To amend and reenact R.S. 11:701(33)(a)(ii)(aa), R.S. 14:403.1(B)(6), R.S.
414.2(A), 416.B(1)(a)(xi), 1170, 1200(A) and (B), 2926(A)(introductory paragraph)
and (B)(1), the title of Chapter 19 of Title 17 of the Louisiana Revised
Statutes of 1950, 3002(A), (B), (C)(introductory paragraph), and (D)
(1) and (3), 3003, 3004, 3005(A), (B), (C)(introductory paragraph), (D),
and (E), 3006(A), 3162(C)(6), 3166(section heading) and 3602(7), R.S. 18:116(A)(2)
(a), and R.S. 42:1130(B)(2)(a)(iv), relative to school employees; to provide
for technical changes with respect to the terms “guidance counselor” and
“school counselor”; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 11:701(33)(a)(ii)(aa) is hereby amended and reenacted to read as follows:

§701. Definitions
As used in this Chapter, the following words and phrases have the meanings
ascribed to them in this Section unless a different meaning is plainly required by
the context:

(33)(a) “Teacher”, except as provided in Subparagraph (b) of this Paragraph,
shall mean any of the following:

(ii)(aa) Any president, vice president, dean, teacher, guidance
school counselor, or unclassified employee at any state college or university
or any vocational-technical school or institution or special school under the
control of the State Board of Elementary and Secondary Education, or any
educational institution supported by and under the control of the state or any
city, parish, or other local school board.

Section 2. R.S. 14:403.1(B)(6) is hereby amended and reenacted to read as follows:

§403.1. Substance abuse in schools; definitions; confidential reports;
immunity; penalty

B. For the purposes of this Section, the following terms shall mean:

(6) “Substance Abuse Prevention Team,” hereafter sometimes referred to
as “the team,” is a panel of not less than six members consisting of at least
one (a) administrator, (b) teacher, (c) guidance school counselor, (d) parent
representative, and (e) school support person. The team shall be trained by
personnel from the Substance Abuse Prevention Education Program of the
Louisiana Department of Education. In the absence of the availability of a
team trained by personnel from the Substance Abuse Prevention Education
Program, the principal of a school shall establish a substantially similar panel
which shall be considered a substance abuse prevention team.

Section 3. R.S. 15:1134(A) is hereby amended and reenacted to read as follows:

§1134. Staff and facilities of community rehabilitation centers
A. The Department of Corrections may employ psychiatrists, neurologists,
special educators, guidance school counselors, psychologists, nurses,
technicians, social workers, occupational therapists, physicians and
other professional personnel to staff community rehabilitation centers,
and may contract for the services of such persons with community service
organizations, religious groups, universities and medical schools.

416.B(1)(a)(xi), 1170, 1200(A) and (B), 2926(A)(introductory paragraph) and
(B)(1), the title of Chapter 19 of Title 17 of the Louisiana Revised
Statutes of 1950, 3002(A), (B), (C)(introductory paragraph), and (D)(1) and (3), 3003, 3004,
3005(A), (B), (C)(introductory paragraph), (D), (E), 3006(A), 3162(C)(6),
3166(section heading), and 3602(7) are 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:

(27)(a)

(ii) The provisions of Item (I) of this Subparagraph shall not apply to the following:
(a) Interaction between a student and guidance school counselor as defined in R.S. 17:3002.
As used in this Subpart, the words “teacher” or “teaching staff” shall include any person employed by a city, parish, or other local public school board in the state of Louisiana who holds a valid teaching certificate issued by the state Department of Education and any social worker, guidance school counselor, school nurse, audiologist, educational diagnostician, speech-language pathologist, or school psychologist employed by a city, parish, or other local public school board in the state who holds the appropriate valid professional ancillary certificate issued by the state Department of Education. For a school nurse, a professional ancillary certificate means a Type A, Type B, or Type C certificate.

§1200. Definitions
A. As used in this Subpart, except in R.S. 17:1201, the words “teacher” or “teaching staff” shall include any member of the teaching staff of a public school in the state of Louisiana and any social worker, guidance school counselor, or school psychologist employed by a city, parish, or other local public school board in the state who holds, as applicable a valid professional ancillary certificate in school social work, guidance school counseling, or school psychology issued by the state Department of Education.
B. As used in R.S. 17:1201, the words “teacher” or “teaching staff” shall include any person employed by a city, parish, or other local public school board in the state of Louisiana who holds a valid teaching certificate issued by the state Department of Education and any social worker, guidance school counselor, or school psychologist employed by a city, parish, or other local public school board in the state who holds, as applicable, a valid professional ancillary certificate in school social work, guidance school counseling, or school psychology issued by the state Department of Education.

§2926. Student guidance and counseling; training and professional development
A. The State Board of Elementary and Secondary Education shall develop a guidance and an advisement programme for the middle and high school grades that local school districts can use to equip school guidance personnel counselors with the skills and information needed to:

B.(1) The state Department of Education shall provide professional development and in-service training opportunities to school guidance personnel counselors regarding development of individual graduation plans.

CHAPTER 19. GUIDANCE SCHOOL COUNSELORS AND DIRECTORS

§3002. Definition of terms
A. The terms “guidance school counselor,” “guidance counseling director,” and “practice of school guidance counseling” for the purposes of this Chapter shall have the meaning respectively ascribed to them in this Section.
B. “Guidance “School counselor” is a member of the school faculty who by training and background, is qualified to engage in educational and vocational counseling and advisement. The purpose of a guidance school counselor is to help students to arrive at their full potential through a process involving direct contact between the counselor and a student, parents, teachers, school administrators and/or others.
C. “Guidance “Counseling director” is a member of the school faculty who functions as a guidance school counselor but has the following additional responsibilities in the school system:

D.(1) The “practice of school guidance counseling” means the rendering, offering to render, or supervising those who render to individuals or groups of pupils within the elementary, secondary, and postsecondary schools, services involving the application of counseling procedures for learning how to solve problems and make decisions.

§3003. Authorization for employment
The Louisiana State Board of Elementary and Secondary Education is authorized and directed to use these funds for the purpose of providing employment for guidance school counselors and counseling directors in each parish and city, parish, or other local public school system.

§3004. Selection and responsibility for employment
The guidance school counselors and counseling directors shall be selected by and be responsible to the local school officials in each parish and city, parish, or other local public school system.

§3005. Elementary school guidance counselors: availability; guidelines; requirements; counseling services; work time; exceptions; reporting; funding
A. Each parish and city, parish, or other local public school board shall provide elementary school guidance counselors for all students in kindergarten through grade six in order to prepare them for middle, junior, and senior high school responsibilities and their social and physical development. In providing such guidance counseling services, the counselors may:

D. Guidance School counselors shall spend the majority of their time on providing direct counseling related to students.

E. Nothing in Subsection A of this Section shall prohibit any parish or city school board from employing more elementary school guidance counselors than provided in Subsection A.

§3006. School guidance counselors: academic profiles; public high schools required
A. Each school guidance counselor, or the counselor’s qualified designee, employed in a public high school shall complete an academic profile for each student in the ninth grade using an appropriate web-based student guidance counseling system.

§3162. Statewide Articulation and Transfer Council; creation; purpose; membership; duties and responsibilities
C. The council shall, with appropriate faculty consultation:

§3166. Student guidance and counseling

§3602. Definitions
As used in this Chapter, unless otherwise clearly indicated, these terms have the following meanings:

(7) “Teacher” means any public school classroom teacher, librarian, guidance school counselor, secondary vocational instructor, principal, assistant principal, or other personnel for whom a valid Louisiana teaching certificate is required for employment; any teacher in an institution which offers third and fourth grade instruction; any speech therapist who possesses a valid Louisiana ancillary certificate issued by the State Board of Elementary and Secondary Education; and any instructor seeking to continue in the program who has been transferred from the Department of Public Safety and Corrections to vocational-technical schools under the State Board of Elementary and Secondary Education.

Section 5. R.S. 18:116(A)(2)(a) is hereby amended and reenacted to read as follows:

§116. Voter registration agencies
A. * * *

(2) In addition to the offices listed in Paragraph (1) of this Subsection, the secretary of state shall designate by rule in accordance with the Administrative Procedure Act other offices within the state as designated voter registration agencies. Such offices may include but not be limited to:
(a) State or local governmental offices such as public libraries, public schools, including the office of a secondary school guidance counselor, offices of municipal clerks, and government revenue offices.

Section 6. R.S. 42:1119(B)(2)(a)(iv) is hereby amended and reenacted to read as follows:

§1119. Nepotism

B.

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

(iv) Any local school board in a parish with a population of twenty-five thousand five hundred persons or less according to the most recent federal decennial census may employ any member of the immediate family of any board member or of the superintendent as a school guidance counselor provided that such family member is certified as a guidance school counselor and that such family member is the only applicant who meets the qualifications for the position set by the school board who has applied for the position after it has been advertised for at least thirty days in the official journal of the parish and in all newspapers of general circulation in the parish. Any school board member or superintendent whose immediate family member is employed by the school board shall recuse himself from any decision involving the promotion or assignment of such employee.

Section 7. The provisions of this Act shall not deem a certified “guidance counselor” unfit to serve as a “school counselor”. Certification in “guidance counseling” shall remain valid for the purposes of fulfilling the duties of the position of a school counselor.

Approved by the Governor, June 15, 2021. A true copy:

R. Kyle Ardoin
To amend and reenact R.S. 23:1474(G)(3)(b) and (I), 1592(E), and 1693(J)(1), relative to unemployment compensation; to provide for federal disaster unemployment assistance; to make discretionary state income tax withholdings under certain circumstances; to provide with respect to the weekly benefit amount; to provide for the formula for computation of benefits; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1474(G)(3)(b) and (I), 1592(E), and 1693(J)(1) are hereby amended and reenacted to read as follows:

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

G. * * *

(3) * * *

(b) He shall thereupon apply, in compliance with this Section, the proper procedure from the table in Subsection I of this Section to such next calendar year beginning January first for maximum dollar amount of “wages”, maximum weekly benefit amount, with any applicable discounts under R.S. 23:1592, and publish annually the formula for computation of benefits.

1. The following table shall be applied by the administrator subsequent to determination of comparative balance, and applied trust fund range, in compliance with this Section.

<table>
<thead>
<tr>
<th></th>
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</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Less than seven hundred fifty million dollars</td>
<td>Eight thousand five hundred dollars</td>
<td>Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(D)(C) then multiply by 1.05 and then multiply such amount by 1.15 to formula for computation of benefits</td>
<td>Two hundred twenty-one forty-nine dollars</td>
</tr>
<tr>
<td>2</td>
<td>Equal to or greater than seven hundred fifty million dollars but less than one billion one hundred fifty million dollars</td>
<td>Seven thousand seven hundred dollars</td>
<td>Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), then multiply such amount by 1.05 and then multiply such amount by 1.32 to formula for computation of benefits</td>
<td>Two hundred seventy-five dollars</td>
</tr>
<tr>
<td>3</td>
<td>Equal to or greater than one billion one hundred fifty million dollars but less than one billion four hundred million dollars</td>
<td>Seven thousand dollars</td>
<td>Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), then multiply such amount by 1.05 and then multiply such amount by 1.32 to formula for computation of benefits</td>
<td>Two hundred eighty-eighty-two dollars</td>
</tr>
<tr>
<td>4</td>
<td>Greater than one billion four hundred million dollars</td>
<td>Seven thousand dollars</td>
<td>Apply R.S. 23:1592 without seven percent discount under R.S. 23:1592(C) and without five percent discount under R.S. 23:1592(D), then multiply such amount by 1.05 and then multiply such amount by 1.32 to formula for computation of benefits</td>
<td>Two hundred eighty-four thousand twelve dollars</td>
</tr>
</tbody>
</table>

§1592. Weekly benefit amount

§1693. Assignment of benefits; exemption of benefits from levy or execution; deduction for support; deduction for overissuance of food stamps

* As it appears in the enrolled bill

unemployment compensation benefits in addition to the maximum weekly benefit amounts established in R.S. 23:1592 or any additional federal base benefit, the claimant, when filing a claim for state unemployment compensation benefits, shall may submit to withholding of state income taxes at a rate of four percent. The Louisiana Workforce Commission shall electronically request and remit to the Department of Revenue in the same manner as an “employer” as that term is defined in R.S. 47:111 and required by R.S. 47:114.

Section 2. This Act shall become effective on the January 1st immediately following the ending of the federal supplemental program as certified by the secretary of the Louisiana Workforce Commission.

Section 3. The amend the provisions of R.S. 40:1165.1 and 1592(E) as amended by Section 1 of this Act shall become effective if the state ceases and does not reinstate its participation in the federal government’s supplemental unemployment benefits program provided in the American Rescue Plan Act of 2021 or any renewal or extension thereof by July 31, 2021.

Approved by the Governor, June 15, 2021.
A true copy.

R. Kyle Ardoin
Secretary of State

Approved by the Governor, June 15, 2021.
A true copy.

R. Kyle Ardoin
Secretary of State
forth the extent of the completeness of records on file. In the event a hospital record is not complete, the copy of the records furnished shall indicate, through a signature on the reverse sheet, or otherwise, the extent of completeness of the records. Each request for records submitted by the patient or other person authorized to request records pursuant to the provisions of this Subparagraph shall be subject to only one handling charge, and the health care provider shall not divide the separate requests for different types of records, including but not limited to the issuance of new or renewal, loss or damage, or issuance of a corrected medical record, invoice statements. The health care provider or person or legal entity providing records on behalf of the health care provider shall not charge any other fee which is not specifically authorized by the provisions of this Subparagraph, except for notary fees and fees for expedited requests as contracted by the parties.

Approved by the Governor, June 15, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 278
- - - - - - - -
HOUSE BILL NO. 192
BY REPRESENTATIVE GAINES
AN ACT

To amend and reenact R.S. 26:148(A), relative to the sale of alcoholic beverages; to provide for methods of payment; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 26:148(A) is hereby amended and reenacted to read as follows:

§148. Cash or short term credit sales only. Form of payment; timely payment; penalty for violation
A. No manufacturer or wholesale dealer shall sell, offer to sell, or deliver any alcoholic beverage to any retail dealer in this state, and no retail dealer in alcoholic beverages shall buy or accept delivery for any such beverage, for any consideration other than cash or on terms requiring payment not later than the fifteenth day following that on which actual delivery is made, or by credit card payment where the credit card discount fees or merchant fees are added to the cost of the transaction as a convenience fee and the fees are paid by the retailer. If any payment is not made punctually when due, the vendor shall immediately notify the commissioner thereof and the commissioner shall promptly notify all manufacturers and wholesale dealers in the state of the default and thereafter no manufacturer or wholesale dealer shall sell any alcoholic beverage to the retailer in default on any other terms than cash delivery, until otherwise authorized by the commissioner. Under penalty of suspension of his permit, the retailer who is in default shall pay his obligation in full within thirty days from the date it became due.

Approved by the Governor, June 15, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 279
- - - - - - - -
HOUSE BILL NO. 197
BY REPRESENTATIVES CHARLES OWEN, AMEDEE, CREWS, DEVILLIER, EMMERSON, FIRMENT, HORTON, MCCORMICK, RISER, AND SCHAEFFER
AN ACT

To enact Part XI of Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 37:1751, relative to occupational licenses; to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XI of Chapter 20 of Title 37 of the Louisiana Revised Statutes of 1950, comprised of R.S. 37:1751, is hereby enacted to read as follows:

PART XI. LICENSURE FOR DEPENDENTS OF HEALTHCARE PROFESSIONALS

§1751. Licensure for dependents of healthcare professionals
A. For the purposes of this Section, the following definitions apply:
(1) “Dependent” means any of the following who relocates to Louisiana with a healthcare professional:
(a) The healthcare professional’s spouse.
(b) The healthcare professional’s unmarried child under the age of twenty-one years.
(c) The healthcare professional’s child who is a student under the age of twenty-four years and who is financially dependent upon the healthcare professional.

THE ADVOCATE
* As it appears in the enrolled bill

(d) The healthcare professional’s child of any age who is disabled and financially dependent upon the healthcare professional.

CODING: Words in strikethrough type are deletions from existing law; words underlined are additions. 
I. Each professional or occupational licensing board subject to the provisions of this Section shall adopt rules in accordance with the Administrative Procedure Act necessary to implement the provisions of this Section.

J. Nothing in this Section shall be construed to prohibit an applicant from proceeding under the existing licensure, certification, or registration requirements established by law and the rules promulgated by a professional or occupational licensing board in this state.

K. The provisions of this Section shall not apply to an occupation regulated by a state supreme court, a license issued and regulated under the authority of the judicial branch of government, any person covered under the Nurse Licensure Compact, or any person who obtains licensure or registration on a nationwide licensing or registry system.

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 280

HOUSE BILL NO. 261
BY REPRESENTATIVE STAGNI
AN ACT

To enact R.S. 33:2476(B)(1)(f) and 2536(B)(1)(d), relative to the municipal fire and police civil service board; to provide relative to the members of the board; to provide relative to the qualifications of such members; to require the respective governing body to conduct a background check on any person being considered for appointment to a board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:2476(B)(1)(f) and 2536(B)(1)(d) are hereby enacted to read as follows:

§2476. Municipal fire and police civil service boards

B.(1) * * *

(1) Notwithstanding any other provision of law to the contrary, the governing body of the respective municipality shall conduct a background check on any person who is under consideration for appointment to the board. No person is eligible for appointment or may serve as a member of the board if his background check reveals that either of the following has occurred in the ten years immediately preceding his appointment:

(i) He has been convicted of a felony.

