shall be final and definitive and subject to enforcement by the commissioner through judicial proceedings.D. The provisions of this Section shall be applicable to state-chartered federally insured financial institutions and their affiliates to the same extent that such provisions are applicable to federally chartered financial institutions apply only to residential mortgage loans secured by a property that contains one to four residential dwelling units. However, the provisions of this Section shall not apply to a mortgagee or mortgage servicer when the borrower-payee is in default on his mortgage loan, past due with payments on his mortgage loan, or in foreclosure related to his mortgage loan.~~

E. ~~The commissioner shall have the power to enact and promulgate rules and regulations as may be necessary or appropriate to implement the provisions of this Section. The provisions of this Section shall not impair the contractual rights of a mortgagee or mortgage servicer related to all loan balances and accrued interest as described in Paragraphs (B)(1) and (2) of this Section.~~

Approved by the Governor, June 20, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 745

HOUSE BILL NO. 156
BY REPRESENTATIVE FREIBERG
AN ACT

To amend and reenact R.S. 15:587(A)(1)(j)(ii) and 587.1(B)(1)(c) and R.S. 17:15(C) and to repeal R.S. 15:587.1(A)(2), relative to teacher certification; to require criminal background checks for those applying for an educator credential or teaching authorization; to require criminal background checks upon the renewal, advancement, or other modification of an existing certification or teaching authorization; to authorize the state Department of Education to charge a fee for such purposes; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:587(A)(1)(j)(ii) and 587.1(B)(1)(C) are hereby amended and reenacted to read as follows:

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

A.(1) * * *
(j) * * *

(ii) The Louisiana Department of Education shall be entitled to criminal history record and identification files of the bureau of any person who has submitted a fingerprint request pursuant to R.S. 15:587.1 and R.S. 17:15(C) (2). The bureau is authorized to submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including

latent fingerprint searches. The bureau shall make available to the Louisiana Department of Education rap backs for requests made pursuant to R.S. 17:15(C)(2).

* * *
§587.1. Provision of information to protect children
* * *
B.(1) * * *

(c) In addition to the requirements of Subparagraph (a) of this Paragraph, for requests made by the state Department of Education pursuant to R.S. 17:15, 17:15(C)(2), the bureau is authorized to submit fingerprints to the Federal Bureau of Investigation to be retained in the FBI rap back system for the purpose of being searched by future submissions to the FBI rap back system, including latent fingerprint searches. The bureau shall make available to the Louisiana Department of Education rap backs for requests made pursuant to R.S. 17:15, 17:15(C)(2). Any recipient of such information as provided for in this Paragraph shall maintain the confidentiality of such criminal history information in accordance with applicable state or federal law.

* * *
Section 2. R.S. 17:15(C) is hereby amended and reenacted to read as follows:
§15. Criminal history review
* * *

C.(1) Any applicant for an educator credential or teaching authorization issued by the State Board of Elementary and Secondary Education or the state Department of Education shall undergo a criminal history record check as provided in this Subsection.

(2) The State Board of Elementary and Secondary Education by rule adopted in accordance with the Administrative Procedure Act shall establish requirements and procedures consistent with the provisions of R.S. 15:587.1 for under which the state Department of Education to determine whether an shall, for any applicant for or the recipient of any certificate, license, or other an educator credential or teaching authorization issued in accordance with state law or board policy, do the following: by the department or the board and who might reasonably be expected to be placed in a position of supervisory or disciplinary authority over school children has been convicted of or pled nolo contendere to any criminal offense. Included in this rule shall be the requirement and

(a) Request information from the Louisiana Bureau of Criminal Identification and Information, referred to in this Subsection as the "state bureau", and the Federal Bureau of Investigation, referred to in this Subsection as the "federal bureau", concerning whether the person has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

(b) Require and provide the procedure for the submission of a person's fingerprints to the state bureau, and from the state bureau to the federal bureau, in a form acceptable to the Louisiana Bureau of Criminal Identification and Information state bureau.

(3) The State Board of Elementary and Secondary Education by rule adopted in accordance with the Administrative Procedure Act shall establish requirements and procedures consistent with the provisions of R.S. 15:587.1 under which the board may, for any applicant for or recipient of an educator credential or teaching authorization issued in accordance with state law or board policy, do the following:

(a) Request information from the state bureau and the federal bureau concerning whether the person has been arrested for, convicted of, or pled nolo contendere to any criminal offense.

(b) Require and provide the procedure for the submission of a person's fingerprints to the state bureau, and from the state bureau to the federal bureau, in a form acceptable to the state bureau.

(4) The state Department of Education may charge a criminal history record check processing fee not to exceed twenty-five dollars, which may be increased by up to five percent annually, may collect the processing fees charged by the state bureau for a state criminal history record check and the federal bureau for a federal criminal history record check, and may collect the fees charged by sheriffs and third-party vendors for fingerprinting. The department shall timely submit the appropriate fees to the appropriate entities.

(5) Except as provided in R.S. 17:7(6)(h), neither the board nor the department shall issue an educator credential or teaching authorization to a person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C).

(6) Any person with an educator credential or teaching authorization issued prior to June 1, 2023, shall obtain a state and federal criminal history check, through the procedures provided for in this Subsection for new applicants, when seeking to have such educator credential or teaching authorization renewed, advanced, or otherwise modified or by June 1, 2028, whichever occurs sooner. Except as provided in R.S. 17:7(6)(h), neither the board nor the department shall renew, advance, or otherwise modify an educator credential or teaching authorization for a person who has been convicted of or has pled nolo contendere to a crime listed in R.S. 15:587.1(C).
* * *

Section 3. R.S. 15:587.1(A)(2) is hereby repealed in its entirety.

Section 4. The provisions of Section 1 of this Act supercede the provisions of Section 1 of Act No. 154 of the 2020 Regular Session of the Legislature that enacted R.S. 15:587(A)(1)(j)(ii) and 587.1(B)(1)(c).

Section 5.(A) The provisions of this Section and Sections 2, 3, and 4 of this Act shall become effective on August 1, 2022; however, the provisions of R.S. 17:15(C)(1) requiring a criminal history record check for applicants for an

educator credential or teaching authorization shall not be implemented until June 1, 2023.(B) The provisions of Section 1 of this Act shall become effective on the date that R.S. 15:587(A)(1)(j)(ii) and 587.1(B)(1)(c) as enacted by Section 2.(B) of Act No. 154 of the 2020 Regular Session of the Legislature would have become effective.

Approved by the Governor, June 21, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 746

HOUSE BILL NO. 627
BY REPRESENTATIVE BRYANT
AN ACT

To enact R.S. 14:68.4(C), relative to the crime of unauthorized use of a motor vehicle; to provide relative to criminal penalties; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:68.4(C) is hereby enacted to read as follows:
§68.4. Unauthorized use of a motor vehicle

* * *

C. When the misappropriation or taking amounts to less than a value of one thousand dollars, the offender shall be imprisoned for not more than six months, or fined not more than one thousand dollars, or both.

Approved by the Governor, June 21, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 747

HOUSE BILL NO. 820
BY REPRESENTATIVE VILLIO
AN ACT

To enact R.S. 14:230.1, relative to forfeiture; to provide for definitions; to provide relative to seizure and forfeiture; to provide relative to criminal offenses; to provide for exceptions; to provide for court proceedings; to provide relative to actions of law enforcement; to provide relative to court judgments; to provide for certain time periods; to provide relative to the applicability of remedies; to provide for the allocation of proceeds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 14:230.1 is hereby enacted to read as follows:

§230.1. Civil remedies
A. As used in this Section:
(1) “Commingled funds” means the combination of legitimate funds and proceeds derived from criminal activity.
(2) “Criminal activity” means any of the offenses listed in Subsection B of this Section, including conspiracy, principals, and attempts to commit any of the listed offenses that are classified as a felony under the laws of this state or of the United States.
(3) “Facilitating property” means any property used to commit the offense.
(4) “Proceeds” means funds acquired or derived directly or indirectly from or produced or realized through an act.
B. All facilitating property, proceeds, and commingled funds, without limitation to commingled funds of persons who knowingly or should have reasonably known of the foregoing criminal activity, shall be subject to seizure and forfeiture if involved in or derived from any of the following offenses:

- (1) Identity theft (R.S. 14:67.16).
- (2) Access device fraud (R.S. 14:70.4).
- (3) Illegal transmission of monetary funds (R.S. 14:70.8).
- (4) Bank fraud (R.S. 14:71.1).
- (5) Monetary instrument abuse (R.S. 14:72.2).
- (6) Computer fraud (R.S. 14:73.5).
- (7) Money laundering; transactions involving proceeds derived from criminal activity (R.S. 14:230).

C.(1) Any facilitating property, proceeds, and commingled funds subject to forfeiture under this Section may be seized under process issued by any court of record having jurisdiction over the facilitating property, proceeds, and commingled funds except that seizure without such process may be made when either of the following exists:

- (a) The seizure is incident to an arrest with probable cause or a search under a valid search warrant or with probable cause or an inspection under valid administrative inspection warrant.
- (b) The facilitating property, proceeds, and commingled funds subject to seizure have been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this Section.

(2)(a) All forfeitures or dispositions under this Section shall be made with due provisions for the rights of factually innocent persons. No mortgage, lien, privilege, or other security interest recognized under the laws of Louisiana and no ownership interest in indivision shall be affected by a forfeiture if the owner of such mortgage, lien, privilege, or other security interest, or owner in indivision establishes that he is a factually innocent person. No forfeiture

or disposition under this Section shall affect the rights of factually innocent persons.

(b) Notwithstanding any provision of law to the contrary, a mortgage, lien, or security interest held by a federally-insured financial institution shall not be affected by the seizure and forfeiture provisions of this Section.

(c) Notice of pending forfeiture or disposition shall be provided by the district attorney in accordance with the requirements of R.S. 40:2608(3) or R.S. 14:90.1(B)(3).

D. In the event of a seizure under Subsection C of this Section, a forfeiture proceeding shall be instituted promptly. Any facilitating property, proceeds, and commingled funds taken or detained under this Section shall not be subject to sequestration or attachment but are deemed to be in the custody of the law enforcement officer making the seizure, subject only to the order of the court. When property is seized under this Section, pending forfeiture and final disposition, the law enforcement officer making the seizure may do any of the following:

- (1) Place the property under seal.
- (2) Remove the property to a place designated by the court.
- (3) Request another agency authorized by law to take custody of the property and remove it to an appropriate location.

E. The district attorney may institute civil proceedings under this Section. In any action brought under this Section, the district court shall proceed as soon as practicable to the hearing and determination following conviction or agreement between the parties. Pending final determination, the court may at any time enter such injunctions or restraining orders or take such actions, including the acceptance of satisfactory performance bonds, as the court may deem proper.

F. A final judgment or decree rendered in favor of the state in any criminal proceeding shall preclude the defendant from denying the essential facts established in that proceeding in any subsequent civil action.

G. Notwithstanding any other provision of law, a criminal or civil action or proceeding under this Chapter may be commenced at any time within five years after the conduct in violation of a provision of this Chapter terminates or the cause of action accrues. If a criminal prosecution or civil action is brought under the provisions of this Chapter, the running of the period prescribed by this Section with respect to any cause of action arising under Subsection E of this Section which is based in whole or in part upon any matter complained of in any such prosecution or action shall be suspended during the pendency of such prosecution or action and for two years following its termination.

H. The application of one civil remedy under any provision of this Section shall not preclude the application of any other remedy, civil or criminal, under any other provision of law. Civil remedies under this Section are supplemental and not mutually exclusive.

I. The allocation of proceeds from forfeitures or dispositions under this Section shall be determined by the court in accordance with each law enforcement entity’s participation in the investigation, seizure, and forfeiture process. Proceeds shall be distributed in the following order of priority:

- (1) Satisfaction of any bona fide security interest or lien.
- (2) Payment of all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising, and court costs.
- (3) The remaining funds shall be allocated as follows:
 - (a) Sixty percent to the law enforcement agency or agencies making the seizure.
 - (b) Twenty percent to the criminal court fund.
 - (c) Twenty percent to the district attorney’s office pursuing the forfeiture.

Approved by the Governor, June 21, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 748

HOUSE BILL NO. 893
BY REPRESENTATIVE HUGHES
AN ACT

To amend and reenact R.S. 15:827.1(E)(2), 827.2(A)(2) and (3), and 827.3 and to repeal R.S. 15:827.2(D)(7), relative to the Department of Public Safety and Corrections; to provide relative to the reentry preparation program; to require the department to enter into cooperative endeavors or contracts to provide entrepreneurial educational opportunities for eligible offenders; to provide with respect to reporting of financial and other impacts of criminal justice reinvestment legislation; to provide with respect to the calculation and allocation of savings attributable to such legislation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 15:827.1(E)(2), 827.2(A)(2) and (3), and 827.3 are hereby amended and reenacted to read as follows:
§827.1. Reentry preparation program; establishment

* * *

E.

* * *

(2) The department ~~may~~ shall enter into cooperative endeavors or contracts with the Louisiana Workforce Commission, the Louisiana Department

of Education, and the Louisiana community and technical colleges, educational institutions, training facilities, and service providers to provide entrepreneurial educational opportunities for eligible offenders.

~~§827.2. Data collection and reporting requirements; report to criminal justice committees~~
A.