(ii) He has committed a civil rights violation, as determined by a legally binding agreement or finding.

* * *

§2536. Fire and police civil service boards

B.(1) * * *

(1) Notwithstanding any other provision of law to the contrary, the governing body of the respective parish, municipality, or fire protection district shall conduct a background check on any person who is under consideration for appointment to the board. No person is eligible for appointment or may serve as a member of the board if his background check reveals that either of the following has occurred in the ten years immediately preceding his appointment:

(i) He has been convicted of a felony.

(ii) He has committed a civil rights violation, as determined by a legally binding agreement or finding.

* * *

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 281

HOUSE BILL NO. 267
BY REPRESENTATIVE DUBUISSON
AN ACT

To amend and reenact R.S. 13:5200 and to enact R.S. 13:5201(E) and Part XVIII-A of Chapter 32 of Title 13 of the Louisiana Revised Statutes of 1950, comprised of R.S. 13:5213 through 5226 are hereby enacted to read as follows:

§5201. Declaration of purpose

A. The purpose of this Part is to improve the administration of justice in small noncriminal cases, and make the judicial system more available to and comprehensible by the public; to simplify practice and procedure in the commencement, handling, and trial of such cases in order that plaintiffs may bring actions in their own behalf, and defendants may participate actively in the proceedings; to establish a uniform short procedure; to provide an efficient and uniform forum with the objective of dispensing justice in a speedy manner; and generally to promote the confidence of the public in the overall judicial system by providing a forum for small claims.

B. The purpose of this Part is to provide a forum to resolve disputes for the Louisiana Supreme Court has designated an Online Dispute Resolution Pilot Project Program as provided in Part XVIII-A of this Chapter to include all small claims cases filed in the City Court of East St. Tammany beginning January 1, 2022, and continuing until the Louisiana Supreme Court or Louisiana Legislature terminates the program.

§5201. Small claims divisions

* * *

E. In the City Court of East St. Tammany, parties shall participate in the Online Dispute Resolution Pilot Project Program pursuant to R.S. 13:5213, et seq.

* * *

PART XVIII-A. ONLINE DISPUTE RESOLUTION PILOT PROJECT PROGRAM

§5213. Declaration of purpose

A. The purpose of the Online Dispute Resolution Pilot Project Program, hereinafter referred to as “the program”, is to further the primary objectives of the small claims division pursuant to R.S. 13:5210. In an effort to improve access to justice, the Louisiana Supreme Court has designated the program in the City Court of East St. Tammany to include all small claims cases filed in the court beginning January 1, 2022.

§5214. Online Dispute Resolution Pilot Project Program

A. The purpose of the program is to provide a forum in which the parties to small claims proceedings shall participate in the program unless they have been exempted by the court due to an undue hardship. An undue hardship exists when a party cannot access the online system or participate in the online process without substantial difficulty or expense.

B. Except for any party participating in the program, the clerk of court shall transfer the matter to be set for a trial de novo.

§5215. Appointment of a facilitator

A. A program facilitator shall be appointed by the judge of a court participating in the program to assist parties in reaching a settlement.

B. The facilitator shall be assigned to the case not more than ten days after all parties register for an account within the program.

C. The facilitator shall inform the parties of the procedures to be followed, including the type of communication the parties may use.

D. Unless the facilitator determines additional time will likely result in a settlement, these efforts at resolution shall not exceed fourteen days. The facilitator may extend or shorten the timelines at any time during the process.

§5216. Initiation of claim

A. A claim may be initiated in the program by a plaintiff by filing an affidavit stating the demand. The affidavit shall state the plaintiff’s email address and, if known, the defendant’s email address.

B. If the plaintiff seeks an exemption from the program due to undue hardship pursuant to R.S. 13:5214, the request for exemption shall be filed with the affidavit of claim.

C. The plaintiff shall register in the program within ten days of filing the affidavit of claim, or if the plaintiff filed a request for exemption and the exemption is denied, within ten days of the denial.

D. If the plaintiff fails to register in the program within the prescribed time, the court shall dismiss the affidavit of claim without prejudice.

E. The plaintiff shall be provided the affidavit of claim with prejudice if the defendant establishes by clear and convincing evidence that the plaintiff failed to register or participate in a prior case regarding the same dispute, the court shall dismiss the affidavit of claim with prejudice.

F. The court may take judicial notice of a plaintiff’s previously filed claim regarding the same dispute and the plaintiff’s failure to register with the program, and the court may dismiss the claim with prejudice.

G. The facilitator may request a party provide the facilitator and every other party any of the following:

(1) Information and evidence about the merits of the case.

(2) Information about whether, for example, the plaintiff’s ability to pay.

(3) Responses to another party’s information.

(4) The party’s position on any proposed resolution of the affidavit of claim.

§5217. Service of citation; extension of delay to answer

A. Service of a defendant’s claim in the program or other process shall be by certified mail, return receipt requested. However, if the receipt is not returned, if requested by a party filing the pleading who pays the service * As it appears in the enrolled bill

THE ADVOCATE PAGE 5
A. A program facilitator shall guide the parties through the program and assist the parties in reaching a settlement. To reach a settlement, the facilitator may provide information to a party regarding procedure and may comment on the merits of the claim or defenses provided.

B. Once the facilitation has begun, if the plaintiff fails to respond to the facilitation within 30 days after the defendant has requested the facilitation, the defendant may notify the defendant of the plaintiff's failure to respond to the request and may request that the case be transferred to the ordinary civil docket of the court.

C. If the parties settle the claim, the parties may request the facilitator to prepare the online settlement agreement form to be executed by the parties, and the facilitator shall assist the parties in preparing a form to submit to the court that includes and as much relevant information as possible. The facilitator shall provide the court with a concise description of the issues and as much relevant information as possible. The facilitator shall also assist the parties in preparing a form to submit to the court that includes information and documents provided during the program that are relevant to the dispute and agreed upon by both parties. The subsequent proceeding will be governed by R.S. 13:5200, et seq.

D. Either party may elect to have the court render a judgment at the time the agreement is entered or after the judgment debtor fails to comply with the settlement agreement.

E. Settlement agreements that contain performance-related terms, such as the return of corporeal movable property or performance of a service, will not be enforceable by the court in the event of a breach. The agreement shall provide for a monetary recovery in the event of non-performance.

F. If the parties do not settle the claim, the facilitator shall terminate the program and notify the clerk of court to set the matter for a trial de novo. The facilitator shall provide the court with a concise description of the issues and as much relevant information as possible. The facilitator shall also assist the parties in preparing an affidavit of claim or other process is made pursuant to Paragraph (C)(2) of this Section, service of notice of judgment shall be made by the sheriff, marshal, or constable having jurisdiction.

§5223. Waiver of right to appeal

A. A plaintiff who files a complaint in the program shall be deemed to have waived his right to appeal unless the complaint is removed as provided in Section 5224. If the complaint is removed as provided in Section 5224, the plaintiff may not appeal unless he files a written notice of appeal within the time allowed for filing an appeal after the judgment debtor breaches the agreement, the judgment creditor may ask the court to enter judgment in the amount that remains owing under the settlement agreement.

B. A defendant shall be deemed to have waived his right to appeal unless, within the time allowed for filing an answer to the complaint, he files a written notice of appeal seeking removal of the action to the ordinary civil docket of the court in which the complaint is filed, which motion shall be granted immediately. Upon issuance as provided in Subsection (B) of this Section, a plaintiff shall not be required to pay for additional costs beyond those due under this Section. Any additional assessed costs shall be paid by the defendant mover.

§5224. Clerk's role

A. If the parties do not settle the claim, the facilitator shall terminate the program and notify the clerk of court to set the matter for a trial de novo. The clerk shall prepare the case for the proper party to file an answer as provided in Article 4902 of the Code of Civil Procedure. The clerk shall send notice to the defendant by certified mail, return receipt requested, or by service through the marshal, constable, or sheriff. In addition, the clerk is authorized to cooperate fully with the parties in carrying out any duties required of the program in the presentation of the small claims procedure, in identification of the proper parties to the suit, and in furnishing general information concerning appropriate evidence for trial. The clerk is neither authorized nor expected to provide legal advice.

§5225. Termination

The provisions of this Part, as well as otherwise specifically provided by Book VIII of the Code of Civil Procedure, shall govern and regulate the procedure in proceedings in the program.
A true copy:

R. Kyle Ardoin
Secretary of State

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**ACT No. 282**

**SENATE BILL NO. 12**

By SENATORS BERNARD, ABRAHAM, ALLAIN, BARROW, BOUDREAUX, BOUE, BOUTTIN, CAYTH, CATHEY, CLOUDE, CORTEZ, FIELD, FOIL, HARRIS, HENRY, HEWITT, JACKSON, JOHNS, LUNEAU, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, TARVER, WARD, WHITE AND WOEMACK AND REPRESENTATIVES CORNELL, DOWTON, MIKE JOHNSON, LARVADAIS, CHARLES OWEN AND THOMPSON

Prefiled Pursuant to Article III, Section 7, Subsection (4)(b)(i) of the Constitution of Louisiana.

AN ACT

To enact R.S. 13:783.1, relative to the payment of group insurance premiums for retired clerks of court and clerk’s employees; to create the Orleans Parish Clerk of Civil District Court’s Office Retired Employees Insurance Fund; to provide for deposits in the fund; to provide for payments from the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:783.1 is hereby enacted to read as follows:

(1) Notwithstanding any other provisions of law to the contrary, there is hereby created within the office of the Clerk of Civil District Court of the parish of Orleans a special fund which shall be known as the Orleans Parish Clerk of Civil District Court’s Office Retired Employees Insurance Fund, hereinafter referred to as the “OPCCOCVDCREIF”, to finance the payments of insurance premiums by the clerk of Civil District Court of Orleans Parish for eligible retired clerks of civil district court and their employees of the office of the Clerk of Civil District Court of Orleans Parish.

(2) Annually, the clerk of Civil District Court of the parish of Orleans shall deposit money from the office of the clerk of Civil District Court of the parish of Orleans general fund into the OPCOCVDCREIF until the total amount of the money deposited in the OPCOCVDCREIF equals the accrued liability of the benefits payable. The accrued liability and funded status shall be recalculated annually as of the close of the fiscal year. No deposit shall be required if the office of the Clerk of Civil District Court of the parish of Orleans has less than fifty thousand dollars available in its general fund after annual operations.

(3) The clerk of Civil District Court of the parish of Orleans shall invest the money in the OPCOCVDCREIF in the Louisiana Asset Management Pool.

(4) The funds and earnings invested pursuant to this Section shall be available for the purpose of paying the insurance premiums. No earnings shall be withdrawn if the balance in the OPCOCVDCREIF is less than seventy percent of the accrued liability calculated pursuant to Paragraph (2) of this Subsection. In any year following an actuarial determination that the fund balance is less than the seventy percent threshold, no earnings shall be withdrawn from the OPCOCVDCREIF, and any balance owed for the payment of insurance premiums shall be paid in full directly from the office of the Clerk of Civil District Court of the parish of Orleans.

(5) The money deposited into the OPCOCVDCREIF pursuant to this Section and the accumulated earnings up to the required total shall not be appropriated except for the investment and payment of premiums as provided for in this Section.

The legislative auditor shall audit the fund annually and the expense of such audit shall be paid by the clerk of Civil District Court of the parish of Orleans.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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**ACT No. 283**

**SENATE BILL NO. 66**

BY SENATORS BERNARD, ABRAHAM, ALLAIN, BARROW, BOUDREAUX, BOUE, BOUTTIN, CAYTH, CATHEY, CLOUDE, CORTEZ, FIELD, FOIL, HARRIS, HENRY, HEWITT, JACKSON, JOHNS, LUNEAU, MILLIGAN, FRED MILLS, ROBERT MILLS, MIZELL, MORRIS, PEACOCK, POPE, PRICE, REESE, SMITH, TALBOT, TARVER, WARD, WHITE AND WOEMACK AND REPRESENTATIVES CORNELL, DOWTON, MIKE JOHNSON, LARVADAIS, CHARLES OWEN AND THOMPSON

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To enact Chapter 18-A of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2411, and R.S. 44:4(59), relative to public health, safety and welfare; and to provide for the Peace Officer and Public Safety Personnel Peer Support and Mental Health and Wellness Act; to provide relative to legislative intent and statement of public policy; to provide for peer support and mental health and wellness; to provide for retired clerks of court and clerk’s employees; to create the Orleans Parish Clerk of Civil District Court’s Office Retired Employees Insurance Fund; to provide for deposits in the fund; to provide for payments from the fund; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

**CHAPTER 18-A. PEACE OFFICER AND PUBLIC SAFETY PERSONNEL PEER SUPPORT AND MENTAL HEALTH AND WELLNESS**

§2411. Peace Officer and Public Safety Personnel Peer Support and Mental Health and Wellness Act

A. Legislative intent and statement of public policy. (1) Peace officers and public safety personnel are often exposed to traumatic, hazardous, violent, and life-threatening situations throughout their careers. The very nature of their professions can also cause stress in their personal life and familial relationships. These factors cumulatively can take a toll on both the mental and physical well-being of our peace officers and public safety personnel, which in turn can affect their job performance. Peace officers and public safety personnel are exposed to traumatic, stressful, and critical incidents similar to or beyond the job-related stressors and mental health issues, including depression, alcoholism, and drug addiction.

(2) Peer support encompasses a range of activities and interactions between individuals with common life experiences. This mutuality fosters personal connection and inspires hope. Peer support has been used for decades by law enforcement agencies following critical incidents. Congress has recognized the importance of peer support programs for law enforcement officers through the Law Enforcement Mental Health and Wellness Act of 2017. Peer support and early intervention are important for successful detection and treatment of mental health issues, a reduction of poor job performance and misconduct, an increase in retention of trained peace officers, and a reduction of the suicide rate in the law enforcement and public safety professions.

(3) Peace officers and public safety personnel who protect and serve the public are often reluctant to seek help for themselves. It is important that those who offer assistance have a full understanding of the job of peace officers and those personnel who support their mission. In an effort to manage stress and support the overall wellness and mental health of peace officers and public safety personnel, and for the benefit and safety of the general public they serve, the Orleans Parish Clerk of Civil District Court is hereby authorized to provide peer support assistance from their peers and to feel confident that their participation in a peer support program shall be privileged and confidential in all respects and shall not be divulged to the public.

B. Except for participation in a peer support session following a critical incident as may be required by a governmental entity, no peace officer or public safety personnel shall be mandated to participate in a peer support session or program.

C. Definitions. For purposes of this Section:

(1) “Governmental entity” means any board, authority, commission, department, office, division, or agency of the state or any of its political subdivisions.

(2) “Peace officer” means any of the following:

(a) An employee of the state, a municipality, a sheriff, or other public agency, whose permanent duties include the making of arrests, the performing of searches and seizures, or the execution of criminal warrants, and who is responsible for the prevention or detection of crime or for the enforcement of laws.

(b) Security personnel employed by the Louisiana Supreme Court.

(c) Security personnel employed by the Louisiana Commission on the International Critical Incident Stress Foundation, Inc., or an equivalent program as approved by the executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(d) Security personnel employed by the Louisiana Commission on Administrative Law.

(e) Security personnel employed by the Louisiana Advisory Commission on Criminal Justice and Police Administration.

(f) Security personnel employed by the Louisiana Parole Board.

(3) “Peer support program” means a program established by a governmental entity to provide peer support services to peace officers and public safety personnel.

(4) “Peer support training” means training in peer support and critical incident stress conducted by the Southern Law Enforcement Foundation, the International Critical Incident Stress Foundation, Inc., or an equivalent program as approved by the executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice.

(5) “Peer support volunteer” means any peace officer or public safety personnel who has received peer support training.

(6) “Peer support session” means any communication by a peace officer or public safety personnel with a peer support member, accomplished primarily through listening, assessing, and assisting with problem-solving, and may include regular, systematic contact or one-time contact, which is not part of the peer support program as defined in this Subsection, to voluntarily provide confidential emotional and moral support and assistance to peace officers and public safety personnel, and approved as a peer support member by the executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. A peer support member may be, but is not required to be, a licensed counselor or mental health professional.

(6) “Peer support program” means a program established by a governmental entity to provide peer support services to peace officers and public safety personnel.

(7) “Peer support session” means any communication by a peace officer or public safety personnel with a peer support member, accomplished primarily through listening, assessing, and assisting with problem-solving, and may include regular, systematic contact or one-time contact, which is not part of the peer support program as defined in this Subsection, to voluntarily provide confidential emotional and moral support and assistance to peace officers and public safety personnel, and approved as a peer support member by the executive director of the Louisiana Commission on Law Enforcement and Administration of Criminal Justice. A peer support member may be, but is not required to be, a licensed counselor or mental health professional.

(8) “Peer support volunteer” means any peace officer or public safety personnel who has received peer support training.
(7) “Public safety personnel” means an employee of a governmental entity who, by virtue of his job duties, provides support to peace officers, including but not limited to a dispatcher, public safety telecommunicator, crime scene and crime laboratory technician, and criminal analyst.

D. Peer support member training. (1) Any governmental entity that establishes a peer support program shall ensure that a peer support member successfully completes the training required by this Section before being designated as a peer support member to provide emotional and moral support to peace officers and public safety personnel.

(2) The provisions of this Section apply only to peer support sessions conducted by an employee or agent of a governmental entity who has:

(a) Successfully completed peer support training;

(b) At the time of the peer support session, been designated by a governmental entity to act as a peer support member.

E. Privilege and confidentiality. (1) Any and all information, reports, records, or communications, whether oral, written, or electronic, that are made, generated, received, or maintained by or in connection with a peer support program or session, are considered privileged and confidential and shall not be considered public records for the purposes of the Public Records Law, R.S. 44:1 et seq.

(2)(a) Except as otherwise provided by this Chapter, no person, including a peer support member, shall disclose any information, reports, records, or communications described in Paragraph (1) of this Subsection to any other person without the prior written approval of the peace officer or public safety personnel who is the subject of the peer support session or if the peace officer or public safety personnel is deceased, by his legal successor.

(b) This Paragraph shall not prohibit or limit any communication between peer support members, nor prohibit or limit peer support members from sharing among themselves any information, reports, records, or communications about a peace officer or public safety personnel, when done for the purpose of furthering the goals of the peer support program.

(c) This Paragraph shall not prohibit a governmental entity from compiling and maintaining statistics relating to a peer support program or sessions, provided that these statistics shall not contain information that could in any way identify a peace officer or public safety personnel participating in a peer support session or program.

(3) No person, including a peer support member, shall be required to disclose, by way of testimony or otherwise, information made privileged and confidential by this Subsection or to produce, under subpoena or a public records request, any records, documents, opinions, or decisions relating to privileged or confidential information:

(a) In connection with any administrative, civil, or criminal case, proceeding, or adjudication.

(b) By way of any discovery procedure.

(c) By way of any request for public records pursuant to R.S. 44:1 et seq.

(d) The privilege and confidentiality provided by this Subsection are supplementary to any other statute, rule, or jurisprudence creating or relating to an applicable privilege, confidentiality, or public records exemption.

(5)(a) Any peer support member or other person who reveals the contents of a communication made privileged or confidential by this Subsection, or any person who threatens, intimidates, or attempts to compel a peer support member to disclose the contents of a privileged or confidential communication, shall be subject to any discipline or penalties imposed by the governmental entity.

(b) In addition to the discipline or penalties provided by Subparagraph (a) of this Paragraph, whoever violates the provisions of this Subsection shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined not more than $500 or imprisoned for not more than six months, or both.

(6)(a) The privilege and confidentiality provided by this Subsection shall not apply to any of the following:

(a) A threat of suicide or homicide made by a peace officer or public safety personnel; or any information conveyed in a peer support session relating to a threat of suicide or homicide.

(b) Information mandated by law to be reported, including but not limited to information relating to child abuse or neglect, elder abuse or neglect, or domestic violence.

(c) Any communication that reveals the commission of a crime.

(d) Any communication that reveals the intended commission of a crime or harmful act, when disclosure of the communication is determined by the peer support member to be required in order to protect any person from a clear, imminent risk of serious mental or physical harm or injury, or to forestall a serious threat to public safety.

(e) Any communication made to a peer support member not in connection with a peer support session, or in the course of an incident that the peer support member responded to, was a witness to, or was a party to, in a capacity other than a peer support member.

(7) Nothing in this Subsection shall limit the discovery or introduction in evidence of knowledge acquired by a peace officer or public safety personnel from observations made by him during the course of his employment, or material or any communication acquired during the course of his employment, that was not discovered during a peer support session and is otherwise subject to discovery or introduction in evidence.

F. Civil immunity. (1) Any governmental entity that has a peer support program, including peer support members, shall be immune from civil liability for, or resulting from, any act, decision, omission, communication, writing, report, finding, opinion, or conclusion, done or made in good faith while engaged in efforts to assist a peace officer or public safety personnel through a peer support program.

(2) A person who in good faith reports information or takes action in connection with any peer support program is immune from civil liability for reporting the information or taking such action, or participating therein, and in particular, reporting information or taking action arising out of any peer support session.

This immunity shall not protect a person who makes a report known to be false or with reckless disregard for the truth.

(3) The civil immunity provided by this Subsection shall be liberally construed to accomplish the purposes of this Section.

Section 2. R.S. 44:45(59) is hereby enacted to read as follows:

§4. Applicability

This Chapter shall not apply:

(59)(a) To any records, files, documents and communications, and information contained therein, that are made, generated, received, or maintained by or in connection with a peer support program or sessions conducted by a trained peer support member, as defined in R.S. 44:2411(C) or any other provision of law.

(b) To any records, files, documents, and communications, and information contained therein, that are made, generated, received, or maintained by the Louisiana Commission on Law Enforcement and Administration of Criminal Justice relating to the personal information of approved peer support members as defined in R.S. 40:2411(C) or any other provision of law.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 284

SENATE BILL NO. 80
BY SENATOR CLOUD

To amend and reenact R.S. 47:332;20(b), relative to dedication of state sales tax on room rentals in St. Landry Parish; to dedicate a portion of the state sales tax on room rentals in St. Landry Parish to the improvement, preservation, and operation of the Liberty Theatre in Eunice; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:332.20(b) is hereby amended and reenacted to read as follows:

§332.20. Disposition of certain collections in St. Landry Parish

B. The monies in the St. Landry Parish Historical Development Fund No. 1 shall be subject to an annual appropriation by the legislature. An amount equal to the avails of the tax imposed by R.S. 47:321 and 331 shall be allocated exclusively for renovation, repair, reconstruction, maintenance, or for payment of principal, interest, or premium, if any, and other obligations incident to the issuance, security, and payment of bonds or other evidences of indebtedness, all related to the improvement and/or preservation of the Old City Hall – City Market in Opelousas, operations of the Delta Grand Theatre in Opelousas, operations, upgrades, and maintenance of City of Opelousas Parks and Recreation, improvement, preservation, and operation of the Liberty Theatre in Eunice, and any other related tourism activities in St. Landry Parish.

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 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 285

SENATE BILL NO. 81
BY SENATOR LUNEAU

Prefiled Pursuant to Article III, Section 2(A)(4)(b)(1) of the Constitution of Louisiana.

IN ACT

To amend and reenact R.S. 46:236.14(D)(2) and R.S. 47:1508(B)(23) and to enact R.S. 47:114.1, relative to reporting requirements to the Department of Revenue; to require businesses and governmental entities that pay certain service providers to file annual reports; to authorize the secretary of the Department of Revenue to promulgate rules; to provide for extensions and waivers; to provide for an exception to the confidentiality of the records of the secretary of the Department of Revenue; and to provide for related matters.
Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 46:236.14(D)(2) is hereby amended and reenacted to read as follows:
$236.14. Employer reporting program

D. * * *

(2) The Department of Children and Family Services shall secure either electronically or by hard copy all of the following:
(a) Wages and unemployment compensation information which is required to be submitted to the secretary of the United States Department of Labor for entry into the state directory of new hires.
(b) Any information reported to the Department of Revenue in accordance with R.S. 47:114.1.

Section 2. R.S. 47:1508(B)(23) is hereby amended and reenacted and R.S. 47:114.1 is hereby enacted to read as follows:
§114.1. Annual Information Return of Service Recipient
A. Beginning January 1, 2022, any service recipient who makes or is required to make a return to the Internal Revenue Service, in accordance with Section 6041(A)(1) of the Internal Revenue Code and treasury regulations adopted thereunder and other administrative guidance issued by the Internal Revenue Service, including the instructions to Internal Revenue Service Form 1099-NEC or successor form, relating to payments made to a service provider as remuneration for services provided in this state, shall file a copy of the return with the secretary as provided for in this Section.
B. (1) The return copy shall be filed with the secretary on or before the 28th day of February of each year for the preceding calendar year. The first report shall be filed on or before February 28, 2022, for remunerations made during calendar year 2021.
(2) Upon receipt of a written request from a service recipient in the manner prescribed by the secretary, the secretary may grant a reasonable extension of time, not exceeding thirty days, for filing the annual report.
C. The secretary may waive the annual reporting requirement upon a showing by the service recipient that the requirement creates an undue hardship. A request for waiver shall be submitted to the secretary in the manner prescribed by the secretary.
D. The secretary may promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

$1508. Confidentiality of tax records

B. Nothing herein contained shall be construed to prevent:

(23) The sharing or furnishing of, upon the request of the secretary of the Department of Children and Family Services or her designee, the address and social security number of the person designated by Department of Children and Family Services as an absent parent and any report required by R.S. 47:114.1 for the purpose of implementing the provisions of R.S. 46:236.11 et seq., the family and child support program.

Section 3. This Act shall become effective on July 1, 2021.

Approved by the Governor, June 14, 2021.

A. true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 286

SENATE BILL NO. 125
BY SENATOR MORRIS

To amend and reenact R.S. 47:305.75, to provide for the sale of prescription drugs used in the treatment of various diseases or injuries, or an exemption for the procurement and administration of chemotherapy drugs, if such drugs are used exclusively by the patient in his medical treatment if administered exclusively to the patient by a physician, nurse, or other health care professional in a physician’s office where patients are not regularly kept as bed patients for twenty-four hours or more.

Section 2. This Act shall become effective on July 1, 2021; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2021, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 14, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 287

SENATE BILL NO. 160
BY SENATOR ALLAIN AND REPRESENTATIVE BISHOP
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(ii) of the Constitution of Louisiana. AN ACT

To amend and reenact R.S. 47:103(A)(2)(a) and 201 and to enact R.S. 47:201.2, 287.614(C)(3), and 287.657, relative to partnership information returns and partnership audit reporting requirements; to provide for the reporting of federal partnership audit adjustments to the Department of Revenue; to provide definitions; to provide for the reporting of state tax liabilities as a result of partnership audit adjustments; to provide for methodology and procedures for calculating partnership audit adjustments; to provide for estimated payments during the course of a federal audit; to provide for the prescriptive period; to provide for effectiveness; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:
Section 1. R.S. 47:103(A)(2)(a) and 201 are hereby amended and reenacted and R.S. 47:201.2, 287.614(C)(3), and 287.657 are hereby enacted to read as follows:
§103. Time and place for filing returns; information concerning federal return
A. * * *
(2)(a) Partnership tax returns. Except as provided for in Subparagraph (b) of this Paragraph, returns made by a partnership required to file a partnership return of income made on the basis of a fiscal year shall be made and filed with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of April of the fifth year following the close of the calendar year. Returns made by a partnership required to file a partnership return of income made on the basis of a fiscal year shall be made and filed with the secretary at Baton Rouge, Louisiana, on or before the fifteenth day of the fourth month following the close of the fiscal year.

$201. Partners, not partnership, subject to tax; partnership informational return of income required; limitations on partner tax liability
A. Except as otherwise provided in R.S. 47:201.2, a partnership, as such a partnership shall not be subject to the income tax imposed by this Chapter.

* As it appears in the enrolled bill

THE ADVOCATE
but those partnerships having any member who is not an individual or who is not a resident of Louisiana shall be required to file a partnership return of income. Paragraph (c) of this Subsection shall have the following meaning:

(i) “Partly resident partnership” means a partnership in which not all members are Louisiana residents, and a Louisiana resident, or a single Louisiana resident, is a partner, or in which not all members are Louisiana residents, and a Louisiana resident, or a single Louisiana resident, is a member, and all other members are not Louisiana residents.

(ii) “Partly taxable partnership” means a partnership in which not all members are Louisiana residents, and a Louisiana resident, or a single Louisiana resident, is a partner, or in which not all members are Louisiana residents, and a Louisiana resident, or a single Louisiana resident, is a member, and all other members are not Louisiana residents.

Section 201.2 Reporting adjustments to federal taxable income and federal partnership audit adjustments

A. For purposes of this Section, the following words and phrases shall have the following meanings:

(i) “Final determination date” means the date determined under paragraphs (a) and (b) of this Subsection, or the date determined under paragraph (c) of this Subsection, as applicable.

(ii) “Federal partnership representative” means the person the partnership designates as its federal partnership representative pursuant to Section 6223 of the Internal Revenue Code.

B. Reporting adjustments to federal taxable income and estate tax.

(2) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(3) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(4) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(5) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(6) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(7) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(8) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(9) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(10) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(11) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(12) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(13) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(14) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(15) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(16) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(17) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(18) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(19) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.

(20) “Reallocation adjustment” means a federal adjustment resulting from a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10, or a partnership audit adjustments reported to a direct exempt partner not subject to tax under R.S. 47:300.10.
Chapter and to direct exempt partners subject to tax under this Chapter on unrelated business taxable income, apportion and allocate the adjustments as provided in Subsection D of this Subsection and multiply the resulting amount by the highest tax rate under R.S. 47:287.12.

(iii) For the total distributive shares of the remaining final federal adjustments reported to nonresident direct partners subject to tax under Parts III and VI of this Chapter, determine the amount of the adjustments which is Louisiana source income under Subpart F of Part II of this Chapter, and multiply the resulting amount by the highest tax rate under R.S. 47:32 for individuals and R.S. 47:300.1 for trusts and estates.

(iv) For the total distributive shares of the remaining final federal adjustments reported to nonresident间接 partners may not take any deduction or credit for this amount or cash payment by the partnership to its partners, including a partner determined to be a nonresident indirect partner or other partner not subject to tax on the adjustments; or that can be excluded under procedures for modified reporting and payment method allowed under Paragraph 5 of this Subsection.

(c) Determine the amount of the adjustments which is of a type that it would not be subject to sourcing to the state under Subpart F of Part II of this Chapter and then apply the portion of this amount that would be sourced to the state applied to the provisions of this Subsection.

(d) Tiered partners. The direct and indirect partners of an audited partnership that are subject to tax under this Chapter, where applicable, are subject to the reporting and payment requirements of Paragraph 2 of this Subsection and the tiered partners are entitled to make the election provided in Paragraphs 3 and 5 of this Subsection. The tiered partners or their partners may make reports and payments no later than ninety days after the time for filing and furnishing statements to tiered partners and their partners as established under Section 2906 of the Code of Federal Regulations. The secretary, in consultation with the commissioner of taxation, may promulgate rules and regulations to establish procedures and interim time periods for the reports and payments required by tiered partners and their partners and for making the elections under this Subsection.

(1) Unless otherwise agreed in writing by the taxpayer and the secretary, any final adjustments which are attributable to the taxpayer’s federal taxable income, including any extensions pursuant to Subsection H of this Section. The federal adjustments report shall serve as the means for the taxpayer, including a partnership, to report final federal adjustments report or claim for refund of an overpayment of tax pursuant to R.S. 47:1624. Estimated tax payments shall be made within sixty days after the taxpayer files the federal adjustments report or claim for refund of an overpayment of tax pursuant to R.S. 47:1624 shall be computed and allowed only on estimated tax payments beginning ninety days after the taxpayer files a federal adjustments report or claim for refund of an overpayment of tax pursuant to R.S. 47:1624.

(2) Except for negative final federal adjustments required by federal law or regulations to be taken into account by the partnership in the partnership return for the adjustment or other year, a taxpayer may file a claim for a refund of the overpayment of tax pursuant to R.S. 47:1624.

(a) An election made pursuant to Paragraphs 3 or 5 of this Subsection is irrevocable, unless the secretary in her discretion determines otherwise.

(b) If properly reported and paid by the audited partnership or tiered partner, the amount determined in Paragraph 3 of this Subsection, or similarly under Subsection D of this Subsection, the secretary, in consultation with the commissioner of taxation, may make an adjustment to the partnership’s federal income tax as determined in this Subsection. This adjustment may be made within thirty days after the partnership makes a written request for the adjustment.

(c) If the audited partnership or tiered partner defaults in making the election or in paying the estimated tax payments, the partnership or tiered partner must pay interest, including any extensions pursuant to Subsection H of this Section.

(d) If the partnership or tiered partner defaults in making the election or in paying the estimated tax payments, the partnership or tiered partner must pay interest, including any extensions pursuant to Subsection H of this Section.

(e) The time periods provided for in Subsections B and C of this Section may be extended either:

(A) Automatically, upon written notice to the Partnership, by sixty days for any audited partnership or tiered partner that has ten thousand or more direct partners.

(B) By written agreement between the taxpayer and the secretary.

(2) Any extension granted under this Subsection for filing the federal adjustments report extends the last day prescribed by law for assessing any

C. Final federal adjustments subject to the election in this Paragraph exclude both:

(a) The distributive share of the remaining final audit adjustments that under Subpart D of Part I of this Chapter are required to be included in the unitary business income of any direct or indirect corporate partner, provided that the audited partnership or tiered partner can reasonably determine this.

(b) Any final federal adjustments resulting from an administrative adjustment report or claim for refund.

(d) Published partnership or tiered partner not otherwise subject to any reporting or payment method allowed under Paragraph 5 of this Subsection.