~~(2) The department shall provide the information described in Subsection D of this Section to the Joint Legislative Committee on the Budget and the commissioner of administration by June 30, 2018, and shall provide updated information annually thereafter submit a report to the House Committee on the Administration of Criminal Justice and the Senate Committee on Judiciary B no later than June thirtieth of each year. The report shall contain all information provided for in Subsection D of this Section.~~

~~(3) The department shall make the information described in Paragraphs (D)(1) through (6) of this Section annual report publicly available by June 30, 2018, and shall update the information annually thereafter June thirtieth of each year.~~

~~§827.3. Savings attributable to criminal justice reforms; data collection and reporting requirements to the Joint Legislative Committee on the Budget~~

~~A.(1) At the end of each fiscal year, the Department of Public Safety and Corrections shall provide to the commissioner of administration and to the Joint Legislative Committee on the Budget a statement of calculated calculate the annual savings realized as a result of reforms to the criminal justice system reinvestment legislation enacted in the 2017 Regular Session of the Legislature and thereafter. For Fiscal Year 2017-2018, seventy percent of the savings shall be deemed a bona fide obligation of the state and shall be allocated by the department according to Subsection B of this Section. For Fiscal Year 2018-2019 and each~~

~~(2) Each fiscal year, thereafter, fifty percent of the annual savings shall be deemed a bona fide obligation of the state and shall be allocated by the department according to Subsection B of this Section and twenty percent of the annual savings shall be deemed a bona fide obligation of the state and shall be allocated by the department for juvenile justice initiatives and programs.~~

~~B. The amount deemed to be a bona fide obligation pursuant to the provisions of Subsection A of this Section, except for the portion required to be allocated by the department for juvenile justice initiatives and programs, the annual savings shall be allocated as follows:~~

~~(1) Thirty (a) Fifteen percent shall be allocated to the Department of Public Safety and Corrections to award incentive grants to parishes, judicial districts, and nonprofit community partner organizations to expand evidence-backed prison alternatives and reduce admissions to the state prison system.~~

~~(2) Twenty (b) Ten percent shall be allocated to the Louisiana Commission on Law Enforcement and the Administration of Criminal Justice to award competitive grants for victim services, including but not limited to victim safety assessments and safety planning, trauma-informed treatment and services for victims and survivors, shelters and transitional housing for domestic violence victims and their children, batterers' intervention programming, and victim-focused education and training for justice system professionals.~~

~~(3) The remainder shall be allocated to the Department of Public Safety and Corrections for targeted investments in reentry services, community supervision, educational and vocational programming, transitional work programs, and contracts with parish jails and other local facilities that house state inmates to incentivize expansion of recidivism reduction programming and treatment services.~~

~~(c) Forty-five percent shall be allocated to the Louisiana Community and Technical College System for targeted investments in educational and vocational training aimed at recidivism reduction programming for adult and juvenile offenders. Such funds shall be utilized in connection with any other available sources of federal or state aid or training funds. The Louisiana Community and Technical College System shall provide a report to the legislature by December fifteenth of each year which shall include but not be limited to the following:~~

~~(i) A detailed description of the number of people trained categorized by age, race, gender, and geographic region.~~

~~(ii) A detailed description of the credentials issued.~~

~~(iii) The average expenditure per student trained.~~

~~(iv) The percentage of the eligible population who participated in training.~~

~~(3) Amounts allocated each year pursuant to Paragraph (2) of this Subsection shall be deemed a bona fide obligation of the state.~~

~~B.(1) The Department of Public Safety and Corrections shall submit a report regarding savings attributable to criminal justice reinvestment legislation to the Joint Legislative Committee on the Budget in the month of July of each year.~~

~~(2) The report shall include all of the following:~~

~~(a) The total annual savings and the calculation used to determine the savings pursuant to Subsection A of this Section.~~

~~(b) The amounts allocated pursuant to this Section and a description of how the funds were used in the immediately preceding fiscal year and each prior fiscal year through Fiscal Year 2014-2015 and how the Department of Public Safety and Corrections plans to use the funds in the current fiscal year.~~

~~(c) A comparison of the number of individuals eligible for educational~~

~~and vocational programming, the number of participants in educational and vocational programming, and the total amount expended on the programming from justice reinvestment funds and any additional sources of funds for the immediately preceding fiscal year and each prior fiscal year through Fiscal Year 2014-2015.~~

~~(d) A comparison of recidivism rates for individuals receiving community-based services, individuals receiving educational and vocational programming, and individuals receiving a combination of community-based services and educational and vocational programming for the immediately preceding fiscal year and each prior fiscal year through Fiscal Year 2014-2015.~~

~~(e) A comparison of post-incarceration employment rates for individuals who received educational and vocational programming for the immediately preceding fiscal year and each prior fiscal year through Fiscal Year 2014-2015.~~

~~(3) The department shall provide information required pursuant to this Subsection for all offenders in state facilities, offenders sentenced to the Department of Public Safety and Corrections who are in the custody of the sheriff or other local governing authority, and youth in the custody or under supervision of the Office of Juvenile Justice.~~

~~Section 2. R.S. 15:827.2(D)(7) is hereby repealed in its entirety.~~

Section 3. The provisions of Sections 1 and 2 of this Act shall apply prospectively only and percentages for savings allocations shall apply to savings generated in Fiscal Year 2022-2023 and subsequent years. Nothing in this Act shall change or impact the savings recognized in Fiscal Years 2017-2018 through 2021-2022 or change or impact the continuous and reoccurring allocation of savings recognized in these prior fiscal years and allocated to the Department of Public Safety and Corrections, the office of juvenile justice, the Louisiana Commission on Law Enforcement and Administration of Criminal Justice, and sheriffs' offices for the purpose of reinvestment as provided in Act 261 of the 2017 Regular Session.

Approved by the Governor, June 21, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 749

HOUSE BILL NO. 478
BY REPRESENTATIVE FONTENOT
AN ACT

To enact R.S. 40:41(C)(1)(f), relative to disclosure of records; to provide for the disclosure of records or issuance of certificates to an agent for the surety of a person who is the party to a criminal bail bond; to provide relative to proper documentation; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:41(C)(1)(f) is hereby enacted to read as follows:

§41. Disclosure of records

* * *

C.(1) The state registrar shall not permit inspection of the records or issue a certificate, or any part thereof, unless he is satisfied that the applicant is any of the following:

* * *

~~(f) An agent for the surety of the person named in the certificate when the person named in the certificate is a party to a criminal bail bond. Proper documentation, including a copy of the power of attorney, shall be required by the agent for the surety requesting the certificate.~~

* * *

Approved by the Governor, June 22, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 750

HOUSE BILL NO. 628
BY REPRESENTATIVE BRYANT
AN ACT

To amend and reenact R.S. 15:574.4(A)(2), relative to parole; to provide relative to parole eligibility; to provide that persons convicted of an offense that is both a crime of violence and a sex offense shall not be eligible for parole; to provide for prospective and retroactive application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.4(A)(2) is hereby amended and reenacted to read as follows:

§574.4. Parole; eligibility; juvenile offenders

A.

* * *

(2) Notwithstanding the provisions of Paragraph (1) of this Subsection or any other law to the contrary, unless eligible for parole at an earlier date, a person committed to the Department of Public Safety and Corrections for a term or terms of imprisonment with or without benefit of parole for thirty years or more shall be eligible for parole consideration upon serving at least twenty years of the term or terms of imprisonment in actual custody

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

and upon reaching the age of forty-five. This provision shall not apply to a person serving a life sentence unless the sentence has been commuted to a fixed term of years. The provisions of this Paragraph shall not apply to any person who has been convicted of an offense that is both a crime of violence as defined in R.S. 14:2(B) and a sex offense as defined in R.S. 15:541 when the offense was committed on or after January 1, 1997. The provisions of this Paragraph shall not apply to any person who has been convicted of a crime of violence as defined in R.S. 14:2(B) or a sex offense as defined in R.S. 15:541 when the offense was committed on or after August 1, 2014.

Section 2. The provisions of this Act shall be given prospective and retroactive application.

Approved by the Governor, June 22, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 751

HOUSE BILL NO. 1015
BY REPRESENTATIVE SCHEXNAYDER
AN ACT

To amend and reenact R.S. 51:2365(D)(3) and (F)(2), to enact R.S. 51:1260 and 1261, and to repeal R.S. 51:2365(F)(1)(d) and 2365.1, relative to financial incentives for events held in Louisiana; to provide relative to the Major Events Incentive Program; to make changes to the administration of the program; to create a grant program for certain Louisiana events; to provide for administration of the program; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 51:2365(D)(3) and (F)(2) are hereby amended and reenacted and R.S. 51:1260 and 1261 are hereby enacted to read as follows:

§1260. Major Events Incentive Fund; Major Events Incentive Program

A.(1) There is hereby created in the state treasury, as a special fund, the Major Events Incentive Fund, hereinafter referred to in this Section as the “fund”.

(2) The source of monies deposited into the fund shall be any monies appropriated by the legislature, including federal funds, any public or private donations, gifts, or grants from individuals, corporations, nonprofit organizations, or other business entities which may be made to the fund, and any other monies which may be provided by law. In determining the amount of the annual appropriation to the fund, the legislature shall consider contracts which have been entered into pursuant to this Section as well as any recruitment efforts being made by local organizing committees for qualified major events.(3) Monies in the fund shall be invested in the same manner as monies in the state general fund and any interest earned on the investment of monies in the fund shall be credited to the fund. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

(4) Monies in the fund shall be used solely for attracting, hosting, and staging major events pursuant to the Major Events Incentive Program as provided in this Section.

B. There is hereby created the Major Events Incentive Program, hereinafter referred to in this Section as the “program”, to be administered by the office of lieutenant governor, through the Department of Culture, Recreation and Tourism. The program shall provide grant funding to event producers and hosts, local organizing committees, endorsing municipalities, endorsing parishes, official tourism commissions, convention and visitors bureaus, and official destination marketing organizations, for costs associated with attracting and hosting qualified major events as provided in this Section.

C. As used in this Section, the following terms have the following meanings:

(1) “Endorsing municipality” means either of the following:

(a) A municipality that contains a site selected by a site selection organization for a major event and is a party to an event support contract.

(b) A municipality that does not contain a site selected by a site selection organization for a qualified major event, but is included in the market area for the event as designated by the secretary and is a party to an event support contract.

(2) “Endorsing parish” means either of the following:

(a) A parish that contains a site selected by a site selection organization for a qualified major event and is a party to an event support contract.

(b) A parish that does not contain a site selected by a site selection organization for a qualified major event, but is included in the market area for the event as designated by the secretary and is a party to an event support contract.

(3) “Event support contract” or “event contract” means a joint undertaking, a joint agreement, or a similar contract executed by a local organizing committee, an endorsing municipality, an endorsing parish, official tourism commission, convention and visitors bureau, or official destination marketing organization, or any combination thereof, and a site selection organization.

(4) “Local organizing committee” means an organization created or recognized as the official host entity sanctioned by an endorsing municipality or parish for a specified qualified major event.

(5) “Qualified major event” means a National Football League Super Bowl, a National Collegiate Athletic Association Final Four tournament game, the

National Basketball Association All-Star Game, the X Games, a National Collegiate Athletic Association Division I Football Bowl Subdivision postseason game, a college tournament or championship, the World Games, a national collegiate championship of an amateur sport sanctioned by the national governing body of the sport that is recognized by the United States Olympic Committee, an Olympic activity including a Junior or Senior activity, training program, or feeder program sanctioned by the United States Olympic Committee’s Community Olympic Development Program, a mixed martial arts championship, the Breeders’ Cup World Championships, a Bassmasters Classic, a National Motorsports race, the Red Bull Signature Series, a football kickoff game between two National Collegiate Athletic Association teams, a national championship or Olympic trials of an amateur or professional sport sanctioned by the national governing body of the sport, the United States Bowling Congress Tournament, the WWE WrestleMania, the Bayou Classic, the Essence Festival, the Zurich Classic or other PGA Tour event, a national military event, a national political convention of the Republican National Committee or of the Democratic National Committee, or any National Collegiate Athletic Association conference, convention, or conference media event, including conference media days. The term includes any activities related to or associated with a qualified major event.

(6) “Site selection organization” means any of the following:

(a) The National Football League, the National Collegiate Athletic Association or any affiliated conference, or any team or teams thereof, the National Basketball Association, the International World Games Association, or the United States Olympic Committee.

(b) The national governing body of a sport that is recognized by the United States Olympic Committee.

(c) The National Thoroughbred Racing Association.

(d) The Republican National Committee or Democratic National Committee.

(e) The United States Bowling Congress.

(f) The national governing body of an organization, not listed in Subparagraphs (a) through (e) of this Paragraph, that schedules a qualified major event as defined in Subparagraph (5) of this Paragraph.

D. An entity shall be eligible to receive funding through the program only if all of the following apply:

(1) The event is included in the definition of qualified major event.

(2) A site selection organization or the event producer or host selects or has selected a site in Louisiana under either of the following circumstances:

(a) After holding a bidding or invitation selection process involving required terms and conditions that could be fulfilled by sites not located in Louisiana.

(b) As the sole site for the event or the sole site for the event in a region composed of Louisiana and one or more states.

(3) The event is not held more than one time per year in Louisiana or any other state. The provisions of this Paragraph shall not apply to events occurring twice in one year due to a natural disaster, an act of God, force majeure, a catastrophe, pandemic, or such other occurrence which causes the event to move or be rescheduled.

E. The lieutenant governor, through the Department of Culture, Recreation and Tourism, is hereby authorized to enter into a contract with an event producer or host, a local organizing committee, endorsing parish, endorsing municipality, official tourism commission, convention and visitors bureau, or official destination marketing organization to recruit, solicit, acquire, or organize for Louisiana any qualified major event that will have a significant positive impact in the state. The contract shall provide for a financial commitment to the entity.

F. Any grants received pursuant to this Section may be used for either of the following:

(1) To pay or reimburse the costs of applying or bidding for selection as the site of the event.

(2) To pay or reimburse the costs of planning for or conducting the event.

G. Within sixty days after the event, the lieutenant governor shall submit an economic analysis to the Joint Legislative Committee on the Budget which shall include the following:

(1) The designated area which was impacted by the occurrence of the qualified major event.

(2) The total incremental increase in state sales and use receipts in the designated area.

(3) The total incremental increase in excise tax receipts in the designated area.

H. The Joint Legislative Committee on the Budget shall determine the portion of the incremental tax increase reported by the lieutenant governor which shall be transferred into the fund. Upon approval of the Joint Legislative Committee on the Budget, the treasurer shall transfer the amount determined by the committee into the fund.

I. The Department of Culture, Recreation and Tourism shall promulgate rules for the administration of the program in accordance with the Administrative Procedure Act. In order to expedite implementation of the program, the department shall utilize emergency rulemaking for the promulgation of the initial administrative rules.

§1261. Events Incentive Fund

A.(1) There is hereby created in the state treasury, as a special fund, the Events Incentive Fund, hereinafter referred to in this Section as the “fund”.

(2) The source of monies deposited into the fund shall be any monies appropriated by the legislature, including federal funds, any public or private donations, gifts, or grants from individuals, corporations, nonprofit organizations, or other business entities which may be made to the fund, and

any other monies which may be provided by law.

(3) Monies in the fund shall be invested in the same manner as monies in the state general fund and any interest earned on the investment of monies in the fund shall be credited to the fund. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund.

(4) Monies in the fund shall be used solely for attracting, planning, marketing, and conducting events pursuant to the Events Incentive Program as provided in this Section.

B. There is hereby created the Events Incentive Program, hereinafter referred to in this Section as the “program”, to be administered by the lieutenant governor, through the Department of Culture, Recreation and Tourism. The program shall provide grant funding to municipalities, parishes, official tourism commissions, convention and visitors bureaus, official destination marketing organizations, and nonprofit corporations hosting an event for costs associated with planning, marketing, and conducting events held in Louisiana.

C. An entity shall be eligible to receive funding through the program only if all of the following apply:

(1) The event is not a “qualified major event” as defined in R.S. 51:1260.

(2) The event is not held more than one time per year in Louisiana or any other state. The provisions of this Paragraph shall not apply to events occurring twice in one year due to a natural disaster, an act of God, force majeure, a catastrophe, pandemic, or such other occurrence which causes the event to move or be rescheduled.

(3) The applicant submits the application and required documentation no later than one hundred eighty days prior to the event. The documentation shall include:

(a) The total anticipated cost of the event.

(b) The amount and anticipated sources of funding for the event.

(c) An economic analysis indicating the event has an anticipated impact of three hundred fifty thousand dollars or greater to the state.

(d) A proposal for the utilization of the grant funding.

D. A municipality, parish, or nonprofit corporation hosting the event shall be eligible to receive up to twenty-five percent of the total cost incurred by the entity for the event, not to exceed two hundred fifty thousand dollars per grant.

E. Any grants received pursuant to this Section event may be used for either of the following:

(1) To pay or reimburse the costs of applying or bidding for selection as the site of the event.

(2) To pay or reimburse the costs of planning, marketing, or conducting the event.

F. No later than September first of each year, the lieutenant governor shall submit an annual report on the program to the Joint Legislative Committee on the Budget. The report shall include the entities that received grant funding for events in the previous fiscal year pursuant to this Section and the economic impact of the events to the state, to the extent possible.

G. The Department of Culture, Recreation and Tourism shall promulgate rules for the administration of the program in accordance with the Administrative Procedure Act. In order to expedite implementation of the program, the department shall utilize emergency rulemaking for the promulgation of the initial administrative rules.

§2365. Louisiana Mega-Project Development Fund

D.

(3) The department shall make available upon request the economic impact analysis on an economic development project which receives monies from the fund. ~~This Subparagraph shall not apply to a mega-project which is a qualified major event as defined in R.S. 51:2365.1.~~

F.