(e) Final federal adjustments subject to the election in this Paragraph exclude both:

(a) The distributive share of the remaining final audit adjustments that under Subpart D of Part I of this Chapter are required to be included in the unitary business income of any direct or indirect corporate partner, provided that the audited partnership or tiered partner can reasonably determine this.

(b) Any final federal adjustments resulting from an administrative adjustment report or claim for refund.

(c) Published partnership or tiered partner not otherwise subject to any reporting or payment method allowed under Paragraph 5 of this Subsection.

(f) Final federal adjustments subject to the election in this Paragraph exclude both:

(1) An election made pursuant to Paragraphs 3 or 5 of this Subsection is irrevocable, unless the secretary in her discretion determines otherwise.

(2) If properly reported and paid by the audited partnership or tiered partner, the amount determined in Paragraph 3 of this Subsection, or similarly under Subsection D of this Subsection, the secretary, in consultation with the commissioner of taxation, may make an adjustment to the partnership’s federal income tax as determined in this Subsection. This adjustment may be made within thirty days after the partnership makes a written request for the adjustment.

(3) If the audited partnership or tiered partner defaults in making the election or in paying the estimated tax payments, the partnership or tiered partner must pay interest, including any extensions pursuant to Subsection H of this Section.

(4) If the partnership or tiered partner defaults in making the election or in paying the estimated tax payments, the partnership or tiered partner must pay interest, including any extensions pursuant to Subsection H of this Section.

(5) The time periods provided for in Subsections B and C of this Section may be extended either:

(A) Automatically, upon written notice to the Partnership, by sixty days for any audited partnership or tiered partner that has ten thousand or more direct partners.

(B) By written agreement between the taxpayer and the secretary.

(3) Any extension granted under this Subsection for filing the federal adjustments report extends the last day prescribed by law for assessing any

* As it appears in the enrolled bill
additional tax arising from the adjustments to federal taxable income and the period for filing a claim for refund of taxes pursuant to R.S. 47:1623.

4. Nothing in this Section shall be interpreted or construed to alter or limit the secretary's duty and authority to determine the correct amount of tax pursuant to R.S. 47:1541 and the correct amount reportable pursuant to the Internal Revenue Code for federal taxable income or federal adjusted gross income purposes.

5. The department may provide by rule for similar procedures for audits and investigations conducted pursuant to the secretary's authority under Chapter 18 of this Subtitle.

* * *

$287.614. Time and place for filing returns; information concerning federal return; extension of time to file

* * *

C. (d) Unless otherwise agreed in writing by the taxpayer and the secretary, adjustments by the department or by the taxpayer after the expiration of the applicable prescriptive period are limited to adjustments to the taxpayer's tax liability arising from adjustments to the taxpayer's federal taxable income.

$287.657. Estimated tax payments during the course of a federal audit

A corporation may make estimated payments to the department, following the process prescribed by the department, of the state tax expected to result from a pending Internal Revenue Service audit prior to the due date of the federal adjustments report. The estimated tax payments shall be credited against any corporation income tax liability ultimately found to be due to the state attributable to the federal adjustments report and shall limit the accrual of interest pursuant to R.S. 47:1601 on that amount. If the estimated tax payments exceed the final tax liability attributable to the federal adjustments report, the taxpayer is entitled to a refund, subject to the credit and offset provisions of R.S. 47:1622, provided the taxpayer files a federal adjustments report or claim for refund of an overpayment of tax pursuant to R.S. 47:1621 no later than one year following the final determination date. Interest pursuant to R.S. 47:1621 shall be computed and allowed only on estimated tax payments beginning ninety days after the taxpayer files a federal adjustments report or claim for refund of an overpayment of tax pursuant to R.S. 47:1621.

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 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 288

SENATE BILL NO. 15
BY SENATOR MILLIGAN
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.
AN ACT
To amend and reenact R.S. 38:2237.1, and R.S. 39:1753.1, to enact R.S. 39:15.3(F) and 200(M), and to repeal R.S. 39:1753(5), relative to the procurement of telecommunications or video surveillance equipment or services by state agencies and certain educational entities; to require the procurement of telecommunications or video surveillance equipment or services to comply with federal guidelines under Section 889(a) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019; and to provide for violations; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 38:2237.1 hereby amended and reenacted to read as follows: §2237.1. Purchase Procurement of approved telecommunications or video surveillance equipment or services by state agencies and certain educational entities

A. Telecommunications or video surveillance equipment as described in Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act shall be purchased by public elementary, secondary, and postsecondary education agencies and schools, institutions, and governing authorities; nonpublic elementary, secondary, and postsecondary schools, institutions, and governing authorities; and other entities that receive state funds and that are regularly connected to a network.

B. Prior to the purchase of equipment procurement of telecommunications or video surveillance equipment or services, the vendor shall provide documentation by affidavit that the telecommunications or video surveillance equipment or services to be purchased procured are from a manufacturer that is in compliance with Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act, and R.S. 39:1753.1(A), and that the telecommunications or video surveillance equipment or services as defined in R.S. 39:1753.1(A).

C. No award of any bid or purchase procurement of telecommunications or video surveillance equipment or services shall be made from a vendor or other entity who fails to provide the documentation required in Subsection B of this Section, or who provides a false affidavit.

D. This Section shall apply only to procurements initiated on or after August 1, 2021.

Section 2. R.S. 39:1753.1 is hereby amended and reenacted and R.S. 39:15.3(F) and 200(M) are hereby enacted to read as follows: §15.3. Office of technology services; offices and staff; duties

E. On or before October first of each year, the chief information officer shall report to the Joint Legislative Committee on Technology, in executive session, regarding the operational readiness and procurement requirements of the state in cybersecurity and other information security related categories including but not limited to the relationship to applicable federal and prevailing industry standards.

$200. General provisions

The following general provisions shall apply to all procurements under this Part:

M. The provisions of R.S. 39:1753.1 shall apply to all procurements of telecommunications or video surveillance equipment or services pursuant to this Part.

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

A. No telecommunications or video surveillance equipment as described in Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act shall be purchased by public elementary, secondary, and postsecondary education agencies and schools, institutions, and governing authorities; nonpublic elementary, secondary, and postsecondary schools, institutions, and governing authorities; and other entities that receive state funds and that are regularly connected to a network.

1. “Agency” shall have the same meaning as provided in R.S. 36:3.

2. “Certain educational entities” means all public elementary, secondary, or postsecondary education schools, institutions, and governing authorities; nonpublic elementary, secondary, and postsecondary schools, institutions, and governing authorities that receive state funds; and proprietary schools that receive state funds.

3. “Procure” and “procurement” shall have the same meaning as provided in R.S. 39:15.36.

4. “Prohibited telecommunications or video surveillance equipment or services” includes all of the following:

(a) Telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation, or any subsidiary or affiliate of such entities, as described in Section 889(f)(3)(A) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

(b) Video equipment or telecommunications equipment produced by Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company or ZTE Corporation, or any subsidiary or affiliate of such entities, as described in Section 889(f)(3)(B) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019.

(c) Telecommunications or video surveillance equipment or services produced or provided by a company, or its subsidiary or affiliate, that is identified as being produced by those entities listed in Subparagraphs (a) through (c) of this Paragraph, shall be prohibited telecommunications or video surveillance equipment pursuant to this Section.

(d) Any product or equipment regardless of manufacturer, containing as a component any equipment identified by Subparagraphs (a) through (c) of this Paragraph. This may include but is not limited to the following:

(i) Computers or other equipment containing a component which enables any form of network connectivity or telecommunications regardless of whether the equipment or services are regularly connected to a network.

(ii) Building automation, environmental controls, access controls, or facility management and monitoring systems.

(iii) Voting machines, peripherals, and election systems that are a product, or a component thereof, that is identified as being produced by those entities listed in Subparagraphs (a) through (c) of this Paragraph.

(iv) Any services provided using any equipment identified by Subparagraphs (a) through (c) of this Paragraph.

E. Telecommunications or video surveillance equipment or services as defined in Subsection A of this Section, shall not be procured or purchased by state agencies or certain educational entities of the state, as defined in R.S. 39:1753.1(A), and that are regularly connected to a network.

C. Prior to the purchase of equipment procurement of telecommunications or video surveillance equipment or services, the vendor shall provide documentation by affidavit that the telecommunications or video surveillance equipment or services to be purchased procured is from a manufacturer that is in compliance with Section 889(a) of the Fiscal Year 2019 National Defense Authorization Act.
To amend and reenact R.S. 30:2418(H)(1) and to enact R.S. 30:2418.1 and 2418.2, relative to the waste tire program provided for in Subpart I of Part V of Title X of Chapter 1 of the Revised Laws of Louisiana; to provide for the administration and enforcement of the waste tire program; to provide for the addition of Section B of Section 1 of Chapter 1 of Title X of Part V of the Revised Laws of Louisiana; and to provide for related matters.

ARTICLE 1.

R.S. 26:794.1 is hereby enacted to read as follows:

§794.1. Permit exception for hotel and lodging establishments

A. Notwithstanding any other provision of law to the contrary, an applicant that meets the requirements set forth in R.S. 26:794.1 may be issued a permit exception for hotel and lodging establishments, hereinafter referred to as the “permit”, for any establishment which consists of sleeping rooms, cottages, or cabins.

B. An applicant for the permit shall do all of the following:
   (a) Meet all requirements of R.S. 26:794, 81, 280, and 281.
   (b) Pay all fees for a Class A-General permit as required by R.S. 26:71 and 271.
   (c) Comply with the provisions of R.S. 26:77 and 277.
   (d) Prior to operation, acquire any local alcoholic beverage permit as required by R.S. 26:74 and 274.

C. The establishment's location shall meet all of the following requirements:
   (a) The location shall have a public habitable floor area of no less than five hundred square feet dedicated to the exclusive use of the applicant's business.
   (b) The establishment operates a restaurant or dining area, the restaurant or the dining area's primary function is to serve and take orders for food, food items, and alcoholic beverages which may be served in conjunction with meals for on-premise consumption.
   (c) The establishment operates a bar, the bar area shall have a permanent wet bar equipped with a nonmovable sink and a backbar or similar equipment for public display and to inform the public of brands and flavors offered for sale.
   (d) The location shall comply with all state and local building, fire, health, and other applicable laws and ordinances.
   (e) The applicant shall comply with all of the following with respect to its operations:
      (1) The applicant shall not permit any person under eighteen years of age from sitting or loitering at any bar on the premises.
      (2) The applicant may sell and offer for sale only packaged alcoholic beverages from the designated area, as indicated in its application. The applicant may offer complimentary alcoholic beverages to anyone over the age of twenty-one that is occupying its sleeping rooms, cottages, or cabins.
      (3) The applicant shall control all alcohol sold and served.
      (4) The applicant shall maintain control of the sale and service of all alcoholic beverages under its permit and the proceeds from the sale of alcohol may not be shared, whether directly or indirectly, with any third person not listed on the application filed with the Office of Alcohol and Tobacco Control.
      (5) If the applicant fails to purchase alcoholic beverages for more than six consecutive months for a location, the applicant shall be required to surrender any and all state alcoholic beverage permits issued for that location by the Office of Alcohol and Tobacco Control.
      (6) Samplings may be conducted in accordance with the site sampling regulations.
      (7) Prior to being employed by the location, all employees who sell or serve alcohol shall be certified in accordance with the Louisiana Responsible Vendor Program, R.S. 30:251 et seq.
      (8) The applicant shall fully review and comply with all other provisions of this Title and Title 55 of the Louisiana Administrative Code.

C. This permit shall not:
   (1) Be utilized in lieu of a special event permit.
   (2) Exempt the applicant from prior approval for any festivals and public events.
   (3) Be used as a prerequisite to apply for video poker machines.
   (4) Apply to any change of ownership of the business, including changes to the owner of the applicant, whether in whole or in part. Any such change shall cause this exception permit to be void.

D. The applicant shall submit written attestation, under penalty of perjury of all affiliated partners, members, officers, directors, and shareholders that the provisions of Subsection B of this Section have been met.

Approved by the Governor, June 15, 2021.

R. Kyle Ardoin
Secretary of State
shall provide for but not be limited to:

(1) Establishing standards, requirements, and permitting procedures for waste tire transporters, collection sites, generators, and processors.

Requirements: The requirements for waste tire transporters, collection sites, generators, and processors shall include proof of commercial liability insurance in a sufficient amount and other evidence of financial responsibility as determined by the secretary. For waste tire transporters, financial responsibility shall include a surety bond in a minimum amount of ten thousand dollars, as determined by the secretary.

§2418.1. Failure to obtain a generator identification number

A. No person shall store more than one hundred whole waste tires nor sell tires without holding a valid generator identification number or other authorization issued by the department.

B. No person subject to Subsection A of this Section shall allow the waste tires generated by his activities to be transported by a person without a valid generator authorization certificate and a manifest satisfying the requirements of the department.

C. Any person who willfully or knowingly violates this Section shall, upon conviction, be subject to a fine of not less than three hundred dollars but not more than five hundred dollars, or imprisonment for six months, or both.

D. The provisions of this Section shall not apply to a commercial farmer as defined in R.S. 47:301(20).

E. The provisions of this Section shall not apply to persons operating a vehicle fleet, and performing on-site maintenance exclusively on their own vehicles, until such time as the department promulgates regulations governing such maintenance activities.

§2418.2. Failure to obtain a waste tire transporter authorization certificate

A. No transporter shall transport more than twenty whole waste tires without a valid transporter authorization certificate or other authorization issued by the department and a manifest satisfying the requirements of the department.

B. A transporter of waste tires shall only accept and transport waste tires from a person who has obtained a valid generator identification number from the department.

C. Any person who willfully or knowingly violates this Section shall, upon conviction, be subject to a fine of not less than three hundred dollars but not more than five hundred dollars, or imprisonment for six months, or both.

D. The provisions of this Section shall not apply to a commercial farmer as defined in R.S. 47:301(20).

E. The provisions of this Section shall not apply to persons operating a vehicle fleet, and performing on-site maintenance exclusively on their own vehicles, until such time as the department promulgates regulations governing such maintenance activities.

Section 2. Any requirement provided for in this Act shall be promulgated by the department in rules and regulation in accordance with the Administrative Procedure Act.

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 292
SENATE BILL NO. 217
BY SENATOR HARRIS
AN ACT

To enact R.S. 47:6036.1, relative to tax credits; to create the Louisiana Import Tax Credit; to provide for eligibility requirements for port credits; to provide for application requirements; to provide for the allocation of port credits; to require certifications; to provide relative to the utilization of port credits; to require the Department of Economic Development to provide certain information to the Department of Revenue; to authorize the recovery of credits under certain circumstances; to provide for certain limitations; to authorize the Department of Economic Development to promulgate rules; 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. 47:6036.1 is hereby enacted to read as follows:

§6036.1. Louisiana Import Tax Credit

A. Purpose. The primary purpose of this Section is to encourage the utilization of Louisiana public port facilities for cargo imports and the development of new port-related infrastructure facilities for the manufacturing, distribution, and warehousing of imported goods. This Section presents a streamlined and efficient method for applying for and utilizing tax credits for imports that places Louisiana ports in an equal position with competing states’ ports that have very simple programs in place to incentivize cargo importation.

Definitions. For purposes of this Section, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise:

(1) “Actual cargo volume” shall mean the total amount of imported cargo received in TEUs by a port facility user within its port credit incentive period.

(2) “Base cargo volume” shall mean the average amount of imported cargo received (in TEUs) by a port facility user in the three years preceding the application for port credits. Only cargo that is owned by a port facility user at the time the port facility is used may be included in the calculation of base cargo volume.

(3) “Base cargo volume period” shall mean the three hundred sixty-five day period designated by an applicant on its application as the twelve month period in which an application for port credits is postmarked, provided that project agreements awarding port credits may specify a different base cargo volume period.

(4) “Port credit” shall mean a one-time tax credit of up to fifty dollars per TEU of cargo imported through a Louisiana public port, or up to one hundred dollars per TEU of cargo imported through a Louisiana public port if entering into a project agreement with the state, that may be applied against Louisiana income tax liability, as set forth in Subsection 3 of this Section.

(5) “Port credit incentive period” shall mean the three hundred sixty-five day period designated by an applicant on its application as the twelve month period in which it is eligible to earn port credits as approved by the Department of Economic Development, provided that the port credit incentive period shall begin no earlier than the last day of the month immediately following the date of the application. Project agreements awarding port credits may specify a port credit incentive period beginning on any date.

(6) “Port facility user” shall mean any person engaged in the manufacturing, warehousing, or distribution of goods imported through a public port of the state.

(7) “Public port” shall mean any deep-water port commission or port, harbor, and terminal district as defined in Article VI, Section 44 of the Constitution of Louisiana, and any other port, harbor, and terminal district established under Title 34 of the Louisiana Revised Statutes of 1950.

(8) “TEU” shall mean twenty-foot equivalent unit, that is a standard measurement in shipping volumes in units of twenty-foot long containers.

B. Eligibility for port credits.

(1) In order to become eligible for an award of port credits, an applicant shall meet all of the following criteria:

(a) The applicant shall be a port facility user that imports more than fifty TEUs of cargo through Louisiana public ports.