(2) Except for a mega-project as provided in ~~Subparagraphs (1)(b) and (d)~~ Subparagraph(1)(b) of this Subsection, the investment by the state in any mega-project shall not exceed thirty percent of the total cost of the project as described by the cooperative endeavor agreement.

Section 2. R.S. 51:2365(F)(1)(d) and 2365.1 are hereby repealed in their entirety.

Section 3. On the effective date of this Act, the treasurer is authorized and directed to transfer any remaining balance in the Major Events Incentive Program Subfund of the Mega-Project Development Fund to the Major Events Incentive Fund. Any contract entered into with the secretary of the Department of Economic Development pursuant to the Major Events Incentive Program prior to the effective date of this Act shall be transferred to the lieutenant governor.

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, Not Signed.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 752

SENATE BILL NO. 401
BY SENATOR MCMATH
AN ACT

To amend and reenact R.S. 33:1236(55)(a), relative to the powers of parish governing authorities; to provide for certain fees in St. Tammany and Washington parishes; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1236(55)(a) is hereby amended and reenacted to read as follows:

§1236. Powers of parish governing authorities

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

* * *

(55)(a) The governing authorities of the parishes of St. Tammany and Washington may enact ordinances requiring the clerk of court to impose, collect, and remit to the parish for operational expenses of the judicial system and its related agencies an additional charge, not exceeding ~~five~~ **fifteen** dollars, for the registration and recordation of any document in the mortgage and conveyance records; and an additional charge, not exceeding ~~fifteen~~ **twenty-five** dollars, for the filing and recordation of adoptions, successions, and any other new civil suits and written motions for hearings filed in or with the clerk of court's office. No additional charge shall be made for criminal court filings, ~~civil court filings in forma pauperis~~, oaths of office, U.C.C. filings, sheriff's commissions, marriage licenses, notary or appearance bonds, or any other filing for which no filing fee is charged. The clerk of court may retain five percent of such additional charge to defray costs associated therewith. Additionally, the governing authorities of the parishes may enact ordinances requiring the sheriff to impose, collect, and remit to the parish for operational expenses of the respective judicial system and its related agencies such additional charge, not exceeding ~~five~~ **fifteen** dollars, for each tax certificate issued or filed by the sheriff of the parish. The charges authorized in this Subparagraph shall be in addition to all other charges authorized by law.

* * *

Section 2. In accordance with the provisions of R.S. 13:62, the increase in those court costs or fees which are subject to Judicial Council approval, some of which are provided for in this Act, shall become effective if and when the Judicial Council provides a favorable recommendation in a Judicial Council Report to the Louisiana Legislature.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 753

SENATE BILL NO. 402
BY SENATOR ABRAHAM
AN ACT

To amend and reenact R.S. 13:4165(F)(7) and to enact R.S. 13:4165(F)(9) and (10), relative to courts and judicial procedure; to provide for the appointment, duties, powers, and compensation of special masters; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:4165(F)(7) is hereby amended and reenacted and R.S. 13:4165(F)(9) and (10) are hereby enacted to read as follows:

§4165. Special masters; appointment; duties and powers; compensation

F.(1)

(7) Any special master appointed ~~to serve in a major disaster area~~ pursuant to this Subsection may waive the appointment. Orders initially issued pursuant to this Subsection after January 1, 2022, shall provide for an opt-out upon request of any party. **The provisions of this Paragraph related to opt-out shall also not apply to any order initially issued on or before December 31, 2022, in any judicial district that has not previously issued an order pursuant to the provisions of this Subsection related to the qualifying disaster event.**

* * *

(9) Notwithstanding any provision of law to the contrary, any order issued pursuant to this Subsection shall be applicable to the successor in interest to any party subject to the order, in the same manner as originally applicable to the insured or insurer.

(10) A guaranty association may voluntarily participate in a mediation initiated pursuant to a case management order six months after the guaranty association assumes responsibility for the payment of covered claims pursuant to an express order of the receivership court or pursuant to an order of liquidation by the receivership court, or at such time prior to the expiration of six months as the guaranty association in its sole discretion determines that it has sufficient information to participate in a mediation. No participation by a guaranty association in a mediation shall waive any rights afforded the guaranty association under the provisions of R.S. 22:2051, et seq.

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 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 754

SENATE BILL NO. 412

**BY SENATOR TALBOT AND REPRESENTATIVES AMEDEE, BOYD,
BRASS, GREEN, LAFLEUR, LANDRY, LARVADAIN, MARINO,
NEWELL, SCHLEGEL, STAGNI, THOMPSON, VILLIO AND WILLARD
AN ACT**

To amend and reenact R.S. 22:2361 through 2370 and to enact R.S. 22:2371, relative to the Insure Louisiana Incentive Program; to provide for purposes and public purpose; to provide relative to administration and funding; to provide for cooperative endeavor agreements; to provide for matching grants; to provide for rulemaking; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 22:2361 through 2370 are hereby amended and reenacted and R.S. 22:2371 is hereby enacted to read as follows:

§2361. Short title

This Chapter shall be known as the “Insure Louisiana Incentive Program”, hereinafter **and may be** referred to as the “program”.

§2362. Purposes; public purpose

A. Louisiana currently is experiencing a crisis in the availability and affordability of insurance for residential and commercial properties. Louisiana property owners and their insurers sustained catastrophic losses in 2005 2020 and 2021 from Hurricanes Katrina and Rita **hurricanes Laura, Delta, Zeta, and Ida**. As the result of their losses and their assessment of the risk of loss from future storms, many insurers have substantially reduced their participation in the voluntary market for residential and commercial property insurance. With fewer insurers in the voluntary market, competitive pressure on premium rates is reduced. Current underwriting practices have resulted in a substantial increase in the number of Louisiana property owners forced to obtain their property insurance coverage or their coverage for the wind peril from Louisiana Citizens Property Insurance Corporation (~~Citizens~~), the state insurer of last resort. ~~As a result of the 2005 storms, Citizens has a substantial deficit that currently is and must be funded by assessments against insurers and policyholders. The decline in the voluntary insurance market substantially increases Citizens’ exposure, thereby threatening to worsen its financial condition. Increased premiums and assessments make property insurance coverage unaffordable for some property owners, forcing them to sell or abandon their residential or commercial properties or preventing them from restoring storm-damaged properties, causing some residents to leave or fail to return to the state. The availability of property insurance at reasonable cost is essential to the economy of the state. Owners cannot invest in and lenders will not finance the construction and ownership of residential and commercial buildings without adequate property insurance protection. The state has a vital interest in fostering the availability of property insurance at reasonable cost.~~

B. The Insure Louisiana Incentive Program is adopted for the purpose of cooperative economic development and stability in Louisiana by encouraging additional insurers to participate in the voluntary property insurance market ~~in order to substantially~~ increase the availability of property insurance, ~~to substantially~~ increase competitive pressure on insurance rates, and ~~to substantially~~ reduce the volume of business written by the Louisiana Citizens Property Insurance Corporation, thereby offering a less expensive alternative to its policyholders and reducing ~~Citizens’~~ **Louisiana Citizens Property Insurance Corporation’s** exposure to an increased deficit and future assessments.

C. ~~It is hereby declared by the~~ **The** legislature **hereby declares** that assuring an adequate and affordable market for insurance for both residential and commercial properties in this state is essential to the economic viability of the state and its citizens, the assurance of an adequate and stable tax base for the state and its political subdivisions, and the health, welfare, and safety of its citizens. Accordingly, the establishment of the Insure Louisiana Incentive Program implemented through public-private partnerships is declared and demonstrated to be an essential public function and public purpose.

§2363. Cooperative endeavors; grants; regulations

A. ~~The commissioner of insurance is authorized to~~ **may** implement the essential public purpose of this Chapter through public-private partnerships executed through cooperative endeavors with authorized insurers. Such endeavors may include matching capital fund grants under the provisions of this Chapter.

B. ~~The commissioner of insurance~~ may grant matching capital funds to qualified property insurers in accordance with the requirements of this Chapter from the fund. The commissioner shall ~~adopt and~~ promulgate rules and regulations in accordance with the Administrative Procedure Act, R.S. 49:950 et seq., governing the application process, ~~and~~ award of grants, use of grant funds, reporting requirements, and other regulations to assure

compliance with and to carry out the purposes of the program.

§2364. Implementation; grant limitations

A. ~~The commissioner of insurance shall adopt and~~ promulgate rules and regulations to implement this program ~~as soon as possible~~ and in accordance with the Administrative Procedure Act, R.S. 49:950 et seq.

B. When the program is ready for implementation, the commissioner shall issue a public invitation to insurers to submit grant applications. In the initial applications, the commissioner shall not allocate individual grants **of** less than two million dollars nor in excess of ten million dollars. In the initial allocation of grants ~~only~~, the commissioner shall allocate twenty percent of the total amount of funds available for grants to domestic insurers.

C. ~~In the event that~~ **If** all monies in the fund are not allocated in response to the first invitation for grant applications, ~~then the commissioner shall~~ **may** issue a second invitation for grant applications. In the second invitation, the commissioner shall not allocate individual grants **of** less than two million dollars nor in excess of ten million dollars, but insurers who have been allocated a grant in response to the first invitation may apply for an additional grant up to the ten million dollar limit. ~~In the event that~~ **If** all monies in the fund are not allocated in response to the second invitation for grant applications, ~~then the commissioner shall~~ **may** issue a third invitation for grant applications. In the third invitation, the commissioner shall not allocate individual grants **of** less than two million dollars nor in excess of ten million dollars, but insurers who have been allocated a grant in response to the first or second invitation may apply for an additional grant up to the ten million dollar limit.

D. Once the commissioner has finalized all responses ~~from three separate invitations for grant applications authorized under this Chapter, any unexpended and unencumbered monies in the fund and any matching capital fund grant funds that are not earned pursuant to R.S. 22:2370(A) shall be used pursuant to the provisions of R.S. 22:2372~~ **revert to the state general fund**. ~~However, if less than thirty-five million dollars remains in the Insure Louisiana Incentive Fund after responses have been finalized to the three separate invitations for grant applications, then the remaining monies in the fund shall instead be used to accelerate payoff of the Unfunded Accrued Liability of the state retirement systems.~~

E. The total amount of funds available for this program is the amount appropriated or otherwise made available to the fund by the legislature. If the amount requested in grant applications exceeds the amount of funds available, the commissioner ~~of insurance~~ shall have the discretion to prioritize and allocate funds among insurers ~~deemed~~ **considered** eligible to participate in the program, considering the financial strength of each insurer and the potential for its business plan to improve the availability and affordability of property insurance in **Louisiana this state**.

F. Prior to the award of any grant pursuant to the provisions of this Chapter, ~~such~~ **the** grant shall be subject to the review and approval of the Joint Legislative Committee on the Budget. The use of grant funds and unexpended and unencumbered monies pursuant to the provisions of Subsection D of this Section shall not be subject to review and approval of the Joint Legislative Committee on the Budget.

§2365. Minimum capital requirements

A. Grants shall be made only to insurers who satisfy minimum capital requirements as specified in the rules and regulations ~~adopted and~~ promulgated by the commissioner ~~of insurance~~, which shall include capital and surplus exceeding ~~twenty-five~~ **ten** million dollars, stable financial condition as shown by a satisfactory risk-based capital level, and an adequate risk-based reinsurance program.

B. In no event shall matching fund grants exceed twenty percent of an insurer’s capital and surplus.

§2366. Satisfactory prior experience

As determined by the commissioner ~~of insurance~~, grants shall be made only to insurers with satisfactory prior experience in writing property insurance or to new insurers whose management has satisfactory prior experience in property insurance.

§2367. Authorized insurers

~~Although a non-admitted insurer, including an approved unauthorized surplus lines insurer, may apply for a grant, the insurer must become admitted and licensed~~ **shall obtain a certificate of authority** to do business in Louisiana before it may ~~actually~~ receive the grant funding. The commissioner ~~of insurance~~ may reallocate funds allocated to ~~such non-admitted~~ **a surplus lines** insurer if ~~that insurer it~~ does not apply on a timely basis, as specified in the regulations, or is not approved ~~as an admitted and licensed insurer~~ **for a certificate of authority**.

§2368. Matching capital fund grants

A. The insurer shall make a commitment of capital of not less than two million dollars to write property insurance in **Louisiana this state** that complies with the requirements of R.S. 22:2369.

B. Matching capital fund grants authorized under this Chapter shall match ~~such~~ **the** newly allocated insurer capital funds at a ratio of one dollar of state capital grant funds to one dollar of allocated insurer capital funds.

§2369. written premium requirements

A. ~~“Net~~ **For the purposes of this Chapter, “net** written premiums” means the total premiums, exclusive of assessments and other charges, paid by policyholders to insurers for policies that comply with **the provisions of** this Section, minus any return premiums or other premium credits due policyholders.

B. To comply with the requirements of this Chapter, ~~the new property~~

insurance written by ~~the an~~ insurer who received a matching capital fund grant shall be residential, commercial, mono-line, or package property insurance policies in Louisiana **this state**, and ~~must~~ **shall** include coverage for wind and hail with limits equal to the limits provided for other perils insured under such policies. The net written premium requirements of this Section ~~will~~ **shall** be satisfied only by property insurance coverages reported on the Annual Statement State Page filed with the Department of Insurance under lines 1 (Fire), 2.1 (Allied Lines), 3 (Farmowners), 4 (Homeowners), or 5.1 (Commercial Multi-peril Non-liability).

C. Insurers who receive the matching capital fund grants ~~must~~ **shall** write property insurance in Louisiana **this state** that complies with the requirements of this Section with net written premiums of at least a ratio of two dollars of premium for each dollar of the total of newly allocated insurer capital and the matching capital fund grant. ~~Thus, if the insurer allocates two million dollars in capital and receives a matching capital fund grant of two million dollars, the insurer must write property insurance in Louisiana with net written premiums of at least eight million dollars.~~

D. In the first twenty-four months after receipt of matching capital fund grants insurers shall write at least fifty percent of the net written premium for policyholders whose property is located in the parishes included in the federal Gulf Opportunity Zone Act of 2005 in Louisiana. ~~Twenty-five percent of the net written premium for policyholders whose property was formerly insured by the Louisiana Citizens Property Insurance Corporation, and at least fifty percent of such policyholders shall have property located in the parishes included in the federal Gulf Opportunity Zone Act of 2005 in Louisiana. Insurers must~~ **shall** maintain this net written premium ratio over five years to fully earn the matching capital fund grant ~~as outlined in R.S. 22:3310~~ **in accordance with R.S. 22:2370.**

E.(1) The commissioner shall promulgate rules pursuant to the Administrative Procedure Act, R.S. 49:950 et seq., to establish procedures to monitor the net written premium of insurers receiving any grant under this Chapter ~~and~~ to ensure that the insurer is in compliance with the provisions of this Section. These rules shall include provisions for the return of grant money to the state, on a pro rata basis, for failure to meet the requirements of this Section. Notwithstanding the provisions of R.S. 22:2370 to the contrary, the commissioner shall seek the return of unearned grant money from any insurer who has not been in compliance **complied with the provisions of this** Section for five consecutive years commencing on ~~January 1, 2009~~ **January 1, 2024**, and ending on ~~December 31, 2013~~ **December 31, 2028.**

(2)(a) Notwithstanding the provisions of this Chapter to the contrary, rules and regulations promulgated by the commissioner pursuant to this Chapter shall provide that grants, made pursuant to a third invitation for grant applications, may be made to insurers providing coverage against damage to an existing dwelling. ~~The~~ **Such** grant shall be made only as to those policies transferred from an existing dwelling to a new dwelling, provided the risk of catastrophe associated with the new dwelling is the same as or no greater than the level of risk of catastrophe associated with the existing dwelling.

(b) Grants shall also be made under **the provisions of** this Paragraph to any insurer that was forced to reduce coverage; or drop coverage entirely; on existing dwellings in order that the insurer maintain its financial stability or solvency. ~~Such~~ **A grant made pursuant to this Subparagraph** shall be contingent on the insurer reinstating such former coverage or better coverage on the existing dwellings.

§2370. Earned capital

A. An insurer who ~~has received~~ **receives** a matching capital fund grant under the provisions of this Chapter ~~is entitled to~~ **shall** earn the grant at the rate of twenty percent per year for each year in which the insurer maintains the net written premiums in compliance with the requirements of this Chapter, ~~so~~ **such** that the insurer ~~can~~ **may** earn the entire grant in five years.

B. If ~~any~~ **an** insurer fails to comply with the requirements of this Chapter at the end of any year of the grant, the commissioner ~~of insurance~~ shall have the option of granting an extension, if the insurer shows promise of future compliance.

C. If the commissioner ~~of insurance~~ finds that an insurer has failed to comply with the statutory or regulatory requirements for the grant, the commissioner may declare the insurer in default. The insurer in default shall repay any matching capital fund grant funds that have not been earned under Subsection A of this Section, plus legal interest from the date of the commissioner's default declaration.

D. In the event of insolvency of an insurer, the **Louisiana Insurance Guaranty Association shall have no** obligation to repay matching capital fund grants ~~shall not be a liability of the Louisiana Insurance Guaranty Association.~~

§2371. Insure Louisiana Incentive Fund

There is hereby created in the state treasury as a special fund the Insure Louisiana Incentive Fund, referred to in this Chapter as the "fund". Monies appropriated or transferred to the fund shall be deposited by the state treasurer after compliance with the provisions of Article VII, Section 9(B) of the Constitution of Louisiana. Monies in the fund shall be invested in the same manner as monies in the state general fund and any interest earned on the investment of monies in the fund shall be credited to the fund. All unexpended and unencumbered monies in the fund at the end of the fiscal year shall remain in the fund. Monies in the fund shall be used by the department to provide grants pursuant to the provisions of this Chapter.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin

* As it appears in the enrolled bill

Secretary of State

ACT No. 755

SENATE BILL NO. 416
BY SENATOR ABRAHAM
AN ACT

To repeal Part IV of Chapter 3 of Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:481 through 490, relative to navigation districts; to repeal the creation of the Calcasieu-Cameron Navigation District; to repeal all policies, duties and functions created to administer the district; to repeal tax, fee, and bond authority for 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. Part IV of Chapter 3 Title 34 of the Louisiana Revised Statutes of 1950, comprised of R.S. 34:481 through 490, is hereby repealed.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 756

SENATE BILL NO. 429
BY SENATOR WOMACK AND REPRESENTATIVE ROMERO
AN ACT

To amend and reenact R.S. 38:2248(B), relative to public works contracts; to provide with respect to substantial completion of public works; to provide for notice and itemization of work to be performed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2248(B) is hereby amended and reenacted to read as follows:

§2248. Provisions for withholding payment; effect on liability of contractor or agency; punch list; liquidated damages

* * *

B. ~~(1)~~ All public works contracts shall contain a clause stating that any punch list generated during a construction project shall include the cost estimates for the particular items of work the design professional has developed based on the mobilization, labor, material, and equipment costs of correcting each punch list item. The design professional shall retain his working papers used to determine the punch list items cost estimates should the matter be disputed later. The contracting agency shall not withhold from payment more than the value of the punch list. Punch list items completed shall be paid upon the expiration of the forty-five day lien period.

(2) If the public entity occupies or uses the public works, the following shall apply:

(a) The punch list shall be furnished to the contractor within ten days of substantial completion, as defined in R.S. 38:2241.1.

(b) Within fourteen days of providing the punch list to the contractor, the punch list may be amended by the design professional or the public entity.

(3) The provisions of this Section shall not be subject to waiver, nor shall these provisions apply to the Department of Transportation and Development.

* * *

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin

Secretary of State

ACT No. 757

SENATE BILL NO. 439
BY SENATOR PEACOCK
AN ACT

To amend and reenact R.S. 37:1271(A) and the introductory paragraph of 1285(A) and to enact Part I-D of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1310.11 and 1310.12, relative to bridge year graduate physicians; to provide for the certification of bridge year graduate physicians; to provide for the powers and duties of the Louisiana State Board of Medical Examiners; to provide for compensation for services by bridge year graduate physicians; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 37:1271(A) and the introductory paragraph of 1285(A) are hereby amended and reenacted and Part I-D of Chapter 15 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1310.11 and 1310.12, is hereby enacted to read as follows:

§1271. License to practice medicine or telemedicine required

A. No person shall practice medicine as defined ~~herein~~ **in this Part** until he possesses a duly recorded license issued ~~under~~ **pursuant to** this Part, ~~or a permit or registration as provided for herein~~ **in this Part, or a certificate issued pursuant to Part I-D of this Chapter.**

* * *

§1285. Causes for nonissuance; suspension; revocation; or the imposition of restrictions; fines; reinstatement; publication of action; stays

A. The board may refuse to issue, or may suspend or revoke any license or permit, or impose probationary or other restrictions on any license, ~~or permit, or certificate~~ issued pursuant to this Part ~~or Part I-D of this Chapter~~ for the following causes:

* * *

PART I-D. BRIDGE YEAR GRADUATE PHYSICIANS

§1310.11. Bridge year graduate physicians

A. The Louisiana State Board of Medical Examiners, referred to hereafter in this Section as the “board”, may develop, implement, and maintain a program that allows an individual who meets certain criteria as set forth by the board to be certified by the board to practice medicine as a bridge year graduate physician. Such certification shall be valid for one year and may be renewed for no more than two additional one-year periods upon application to the board.

B. The board shall provide for the criteria for participation in the bridge year graduate physician program which, at a minimum, shall require the individual seeking certification to meet the following qualifications:

(1) He is a graduate of an accredited medical school.

(2) He applied to, but was not accepted into, an accredited medical residency training program for the first year following medical school graduation.

C. The board shall determine criteria for selection of applicants should the number of applicants exceed the available capacity of the program.

D. The board shall provide for the prescriptive authority of a bridge year graduate physician including prescribing legend and certain controlled drugs.

E. The board may suspend, terminate, or revoke a bridge year graduate physician certificate prior to the expiration of one year for any reason provided by law or board rule for the termination of licenses, permits, registrations, or certificates issued by the board, including but not limited to a violation of any provision of this Part or the rules promulgated by the board pursuant to this Part.

F. An individual holding a certification to practice as a bridge year graduate physician shall practice only under the direct supervision of a board-certified physician holding a license in good standing with the board.

G. The services provided by an individual holding a certificate to practice as a bridge year graduate physician shall be compensable in accordance with customary medical billing practices.

H. A certificate issued in accordance with the provisions of this Part shall not confer any future right to full, unrestricted licensure.

§1310.12. Rulemaking

The Louisiana State Board of Medical Examiners shall adopt rules and regulations for the administration of this Part as are necessary for the adequate protection of the health and welfare of the citizens of this state.

Section 2. The Louisiana State Board of Medical Examiners shall consult and seek input from the Louisiana State Medical Society, the Louisiana Academy of Family Physicians, a community physician, a medical student who applied to, but was not accepted into, an accredited medical residency training program for the first year following medical school graduation, and a medical student during the development of the bridge year graduate physician program authorized by the provisions of Section 1 of this Act.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 758

SENATE BILL NO. 445

BY SENATOR ABRAHAM

AN ACT

To amend and reenact R.S. 48:250.4(A), relative to approval of department of transportation and development contracts with public private partnerships; to provide for the approval of contracts by the legislature; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:250.4(A) is hereby amended and reenacted to read as follows:

§250.4. Public-private partnership projects

A. (1) Notwithstanding any law to the contrary or the requirements of this Part, if the secretary determines it is in the best interest of the taxpayers, the Department of Transportation and Development, with approval of the House and Senate transportation, highways, and public works committees, may solicit proposals for and enter into contracts for public-private partnership projects for a transportation facility. The department shall comply with the provisions of R.S. 48:2084 through 2084.15 that are applicable to public-private partnership projects of the Louisiana Transportation Authority and the provisions of R.S. 48:256.3 and 256.5.

(2) Prior to executing a contract for a public-private partnership, the department shall receive approval from the House and Senate transportation, highways and public works committees to enter into the contract.

(a) The Department of Transportation and Development shall provide the detailed financial analysis of cost conducted by the department and the Federal Highway Administration relative to the I-10 Calcasieu River Bridge project to the Senate Committee on Transportation, Highways and Public Works and the

House Committee on Transportation, Highways and Public Works.

(b) The Department of Transportation and Development and the Department of the Treasury shall use the analysis provided for by Subparagraph (a) of this Paragraph to prepare a comparative financial analysis of the cost of the design build method of the I-10 Calcasieu River Bridge project.

(c) The result of the comparative analysis shall be provided to the Senate Committee on Transportation, Highways and Public Works and the House Committee on Transportation, Highways and Public Works immediately upon completion. The committees shall use the comparative analysis as a reference during deliberation in approving the public-private partnership contract for the I-10 Calcasieu River Bridge project.

* * *

Section 2. The provisions of this Act shall apply to all active requests for proposals that are not in contract status 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 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 759

SENATE BILL NO. 447

BY SENATOR HENSGENS AND REPRESENTATIVE GAROFALO

AN ACT

To enact R.S. 56:325.5, relative to the commercial menhaden fishery; to provide for commercial menhaden harvest reporting; to provide for required data; to provide for confidentiality; to provide for reports to legislative committees; to provide for the powers and duties of the Louisiana Wildlife and Fisheries Commission; to provide for a definition; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 56:325.5 is hereby enacted to read as follows:

§325.5. Commercial menhaden harvest reporting

A. The commission shall promulgate rules and regulations, in accordance with the Administrative Procedure Act, that require companies taking menhaden by vessels equipped with purse seines for the purpose of reduction fishing to report monthly, beginning in May 2023, commercial menhaden harvest reports. The rules and regulations shall provide for the following:

(1) Monthly reporting shall include the following data for each set:

(a) Location data in degrees, minutes, seconds, with a defined datum, determined by global positioning satellite (GPS) navigational instrument reading.

(b) Estimated volume of harvest.

(c) Length of the menhaden estimated based on a sample of the harvest. In addition, the rule shall provide for the size of the sample and the method used to estimate the length.

(2) The form, manner, and the date of the month the department receives the monthly report.

(3) Procedures to preserve the confidentiality of any data, information, or statistics submitted or collected to comply with federal procedures as set forth by the United States Department of Commerce or its agencies for confidentiality of fishing statistics collected from individuals or firms by the Department of Commerce or its agencies. Any information the department provides to the public shall not indicate the captain, vessel, or company.

B. Beginning February 10, 2024, the department shall annually report to the Senate Committee on Natural Resources and the House Committee on Natural Resources and Environment the commercial menhaden harvest from the prior year based upon the aggregated data from the monthly reports.

C. For the purposes of this Section, a “set” means when a purse seine is deployed and encircles a school of menhaden, regardless of whether those fish are reduced to possession by transferring to the mother ship or steamer.

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 760

SENATE BILL NO. 455

BY SENATOR BOUDREAUX

AN ACT

To amend and reenact R.S. 51:1361(3), 1362(A), the introductory paragraph of R.S. 51:1363, 1365, the title of Chapter 12 of Title 51 of the Louisiana Revised Statutes of 1950, and R.S. 44:4.1(B)(35) and to enact R.S. 51:1363.1, relative to internet; to provide for the office of broadband development and connectivity; to provide for development and implementation of a plan to provide access to broadband internet; to provide for the functions and responsibilities of the office of broadband development and connectivity; to provide for the termination date of the office; to provide for effectiveness;

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

and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 51:1361(3), 1362(A), the introductory paragraph of R.S. 51:1363, 1365, and the title of Chapter 12 of Title 51 of the Louisiana Revised Statutes of 1950 are hereby amended and reenacted and R.S. 51:1363.1 is hereby enacted to read as follows:

CHAPTER 12. THE OFFICE OF BROADBAND **DEVELOPMENT**
AND CONNECTIVITY

§1361. Definitions
When used in this Chapter, **the following terms apply:**

* * *

(3) “Office” means the office of broadband **development** and connectivity.

* * *

§1362. The office of broadband **development** and connectivity
A. There is hereby created within the office of the governor **division of administration** the office of broadband **development** and connectivity. The head of the office shall be the executive director of broadband **development** and connectivity, who shall be appointed by the governor to serve at his pleasure. The appointment shall be subject to Senate confirmation.

* * *

§1363. Functions, powers, and duties
The office of broadband **development** and connectivity, by and through the executive director or his employees, shall have the following functions, powers, and duties:

* * *

§1363.1. Mapping areas for broadband service
A.(1) The office of broadband development and connectivity shall secure information from any entity, public or private, providing internet service to at least one location in the state to assist the office in compiling a statewide parish by parish broadband map identifying the locations and capability of broadband service in the 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 to the federal government, broadband deployment information containing the same information and in the same format the information is 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 the state, that does not comply with the requirements of this Section or 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 the state in the calendar year of noncompliance and the following calendar year.

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

(4) Any broadband availability data provided in accordance with this Section shall strictly be used for the purpose of identifying served, underserved, and unserved areas to aid in the administration of the “Granting Unserved Municipalities Broadband Opportunities” program, and for no other purpose whatsoever.

(5) Any entity submitting broadband data to the office of broadband development and connectivity 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 the state.

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

B.(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 this Section is exempt from the Public Records Law and is considered confidential, proprietary, and a trade secret of the entity 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 by R.S. 44:1, any broadband availability data provided in accordance with 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 by R.S. 44:1.

C. The requirements of this Section shall terminate under any one of the following conditions, whichever occurs first:

(1) Upon a determination by the office of broadband development and
THE ADVOCATE
PAGE 41

* As it appears in the enrolled bill

connectivity that it is no longer necessary to compile a statewide parish by parish broadband map identifying the locations and capability of broadband service in the state.

(2) At midnight on December 31, 2026.
D. The office may promulgate rules necessary to carry out the provisions of this Section in accordance with the provisions of the Administrative Procedure Act.
E. The office shall not hire more than one additional full-time employee to carry out the provisions of the Section.

* * *

§1365. Termination
The provisions of this Chapter shall terminate at twelve o'clock midnight on June 30, 2023 **2028**, and shall thereafter have no effect.

* * *

Section 2. 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, **1363.1**, 1404, 1926, 1934, 2113, 2182, 2262, 2318, 2389

* * *

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 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 761

SENATE BILL NO. 459
BY SENATOR HARRIS
AN ACT

To amend and reenact R.S. 33:9075(F)(1)(d), relative to the Lake Oaks Subdivision Improvement District; to provide relative to increasing the maximum amount of the parcel fee; 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. 33:9075(F)(1)(d) is hereby amended and reenacted to read as follows:
§9075. The Lake Oaks Subdivision Improvement District; creation, composition, powers; levy of parcel fee

* * *

F. Parcel fee. (1)

* * *

* * *

(d) Such fee shall not exceed ~~four~~ **eight** hundred dollars per parcel per year.