(b) The applicant shall file an application for port credits with the Department of Economic Development as set forth in Subsection D of this Section.

(c) The applicant shall increase its imported cargo volumes by at least one hundred five percent during its port credit incentive period as compared to imported cargo volumes during its base cargo volume period.

(2) A recipient of port credits granted pursuant to this Section shall not be eligible for import-export cargo tax credits pursuant to R.S. 47:6036(1) nor shall a recipient of port credits be eligible to receive any other state tax credit, exemption, exclusion, deduction, rebate, or any other tax benefit for which the recipient will receive a port credit pursuant to this Section. A recipient of import-export cargo tax credits as provided in R.S. 47:6036(1) shall not be eligible for port credits pursuant to this Section.

(3) The following two types of credits against state income tax are hereby authorized under this Section:

(a) Tax credits based upon cargo volumes.

(b) Tax credits based upon project agreement with the Department of Economic Development.

D. Application for and allocation of port credits based on cargo volumes.

(1) Application for port credits. Port facility users seeking to obtain port credits shall file an application on a form prescribed by the Department of Economic Development. Applications shall be accepted on or after September 1, 2021, until port credits are no longer available.

(2) Allocation of port credits.

(a) Eligible applicants may be awarded port credits of up to fifty dollars per net new TEU of actual cargo volumes imported through a public port of the state during its port credit incentive period in excess of the applicant's base cargo volume.

(b) Port credit allocations are conditional and may be awarded based on procedures adopted by the Department of Economic Development.

E. Certification of cargo volumes.

(1) Certification of base cargo volumes. Calculation of base cargo volumes shall be supported by records from the applicable public port facility confirming the total amount of imported cargo volumes in TEUs for the applicant during the three-year period immediately preceding the month in which an application for port credits is postmarked, provided that project agreements awarding port credits may specify a different base cargo volume period.

(2) Certification of actual cargo volumes. Within ninety days of the end of the port credit incentive period, the port facility user shall provide the Department of Economic Development with a certification of actual cargo volume on a form prescribed by Department of Economic Development.

Certifications postmarked after this date shall not be accepted unless the port facility user receives approval for late submission from the Department of Economic Development prior to this date.

Calculations of actual cargo volume shall be supported by records from the applicable public port facility confirming the total amount of cargo volume for the applicable base port credit incentive period. Only cargo that is owned by the port facility user at the time the public port facility is used shall be included in the calculation of actual cargo volume.
cargovolume.

F. Award of port credits by project agreement. Any port credit request for cargo by a port facility user shall be sent to the Department of Economic Development pursuant to a project agreement between the state and a port facility user. A port facility user may be awarded port credits by entering into a project agreement with the Department of Economic Development in an amount of up to one hundred dollars per TEU imported through public ports of the state during a three-year period, as defined in the project agreement, subject to the following:

(a) A port facility user seeking an award of port credits by project agreement shall file an application with the Department of Economic Development on a form prescribed by the Department of Economic Development for project agreement port credits before commencement of the project.

(b) The Department of Economic Development may approve an award of port credits based on the net new TEUs of actual cargo volume imported by a port facility user according to the terms set forth in an executed project agreement.

(1) Approval of an application by the Department of Economic Development for a port facility user shall become eligible to earn port credits under this Subsection only upon execution of a project agreement between the state and the port facility user.

(2) A port facility user that is awarded port credits by project agreement shall not be entitled to claim more port credits than are approved by the Department of Economic Development for that port facility user.

(3) After the approval of port credits, the Department of Economic Development shall provide to the Department of Revenue the name and tax identification number of the applicant who is approved for port credits, the total amount of credits approved for the applicant, and any other information required by the Department of Revenue.

(4) Administration of port credits.

(a) Port credits may be applied against an approved company’s Louisiana income tax liability for the tax year containing the last day of the port credit incentive period.

(b) Port credits are not refundable or transferable, but any unused credit may be carried forward for up to five years.

H. Credit cap. The Louisiana Import Tax Credits awarded by the department to any recipient pursuant to this Section shall be subject to the program limitation of four million five hundred thousand dollars per fiscal year as provided for pursuant to R.S. 47:1361.1.

I. Recovery of Credits. Credits previously granted to a taxpayer, but later disqualified, may be recovered by the Department of Revenue through any collection remedy authorized by R.S. 47:1361.3.

J. Rules. The Department of Economic Development may promulgate rules and regulations in accordance with the provisions of the Administrative Procedure Act to implement the provisions of this Section subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs.

K. Termination of the credit. No credits shall be awarded pursuant to this Section for applications received after July 1, 2025.

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 14, 2021.

A true copy:

K. Kyle Ardoin
Secretary of State

* * * *

ACT No. 293

SENATE BILL NO. 223

BY SENATOR JOHNS AND REPRESENTATIVE DAVIS

Prefiled Pursuant to Article III, Section 2A(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact the introductory paragraph of R.S. 10:9-109(c)(6) and to enact R.S. 45:1227 through 1240 and Subparts B and C of Part VII of Title 45 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 45:1331 through 1343, relative to financing utility storm repairs and strengthening and stabilizing utilities; to provide additional powers to the Louisiana Utilities Restoration Corporation; to provide with respect to financing orders and storm recovery bonds; to provide for legislative intent and definitions; to authorize the creation of special public trusts by the Louisiana Utilities Restoration Corporation; to provide for an alternate use of proceeds of system restoration bonds and contents of financing orders; to provide for the beneficiaries and powers of special public trusts; to provide the creation of special public trusts; to place special public trusts under the regulatory jurisdiction of the Public Service Commission or the council of the city of New Orleans; to establish a mechanism by which the special public trusts may make investments and distribute dividends, and redemption amounts; to provide for trustees and, their duties and powers; to provide a corporation pledge of nonimpairment of special public trusts; to prohibit the special public trusts from filing bankruptcy; to provide with respect to transfers of beneficial interests; to authorize the Louisiana Utilities Restoration Corporation to participate under the Louisiana Electric Utility Storm Recovery Securitization Act; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. The introductory paragraph of R.S. 10:9-109(c)(6) is hereby amended and reenacted to read as follows:

§9-109. Scope

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

* * * *

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

Section 2. R.S. 45:1237 through 1240 are hereby enacted to read as follows:

§1237. Additional assignee; powers and duties of the corporation; expenditures; perfection of security interest on storm recovery property; limitations on bankruptcies.

A. In addition to the purpose and powers granted pursuant to the Louisiana Utilities Restoration Corporation Act, R.S. 45:1311 through 1328, the Louisiana Utilities Restoration Corporation, hereinafter referred to as “corporation” in this Section and in R.S. 45:1238 through 1240, shall have the power and authority to participate as an assignee in the financial transactions provided by this Part prior to the corporation participating as an assignee, the corporation, in each instance, shall receive prior authorization from the commission. Supplemental to the powers and duties provided in R.S. 45:1313 and R.S. 45:1316, the corporation may perform the functions and activities that assignees are authorized to do in the Louisiana Electric Utility Storm Recovery Act, including financing storm recovery through storm recovery bonds, except the corporation shall not be an issuer of storm recovery bonds. The corporation’s exercise of powers provided in this Part is the performance of an essential governmental function of the corporation.

B. Financing and recovery. The corporation may, subject to the terms and conditions established by this Part, acquire, hold, and dispose of storm recovery property. No corporation port credits before commencement of the project.

C. The expenditure of money by the corporation pursuant to this Part shall be under the direction of its governing board and the regulation of the commission. Such money shall be paid by the corporation only in accordance with this Part and in accordance with the provisions of the appropriate Procedure Act to implement the provisions of this Section subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs.

D. In addition to the restrictions required by R.S. 45:1324, the governing board of the corporation shall be prohibited from authorizing any debt obligations, liens, or covenants in connection with the corporation’s business, the corporation’s operations, or the corporation’s property, including but not limited to any obligations that may arise from the operation or use of the property of the corporation, other than those obligations required by law. The corporation shall not be an issuer of storm recovery bonds. The corporation may perform the functions and activities that assignees are authorized to do in the Louisiana Electric Utility Storm Recovery Act, including financing storm recovery through storm recovery bonds, except the corporation shall not be an issuer of storm recovery bonds. The corporation shall not apply any proceeds of storm recovery bonds or storm recovery charges to any purpose not specified in a commission order, to any purpose in excess of the amount allowed for such purpose in the order; or to any purpose in contravention of the order.

E. In addition to the restrictions required by R.S. 45:1324, the governing board of the corporation shall be prohibited from authorizing any debt obligations, liens, or covenants in connection with the corporation’s business, the corporation’s operations, or the corporation’s property, including but not limited to any obligations that may arise from the operation or use of the property of the corporation, other than those obligations required by law. The corporation shall not be an issuer of storm recovery bonds. The corporation may perform the functions and activities that assignees are authorized to do in the Louisiana Electric Utility Storm Recovery Act, including financing storm recovery through storm recovery bonds, except the corporation shall not be an issuer of storm recovery bonds. The corporation shall not apply any proceeds of storm recovery bonds or storm recovery charges to any purpose not specified in a commission order, to any purpose in excess of the amount allowed for such purpose in the order; or to any purpose in contravention of the order.

F. Prior to the corporation participating as an assignee, the corporation, in each instance, shall receive prior authorization from the commission. Supplemental to the powers and duties provided in R.S. 45:1313 and R.S. 45:1316, the corporation may perform the functions and activities that assignees are authorized to do in the Louisiana Electric Utility Storm Recovery Act, including financing storm recovery through storm recovery bonds, except the corporation shall not be an issuer of storm recovery bonds. The corporation’s exercise of powers provided in this Part is the performance of an essential governmental function of the corporation.

G. Utilization of port credits.

(1) When the corporation is involved in the issuance of storm recovery bonds, the corporation shall be prohibited from authorizing any debt obligations, liens, or covenants in connection with the corporation’s business, the corporation’s operations, or the corporation’s property, including but not limited to any obligations that may arise from the operation or use of the property of the corporation, other than those obligations required by law. The corporation shall not be an issuer of storm recovery bonds. The corporation may perform the functions and activities that assignees are authorized to do in the Louisiana Electric Utility Storm Recovery Act, including financing storm recovery through storm recovery bonds, except the corporation shall not be an issuer of storm recovery bonds. The corporation shall not apply any proceeds of storm recovery bonds or storm recovery charges to any purpose not specified in a commission order, to any purpose in excess of the amount allowed for such purpose in the order; or to any purpose in contravention of the order.

(2) After the approval of port credits, the Department of Economic Development shall be required to carry out the purposes of this Part. The corporation may perform such other acts as are necessary, convenient, or desirable to effectuate the purposes of this Part.

H. The expenditure of money by the corporation pursuant to this Part shall be under the direction of its governing board and the regulation of the commission. Such money shall be paid by the corporation only in accordance with this Part and in accordance with the provisions of the appropriate Procedure Act to implement the provisions of this Section subject to oversight by the House Committee on Ways and Means and the Senate Committee on Revenue and Fiscal Affairs.

I. Termination of the credit. No credits shall be awarded pursuant to this Section for applications received after July 1, 2025.
or alteration if and when full compensation is made by law for the full protection of the storm recovery charges collected pursuant to a financing order and full protection of the holders of storm recovery bonds and any assignee or financing party.

(2) Any person or entity that issues storm recovery bonds may include the pledge specified in this Subsection in the bonds and related documentation.

F. For purposes of this Part, including without limitation all financing statements referenced in this Subpart, the corporation is considered to be a public entity under R.S. 39:1421(2) and a governmental unit under R.S. 10:9-102(a).

(45) Notwithstanding any provision of law to the contrary, including without limitation R.S. 33:4548.7 and R.S. 39:1430.1, the filing of a financing statement pursuant to this Subpart is the exclusive method of perfecting a sale, assignment, transfer, or pledge of or security interest or lien on storm recovery property or any right, title, or interest of an assignee or secured party including an issuer of storm recovery bonds therein, including without limitation to perfect a security interest or lien in the property of a corporation.

§1232. Financing statements referenced in this Part where the debtor, buyer, or assignee is a public entity and a governmental unit nevertheless shall be filed as provided in this Part.

§1238. Financing orders including the Louisiana Utilities Restoration Corporation

A. Notwithstanding the provisions of R.S. 45:1228(C)(3), in a financing order issued to an electric utility by the commission to create storm recovery property, the financing order may provide that such storm recovery property shall be sold, assigned, or transferred by the electric utility to the corporation.

B. When an electric utility petitions the commission for a financing order pursuant to this Section, the corporation shall be a party to the commission's securities proceedings.

§1239. Alternative issuers; additional powers and duties for the corporation; limitations; approval of storm recovery bonds by the State Bond Commission; financing order requirements

A. The provisions to the contrary in R.S. 45:1228 and R.S. 45:1233, when the corporation is participating in a securitization financing transaction pursuant to this Part, the financing order may authorize any Louisiana public entity that has a separate corporate existence and that is eligible to issue debt on which interest is exempt from income taxation under the laws of the United States to be the issuer of the storm recovery bonds.

B. After the issuance of such financing order, the corporation shall arrange for the issuance of the storm recovery bonds as specified in the financing order by an issuer selected by the corporation and approved by the commission. The corporation shall enter into a loan transaction with the issuer and then transfer the net proceeds of such storm recovery bonds received by the corporation to the pertinent utility as the purchase price of the storm recovery property.

C. The corporation shall not itself have the authority to issue storm recovery bonds, but the corporation may make promissory notes to issuers pursuant to this Part.

D. When storm recovery bonds are issued pursuant to this Section, the bonds shall be approved by the State Bond Commission.

§1321. Legislative findings and purpose

A. The Louisiana Legislature declares in Subpart A of this Part that the restoration and rebuilding of utility systems after natural disasters using low-cost capital is necessary if the state is to remain a center for economic welfare of the citizens of the state.

B. The Louisiana Legislature finds and declares it to be prudent and in the best interests of the state of Louisiana to consider and make available an alternate financing technique to support the financial strength and stability of utility companies that already have restored and rebuilt, partially or completely, their utility systems after natural disasters is a public utility purpose in the best interests of the citizens of the state.

C. The Louisiana Legislature finds and declares it to be prudent and in the best interests of the state of Louisiana to consider and make available an additional alternate financing technique to support the financial strength and stability of utility companies that have undertaken past, and will undertake future, restoration and rebuilding of utility systems after natural disasters using low-cost capital is necessary if the state is to remain a center for economic welfare of the citizens of the state.

D. Securitization financings pursuant to this Subpart, if authorized by the commission, are not subject to the provisions of Subparts A and B of this Part without including all the requirements of R.S. 45:1318(C)(5)(a), if the financing order includes all the requirements of R.S. 45:1327(A), and if the commission, in such financing order, requires the corporation to transfer the net proceeds of the system restoration bonds to a trust that has the related utility's financial strength and stability and therefore provides the economic welfare of the citizens of the state.

E. Subpart C of Part VIII of Chapter 9 of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:1331 through 1343, are hereby enacted to read as follows:

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As it appears in the enrolled bill

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

(2) Not seek to recover the system restoration costs approved by that applicable financing order. The proceeds of system restoration bonds proceeds, from any of its commission-jurisdictional customers.

(3) Flow through to the benefit of its customers in a manner determined by the commission the amount of any insurance proceeds, federal, state, or local government, or through permanent or temporary reimbursement received by the related proceeds or any contract to the extent of the amount of the related proceeds. The proceeds of such system restoration bonds shall be the corporation as settlor and shall not be considered part of the general fund of the state or any other fund in the state. The name shall not imply that the trust is a political subdivision or an agency, board, or commission of the state.

(4) A trust created pursuant to this Subpart shall have a legal existence separate and distinct from the state and the trust's settlor and beneficiaries, and from other public trusts. A trust is a separate juridical person and only the trust owns the trust property. The trust property shall be distributed to the beneficiaries of the trust in the trust agreement, or in a separate written instrument within three years after the termination of the trust. Any trust created under this Subpart shall be maintained by the trust and the trust shall be operated in accordance with the provisions of the trust agreement and as expressly provided in this Subpart. A trust is a separate juridical person and only the trust owns the trust property. A trust shall not itself have the power to be an issuer of system restoration bonds. Furthermore, a trust shall not have the power to issue other bonds, notes, obligations, or other evidences of indebtedness. System restoration bonds shall not be considered part of the general fund of the state or any other fund in the state. The name shall not imply that the trust is a political subdivision or an agency, board, or commission of the state.

(36) No beneficiary shall be charged personally with any liability whatsoever by reason of any act or omission committed or suffered in the performance of the trust's operations.

(37) The special purpose status does not affect or diminish the rights, powers, and state taxation laws. A trust created pursuant to this Subpart functions as a special purpose public corporation of the Louisiana Utilities Restoration Corporation.

(38) The special purpose status does not apply for purposes of applicable federal, state, or local governments, or through permanent or temporary reimbursement received by the related proceeds or any contract to the extent of the amount of the related proceeds. The proceeds of such system restoration bonds shall be the corporation as settlor and shall not be considered part of the general fund of the state or any other fund in the state. The name shall not imply that the trust is a political subdivision or an agency, board, or commission of the state.