* * *

Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 762

SENATE BILL NO. 460
BY SENATOR WARD
AN ACT

To enact Chapter 15 of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1621 through 1623, relative to electric vehicle charging equipment networks; to provide for legislative intent; 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. Chapter 15 of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:1621 through 1623, is hereby enacted to read as follows:

**CHAPTER 15. ELECTRIC VEHICLE CHARGING
EQUIPMENT NETWORKS**

§1621. Short Title
This Chapter shall be known and may be cited as the “Electric Vehicle Charging Equipment Network Act”.
§1622. Purpose; legislative intent
The Louisiana Legislature hereby finds it necessary and in the best interest of the state to promote rapid development of a statewide electric vehicle charging network by doing all of the following:

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

(1) Improving the quantity, quality, and variety of electric vehicle charging amenities and consumer experience services available in the state.
(2) Urging the Louisiana Public Service Commission to establish an electric vehicle charging rate structure that promotes long-term alternative fuel market competition by encouraging transparent pricing, more stable electricity costs, expanded investment opportunities in charging infrastructure, innovation, and a widespread implementation of publicly available fast charging, electric vehicle charging technology and equipment.

(3) Urging the Louisiana Public Service Commission to explore excluding persons or corporations from the definition of public utility when all of the following occur:

(a) Those persons or corporations purchase electricity from an electric public utility or a municipal electric utility.

(b) Those persons or corporations furnish electricity exclusively to charge battery electric vehicles and plug-in hybrid electric vehicles to or for the public for compensation.

(c) Those persons or corporations do not otherwise operate as a public utility.

§1623. Definitions

As used in this Chapter, the following terms are defined as and mean the following:

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

(2) “Electric public utility” for the purposes of sale for resale of power related to electric vehicles, or other activities related to operators of electric vehicle equipment, shall be determined by the commission pursuant to its order issued in Docket R-36131.

Section 2. This Act shall become effective upon signature of 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 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 763

SENATE BILL NO. 461
BY SENATOR REESE
AN ACT

To enact R.S. 33:423.30, relative to the Vinton Police Department; to authorize the police chief to discipline police personnel; 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. 33:423.30 is hereby enacted to read as follows:

§423.30. City of Vinton; disciplinary action by chief of police

Notwithstanding the provisions of R.S. 33:423 or any other provision of law to the contrary, in and for the city of Vinton, the chief of police may promote and discipline police personnel subject to the budgetary limitations of the mayor and the city council pertaining to the number of allotted positions of the police department. This provision shall not, however, prohibit a police department employee from making a direct appeal to the city council, who shall have the authority to modify or reverse any actions of the chief of police.

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 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 764

SENATE BILL NO. 467
BY SENATOR CARTER AND REPRESENTATIVES ADAMS, BOYD, BRASS, CARRIER, ROBBY CARTER, WILFORD CARTER, CORMIER, DUBUISSON, DUPLESSIS, ECHOLS, FREIBERG, GADBERRY, GAINES, GLOVER, GREEN, HORTON, HUGHES, JEFFERSON, JENKINS, LAFLEUR, LARVADAIN, LYONS, MARCELLE, MARINO, MCKNIGHT, NEWELL, PIERRE, SELDERS, THOMPSON, VILLIO AND WILLARD
AN ACT

To amend and reenact R.S. 48:1671(A) and the introductory paragraph of (C) (5) and (b) and to enact Chapter 34-A of Title 48 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 48:2165, relative to passenger rail service; to direct the Department of Transportation and Development to initiate the necessary engineering, financial and other studies to begin passenger rail service between Baton Rouge and New Orleans; to pursue the federal funds provided for in the Infrastructure Investment and Jobs Act of 2021; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:1671(A) and the introductory paragraph of (C)(5) and (b) are hereby amended and reenacted to read as follows:

§1671. Southern Rapid Rail Transit Compact

A. The purpose of this compact is to study the feasibility of rapid transit service between the states of Louisiana, Mississippi, Texas, and Alabama, **to take all steps that it may deem necessary and appropriate in order to establish and maintain such service,** and to establish a joint interstate commission to assist in this effort.

* * *

C.

* * *

(5) It shall be the duty of the commission to study the feasibility of providing interstate rapid rail transit service between the party states, **and to take all steps that it may deem necessary and appropriate in order to establish and maintain such service.** Toward this end, the commission shall have power:

* * *

(b) To conduct studies and surveys, **prepare grant applications related to the establishment or maintenance of passenger rail service, enter into operating and other contractual agreements with providers of passenger rail service, and enter into agreements with owners or operators of railway tracks in order to provide for upgrades necessary to establish or maintain passenger rail service** of all problems, benefits, and other matters associated with such service, and to make reports thereon.

* * *

Section 2. Chapter 34-A of Title 48 of the Louisiana Revised Statutes of 1950, comprised of R.S. 48:2165, is hereby enacted to read as follows:

CHAPTER 34-A. PASSENGER RAIL SERVICE

§2165. Passenger rail service

A. The legislature finds and declares:

(1) Passenger rail service connecting Baton Rouge and New Orleans is supported by current federal policy and the Infrastructure Investment and Jobs Act of 2021, which provides billions of dollars for passenger rail improvements and service nationwide.

(2) Passenger rail service connecting Baton Rouge and New Orleans with key stops in Jefferson Parish, LaPlace, Gonzales, and the Louis Armstrong New Orleans International Airport is a key project in the 2021, More Trains, More Cities, Better Service: Amtrak’s Vision for Improving Transportation Across America.

(3) A recent survey which drew in over four thousand six hundred completed responses, primarily from parishes which would be directly served by the proposed rail service, found strong support region-wide for passenger rail as well as considerable interest in multimodal travel locally.

(4) Passenger rail service along the Interstate 20 corridor between Marshall, Texas, and Meridian, Mississippi, through north Louisiana is supported by current federal policy and the Infrastructure Investment and Jobs Act of 2021, which provides billions of dollars for passenger rail improvements and service nationwide.

(5) Passenger rail services along the Interstate 20 corridor between Marshall, Texas, and Meridian, Mississippi, through north Louisiana with key stops in Monroe, Ruston, Delhi, and Shreveport-Bossier City.

(6) The Northwest Louisiana Council of Governments commissioned the North Louisiana Passenger Rail Feasibility Study to assess the potential of initiating a startup passenger rail service, primarily including the locations directly served by the proposed rail service, found strong support from the input of local, regional, and state stakeholders and the public to implement passenger rail service.

(7) The Department of Transportation and Development Rail Plan provides that the department, based on input received from stakeholders and the public during the preparation of the plan, shall work toward the following initiatives:

(a) Work with neighboring states on rail initiatives which benefit the region.

(b) Participate in the Southern Rail Commission on both passenger and freight initiatives.

(c) Support the improvement of existing Amtrak services and Amtrak stations.

(d) Support the development of new intercity rail initiatives that enhance mobility options for Louisianians.

(8) Now is the ideal time to explore the opportunity to electrify passenger rail, clarify who the owners and operators of the track and rail line will be, and determine whether or not the track should be passenger-only or shared with freight, and what the safest, most efficient manner would be to best utilize the railway.

B.(1) The Department of Transportation and Development shall prepare the scope, schedule, and budget to secure all necessary approvals and permits to begin passenger rail service between Baton Rouge and New Orleans, and may apply for grants and other funds typical for passenger rail, as appropriate, and to facilitate development of the necessary platforms or stations to support passenger service.

(2) Pursuant to this Subsection, the Department of Transportation and Development shall provide the scope, schedule, and budget to the joint committees on Transportation, Highways and Public Works before the start of the 2023 Regular Session.

C. In implementing the provisions of Subsection B of this Section, the department may:

(1) Identify a team of internal staff and professional consultants only as necessary, to complete the preparations for service to commence.

(2) Minimize the length of time required for the completion of the study and

the initiation of service.

(3) Seek approval with the National Environmental Policy Act.

(4) Complete only those analysis, studies, and engineering required to establish initial service.

(5) Initiate processes needed to obtain federal approvals for the more long-term and more costly improvements including rail upgrades, grade crossing improvements, and replacement of the Bonnet Carre’ Spillway Bridge.

D. Compliance with Subsections B and C of this Section shall not be construed to preclude the department from concurrently pursuing funding for railway and station improvements identified in any other state or local railway improvement plan.

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 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 765

SENATE BILL NO. 471

BY SENATOR MILLIGAN AND REPRESENTATIVE MIKE JOHNSON
AN ACT

To enact R.S. 38:2191.1, relative to public contracts; to provide for foreign sources of funds for gifts and contracts involving state agencies and political subdivisions; to provide for reporting of sources of monies used as gifts or grants or in contracts involving state agencies and political subdivisions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2191.1 is hereby enacted to read as follows:

§2191.1. Foreign gifts and contracts

A. As used in this Section, the following terms shall have the following meanings unless the context clearly indicates otherwise:

(1) “Contract” means any agreement for the direct benefit or use of any party to the agreement, including an agreement for the sale of commodities or services.

(2) “Foreign country of concern” means a country or nation determined by the appropriate federal agency to be a potential source of intelligence gathering or espionage activities detrimental to the United States.

(3) “Foreign government” means the government of any country, nation, or group of nations, or any province or other political subdivision of any country or nation, other than the government of the United States and its states and political subdivisions, including any agent of the foreign government.

(4) “Foreign source” means any of the following:

(a) A foreign government or an agency of a foreign government.

(b) A legal entity, governmental or otherwise, created solely under the laws of a foreign state or states.

(c) An individual who is not a citizen or a national of the United States or of a territory or protectorate of the United States.

(d) An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of any source defined in Subparagraphs (a), (b), or (c) of this Paragraph.

(5) “Gift” means any transfer of money or property from one entity to another without compensation.

(6) “Grant” means a transfer of money for a specified purpose, including a conditional gift.

(7) “Interest” in an entity means any direct or indirect investment in or loan to the entity valued at five percent or more of the entity’s net worth or any form of direct or indirect control exerting similar or greater influence on the governance of the entity.

(8) “State agency” means any agency or unit of state government created or established by law.

B.(1) Any state agency or political subdivision that receives directly or indirectly any gift or grant having a value of fifty thousand dollars or more from a foreign source shall disclose the gift or grant to the division of administration within thirty days after its receipt.

(2) Disclosures required by this Subsection shall include the date and amount of the gift or grant and the country of residence or domicile of the foreign source.

C.(1) Any entity that applies to a state agency or political subdivision for a grant or proposes a contract having a value of one hundred thousand dollars or more shall disclose the following information to the agency or political subdivision:

(a) Any current or prior interest in any contract received from a foreign country of concern having a value of fifty thousand dollars or more and whether the interest in the contract existed or was in force at any time during the previous five years.

(b) Any grant or gift received from a foreign country of concern having a value of fifty thousand dollars or more and whether the grant or gift was received or in force at any time during the previous five years.

(2) The disclosure required by this Subsection shall include the following:

(a) The name and mailing address of the disclosing entity.

(b) The amount of the contract, grant, or gift or the value of the interest in the

contract, grant, or gift disclosed.

(c) The applicable foreign country of concern.

(d) The date the contract was executed, and the date of termination of the contract or interest, if applicable.

(e) The date of receipt of the grant or gift.

(f) The name of the agent or controlled entity that is the source or interest holder.

(3) The division of administration may publish the disclosure information online, and if published online, the information is considered disclosed to every state agency and political subdivision.

(4) Once a disclosure is filed and during the term of the grant or contract, the entity shall revise the disclosure within thirty days after executing a contract or after receipt of a grant or gift from a foreign country of concern or within thirty days after any interest is acquired in the entity by a foreign country of concern.

D. Any entity identified as being subject to any governmental sanctions, embargoes, or other restrictions, shall be included on the online procurement system. The division of administration shall ensure that purchasers using the online procurement system may easily access all disclosures made by entities participating in the system.

E.(1) After receipt of a referral from the compliance officer of an agency or political subdivision compliance officer or a sworn complaint based upon substantive information and reasonable belief, the division of administration is to investigate any allegation of a violation of this Section.

(2) The division of administration may request records relevant to any reasonable suspicion of a violation of this Section, and an entity shall provide the records within thirty days after the request or at a later time agreed to by the division of administration.

F. The division of administration may adopt rules necessary to carry out its responsibilities under this Section, which rules may identify the federal agencies to be consulted and the procedure for notifying a vendor of the disclosure requirements under this Section.

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

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 766

SENATE BILL NO. 472

BY SENATOR MILLIGAN AND REPRESENTATIVES MIKE JOHNSON
AND GAROFALO
AN ACT

To enact Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 51:3051 through 3054, relative to homeland security; to provide relative to prohibited contracts; to provide for designation of a country as a threat to critical infrastructure; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Chapter 49 of Title 51 of the Louisiana Revised Statutes of 1950, comprised of R.S. 51:3051 through 3054, is hereby enacted to read as follows:

CHAPTER 49. PROHIBITION ON CONTRACTS WITH CERTAIN FOREIGN-OWNED COMPANIES IN CONNECTION WITH CRITICAL INFRASTRUCTURE

§3051. Short title

This Chapter shall be known and may be cited as the “Transparency in Ownership of Critical Infrastructure Law”.

§3052. Definitions

As used in this Chapter the following terms have the meanings ascribed unless the context clearly indicates otherwise:

(1) “Company” means a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, or limited liability company, including a wholly owned subsidiary, majority-owned subsidiary, parent company, or affiliate of those entities or business associations, that exists to make a profit.

(2) “Critical infrastructure” means a communication infrastructure system, cybersecurity system, electric grid, hazardous waste treatment system, or water treatment facility.

(3) “Cybersecurity” means the measures taken to protect a computer, computer network, computer system, or other technology infrastructure against unauthorized use or access.

(4) “Designated country” means a country designated by the governor as a threat to critical infrastructure pursuant to R.S. 51:3054.

(5) “Governmental entity” means a state agency or political subdivision of this state.

§3053. Prohibited contracts

A. A governmental entity shall not enter into a contract or other agreement relating to critical infrastructure in this state with a company if, under the contract or other agreement, the company would be granted direct or remote access to or control of critical infrastructure in this state, excluding access specifically allowed by the governmental entity for product warranty and support purposes under any of the following circumstances:

(1) The governmental entity knows that the company is owned by or the majority of stock or other ownership interest of the company is held or

controlled by individuals who are citizens of China, Iran, North Korea, Russia, or a designated country.

(2) The governmental entity knows that the company or other entity, including a governmental entity, is owned or controlled by citizens of or is directly controlled by the government of China, Iran, North Korea, Russia, or a designated country.

(3) The governmental entity knows that the company or other entity is headquartered in China, Iran, North Korea, Russia, or a designated country.

B. The provisions of Subsection A of this Section shall apply regardless of whether the company's or its parent company's securities are publicly traded or the company or its parent company is listed on a public stock exchange as a Chinese, Iranian, North Korean, or Russian company or a company of a designated country.

§3054. Designation of country as a threat to critical infrastructure

A. The governor, after consultation with the director of the Governor's Office of Homeland Security and Emergency Preparedness, may designate a country as a threat to critical infrastructure for purposes of this Chapter.

B. The governor shall consult the Senate and House select committees on homeland security, to assess a threat to critical infrastructure for purposes of making a designation under this Section.

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

Approved by the Governor, June 18, 2022.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 767

SENATE BILL NO. 473

BY SENATORS MILLIGAN AND FESI AND REPRESENTATIVES
GAROFALO AND MIKE JOHNSON
AN ACT

To enact Part III-C of Chapter 5 of Title 17 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 17:1826.1 through 1826.4, relative to foreign sources of funds; to provide for reporting of certain foreign sources of monies used as gifts or grants or in contracts involving certain postsecondary education institutions; to provide for use of certain monies to fund employment of and study by foreign graduate students and faculty in a research capacity; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part III-C of Chapter 5 of Title 17 of the Louisiana Revised Statutes of 1950, comprised of R.S. 17:1826.1 through 1826.4 is hereby enacted to read as follows:

**PART III-C. HIGHER EDUCATION FOREIGN
SECURITY ACT OF 2022**

§1826.1. Short title

This Act shall be known and may be cited as the "Higher Education Foreign Security Act of 2022".

§1826.2. Foreign gift reporting

A. As used in this Section, the following words shall have the following meanings unless the context clearly indicates otherwise:

(1) "Affiliate organization" means any entity under the control of or established for the benefit of an organization required to report under this Section, including a direct-support organization.

(2) "Contract" means any agreement for the acquisition by purchase, lease, or barter of property or services by a foreign source for the direct benefit or use of any of the parties, and any purchase, lease, or barter of property or services from a foreign country of concern.

(3) "Foreign country of concern" means any country subject to any sanction or embargo program administered by the Office of Foreign Assets Control within the United States Department of Treasury, including any federal license requirement; custom rules; export controls; restrictions on taking institution property, including but not limited to intellectual property abroad; restrictions on presentations, teaching, and interactions with foreign colleagues; and other subjects important to the research and academic property of the institution, subject to either or both the International Traffic in Arms Regulations, 22 CFR Parts 120 through 130, and the Export Administration Regulations, 15 CFR Parts 730 through 774.

(4) "Foreign government" means the government of any country, nation, or group of nations, or any province or other political subdivision of any country or nation, other than the government of the United States and its states or political subdivisions, including any agent of the foreign government.

(5) "Foreign source" means any of the following:

(a) A foreign government or an agency of a foreign government.

(b) A legal entity, governmental or otherwise, created solely under the laws of a foreign state or states.

(c) An individual who is not a citizen of the United States or of a territory or protectorate of the United States.

(d) An agent, including a subsidiary or an affiliate of a foreign legal entity, acting on behalf of any source defined in Subparagraph (a), (b), or (c) of this

Paragraph.

(6) "Gift" means any contract, gift, grant, endowment, award, scholarship, or donation of money or property of any kind, or any combination thereof, including a conditional or unconditional pledge of a contract, gift, grant, endowment, award, scholarship, or donation. For purposes of this Paragraph, the term "pledge" means a promise, agreement, or an expressed intention to give a thing of value.

(7) "Postsecondary education institution" or "institution" means a Louisiana college or university, a nonpublic postsecondary institution that is a member of the Louisiana Association of Independent Colleges and Universities, and any other entity offering a program of postsecondary education that has a physical presence in the state and is required to report foreign gifts or contracts pursuant to 20 U.S.C. 1011f, or an affiliate organization of any such college, university, institution, or school.

(8) "Research-related support position" means any individual in a support role funded by gifts, grants, or contracts.

B.(1)(a) Each institution shall report any gift received directly or indirectly from a foreign source with a value of fifty thousand dollars or more. This report shall be made each January thirty-first and July thirty-first and shall include the gifts made during the six-month period ending on the last day of the month immediately preceding the reporting month. The institution shall include in its report gifts received by all affiliate organizations of the institution.

(b) If a foreign source provides more than one gift directly or indirectly to an institution and its affiliate organizations in a single fiscal year and the total value of all gifts is fifty thousand dollars or more, then all gifts received from that foreign source shall be reported.

(c) For purposes of this Paragraph, a gift received from a foreign source through an intermediary shall be considered an indirect gift to the institution.

(2) A report required under this Subsection shall be made to the following entities:

(a) The institution's board of supervisors. The respective board shall file an annual summary of these gifts with the Board of Regents.

(b) Unless already reported to the institution's board of supervisors, an annual summary of the gifts shall be filed with the Board of Regents for any institution or affiliate organization of the institution.

C. Reports of gifts subject to the requirements of this Section shall include the following information, unless the information is exempt from disclosure under the provisions of this Section or otherwise prohibited or deemed confidential under federal or state law:

(1) The amount of the gift and the date it was received.

(2) The contract start and end date, if the gift is a contract.

(3) The name of the foreign source and, if not a foreign government, the country of citizenship, if known, and the country of principal residence or domicile of the foreign source.

(4)(a) A copy of any gift agreement between the foreign source and the institution, signed by the foreign source and the chief administrative officer of the institution, or their respective designees, which includes a detailed description of the purpose for which the gift is to be used by the institution, the identification of the persons whom the gift is explicitly intended to benefit, and any applicable conditions, requirements, restrictions, or terms made a part of the gift regarding the control of curricula, faculty, student admissions, student fees, or contingencies placed upon the institution to take a specific public position or to award an honorary degree. If an agreement contains information protected from disclosure, an abstract and redacted copy of the disclosure containing information that is not protected shall be submitted in lieu of a copy of the agreement.

(b) Beginning July 1, 2024, the internal auditor of the Board of Regents shall annually inspect or audit a random sample of at least five percent of the total number of gifts disclosed by or gift agreements received from any institution during the previous fiscal year to determine the institution's compliance with the requirements of this Section.

(c) Upon request by the governor, the president of the Senate, or the speaker of the House of Representatives, the internal auditor of the Board of Regents shall inspect or audit a gift or gift agreement.

D. An institution that knowingly, willfully, or negligently fails to disclose the information required in this Section shall be subject to a civil penalty of one hundred five percent of the amount of the undisclosed gift, payable only from non-state funds of the institution or the affiliate organization that received the gift. The recovered funds shall be deposited into the state general fund.

§1826.3. Screening foreign researchers

A.(1) Every person seeking employment with a postsecondary education institution as defined in R.S. 17:1826.2 in a research or research-related support position, or applying as a graduate student for a research or research-related support position, or for a position as a visiting researcher shall, prior to being offered a position of employment, be screened by the institution to determine if any of the following apply to the person:

(a) The person is a citizen of a foreign country and not a permanent resident of the United States.

(b) The person is a citizen or permanent resident of the United States who has any affiliation with an institution or program in a foreign country of concern as defined in R.S. 17:1826.2.

(c) The person has at least one year of prior employment or training in a foreign country of concern as defined in R.S. 17:1826.2, except for employment or training by an agency of the United States government.

(2) The provisions of this Subsection shall apply only to institutions that receive state appropriations and have annual research budgets of ten million

dollars or more.

B. Each foreign applicant for a position listed in Subsection A of this Section shall submit a copy of the applicant's current passport and the most recently submitted Online Nonimmigrant Visa Application, DS-160. After extraction of all information relevant to the requirements of this Section, the institution may destroy or return the copy of the DS-160 submitted by an applicant.

C. Each applicant for a position listed in Subsection A of this Section shall submit a complete resume and curriculum vitae, including every institution of higher education attended; all previous employment since the applicant's eighteenth birthday; a list of all published material for which the applicant received credit as an author, a researcher, or otherwise or, to which the applicant contributed significant research, writing, or editorial support; a list of the applicant's current and pending research funding, and its amount, from any source, including the applicant's role on the project, and a brief description of the research; and a full disclosure of nonuniversity professional activities, including any affiliation with an institution or program in a foreign country of concern. If an applicant has been continually employed or enrolled in a postsecondary education institution in the United States for twenty years or more, the resume may, but is not required to, include employment history before the most recent twenty-year period.

D. The president or chief administrative officer of the institution shall adopt a policy for the proper screening of all individuals subject to this Part for research-related support positions and shall take necessary and reasonable steps to verify all attendance, employment, publications, and contributions listed in the application prior to any offer of a position to the applicant. Necessary and reasonable steps may include the following:

- (1) Searching public databases for research publications and presentations.
- (2) Searching public conflict of interest records to identify any research publication or presentation that may have been omitted from the application.
- (3) Contacting employers from the previous ten years to verify employment.
- (4) Contacting all institutions of higher education attended to verify enrollment and educational progress.

(5) Searching public listings of persons subject to sanctions or restrictions under federal or state law.

(6) Requesting further investigation, including but not limited to a second background check performed by the Federal Bureau of Investigation, the Louisiana State Police, or any other qualified local law enforcement agency, if any of the individual's information provided on the online non-immigrant visa application Form DS-160 raises any security concerns for the institution about the individual's relationship with a foreign country of concern.

E. Each institution may direct the research integrity officer to approve an applicant for hire based on a risk-based determination considering the nature of the research and the background and ongoing affiliations of the applicant.

F. The requirements of this Section shall be completed before offering any position to an applicant for a position listed in Subsection A of this Section.

G. Prior to July 1, 2025, the office of the legislative auditor shall perform an operational audit regarding implementation of the provisions of this Section.

§1826.4. Foreign travel; research institutions

A. By July 1, 2023, each postsecondary education institution as defined in R.S. 17:1826.2 that receives state appropriations and has a research budget of ten million dollars or more shall establish an international travel approval and monitoring program. The program shall require preapproval and screening by the institution for any employment-related foreign travel and employment-related foreign activities engaged in by any faculty member, researcher, or any other research department staff. This requirement is in addition to any other travel approval process applicable to the institution.

B.(1) Preapproval by the institution shall be based on the applicant's review and acknowledgment of guidance published by the institution which relates to countries under sanctions or other restrictions imposed by the state or federal government, including any federal license requirement; customs rules; export controls; restrictions on taking institution property, including intellectual property, abroad; restrictions on presentations, teaching, and interactions with foreign colleagues; and other subjects important to the research and academic integrity of the institution.

(2) Preapproval shall be based on the binding commitment of the individual traveler not to violate the institution's limitations on travel and activities abroad and to obey all applicable federal laws. Any person subject to this Section traveling abroad representing their respective institution, upon return, shall report any gifts of funds, or promises to pay offered by a foreign country of concern or any entity representing the interests of a foreign country of concern.

C. The postsecondary education institution shall maintain records of all foreign travel requests and approvals; expenses reimbursed by the institution during travel, including for transportation, food, and lodging; and payments and honoraria received during the travel and activities, including for transportation, food, and lodging. The institution shall keep records of the purpose of the travel and any records related to the foreign activity review. These records shall be retained for at least three years or any longer period of time required by any other applicable state or federal law.

D. The institution shall provide an annual report of travel to foreign countries of concern as defined in R.S. 17:1826.2 listing individual travelers, foreign locations visited, and foreign institutions visited to the board of supervisors of the applicable institution.

E. By July 1, 2025, the office of the legislative auditor shall perform an operational audit regarding the implementation of this Section.

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

Approved by the Governor, June 18, 2022.

* As it appears in the enrolled bill

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 768

SENATE BILL NO. 475
BY SENATOR BARROW
AN ACT

To enact R.S. 33:9038.74, relative to cooperative and economic development in East Baton Rouge Parish; to create the Baker Main Street Economic Development District as a special taxing and tax increment financing district in East Baton Rouge Parish; to provide for the boundaries of the district; to provide for the governance of the district; to provide for the authority, powers, duties, and functions of the governing body; to provide for the levy and collection of taxes within the district; to authorize the district to issue and sell bonds; to authorize the district to engage in tax increment financing; to provide for an effective date; and to provide for related matters.

Notice of intention to introduce this Act has been published.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9038.74 is hereby enacted to read as follows:

§9038.74. Baker Main Street Economic Development District

A. Creation. There is hereby created in the city of Baker, parish of East Baton Rouge, hereinafter referred to as "Baker", the Baker Main Street Economic Development District, a special taxing district, body politic and corporate of the state, referred to in this Section as the "district". The district shall be a political subdivision of the state and 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, subject to the limitations provided in this Section.

B. Boundaries. The boundaries of the district shall consist of the following area:

Beginning at the intersection of Lavey Lane/South Magnolia Drive on Hwy 19 (Main Street), then traveling North. Lot CVS, Resub of Lots 8-10, 11A, 11B & A port of Lots 1-7, SQ 17 Baker Townsite Resub 2012. All of Main Street to its intersection with the northern most corporate line of Baker; encompassing all commercial properties located on Hwy 19 (Main Street) and extends to end at C-4-B-1 Resub of tract C-4 of the Winder K.Dunbar property. Resub.1989. Note: Sale Reads Baker Regional Shopping Center. (Subway)

C. Purpose. The state hereby acknowledges that the redevelopment of the property within the district is an important element of the continued revitalization and economic development of the city-parish. The district is created to provide for cooperative economic development among the district, Baker, the state, and the owners of property in the district, in order to assist in the redevelopment of, and dramatic improvement to, the property within the boundaries of the district and for the purpose of promoting trade, commerce, industry, and employment opportunities in the city of Baker's Central Business District.

D. Governance. (1) In order to provide for the orderly development of the district and effectuation of the purposes of the district, the district shall be administered and governed by a board of commissioners, referred to in this Section as the "board", comprised of seven persons as follows:

- (a) The mayor of the city of Baker, or his designee.
- (b) The mayor of the city of Baker shall appoint one member, from a list of nominees submitted by the Baker City Council.
- (c) The Baker City Council shall appoint one member who is elected to the city council.
- (d) The member of the Louisiana Senate whose district encompasses all or the greater portion of the area of the district shall appoint one member.
- (e) The member of the Louisiana House of Representatives whose district encompasses all or the greater portion of the area of the district shall appoint one member.
- (f) The board of directors of the Baker Chamber of Commerce shall appoint one member who is serving or has served as president of the chamber's board.
- (g) The city of Baker School Board shall appoint one member from a list of nominees submitted to the school board.

(2) All members of the board shall own property or have a principal place of business or profession within the city of Baker.

(3)(a) The commissioners appointed shall serve for three years. At the expiration of the term of office, the successors shall be appointed in the same manner as the predecessor appointees were selected.

(b) A vacancy that occurs prior to the expiration of a term shall be filled for the remainder of the unexpired term in the same manner as the predecessor appointee was selected.

(4) All 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 for inspection through the board's secretary. The minute books and archives of the district shall be maintained by the board's secretary. The monies, funds, and accounts of the district shall be in the official custody and control of the board of commissioners. The board's treasurer shall maintain adequate accounting records and assure all monies are deposited, expended, and accounted for in accordance with the bylaws.

(5) The board shall adopt bylaws and prescribe rules to govern its meetings. The members of the board shall serve without salary or per diem and shall

be entitled to reimbursement for reasonable, actual, and necessary expenses incurred in the performance of their duties.

(6) The domicile of the board shall be established by the board at a location within the district.

(7) The board shall elect from its own members a president, vice president, secretary, treasurer, and parliamentarian, whose duties shall be common to such offices or as may be provided by bylaws adopted by the district. The board shall hold regular meetings and may hold special meetings as provided in the bylaws. The failure of the board to hold any regular meeting shall not impair any existing obligations of the district. All such meetings shall be public meetings subject to the provisions of R.S. 42:11 et seq.

(8) The district shall be subject to the Public Records Law, official journals law, Code of Governmental Ethics, and audit law pursuant to R.S. 24:513.

E. Rights and powers. The district, acting by and through its board, shall be a special taxing district and shall have and exercise all powers of a political subdivision and special taxing district necessary or convenient for the carrying out of its objects and purposes including but not limited to the following:

(1) To sue and to be sued.

(2) To adopt bylaws and rules and regulations.

(3) 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.

(4) For the public purposes of the district, to enter into one or more contracts, agreements, or cooperative endeavors with the state and its political subdivisions or political corporations, Baker, the owners of property in the district, and with any public or private association, corporation, business entity, or person, including but not limited to a cooperative endeavor agreement, a pledge and collateral assignment agreements, and tax collection agreement.