(39) A. A trust shall be created, organized, structured, and empowered by a written instrument, which shall be in accordance with the provisions of the trust agreement and as expressly provided in this Subpart. A trust shall acquire and subscribe for preferred interests of a utility affiliate using all of the contributed proceeds of system restoration bonds received from the corporation as settlor. Notwithstanding any provisions of the trust agreement or the provisions of R.S. 45:1338, a financing order issued under this Subpart shall require that, upon receipt of the proceeds of system restoration bonds, the corporation shall transfer the net proceeds in a contract among the corporation as settlor, the beneficiaries and the trust for the acceptance of the beneficial interests in the trust by the designated beneficiaries, and the application of the proceeds of the trust property and its operations for the purposes and in the manner required by the commission, any monies or investments used to fund the utility's storm damage reserve. The primary purpose of this Subpart is to serve the public good and to benefit the public as a whole as part of a regulatory program that is intended to minimize the rates charged by utilities and to strengthen the financial position of utilities that have restored and rebuilt their systems after storms. The purchase proceeds are not payments for any electric or gas service provided by the related utility to any person and are not payments in the nature of insurance, or otherwise as direct compensation for losses by the related utilities after storms. Instead, the purchase proceeds are payments for the preferred interests in exchange for the preferred interests, the dividend income, and redemption payments attributable thereto and for the related utility's obligations set forth in the financing order described in this Section.

B. A trust created pursuant to this Subpart shall have a legal existence separate and distinct from the state and the trust's settlor and beneficiaries, and from other public trusts. A trust is a separate juridical person and only the trust owns the trust property. The trust property shall be distributed to the beneficiaries of the trust in the trust agreement, or in a separate written instrument within three years after the termination of the trust. Any trust created under this Subpart shall be maintained by the trust and the trust shall be operated in accordance with the provisions of the trust agreement and as expressly provided in this Subpart. A trust is a separate juridical person and only the trust owns the trust property. A trust shall not itself have the power to be an issuer of system restoration bonds.

C. A trust created pursuant to this Subpart shall not seek to recover the system restoration costs approved by that applicable financing order. The proceeds of system restoration bonds shall be the corporation as settlor and shall not be considered part of the general fund of the state or any other fund in the state. The name shall not imply that the trust is a political subdivision or an agency, board, or commission of the state.
redemption of the preferred interests only as provided in the approved trust agreement. The terms and attributes of the preferred interests purchased by a trust, shall be effective as to the applicable trustee from the time a copy of the pledge or security agreement is received by the trustee, and shall be deemed to be established pursuant to this Subpart.

D. System restoration bonds issued pursuant to a financing order or by the use of an approval method provided in this Subpart shall not be debt of a trust. System restoration bonds shall be nonrecourse to the credit or any assets of a trust, other than the trust's beneficial interest in the property described in the trust agreement and pursuant to the pledge by the corporation to the issuer of the related bonds as security for repayment of a loan to the corporation by the issuer. The terms of the indenture, and other financing documents pertaining to the related bonds issued pursuant to this Subpart shall be consistent with this Section.

$1338. Trustee requirements; duties and powers; compensation; liability protection

A. The trustee of a trust shall not serve as a trustee under an indenture pertaining to the related bonds authorized by the financing order relating to that trust. Additionally, only the following entities shall serve as a trustee of a trust established pursuant to this Subpart:

1. A financial institution or trust company organized under the laws of this state or the United States, authorized to exercise trust or fiduciary powers under the laws of this state or the United States, or a trust company, organized under the laws of another state, and operating in this state pursuant to R.S. 6:626(A)(1) and (2).

2. An original trustee, an alternate trustee, or a successor trustee may be designated in the trust agreement or chosen by the use of a method provided in the trust agreement.

C. A trustee who accepts a trust established pursuant to this Subpart submits to the jurisdiction of the courts of this state.

D. A trust acting through its trustee may employ or retain such attorneys, accountants, and other professionals as it may consider necessary to carry out the terms of this Subpart, to the extent that the trustee may be required to perform duties not specifically set forth by the terms of this Subpart, and for the performance of such duties and compensation subject to regulation by the commission in its discretion. The compensation of a trustee and such professionals, and other costs to operate a trust, shall not be included within financing costs as defined in R.S. 39:1340.

E. All such compensation and other costs shall first be paid from the related utility's share as beneficiary of the dividend income that the trust receives from the preferred interests. If the related utility's share of dividend income is insufficient to pay these expenses, then the expenses shall be paid from the related utility's share as beneficiary of redemption payments, in order of priority of interest as may be provided.

F. A trust agreement may provide indemnity to a trustee for expenses properly incurred by the trustee in the administration of the trust property, but such amounts shall be paid only from the related utility's portion of the trust property, or from the related utility, if the related utility agrees to such direct payment.

G. A trustee shall administer a trust solely in the interest of the beneficiaries, and if applicable, a pledgee, in accordance with the trust agreement. A trust shall keep and render clear and accurate accounts of the administration of the trusts at least annually to the beneficiaries as specified in the trust agreement. Upon the request of the beneficiary, a trustee, within a reasonable time, shall provide a beneficiary complete and accurate information as to the nature and amount of the trust property. The trustee shall permit the beneficiary or its agent to inspect, at the cost of the beneficiary or its agent, the records of the trust, the accounts, and any other documents relating to the trust.

H. A trust shall administer the trust as a prudent person would administer it. A trustee shall invest trust property only in preferred interests as provided in the trust agreement. A trustee shall have discretion. The compensation of a trustee and such professionals, and other costs to operate a trust, shall not be included within financing costs as defined in R.S. 39:1340.

$1339. Corporation additional pledge to financing parties

A. The corporation shall pledge to and agree with the benefit of the issuer, the bondholders, and other financing parties, that until the related bonds are paid in full and the related utility has not been paid in full, the corporations and any ancillary agreements have been paid and performed in full, the corporation shall not do any of the following:

1. Take or permit any action that impairs or would impair the value of the corporation's beneficial interest in the applicable trust, other than the distributions of dividend income and redemption proceeds contemplated in this Subpart.

2. Approve or allow a modification or amendment pertaining to the corporation's beneficial interest in the applicable trust, or a termination or rescission of the applicable trust agreement or the applicable trust, or in any other manner impair the rights and obligations of the corporation as beneficiary under the applicable trust, provided that nothing shall preclude the distributions of dividend income and the redemption proceeds that are contemplated in this Subpart and in the trust agreement.

B. For purposes of this Section and R.S. 45:1340, the term "bondholder" means a person who holds a system restoration bond, including in book entry form.

$1340. Limitation on bankruptcy

A. The corporation shall not, by voluntary petition under the Federal Bankruptcy Code, as it may, from time to time, be in effect. The provisions of this Section shall be part of any contractual obligations of the corporation in connection with the issuance of preferred interests or bonds described in this Subpart. This contractual obligation shall not subsequently be modified by state law during the period of this contractual obligation, and the state of Louisiana and the Louisiana Legislature hereby covenant with the bondholders of the Corporation, the trustee and trustee in bankruptcy, and the issuer that the state legislature shall not alter the denial of authority pursuant to this Section during the period referred to in Subsection A.


$1341. Transfers by beneficiaries

A. The trust's beneficiaries shall have no power over the trust property. A beneficiary shall not alienate or encumber its beneficial interest in a trust, except as solely permitted by Subsection B of this Section.

B. If authorized in the pertinent financing order, a trust agreement shall permit the corporation to encumber the whole or any part of its interest as beneficiary in favor of the issuer of the related bonds as additional security for the corporation's repayment of the loan of the net proceeds of the related bonds made to the corporation by that issuer. The issuer also may pledge that collateral. In such instance, the trust agreement shall require the trustee to pay a pledgee all or a portion of a distribution owing to the corporation after the trustee receives a notification, authenticated by the corporation or the pledgee, that the amount due or to become due has been assigned and shall be payable in the manner agreed to be made to the pledgee, notwithstanding any provisions of R.S. 10:9-406. A trustee may request the pledgee to seasonably furnish reasonable proof that the assignment to the pledgee has been made, and unless the pledgee complies, the trustee may pay the corporation. Even if the trustee has received a notification that the assignment has been made, the trustee shall not pay a pledgee any distributions of dividend income and redemption payments that have been authorized by the trustee and not yet paid to the corporation beneficiary as pledgee.

C. A trust agreement shall provide that the interest of the related utility beneficiary shall not be subject to voluntary or involuntary alienation or encumbrance. Such a restraint upon voluntary alienation or encumbrance is valid. However, a restraint upon involuntary alienation, or encumbrance by a beneficiary, is subject to the limitations in Subsection D of this Section.

D. For purposes of R.S. 39:1340.1, the corporation's beneficial interest in a trust including, without limitation, the corporation's rights under a trust agreement in income and principal, and income, receipts and proceeds from distributions from a trust, whether dividend income, redemption payments or other, shall be considered to be income, revenues, monies, receipts, and contract rights pursuant to R.S. 39:1430.1, and shall be subject to the provisions of R.S. 39:1340.1. A pledge and security interest granted by the corporation in such interests, income, receipts, and proceeds pursuant to this Subpart shall be effective as to the applicable trustee from the time a copy of the pledge or security agreement is received by the trustee, and shall be valid, perfected, and enforceable against the corporation, the related utility, the pledgee, and other pledgees and other parties as provided in R.S. 10:9-101. A financial institution's filing of a financing statement is not required to perfect a pledgee's security interest in the corporation's movable property described in this Subsection. This pledge and security interest pursuant to this Subpart shall secure all obligations, then existing or thereafter arising, provided in the pledge or security agreement. A pledge and security interest granted by the corporation in such property shall be continuously perfected privilege and security interest in all movable property described in this Subsection whether or not the interests, income, receipts, proceeds, or distributions have accrued, Conflicting pledges, if allowed, shall rank in the order of the time they are perfected as provided in R.S. 10:9-406.

E. Insofar as the provisions of this Section are inconsistent with the provisions of R.S. 10:9-406 and 10:9-408, the provisions of this Section shall be controlling.

$1342. Construction and effect

A. The terms and powers granted hereby, shall be liberally construed to effectuate its and their purposes, without implied limitations thereon. All rights and powers granted in this Subpart to the commission, the corporation, and a trust, shall be cumulative with those derived from other sources and shall not be except as expressly stated herein, be construed in limitation thereof.

B. System restoration bonds may be issued pursuant to Subpart A of this Part alone, or pursuant to this Subpart, together with Subpart A of this Part as modified by this Subpart. References in this Subpart to a financing order issued pursuant to this Subpart, mean that the financing order is issued pursuant to this Subpart, and in conjunction with Subpart A of this Part, as modified by this Subpart.

C. A utility may finance system restoration costs pursuant to this Subpart that were incurred by a utility prior to the effective date of this order, Further, to the extent that a utility has made application for a determination of

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eligible system restoration costs prior to the effective date of this Subpart, that application may provide the basis in part for the commission's financing order pursuant to this Subpart and subject to R.S. 45:1333(B)(3).
D. The failure of a utility, its utility affiliate, a trust, or the trustee or any beneficiary thereof to perform their respective obligations pursuant to this Subpart, or under the trust agreement, or applicable financing order, shall not affect or impair the system restoration property, or any rights of the corporation, the issuer or any financing party under the financing order, including without limitation the right to receive billed and collected system restoration charges. Nothing in this Subsection shall be construed to deny, limit, or diminish the commission's jurisdiction and authority to enforce the provisions of any financing order upon the utility.

SUBPART C. ADDITIONAL POWERS
§1343. Corporation participation
The corporation may, in each instance, subject to the prior authorization of the commission, participate in financing transactions contemplated by the Louisiana Electric Utility Storm Recovery Security Act, Part V-B of Chapter 9 of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:1226 through 1240.

Section 4. The Louisiana State Law Institute is hereby directed to redesignate the existing R.S. 45:1311 through 1328 as Subpart A of Part VIII of Chapter 9 of Title 45 of the Louisiana Revised Statutes of 1950, with the heading “System Restoration Bonds”.

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 in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 294

SENATE BILL NO. 234
BY SENATOR MCMATH
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

To enact R.S. 17:100.13 and 3996(B)(59), relative to public elementary and secondary schools; to provide for expanded academic support for certain low-performing students; to provide for supplemental instruction and accelerated learning committees; to provide for funding and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:100.13 and 3996(B)(59) are hereby enacted to read as follows:

§100.13. Expanded academic support; accelerated learning committees
A. For the 2021-2022 and 2022-2023 school years, each student in grades four through eight who failed to achieve mastery on any statewide assessment administered pursuant to the state's school and district accountability system during the 2020-2021 and 2021-2022 school years shall be provided expanded academic support.

B. Each city, parish, or other local public school board shall develop an educational plan and supporting budget to provide expanded academic support to students identified pursuant to Subsection A of this Section using federal funds provided for educational relief due to the COVID-19 pandemic. Such plan shall be submitted to the state Department of Education not later than September 30, 2021 for review and approval.

(1) Educational plans shall adhere to state board rules and regulations pertaining to pupil progression and individual academic improvement plans.
(2) Supporting budgets shall adhere to all applicable federal and state regulations, including but not limited to those enacted pursuant to the federal Elementary and Secondary School Emergency Relief Fund.
C. The department shall review each plan submitted for compliance with applicable federal and state regulations, including state board regulations pursuant to pupil progression and individual academic improvement plans. The department shall provide feedback to the local board if necessary to bring the plan into compliance with applicable regulations.
D. Following timelines set forth by the department, a city, parish, or other local public school board fails to submit a revised plan that complies with applicable regulations, the department shall reject such plan and shall require the board to adhere to the requirements set forth in Subsection E of this Section.
E. The parent or legal guardian of a student identified in need of expanded academic support shall be provided one of the following options:
(1) Accelerated instruction as provided in Subsections F through H of this Section.
(2) Prioritized placement in a class taught by a teacher labeled as “highly effective” pursuant to the state's teacher evaluation system, if a highly effective teacher is available in the school.
(3) Include targeted instruction in the subject matter areas in which the student has failed to perform satisfactorily.

(2) Be provided in addition to the instruction normally provided to students in the grade level in which the student is enrolled.
(3) Be provided not less than two hundred thirty days during the following summer and school year, and include instruction for not less than one hundred eighty minutes per day per student.
(4) Be designed to assist the student in achieving grade level performance in the applicable subject area.
(5) Be taught using high-quality instructional materials that are fully aligned with state content standards and that are designed for supplemental instruction.
(6) Be provided to a student individually or in a group of not more than twelve students, unless the parent or legal guardian of each student in the group authorizes a larger group.
(7) Be provided by a person with training in using the instructional materials pursuant to Paragraph (5) of this Subsection and who receives ongoing oversight while providing the accelerated instruction.
(8) To the extent possible, be provided by the same person for the entirety of the student's supplemental instruction period.
(9) Be provided in accordance with guidelines on research-based best practices and effective accelerated instruction strategies developed and provided by the state Department of Education.

(1) Each public school shall establish an accelerated learning committee for each student in grades four through eight who failed to achieve mastery on any statewide assessment administered pursuant to the state's school and district accountability system. The committee shall be composed of the student's parent or legal guardian, the teacher of the subject in which the student has failed to perform satisfactorily, and the school principal or his designee. The student's parent or legal guardian shall be notified of the time and place the committee will meet and the purpose of the committee.
(2) A student's accelerated learning committee shall, not later than August thirty-first, develop an accelerated learning plan for the student that provides the accelerated instruction needed to enable the student to perform on grade level by the end of the 2021-2022 school year. The student's parent or legal guardian shall be provided with a copy of the student's accelerated learning plan.

J. If a student fails to perform satisfactorily in the same subject matter area on a state assessment administered in the subsequent school year, the accelerated learning committee shall:

(1) Identify the reasons the student failed to perform satisfactorily.
(2) Determine whether the student needs additional expanded academic support including accelerated instruction, summer learning programs, or other resources to meet the student's academic needs.
(1) Each city, parish, or other local public school board shall provide a report by June first of 2022 and 2023, to the state Department of Education on the number of students identified as needing expanded academic support, the number of students provided each type of academic support, and the number who failed to achieve mastery on any statewide assessment administered pursuant to the state's school and district accountability system during the 2021-2022 school year continuing to need additional academic support.
(2) The department shall submit a report to the Senate and House committees on education by July first of 2022 and 2023, summarizing the information required by Paragraph (1) of this Subsection by school, by school system, and statewide.

§3996. Charter schools; exemptions; requirements

B. Notwithstanding any state law, rule, or regulation to the contrary and except as may be otherwise specified 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:

(59) Expanded academic support, R.S. 17:100.13.

Section 2. No state funds or obligated federal funds shall be used to implement the provisions of this Act.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 295

SENATE BILL NO. 238
BY SENATOR MILLIGAN
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

To amend and reenact R.S. 17:408.1(A) and (B), relative to the Caddo Electric Utility Storm Recovery Security Act, Part V-B of the commission, participate in financing transactions contemplated by the Louisiana Electric Utility Storm Recovery Security Act, Part V-B of Title 45 of the Louisiana Revised Statutes of 1950, comprised of R.S. 45:1311 through 1328 as Subpart A of Part VIII of Chapter 9 of Title 45 of the Louisiana Revised Statutes of 1950, with the heading “System Restoration Bonds”.