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

(6) To acquire by gift, grant, purchase, or lease such property within the district as may be necessary or desirable to carry out the objectives and purposes of the district and to mortgage and sell such property.

(7) In its own name and on its own behalf to incur debt and to issue bonds, notes, certificates, and other evidences of indebtedness, and in the event the district elects to issue bonds pursuant to the authority under this Section, then the district shall be deemed and considered to be an issuer for purposes of R.S. 33:9037, and shall, to the extent not in conflict with this Section, be subject to the provisions of R.S. 33:9037.

(8) To establish such funds or accounts as are necessary to conduct the affairs of the district.

(9) To levy and collect the taxes authorized pursuant to this Section.

(10) To pledge the district tax collections and other funds and property as security for the financing or refinancing of any costs incurred or to be incurred in connection with any project or projects, or parts thereof, within the boundaries of the district.

(11) To enter into one or more agreements to provide for the collection of the taxes levied within the district and remittance of the taxes to the appropriate recipients.

(12) To exercise any and all of the powers granted to an economic development district as if the district were an economic development district established pursuant to Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, including but not limited to the powers of tax increment financing pursuant to R.S. 33:9038.33 and 9038.34 and the power to levy taxes within the district pursuant to R.S. 33:9038.39, provided that any such powers exercised by the district shall be subject to the provisions of Part II of Chapter 27 of Title 33 of the Louisiana Revised Statutes of 1950, unless such provisions are inconsistent with the provisions of this Section, in which case the provisions of this Section shall control.

(13) To levy sales taxes, or hotel occupancy taxes within the district or any combination of such taxes, above and in addition to any other sales taxes, or hotel occupancy taxes, or combination of such taxes, then in existence or permitted to be in existence within the district, in an amount as may be determined by the board with the approved written consent of the owners of immovable property in the district, all in addition to the powers authorized pursuant to Paragraph (12) of this Subsection and pursuant to R.S. 33:9038.39, subject to the limitations and prohibitions of the Louisiana Constitution.

F. Levy of taxes. (1) In order to provide funds for the purposes of the district, the district, acting by and through its board, is hereby authorized to levy and collect within the district:

(a) A tax upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities.

(b) A tax on the sale at retail, the lease or rental, the consumption and storage for use or consumption of tangible personal property and on sales of services, all as defined in R.S. 47:301 et seq., or any other appropriate provision or provisions of law, as amended.

(2) The aggregate tax rate upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities within the district authorized pursuant to Subparagraph (1)(a) of this Subsection shall be at least equal to the aggregate rate of all taxes upon the occupancy of hotel rooms, motel rooms, and overnight camping facilities levied and collected within the city-parish.

(3) The aggregate sales tax rate within the district authorized pursuant to Subparagraph (1)(b) of this Subsection shall be at least equal to the aggregate rate of all such sales taxes levied and collected within the city-parish.

(4)(a) The word "hotel" as used in this Section shall mean and include any establishment, both public and private, engaged in the business of furnishing

or providing rooms and 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.

(b) The occupancy tax shall be paid by the person who exercises or is entitled to occupancy of the hotel room, and shall be paid at the time the rent or fee of occupancy is paid.

(c) The word "person" as used in this Section shall have the same meaning as contained in R.S. 47:301.

(5) The taxes authorized in this Section shall be imposed by ordinance adopted by the district, acting by and through its board, with the need of an election.

(6) It is hereby recognized that there are currently no hotel occupancy or sales taxes generated at the property within the district. Accordingly, if the district elects to levy and collect any of the taxes authorized in this Section, such levy shall be deemed to supersede and be in lieu of only such other taxes on hotel occupancy and sales that, without the authority of this Section, would otherwise be levied within the district, do not secure bonds that have been authorized, that have not been dedicated by other law or by proposition approved by electors voting in an election for such purpose, and that are not based on a per-head or per-person basis. Additionally, if, during the term of the district, such other taxes on hotel occupancy or sales within the district that are currently not available for use for tax increment financing purposes should subsequently cease to be authorized to secure bonds, cease to secure bonds that have been authorized, or cease to be dedicated by other law or by proposition approved by electors voting in an election for such purpose, and thus, become available for the use of the financing purposes pursuant to this Section, then such levy shall at such time be deemed to supersede and be in lieu of such other taxes on hotel occupancy or sales within the district and shall be available for use for the purposes of the district; however, if the district elects to levy and collect any of the taxes authorized in this Section, such levy shall not be deemed to supersede or be in lieu of the occupancy tax authorized by R.S. 33:4574.1.1(A)(6) relating to Visit Baton Rouge regardless of whether such occupancy tax is pledged or dedicated to secure debt or bonds that have been authorized and the proceeds of the avails of the occupancy taxes authorized in R.S. 33:4574.1.1(A)(6) shall be dispersed and used for the purposes set forth therein and as further provided in R.S. 33:4574.1.1(L).

G. Tax financing. (1)(a) The district may issue revenue bonds, in one or more series, payable from an irrevocable pledge and dedication of up to the full amount of the district's hotel occupancy and sales tax increments and other district revenues, leases, gifts, proceeds, rents, or other advantages as authorized by this Section, in an amount to be determined by the district, to secure any financing or multiple refinancings of any costs incurred or to be incurred in connection with any project or projects, or parts thereof, within the boundaries of the district. Additionally, without the necessity of issuing revenue bonds, the district may pledge up to the full amount of the district's hotel occupancy and sales tax increments and other district revenues, leases, gifts, proceeds, rents, or other advantages received or collected under the authority of this Section to any financing or multiple refinancings of any costs incurred or to be incurred in connection with any project or projects, or parts thereof, within the boundaries of the district in furtherance of the purposes of the district. Such financing may include but shall not be limited to any loan or loans, mortgages, the issuance of bonds, or the issuance of certificates of indebtedness. For each of the designated nonvoter elected, pledged or dedicated hotel occupancy taxes and sales taxes collected within the district, a tax increment shall consist of that portion of the aggregate of such tax revenues collected by the district each year which exceeds the amount of such taxes that were collected in the year immediately prior to the year in which the district was established.

(b) The pledge or dedication of tax increments authorized by this Section to pay indebtedness shall not impair existing obligations of the district and shall not include tax revenues previously dedicated by the district for a special purpose.

(2) Any instruments or obligations of the district may be validly executed, issued, sold, and delivered, notwithstanding that one or more of the officers of the board signing such instruments or obligations, or whose facsimile signature or signatures may be on the instruments or obligations, shall have ceased to be such officer of the board at the time such instruments or obligations shall actually have been delivered.

(3) Any cost, obligation, or expense incurred for any of the purposes or powers of the district specified in this Section shall be a part of the project costs and may be paid or reimbursed as such out of the proceeds of bonds, tax increments, property or other obligations of, pledged or issued by the district.

(4) The authority granted to the district pursuant to the provisions of this Section is consistent with and subject to the limitations provided in R.S. 33:9038.42.

H. Term. The district shall dissolve and cease to exist one year after the date on which all loans, bonds, notes, and other evidences of indebtedness secured, in whole or in part, by district taxes or property are paid in full as to both principal and interest; however, under no event shall the district have an existence of more than thirty years from the date on which the taxes authorized pursuant to this Section are first levied and collected.

I. Contesting ordinance or resolution; time limit. Any ordinance or resolution adopted by the board including but not limited to an ordinance adopted pursuant to Paragraph (F)(5) of this Section, or the pledge of tax increments collected under the authority of this Section to any financing authorized by this Section shall be published at least twice in the official journal of East Baton Rouge Parish. For thirty days after the date of publication, any person in interest may contest the legality of the ordinance or resolution and of any provision therein made for the security and payment of the debt obligation or the levy

and collection of taxes. After that time, no one may file for any cause of action to test the regularity, formality, legality, or effectiveness of the ordinance or resolution, and provisions thereof for any cause whatever, except for fraud. Thereafter, it shall be conclusively presumed that every legal requirement for the levy and collection of taxes, the issuance of bonds or other debt obligations, or the pledge of tax increment collected, including all things pertaining to the authorizing thereof, has been complied with. No court shall have authority to inquire into any of these matters after the thirty-day period after publication unless a claim pursuant to this Section has been filed.

J. Liberal construction. This Section, being necessary for the welfare of the city and its residents, shall be liberally construed to effect the purposes thereof.

K. Severability. The provisions of this Section are severable. It is intended that if any provision of this Section should be adjudged invalid or unenforceable, then such provision shall be ineffective to the extent of such invalidity or unenforceability without invalidating the remaining provisions of this Section. Notwithstanding any provision of this Section to the contrary, if any portion of a tax levied or tax increment pledged or dedicated pursuant to this Section is held invalid, such invalidity shall not affect the validity of the remaining portion of such tax or tax increment.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 769

SENATE BILL NO. 476
BY SENATOR BARROW
AN ACT

To amend and reenact the introductory paragraph of R.S. 33:2740.67(C)(1), 2740.67(C)(1)(a) and (f) through (i) and (k), (2), and (3) and to repeal R.S. 33:2740.67(C)(1)(l), relative to the Baton Rouge North Economic Development District; to provide relative to the boundaries of the district; to provide for the 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. The introductory paragraph of R.S. 33:2740.67(C)(1), 2740.67(C)(1)(a) and (f) through (i) and (k), (2), and (3) are hereby amended and reenacted to read as follows:

§2740.67. Baton Rouge North Economic Development District

* * *

C. Governance. (1) In order to provide for the orderly planning, development, acquisition, construction, and effectuation of the services, improvements, and facilities to be furnished by the district and to provide for the representation in the affairs of the district of those persons and interests immediately concerned with and affected by the purposes and development of the district, the district shall be managed by a ~~thirteen~~ **nine**-member board of commissioners, referred to in this Section as the “board”. The board shall be comprised of members as follows:

(a) One member shall be appointed by the state representative for House District No. 29, ~~one of whom~~ **who** shall be a representative of the business community, **on a rotating basis beginning in 2022 and every other year thereafter.**

* * *

(f) One member shall be appointed by the state representative for House District No. 61, **on a rotating basis beginning in 2022 and every other year thereafter.**

(g) One member shall be appointed by the state representative for House District No. 63, **on a rotating basis beginning in 2022 and every other year thereafter.**

(h) One member shall be appointed by the state representative for House District No. 67, **on a rotating basis beginning in 2023 and every other year thereafter.**

(i) One member shall be appointed by the state representative for House District No. 101, **on a rotating basis beginning in 2023 and every other year thereafter.**

* * *

(k) One member shall be appointed by the state representative for House District No. 29, on a rotating basis beginning in 2023 and every other year thereafter.

~~(k) One accountant located within the district to be selected by a subcommittee formed by the board.~~

~~(l) One representative of a civic association located within the district to be selected by a subcommittee formed by the board.~~

(2)(a)(i) Members serving pursuant to Subparagraphs (1)(a) through (i) ~~(e) and (j)~~ of this Subsection shall serve ~~two~~ **four**-year terms after initial terms as provided by Item (ii) of this Subparagraph **(b) of this Paragraph.**

~~(ii)(b) Except for members serving pursuant to Subparagraphs (1)(f) through (i) of this Subsection, Three two members shall serve an initial term of one year; three two shall serve two years; and one three shall serve three years; and two shall serve four years, as determined by lot at the first meeting of the board.~~

~~(b) Members serving pursuant to Subparagraphs (1)(j) and (k) of this Subsection shall serve at the pleasure of the subcommittee formed by the board.~~

(3) Board members shall be eligible for reappointment **but the cumulative term of service shall not exceed four years.**

* * *

Section 2. R.S. 33:2740.67(C)(1)(l) 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 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 770

SENATE BILL NO. 478
BY SENATOR BERNARD AND REPRESENTATIVES FIRMENT, MIKE
JOHNSON, SEABAUGH AND THOMPSON
AN ACT

To amend and reenact R.S. 44:1(A)(2)(a), 32(A), (C)(1)(a) and (2), and (D), 35(E)(2), and 37, relative to public records; to provide for the scope of records requests; to provide for response time; to provide for liability of custodians of records; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 44:1(A)(2)(a), 32(A), (C)(1)(a) and (2), and (D), 35(E)(2), and 37 are hereby amended and reenacted to read as follows:

§1. General definitions

A.

* * *

(2)(a) All books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including **electronically stored information or information contained in databases or** electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance of any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under the authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state, are “public records”, except as otherwise provided in this Chapter or the Constitution of Louisiana.

* * *

§32. Duty to permit examination; prevention of alteration; payment for overtime; copies provided; fees

A. ~~(1)~~ The custodian shall present any public record to any person of the age of majority who so requests. The custodian shall make no inquiry of any person who applies for a public record, except an inquiry as to the age and identification of the person and may require the person to sign a register and shall not review, examine, or scrutinize any copy, photograph, or memoranda in the possession of any such person; and shall extend to the person all reasonable comfort and facility for the full exercise of the right granted by this Chapter; provided that nothing herein contained shall prevent the custodian from maintaining such vigilance as is required to prevent alteration of any record while it is being examined; and provided further, that examinations of records under the authority of this Section must be conducted during regular office or working hours, unless the custodian shall authorize examination of records in other than regular office or working hours. In this event the persons designated to represent the custodian during such examination shall be entitled to reasonable compensation to be paid to them by the public body having custody of such record, out of funds provided in advance by the person examining such record in other than regular office or working hours. **The custodian shall be permitted to make an inquiry regarding the specificity of the records sought by the applicant, if, after review of the initial request, the custodian is unable to ascertain what records are being requested.**

(2) If the custodian reasonably determines that the request would substantially disrupt required government operations, the custodian may deny access only after reasonable attempts to narrow or specify the request with the requestor.

* * *

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, **unless the requestor fails to pay the applicable copying fees after being notified of the amount in advance of production or the requestor has an outstanding balance from a prior request.** The custodian may establish and collect reasonable fees for making 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.

* * *

(2) For all public records of state agencies, it shall be the duty of the custodian of such records to provide copies to persons so requesting, **unless the requestor fails to pay the applicable copying fees after being notified of the amount in advance of production or the requestor has an outstanding balance**

~~from a prior request.~~ Fees for such copies shall be charged according to the uniform fee schedule adopted by the commissioner of administration, as provided by R.S. 39:241 **or as otherwise fixed or provided by law.** ~~Copies shall be provided at fees according to the schedule, except for copies of public records the fees for the reproduction of which are otherwise fixed by law.~~ Copies of records may be furnished without charge or at a reduced charge to indigent citizens of this state or the persons whose use of such copies, as determined by the custodian, will be limited to a public purpose, including but not limited to use in a hearing before any governmental regulatory commission.

D. In any case in which a record is requested and a question is raised by the custodian of the record as to whether it is a public record, such custodian shall within ~~three~~ **five** days, exclusive of Saturdays, Sundays, and legal public holidays, of the receipt of the request, in writing for such record, notify in writing the person making such request of his determination and the reasons therefor. Such written notification shall contain a reference to the basis under law which the custodian has determined exempts a record, or any part thereof, from inspection, copying, or reproduction.

§35. Enforcement

E. (2) The custodian shall be personally liable for the payment of ~~any such~~ damages **pursuant to Paragraph (1) of this Subsection**, and shall be liable in solido with the public body for the payment of the requester's attorney fees and other costs of litigation, except where the custodian has withheld or denied production of the requested record or records on advice of the legal counsel representing the public body in which the office of such custodian is located, and in the event the custodian retains private legal counsel for his defense or for bringing suit against the requester in connection with the request for records, the court may award attorney fees to the custodian.