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* As it appears in the enrolled bill
To enact Part XIII of Chapter 11 of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1771 through 1776, relative to employee misclassification; to provide relative to the failure to pay contributions; to provide for definitions; to facilitate voluntary resolution of worker classification issues; to enact the Fresh Start Proper Worker Classification Initiative; to require the Louisiana Workforce Commission to promulgate rules; to provide for the disposition of penalties; to provide a safe harbor; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Part XIII of Chapter 11 of Title 23 of the Louisiana Revised Statutes of 1950, comprised of R.S. 23:1771 through 1776, is hereby enacted to read as follows:

**Part XIII. FRESH START PROPER WORKER CLASSIFICATION INITIATIVE AND VOLUNTARY DISCLOSURE PROGRAM**

§1771. Definitions

A. For the purposes of this Part, the following terms have the meanings ascribed to them:

(1) “Application” means any association, corporation, estate, firm, individual, joint venture, limited liability company, partnership, receiver, syndicate, trust, or any other entity, combination, or group that submits or arranges through a representative for the submission of an application to request a voluntary disclosure agreement for a tax administered by the department. If the application is submitted through a representative, the anonymity of the applicant can be maintained until the voluntary disclosure agreement is executed by the taxpayer and the secretary of the Louisiana Workforce Commission.

(2) “Application date” means the date a fully completed application requesting a voluntary disclosure agreement is received by the department. Supplemental information requested by the department and timely provided by the applicant shall not be considered part of the application.

(3) “Application year” means the year in which the qualified applicant had nexus within this state and the look-back period shall include undisclosed liabilities in the last immediately preceding calendar year. For discontinued, acquired, or merged entities, the look-back period shall include undisclosed liabilities in the last calendar year in which the qualified applicant had nexus within this state and the one immediately preceding calendar year.

B. The Fresh Start Proper Worker Classification Initiative applies to taxpayers that are currently treating their workers as independent contractors or other nonemployees and want to prospectively treat the workers as employees. To be eligible, a taxpayer shall have consistently treated the workers for the previous three years as nonemployees and shall have filed any required Form 1099-NEC to disclose and pay the tax and interest due. The look-back period shall include failure of the taxpayer to timely make any required return or payment.

§1772. The Fresh Start Proper Worker Classification Initiative

A. The Fresh Start Proper Worker Classification Initiative is optional and provides a taxpayer with an opportunity to voluntarily treat their worker as an employee for a future tax period. To be eligible, a taxpayer shall meet all of the following requirements:

(1) Apply to the Fresh Start Proper Worker Classification Initiative between January 1, 2022, and December 31, 2022.

(2) Produce a certificate of proof of workers’ compensation coverage for the employee.

(3) Enter into a closing agreement with the Louisiana Workforce Commission and the Louisiana Department of Revenue.

B. The Fresh Start Proper Worker Classification Initiative applies to taxpayers that are currently treating their workers as independent contractors or other nonemployees and want to prospectively treat the workers as employees. To be eligible, a taxpayer shall have consistently treated the workers for the previous three years as nonemployees and shall have filed any required Form 1099-NEC with the Internal Revenue Service with respect to those workers, consistent with the nonemployee treatment.

C. An eligible taxpayer that participates in the Fresh Start Proper Worker Classification Initiative agrees to prospectively treat the workers as employees for the current and future tax periods.

D. An eligible taxpayer that wishes to participate in the Fresh Start Proper Worker Classification Initiative shall submit an application for participation in the program to the Louisiana Department of Revenue. The Louisiana Department of Revenue shall contact the taxpayer or authorized representative
from the information included therein that the applicant qualifies for a voluntary disclosure agreement, the administrator shall send a copy of the agreement to the applicant and the applicant's representative. 

(2) The applicant or the applicant's representative, acting under the authority of a power of attorney, shall sign the agreement and return it to the administrator within thirty calendar days of the postmark or email date, or within any extension of time authorized by the administrator beyond thirty calendar days from the postmark or email date.

(3) After the signed agreement is received from the applicant, the administrator or his authorized representative shall sign the agreement and return a copy of the agreement which has been signed by both parties to the applicant.

(4) The administrator shall credit the account of all workers identified by the applicant in the application for unemployment benefits with respect to the look-back period.

B. After all unemployment tax and interest due for the look-back period have been paid, the administrator shall:

C(1) All unemployment tax due for the look-back period shall be paid within sixty calendar days of the administrator's signing date of the voluntary disclosure agreement or within any extension of time authorized by the administrator beyond sixty calendar days of the signing date. All schedules or returns required by the administrator to show the amount of tax due shall be included with this payment.

(2) The administrator shall compute the interest due for the tax disclosed by the applicant and send a schedule by mail or email to the applicant or his representative showing the amount of tax and interest due. The applicant shall submit payment of the full amount of the interest within thirty calendar days from the postmark or email date of the schedule or, if applicable, within any extension of time granted by the administrator. If payment of the full amount due has not been received at the expiration of such time, the administrator may void the agreement.

D. The terms of the voluntary disclosure agreement shall be valid, binding, and enforceable by and against all parties, including their transferees, successors, and assignees.

E. The administrator may void the voluntary disclosure agreement if the applicant fails to comply with any of the conditions outlined in the agreement. §1776. Safe harbor

Any putative employer meeting the requirements provided in this Section shall not owe withholding tax or penalties otherwise due for unemployment of any unemployment taxes for the workers to whom these requirements apply:

(1) Reporting consistency. The putative employer timely filed all required federal tax and information returns for independent contractors who were paid more than $500,000 and who were not classified as employees.

(2) Substantive consistency. The putative employer and any predecessor always treated the worker as an independent contractor; however, if any similar worker was treated as an employee, relief is not available.

(3) Reasonable basis. The putative employer had a reasonable basis for not treating the worker as an employee including any of the following:

(i) Reliance on legal advice or advice of an accountant.

(ii) Reliance on a court case or Internal Revenue Service ruling.

(iii) Independent contractor treatment is common in the putative employer's industry for workers providing similar services.

(iv) The putative employer and any predecessor always treated the worker as an independent contractor.

(v) Reliance on legal advice or advice of an accountant.

(b) Notwithstanding any contrary provision of this Paragraph, if any similar worker was treated as an employee, relief is not available.

§1775. Voluntary Disclosure Agreements: unemployment tax

Any putative employer meeting the requirements provided in this Section shall not owe withholding tax or penalties otherwise due for unemployment of any unemployment taxes for the workers to whom these requirements apply:

(1) Reporting consistency. The putative employer timely filed all required federal tax and information returns for independent contractors who were paid more than $500,000 and who were not classified as employees.

(2) Substantive consistency. The putative employer and any predecessor always treated the worker as an independent contractor; however, if any similar worker was treated as an employee, relief is not available.

(3) Reasonable basis. The putative employer had a reasonable basis for not treating the worker as an employee including any of the following:

(i) Reliance on legal advice or advice of an accountant.

(ii) Reliance on a court case or Internal Revenue Service ruling.

(iii) Independent contractor treatment is common in the putative employer's industry for workers providing similar services.

(iv) The putative employer and any predecessor always treated the worker as an independent contractor.

(v) Reliance on legal advice or advice of an accountant.

Section 2. The provisions of this Act shall not apply to any person or organization licensed by the Louisiana Department of Insurance, any securities broker-dealer, or any investment adviser or its agents and representatives who are registered with the Securities and Exchange Commission or the Financial Industry Regulatory Authority or licensed by this state.

Section 3. This Act shall become effective on January 1, 2022; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on January 1, 2022, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 14, 2021.

R. Kyle Ardoin
Secretary of State
Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:86(A), (C), and the introductory paragraph of (E) are hereby amended and reenacted and (D)(9) and (10) and (E)(7) are hereby enacted to read as follows:

§86. Oilfield Site Restoration Fund

A. (1) There is hereby established a fund in the custody of the state treasurer to be known as the Oilfield Site Restoration Fund, hereafter referred to as the “fund”, into which the state treasurer shall, each fiscal year, deposit the revenues received from the collection of the monies enumerated in Subsection D of this Section, after those revenues have been deposited in the Bond Security and Redemption Fund.

B. Out of the funds remaining in the Bond Security and Redemption Fund, after a sufficient amount is allocated from that fund to pay all the obligations secured by the full faith and credit of the state that become due and payable within each fiscal year, the treasurer shall pay into the Oilfield Site Restoration Fund the amount of thirty million dollars in federal funding from the first federal funds received by the state for which oilfield site restoration or plugging orphan wells is an allowable use, as determined by the Joint Legislative Committee on the Budget. Such funds shall constitute a special custodial trust fund which shall be administered by the secretary, who shall make disbursements from the fund solely in accordance with the purposes and uses authorized by this Part.

C. The treasurer of the State of Louisiana shall certify, to the secretary of the Department of Revenue, the date on which the balance in the fund equals or exceeds fourteen million dollars. The oilfield site restoration fees on oil and gas workers as well as industry. It is the intent of the legislature that the fees on receipt of a certification from the treasurer that, based on the expenditures or commitments to expend monies, the fund has fallen below ten million dollars. The secretary of the Department of Revenue shall thereafter again suspend the collection of the fees provided for in Subsection D of this Section. The treasurer shall assess and transfer into the Oilfield Site Restoration Fund the amount of thirty million dollars in federal funding from the first federal funds received by the state for which oilfield site restoration or plugging orphan wells is an allowable use, as determined by the Joint Legislative Committee on the Budget.

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

(9) The sum of thirty million dollars from the first federal funds received by the state for which oilfield site restoration or plugging orphan wells is an allowable use, as determined by the Joint Legislative Committee on the Budget. The monies deposited pursuant to Paragraph (D)(9) of this Section, any sums deposited from federal appropriations, or any federal grant program established by the United States Congress for the purpose of restoring orphan oilfield sites, and sums generated from the issuance of bonds pursuant to R.S. 30:4(1) and 4.3, as deposited pursuant to Paragraph (D)(9) of this Section, any sums deposited from federal appropriations, or any federal grant program established by the United States Congress for the purpose of restoring orphan oilfield sites, and sums generated from the issuance of bonds pursuant to R.S. 30:4(1) and 4.3, sums deposited pursuant to Paragraph (D)(9) of this Section, any sums deposited from federal appropriations, or any federal grant program established by the United States Congress for the purpose of restoring orphan oilfield sites, and sums generated from the issuance of bonds pursuant to R.S. 30:4(1) and 4.3.

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

(7) Except for the costs of administration of this Part by the Department of Natural Resources not exceeding five percent of the federal funds appropriated or granted, the monies deposited pursuant to Paragraph (D)(9) of this Section, any other monies deposited from federal appropriations, or from federal grant programs authorized by the United States Congress for the purpose of restoring orphan oilfield sites, shall be used only for the purposes of assessing and restoring orphan oilfield sites. Notwithstanding any other requirements in this Part, such monies may be expended by the secretary through a contract entered into under any competitive process authorized by Title 33 or Title 39 of the Louisiana Revised Statutes of 1950. The contract may be awarded to any qualified party regardless as to whether or not such party has been approved by the department to conduct site assessment and restoration by the Commission.

Section 2. The legislature hereby finds that the oil and gas industry was negatively impacted by the Coronavirus Disease 2019 (COVID-19) and the related decrease in demand for oil and gas, which led to severe decreases in the price of oil and gas worldwide and thereby led to the layoff of many workers in the oil and gas industry. State contracts for the restoration of orphan oilfield sites through federal funding is intended to create work for oil and gas workers as well as industry. It is the intent of the legislature that such work and expenditures of this funding shall provide aid to the oil and gas industry as an industry impacted by COVID-19 as required by Section 602(c)(1)(A) of the Social Security Act as amended by the American Rescue Plan Act of 2021.

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 15, 2021.

R. Kyle Ardoin
Secretary of State

ACT No. 299

SENATE BILL NO. 172

BY SENATE ADOPTED

AN ACT

To amend and reenact R.S. 47:305.59 and to enact R.S. 47:302(B)(114), 321(P)(115), 321.1(I)(115), and 331(V)(115), relative to state sales and use tax exemptions for charitable construction materials; to exempt the sale of construction materials for charitable residential construction from state sales and use tax; to exempt the sale of construction materials for construction of certain animal shelters from state sales and use tax; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 47:305.59 is hereby amended and reenacted and R.S. 47:302(B)(114), 321(P)(115), 321.1(I)(115), and 331(V)(115) are hereby enacted to read as follows:

§302. Imposition of tax

§305.59. Exemption; charitable residential construction

A. The sales and use tax imposed by the state of Louisiana and all of its tax authorities shall not apply to the sale of construction materials to Habitat for Humanity affiliates, Fuller Center for Housing covenant partners located in this state, or the Make it Right Foundation when such materials are intended for in constructing new residential dwellings in this state. The sales and use tax imposed by the state of Louisiana and all of its tax authorities shall not apply to the sale of construction materials to animal shelters when such materials are intended for use in constructing new animal shelters in this state and the construction begins between July 1, 2021, and June 30, 2025.

§321. Imposition of tax

P. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

§305.59. (114) Beginning October 1, 2021, sales of construction materials for charitable construction as provided for in R.S. 47:305.59.

§321. (115) Beginning October 1, 2021, sales of construction materials for charitable construction as provided for in R.S. 47:305.59.

§321.1. Imposition of tax

I. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

§331. Imposition of tax

V. Notwithstanding any other provision of law to the contrary, including but not limited to any contrary provisions of this Chapter, beginning July 1, 2018, through June 30, 2025, there shall be no exemptions and no exclusions to the tax levied pursuant to the provisions of this Section, except for the retail sale, use, consumption, distribution, or storage for use or consumption of the following:

§305.59. (115) Beginning October 1, 2021, sales of construction materials for charitable construction as provided for in R.S. 47:305.59.
effective on July 1, 2021, or the day following such approval by the legislature whichever is later.

Approved by the Governor, June 15, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 300
- - - - - - - -
SENATE BILL NO. 179
BY SENATOR CONNICK
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of
Louisiana.
AN ACT

To amend and reenact R.S. 45:201.6(A)(1), relative to automobile insurance policies; to provide for mandatory disclosures of insurance coverage to transportation network company drivers; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 45:201.6(A)(1) is hereby amended and reenacted to read as follows: §201.6. Agreements; mandatory disclosures; prohibited provision; choice of law and forum

A. The transportation network company shall disclose the following in writing to each transportation network company driver before he is initially allowed to accept a request for a prearranged ride on the transportation network company's digital network:

(1) The insurance coverage, including the types of coverage and the limits for each coverage provided and any liability coverages rejected, which the transportation network company provides while the transportation network company driver uses a personal vehicle in connection with a transportation network company's digital network.

Approved by the Governor, June 15, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 301
- - - - - - - -
SENATE BILL NO. 185
BY SENATOR ALLAIN
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of
Louisiana.
AN ACT

To amend and reenact R.S. 30:1154(A) and (C), relative to solar energy; to provide for leases to explore, develop, and produce solar energy; to provide for the powers and duties of the secretary of the Department of Natural Resources; to provide for terms, conditions, and requirements of solar leases; to provide for operations and construction during rulemaking; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:1154(A) and (C) are hereby amended and reenacted to read as follows: §1154. Regulations governing solar devices; solar leases

A. The secretary shall develop and adopt, in cooperation with affected industry, utility, agricultural, and solar industries, landowners, and consumer representatives and after one or more public hearings, regulations governing solar devices and property leases for the exploration, development, and production of solar energy. The regulations shall be designed to encourage the development and use of solar energy and to provide maximum information to the public concerning solar devices. The regulations may include all of the following:

(1) Standards for testing, inspection, certification, sizing, capacity, and installation of solar devices, including spacing between installations and setbacks.

(2) Provisions for the enforcement of the standards;

(3) Accreditation of laboratories to test and certify solar devices;

(4) Requirements for on-site inspection of solar devices, including specifying methods for inspection, to determine compliance or noncompliance with the standards;

(5) Requirements for submission of any data resulting from the testing and inspection of solar devices;

(6) Prohibitions on the sale of solar devices that do not meet minimum requirements for safety, capacity, and durability as established by the secretary;

(7) Dissemination of the results of the testing, inspection, and certification program to the public.

(8) Minimum requirements for property leases for the exploration, development, and production of solar energy, including but not limited to acreage, access, and maintenance of the property during the lease, decommissioning, and final site closure upon termination of the lease, and placement of this program within the department. The rules provided for in this Paragraph shall be promulgated by the secretary, but not implemented until the secretary identifies funding through fees, federal grants, or other sources.

C. Under no circumstances may the secretary preclude any person from developing, installing, or operating a solar device on his own property for residential use.