§37. Penalties for violation by custodians of records
Any person having custody or control of a public record, who **arbitrarily or capriciously** violates any of the provisions of this Chapter, or any person not having such custody or control who by any conspiracy, understanding, or cooperation with any other person **arbitrarily or capriciously** hinders or attempts to hinder the inspection of any public records declared by this Chapter to be subject to inspection, shall upon first conviction be fined not less than one hundred dollars, and not more than one thousand dollars, or shall be imprisoned for not less than one month, nor more than six months. Upon any subsequent conviction he shall be fined not less than two hundred fifty dollars, and not more than two thousand dollars, or imprisoned for not less than two months, nor more than six months, or both.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 771

SENATE BILL NO. 480
BY SENATORS BOUDREAUX AND CORTEZ
AN ACT

To amend and reenact the introductory paragraph of R.S. 34:291(B)(1) and 292(B)(1)(b) through (f), to enact R.S. 34:291(B)(3) and 292(B)(1)(g), and to repeal R.S. 34:291.1 and 295, relative to the Lafayette Economic Development Authority; to provide for oversight responsibility; to remove certain responsibilities for examinations and investigations; to provide for board appointment; to provide for transition; 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 introductory paragraph of R.S. 34:291(B)(1) is hereby amended and reenacted and R.S. 34:291(B)(3) is hereby enacted to read as follows:

§291. Creation; territorial limits and jurisdiction

B.(1) The Lafayette Economic Development Authority is established for the purpose of having a council composed of representatives from the business community, parish and city governments, ~~and the University of Southwestern Louisiana~~ **University of Louisiana at Lafayette, and the South Louisiana Community College** to perform the functions of an economic and industrial development agency. Such functions may include, without limitation:

(3) No rule, regulation, or order shall be adopted by the Lafayette Economic Development Authority which is inconsistent with or contrary to any law, ordinance, or regulation now in force or hereinafter enacted by the United States of America, the state of Louisiana, or the parish of Lafayette, and any such rule, regulation, or order shall be void, except that no action by the Lafayette Parish Council shall abrogate any contract or agreement duly executed by the authority that was valid and legal when executed.

Section 2. R.S. 34:292(B)(1)(b) through (f) are hereby amended and reenacted and R.S. 34:292(B)(1)(g) is hereby enacted to read as follows:

§292. Board of commissioners

B.(1) The commissioners shall be appointed as follows:

(b) Two members, ~~one of whom shall be nominated by the Greater Lafayette Chamber of Commerce,~~ shall be appointed by the mayor of the city of Lafayette **Mayor-President**. The mayor of the city of Lafayette **Mayor-President** may serve as one of the appointments.

(c) Two members, one of whom shall be a ~~black citizen~~ **racial minority**, shall be appointed by the Lafayette City Council.

(d) ~~Two members, one of whom shall be nominated by the Central Labor Council of Lafayette, shall be appointed by the Lafayette Parish president. The parish president may serve as one of the appointments.~~

(e) Two members, one of whom shall be a ~~black citizen~~ **racial minority**, shall be appointed by the Lafayette Parish Council.

(e) One member shall be appointed by One Acadiana.

(f) Two members, ~~one of whom shall be a racial minority,~~ shall be appointed by the president of the University of ~~Southwestern Louisiana~~ **Louisiana at Lafayette**. The president may serve as one of the appointments.

(g) One member shall be appointed by the chancellor of South Louisiana Community College. The chancellor may serve as the appointment.

Section 3. R.S. 34:291.1 and 295 are hereby repealed.

Section 4. The provisions of Section 2 of this Act shall become effective August 1, 2022.

Section 5. The provisions of Sections 1, 3, 4 and this Section 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, this Act shall become effective on the day following such approval.

Approved by the Governor, June 18, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 772

SENATE BILL NO. 489
BY SENATOR JACKSON
AN ACT

To amend and reenact R.S. 9:315.32(A), relative to child support; to provide for penalties; to provide for failure to comply with a subpoena, warrant, or court order in child support or paternity proceedings; to provide for the suspension of certain licenses; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:315.32(A) is hereby amended and reenacted to read as follows:

§315.32. Order of suspension of license; noncompliance with support order; contempt of court

A.(1)(a) In or ancillary to any action to make past-due child support executory, ~~for in an action for~~ contempt of court for failure to comply with an order of support, or ~~in~~ a criminal neglect of family proceeding, the court on its own motion or upon motion of an obligee or the department ~~shall, unless the court determines good cause exists,~~ **may** issue an order of suspension of a license or licenses of any obligor who is not in compliance with an order of child support. The court shall give specific written and oral reasons supporting its determination of ~~good cause including a finding as to the particular facts and circumstances that warrant a determination not to suspend a license or~~ licenses of an obligor who is not in compliance with an order of child support **to issue the order of suspension**. The reasons shall become part of the record of the proceeding.

(b) The court shall not issue an order for a suspension of a license pursuant to this Paragraph unless it finds that a properly issued immediate income assignment or garnishment of wages did not result in the withholding or seizure of income and the obligor has not otherwise made payment toward the obligation of child support.

~~(b)(c)~~ An order suspending a license to operate a motor vehicle may provide specific time periods for the suspension at the court's discretion.

(2)(a) In or ancillary to any child support or paternity proceeding, the court on its own motion or upon motion of any party or the department may issue an order of suspension of a license of any person who is guilty of contempt of court for failure to comply with a subpoena or warrant.

(b) Provided that before Before the issuance of an order for a suspension of a license of any person in, or ancillary to, any paternity proceeding where paternity has not yet been established, the court shall notify such person by personal service.

(3) If an obligor's failure to appear or failure to comply with an order of support is due to incarceration as defined in R.S. 9:311.1 the court shall not suspend the obligor's license.

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

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

subsequently approved by the legislature, this Act shall become effective on the day following such approval.
Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 773

SENATE BILL NO. 497 (Substitute of Senate Bill No. 316 by Senator Cloud)
BY SENATOR CLOUD
AN ACT

To enact R.S. 32:381.1, relative to motor vehicles; to provide for prohibited alterations; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 32:381.1 is hereby enacted to read as follows:
§381.1. Prohibited vehicle modifications; wheel well
A. No person shall operate a motor vehicle upon any highway if, by alteration of the suspension, frame, or chassis, the height of the front fender is six or more inches greater than the height of the rear fender. For the purposes of this Subsection, the height of the fender shall be a vertical measurement from and perpendicular to the ground, through the centerline of the wheel, and to the bottom of the fender.
B. The provisions of this Section shall only apply to vehicles with no payload and no trailer attached.
Approved by the Governor, June 18, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 774

SENATE BILL NO. 271
BY SENATOR WOMACK AND REPRESENTATIVE ROMERO
AN ACT

To amend and reenact R.S. 38:2212(B)(2) and (H) and to enact R.S. 38:2211(A)(15), relative to bidding requirements on public works projects; to prohibit additional requirements for information requested by public entities; to provide relative to bidders' information on public bids; to provide for definitions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 38:2212(B)(2) and (H) are hereby amended and reenacted and R.S. 38:2211(A)(15) is hereby enacted to read as follows:
§2211. Definitions
A. As used in this Chapter unless the context clearly indicates otherwise, the following terms shall mean:

* * *
(15) "Working days", for the purposes of this Part, means the days Monday through Friday, excluding recognized holidays and declared emergencies.
* * *

§2212. Advertisement and letting to lowest responsible and responsive bidder; public work; electronic bidding; participation in mentor-protégé program; exemptions; subpoena

* * *
B.
(2) Any public entity advertising for public work shall use only the Louisiana Uniform Bid Form as promulgated in accordance with the Administrative Procedure Act by the division of administration, office of facility planning and control. The bidding documents shall require only the following information and documentation to be submitted by a bidder at the time designated in the advertisement for bid opening: Bid Security or Bid Bond, Acknowledgment of Addenda, Base Bid, Alternates, Signature of Bidder, Name, Title, and Address of Bidder, Name of Firm or Joint Venture, Corporate Resolution or written evidence of the authority of the person signing the bid, and Louisiana Contractors License Number, and on public works projects where unit prices are utilized, a section on the bid form where the unit price utilized in the bid shall be set forth including a description for each unit; however, unit prices shall not be utilized for the construction of building projects, unless the unit prices and their extensions are incorporated into the base bid or alternates. **If a public entity adds any additional requirements for information, unless mandated by state or federal requirements, the requirements shall be void and not considered in the award of the contract.** Any timely change by a bidder to the bid prior to submission of the bid shall be scratched through and initialed by the bidder or the person who submits the bid. The change as initialed shall be binding.
* * *

H. Every public entity intending to advertise a public work for bids shall estimate the probable construction costs of such public work or obtain such estimate from the project designer prior to advertising such public work for bids. No public entity shall advertise a public work for bids unless funds that meet or exceed the estimate of the probable construction costs have been budgeted by the public entity for the project. The estimate of probable construction costs for the project shall be made available at the time of bid opening, either by posting such estimate electronically or announcing aloud

such estimate at the bid opening. Any and all bidders' information shall be available upon request, either no sooner than ~~fourteen~~ **nine working** days following the bid opening or after the recommendation of award by the public entity or the design professional, whichever occurs first, and the requester shall pay reasonable reproduction costs. The provisions of this Subsection shall not apply to the Department of Transportation and Development.
* * *

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 20, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 775

SENATE BILL NO. 383
BY SENATOR PEACOCK
AN ACT

To amend and reenact R.S. 37:223, relative to advertisements; to provide for advertisements of legal services; to require certain disclosures; to provide for terms and conditions; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 37:223 is hereby amended and reenacted to read as follows:
A. The legislature recognizes **the following:**
(1) **Legal** that legal advertisements in the state have the potential to mislead individuals who need professional legal services and that potential litigants have the right to know what expenses will be associated with legal representation.
(2) **Advertising that is inherently likely to deceive, or which is, or has in fact been deceptive, receives no protection under the First Amendment to the Constitution of the United States of America, and is prohibited entirely.**
(3) **Attorney advertising that is potentially misleading, because it may be presented in a way that is not deceptive, may be regulated if the regulation satisfies one of two standards: if the regulation directly advances a substantial government interest and is not more extensive than necessary to serve that interest, or if disclosure is required that is reasonably related to the state's interest in preventing deception of consumers.**
B.(1) Any advertisement for legal services, in any format, that contains a reference to a monetary settlement agreement or an award by a jury verdict previously obtained by the advertising attorney shall, in the same advertisement, disclose all attorney fees paid to the advertising attorney that are associated with the settlement agreement or award by jury verdict.
(2) The disclosure of all attorney fees associated with the settlement or jury verdict when presented in print shall be in a font size no smaller than half the size of the largest font size used in the advertisement and when presented verbally shall be audible, intelligible, and presented with equal prominence and in the same manner as the other parts of the advertisement.
C. Any advertisement for legal services, in any format, containing a reference or testimonial to past successes or results obtained shall be presented in a truthful, nondeceptive manner and shall include a disclaimer such as "Results May Vary" or "Past Results are not a Guarantee of Future Success".
D. Any advertisement for legal services or any unsolicited written communication, in any format, that includes the portrayal of a client by a nonclient or the depiction of any event or scene or picture that is not actual or authentic shall include a disclaimer. Any words or statements required by this Section to appear in an advertisement or unsolicited written communication shall be clearly legible if written or intelligible if spoken aloud. All disclosures and disclaimers shall be clear, conspicuous, and clearly associated with the item requiring disclosure or disclaimer. Written disclosures and disclaimers shall be clearly legible and, if televised or displayed electronically, shall be displayed for a sufficient time to enable the viewer to easily see and read the disclosure or disclaimer. Spoken disclosures and disclaimers shall be plainly audible and clearly intelligible.
E. The following communications in attorney advertisements shall be prohibited:
(1) **Any advertisement for legal services, in any format, that utilizes a nickname, moniker, motto, or trade name that states or implies an ability to obtain results in a matter.**
(2) **Any advertisement for legal services, in any format, that promises results.**
E-F. The Louisiana Supreme Court may adopt rules as necessary to implement and enforce the provisions of this Section **by December 22, 2022.**
~~D-G.~~(1) For purposes of this Section, "media entity" includes the following:
(a) Radio or television broadcast station.
(b) Cable television company.
(c) Newspaper or periodical company.
(d) Billboard company.
(e) Voice, data, or other communications.
(f) Information services.
(g) Internet access provider.

(h) Bona fide news or public interest website operator.
(2) The provisions of this Section shall not limit or otherwise affect the carriage, distribution, transmission, or display of any advertisement by a media entity. Any carriage, distribution, transmission, or display of an advertisement by a media entity shall not be considered a violation of this Section by the media entity.

H. Any court costs or attorney fees awarded to a prevailing party against the supreme court in an action challenging the constitutionality of this Section shall be paid by the state. Nothing in this Section shall prevent the supreme court from recovering court costs or attorney fees if the constitutionality of this Section is upheld.

Section 2. R.S. 37:223(A), as amended by this Act, is consistent with prior jurisprudence and establishes the factors used to determine when communication in attorney advertising may be regulated. See, *Public Citizen Inc. v. Louisiana Disciplinary Bd.*, 632 F.3d 212 (2011).

Section 3. Notwithstanding any other law to the contrary, the attorney general shall represent or supervise the representation of the interest of the state in any action or proceeding in which the constitutionality of this Act is challenged or assailed.

Section 4. If any one or more provisions, sections, subsections, sentences, clauses, phrases, or words of this Act or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable in accordance with R.S. 24:175 and the balance of this Act shall remain effective notwithstanding such unconstitutionality.

Section 5. 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 20, 2022.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 776

SENATE BILL NO. 424
BY SENATOR STINE
AN ACT

To enact R.S. 34:851.36(B)(3), relative to vessels; to provide for the operation of motorboats; to provide for boating safety classes; to provide for exceptions; to provide for boat liveries; to provide for terms and conditions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 34:851.36(B)(3) is hereby enacted to read as follows:
§851.36. Boating safety education required

* * *
* * *

B.
(3) A person who is eighteen years of age or older may operate a motorboat rented from a boat livery if all of the following conditions are met:

(a) The lessor or authorized agent of the lessor provides the person with the following instruction and materials:

(i) Instruction in the safe and proper operation of the motorboat being rented.

(ii) A boating safety instruction video approved by the Department of Wildlife and Fisheries.

(iii) The latest Department of Wildlife and Fisheries publication on recreational boating rules, regulations, and safety.

(b) A rental contract is signed by the person and the lessor or authorized agent of the lessor that includes the following provisions:

(i) A statement that the operator received all boating safety instruction and materials required in this Paragraph.

(ii) A statement that the operator is not currently under suspension or revocation of the privilege to operate watercraft upon the waters of this state or any other state.

(c) The operator keeps a copy of the rental contract in his possession at all times while operating the motorboat.

(d) The livery retains a copy of the rental contract in its records for at least sixty days after termination of the rental and makes such records available for inspection by the Department of Wildlife and Fisheries.

(e) A person renting a motorboat from a livery shall only be authorized to operate such motorboat within forty-eight hours of completing the requirements of Subparagraph (3)(a) of this Subsection.

* * *

Section 2. The Department of Wildlife and Fisheries shall approve the video provided for in this Act on or before January 1, 2023.

Section 3. This Act shall become effective on January 1, 2023.
Approved by the Governor, June 21, 2022.

A true copy:
R. Kyle Ardoin
Secretary of State