Approved by the Governor, June 15, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 302
- - - - - - - -
SENATE BILL NO. 188
BY SENATOR WOMACK AND REPRESENTATIVE THOMPSON
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of
Louisiana.
AN ACT

To amend and reenact R.S. 40:531(E)(2)(b) and 600.89(A)(1) and the introductory paragraph of (2), (c), and (e), relative to the Louisiana Housing Corporation and local housing authorities; to provide relative to the board of directors to provide for the appointment of landlord commissioners; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:531(E)(2)(b) and 600.89(A)(1) and the introductory paragraph of (2), (c), and (e), are hereby amended and reenacted to read as follows: §331. Appointment of commissioners to local housing authority

A. The one landlord commissioner shall be appointed by the mayor from a list of three nominees submitted by the Landlords Advisory Committee. No person who has or who is seeking a business or financial relationship with the housing authority or who otherwise has a conflict pursuant to the Code of Governmental Ethics regarding service on the housing authority shall be eligible to be appointed as a landlord commissioner. The committee shall meet within sixty days after any mayoral election is concluded or any vacancy in the landlord commissioner position and shall nominate the list of landlord commissioners as provided in this Subsection upon a majority vote of the members of the committee present and voting. The committee shall give notice of the purpose, time, and place of such a meeting through the landlord portal on the official website of the housing authority or by publication in the official journal of the city of New Orleans at least seven days prior to the date set for the hearing.

B. The one landlord commissioner shall be appointed by the mayor from a list of three nominees submitted by the Landlords Advisory Committee. No person who has or who is seeking a business or financial relationship with the housing authority or who otherwise has a conflict pursuant to the Code of Governmental Ethics regarding service on the housing authority shall be eligible to be appointed as a landlord commissioner. The committee shall meet within sixty days after any mayoral election is concluded or any vacancy in the landlord commissioner position and shall nominate the list of landlord commissioners as provided in this Subsection upon a majority vote of the members of the committee present and voting. The committee shall give notice of the purpose, time, and place of such a meeting through the landlord portal on the official website of the housing authority or by publication in the official journal of the city of New Orleans at least seven days prior to the date set for the hearing.

§600.89. Organization of the corporation
A. The Louisiana Housing Corporation shall be governed by a board of directors composed of the following members:

(1) One member shall be the state treasurer or his designee. Notwithstanding the provisions of R.S. 49:307.1, the treasurer may name any person as his designee to this board.

(2) Six Eight members shall be appointed by the governor, two of whom shall be at-large appointments. All members appointed by the governor shall meet all of the following criteria:

(a) Not more than one member appointed pursuant to this Paragraph shall be a resident of a single congressional district, except for the at-large members whom may be selected from the state at large.

(b) The six eight members appointed by the governor shall be diverse and representative of the state's population as near as practicable, including with respect to ethnicity, and shall each be submitted to the Senate for confirmation.

Approved by the Governor, June 15, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 303
- - - - - - - -
SENATE BILL NO. 197
BY SENATOR CATHEY
Prefiled Pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of
Louisiana.
AN ACT

To enact R.S. 47:1925.13, relative to assessors; to provide relative to an automobile expense allowance; to provide relative to requirements and funding of such allowance; to require an affidavit verifying nonuse; and to provide for related matters.

AN ACT

To amend and reenact R.S. 47:1925.13, relative to assessors; to provide relative to an automobile expense allowance; to provide relative to requirements and funding of such allowance; to require an affidavit verifying nonuse; and to provide for related matters.

C. Under no circumstances may the secretary preclude any person from developing, installing, or operating a solar device on his own property for residential use.

Approved by the Governor, June 15, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

THE ADVOCATE
PAGE 23
A. An assessor may receive an automobile expense allowance not to exceed fifteen percent of his annual salary provided the assessor maintains three hundred thousand dollars of automobile insurance per accident for bodily injury and one hundred thousand dollars of automobile insurance per accident for property damage. The expense allowance shall come from existing funds in the assessor’s office and at no additional expense to the state or local governing authority. Any assessor receiving the car allowance provided for by this Section shall submit an affidavit to the legislature and auditor on or before January 31 of each year verifying that they did not use an office automobile during the preceding year.

B. An assessor receiving the automobile expense allowance authorized pursuant to the provisions of this Section for the operation and maintenance of a personal automobile shall be prohibited from operating an automobile paid for and maintained by the assessor’s office. However, the provisions of this subsection shall not prohibit an assessor from operating an automobile paid for and maintained by the assessor’s office if the assessor’s operation of the automobile is limited to occasional use only.

C. The first time the assessor chooses to use the automobile expense allowance pursuant to this Section, the assessor shall publish in the official journal of the parish wherein the office is located his choice to receive the expense allowance.

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 15, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

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HOUSE BILL NO. 271
BY REPRESENTATIVE MARCELLE

To enact R.S. 15:828.4, relative to the Department of Public Safety and Corrections; to create the Transitional Residential Pilot Program for female offenders; to provide for eligibility for the program; to provide relative to the transfer of eligible female offenders; to provide for a termination date; to provide relative to funding and resources; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:828.4 is hereby enacted to read as follows:

A. Subject to the availability of funds and appropriate resources, the Department of Public Safety and Corrections is hereby authorized to create a Transitional Residential Pilot Program for females in prison, which shall facilitate the successful reintegration of female offenders into the community.

B. The secretary of the Department of Public Safety and Corrections is hereby authorized to transfer a female offender eligible for the Transitional Residential Pilot Program, insofar as the transfer is in accordance with the custody level, security, supervision, and restrictions on movement established by the department to carry out the operation and purpose of such transitional residential program and to provide a safe, structured, and supervised transitional environment.

C. A female offender shall be eligible for consideration for the program if all of the following conditions are met:

1. The offender is willing to participate in the program.
2. The offender has no convictions of a sex offense as defined by R.S. 15:541.
3. The offender is within two years of her projected release date.
4. The offender has not committed any major disciplinary offenses in the two years prior to her entering the program. A major disciplinary offense is an offense identified as a Schedule B offense by the Department of Public Safety and Corrections in the Disciplinary Rules and Procedures for Adult Offenders.
5. The offender has obtained a low-risk level designation determined by a validated risk assessment instrument approved by the secretary of the Department of Public Safety and Corrections and has received approval from the warden for participation in the program.

The pilot program shall conclude on August 1, 2024, unless the legislature extends this date or establishes a similar program prior to that date.

E. The provisions of this Section shall be implemented only to the extent that funds are appropriated to the office of public health of the Louisiana Department of Health and used exclusively as provided in this Section.

F. The Department of Public Safety and Corrections shall adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section.

Approved by the Governor, June 14, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

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HOUSE BILL NO. 231
BY REPRESENTATIVE KERKER

To amend and reenact R.S. 40:31.35(C) to enact R.S. 40:5.10.1 to enact the Department of Public Health to charge and collect from certain commercial seafood permit holders an imported seafood safety fee; to establish the amount of the fee; to create the Imported Seafood Safety Fund as a special treasury fund; to provide for the deposit, use, and investment of monies in the fund; to authorize the appropriation of monies in the fund to the office of public health for certain purposes; to provide for duties of the state health officer with respect to sampling, analysis, testing, and monitoring of imported seafood; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:31.35(C) is hereby amended and reenacted to read as follows:

A. There is hereby created in the state treasury a special fund designated as the Imported Seafood Safety Fund, referred to hereafter in this Section as the "Fund," to which shall be deposited a specified amount of money once per year, pursuant to R.S. 40:31.35(C). Monies deposited in the Fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the Fund shall be deposited in the Fund. Any unexpended and unencumbered monies in the Fund shall remain in the Fund. Monies in the Fund shall be appropriated to the Department of Public Health of the Louisiana Department of Health and used exclusively as provided in this Section.

B. The Fund shall be used for the following purposes:

1. To satisfy the ongoing costs of conducting analysis and monitoring of imported seafood products of foreign origin that are imported into the state and stored on the premises of the importer or processor in the state; and
2. To provide for the monitoring and testing of imported seafood products, and the development of appropriate sampling and testing programs and protocols.

The scope of this Section shall not be construed to interfere with any authority of the board over other areas of responsibility, nor shall this Section interfere with a specific purpose as provided by the board.

C. This Section shall take effect immediately, but shall not apply to any analysis or monitoring of imported seafood products that have occurred prior to the effective date of this Section.

Approved by the Governor, June 14, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

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HOUSE BILL NO. 316
BY REPRESENTATIVE DAVIS

To amend and reenact R.S. 40:1081.2(A)(1), relative to the state’s newborn screening program; to add mucopolysaccharidosis type I and glycogen storage disorder type II to the panel; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1081.2(A)(1) is hereby amended and reenacted to read as follows:

(1) An offender may receive an automobile expense allowance not to exceed fifteen percent of his annual salary provided the assessor maintains three hundred thousand dollars of automobile insurance per accident for bodily injury and one hundred thousand dollars of automobile insurance per accident for property damage. The expense allowance shall come from existing funds in the assessor’s office and at no additional expense to the state or local governing authority. Any assessor receiving the car allowance provided for by this Section shall submit an affidavit to the legislature and auditor on or before January 31 of each year verifying that they did not use an office automobile during the preceding year.

B. An assessor receiving the automobile expense allowance authorized pursuant to the provisions of this Section for the operation and maintenance of a personal automobile shall be prohibited from operating an automobile paid for and maintained by the assessor’s office. However, the provisions of this subsection shall not prohibit an assessor from operating an automobile paid for and maintained by the assessor’s office if the assessor’s operation of the automobile is limited to occasional use only.

C. The first time the assessor chooses to use the automobile expense allowance pursuant to this Section, the assessor shall publish in the official journal of the parish wherein the office is located his choice to receive the expense allowance.

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 15, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State

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HOUSE BILL NO. 331
BY REPRESENTATIVE KERKER

To amend and reenact R.S. 40:31.35(C) to enact R.S. 40:5.10.1, relative to the state’s newborn screening program; to add mucopolysaccharidosis type I and glycogen storage disorder type II to the panel; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:31.35(C) is hereby amended and reenacted to read as follows:

A. There is hereby created in the state treasury a special fund designated as the Imported Seafood Safety Fund, referred to hereafter in this Section as the "Fund," to which shall be deposited a specified amount of money once per year, pursuant to R.S. 40:31.35(C). Monies deposited in the Fund shall be invested in the same manner as monies in the state general fund. Interest earned on investment of monies in the Fund shall be deposited in the Fund. Any unexpended and unencumbered monies in the Fund shall remain in the Fund. Monies in the Fund shall be appropriated to the Department of Public Health of the Louisiana Department of Health and used exclusively as provided in this Section.

B. The Fund shall be used for the following purposes:

1. To satisfy the ongoing costs of conducting analysis and monitoring of imported seafood products of foreign origin that are imported into the state and stored on the premises of the importer or processor in the state; and
2. To provide for the monitoring and testing of imported seafood products, and the development of appropriate sampling and testing programs and protocols.

The scope of this Section shall not be construed to interfere with any authority of the board over other areas of responsibility, nor shall this Section interfere with a specific purpose as provided by the board.

C. This Section shall take effect immediately, but shall not apply to any analysis or monitoring of imported seafood products that have occurred prior to the effective date of this Section.

Approved by the Governor, June 14, 2021.

A true copy:
R. Kyle Ardoin
Secretary of State
The department shall assign to the marshal of the city of Houma shall be entitled to the 1989, Louisiana Register.

purposes.

 purged (House Bills) and underscored and boldfaced (Senate Bills) are additions.

C. The fees in this Section shall replace the seafood fees promulgated by the department in the June 20, 1989, Louisiana Register. The department shall charge and collect an imported seafood safety fee of one hundred dollars annually from each holder of a commercial seafood permit fee who sells imported seafood. The proceeds of such fee shall be used for the purposes described in R.S. 40:5.10.1.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 307

HOUSE BILL NO. 341

BY REPRESENTATIVE FREEMAN

To amend and reenact R.S. 33:9091.12(F)(2) and (3)(a) and to repeal R.S. 33:9091.12(F)(5), relative to Orleans Parish; to provide relative to the Upper Audubon Security District, to provide relative to the parcel fee imposed within the district; to remove certain limitations on the district's authority to impose the fee; to provide for an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:9091.12(F)(2) and (3)(a) are hereby amended and reenacted to read as follows:

§9091.12. Upper Audubon Security District

F. Parcel fee.

(2)(a) The amount of the fee shall be as requested by duly adopted resolution of the board. The fee shall be a flat fee per parcel of land not to exceed seven hundred dollars per year for each parcel.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, owners who have been granted the Louisiana Special Assessment Level pursuant to Article VII, Section 16(F)(1) of the Constitution of Louisiana prior to January 1, 2022, shall be charged five percent of the parcel fee charged to other owners. Any such owner shall submit to the board, no later than January 15, 2022, a copy of the notification that is provided to him by the assessor's office that documents his eligibility for the special assessment level.

(3)(a) The fee shall be imposed on each parcel located within the district except as provided in Paragraph (5) of this Subsection.

Section 2. R.S. 33:9091.12(F)(5) is hereby repealed in its entirety.

Section 3. The provisions of this Act shall not be implemented prior to the first day of January following an election at which a majority of the registered voters of the district approve the imposition of the parcel fee in accordance with this Act.

Section 4. This Act shall become effective on July 1, 2021, if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on July 1, 2021, or on the day following such approval by the legislature, whichever is later.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 308

HOUSE BILL NO. 342

BY REPRESENTATIVE WRIGHT

To enact R.S. 33:1236.30, relative to St. Tammany Parish; to authorize the governing authority of St. Tammany Parish to require the testing of water systems for secondary contaminants in drinking water; to provide for an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:1236.30 is hereby enacted to read as follows:

§1236.30. St. Tammany Parish; testing of water systems for secondary contaminants

A. As used in this Section, “secondary contaminant” means a substance for which secondary maximum contaminant levels are established in the National Secondary Drinking Water Regulations of the Environmental Protection Agency, 40 CFR Part 143.

B. The governing authority of St. Tammany Parish may require that water systems in the parish test for secondary contaminants in the drinking water that is distributed to parish residents.

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 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 309

HOUSE BILL NO. 348

BY REPRESENTATIVE DUBIOUSSON

AN ACT

To amend and reenact Code of Civil Procedure Article 2334(A), relative to advertisement of sheriff's sales; to provide relative to the advertisement of sheriff's sales; to provide relative to the description of property; to provide relative to reasonable notice to the public; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Article 2334(A) is hereby amended and reenacted to read as follows:

Art. 2334. Reading of advertisement and certificates

A. At the time and place designated for the sale, the sheriff shall read aloud all or part of the advertisement describing the property in such sufficiency as to reasonably provide notice to the public of the property then being offered for sale, which, at a minimum, shall include the lot and subdivision or municipal number or by section, township, and range, including some identifying mark, if appropriate, and a reference to the conveyance or mortgage recordation.

The sheriff shall also read aloud a mortgage certificate and any other certificate required by law or otherwise provide, at least twenty-four hours prior to the sale, a copy of such certificates to the public by means of public posting, written copies, electronic means, or by any other method.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 310

HOUSE BILL NO. 350

BY REPRESENTATIVE FARNUM

To amend and reenact R.S. 32:429(A)(2), relative to office of motor vehicle field offices; to provide relative to the office of motor vehicles field office for Calcasieu Parish; to authorize Calcasieu Parish to levy certain fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. 32:429(A)(2) is hereby amended and reenacted to read as follows:

§429. Office of motor vehicles field offices; authorization of fees

A. (2) The fee provided for in Paragraph (1) of this Subsection may be levied in an amount not to exceed six dollars by the local governing authority of the parishes of Orleans, Jefferson, and Calcasieu.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 311

HOUSE BILL NO. 396

BY REPRESENTATIVE TURNER

AN ACT

To amend and reenact R.S. 13:5807.5(introductory paragraph), relative to fees and costs for services by marshals and constables; to provide relative to the fees of office of city marshals and constables; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:5807.5(introductory paragraph) is hereby amended and reenacted to read as follows:

§5807.5. Fees and costs

Notwithstanding the provisions of R.S. 13:5807, the marshal of the City Court of Houston and the marshal of the city of Houma shall be entitled to the following fees of office and no more in civil matters:

Section 2. In accordance with the provisions of R.S. 13:62, the increase in court costs or fees as provided for in this Act shall become effective if and when the Judicial Council provides a favorable recommendation in the

* As it appears in the enrolled bill

THE ADVOCATE PAGE 25
To amend and reenact R.S. 33:2490(E) and (F) and 2550(E) and (F), relative to employees who have resigned or retired from the classified service due to injury or medical condition; to provide for the reemployment of such employees who have resigned or retired from the classified service due to injury or medical condition who are unable to perform the essential functions of their job and who applies for reemployment shall be reemployed in a position of the class in which he was employed immediately preceding his resignation or retirement or in a position in any lower class. Any such employee may be reemployed at any time after his resignation or retirement, but he shall be qualified for the position to which he is reemployed. In addition, the employee shall be reemployed with the departmental and promotional seniority accumulated through the date of reemployment. This subsection shall not be applicable to employees whose injury or medical condition resulted from their own negligent or intentional act. Subject to the requirements of this Subsection, any regular employee who resigns from a position in the classified fire service as a result of an injury or a medical condition which prevents him from performing the essential functions of his job and who applies for reemployment shall be reemployed in a position of the class in which he was employed immediately preceding his resignation or retirement. However, if there are no available positions in his former class, he may be temporarily placed in a position in any lower class. If the employee is temporarily placed in a position in a lower class, he shall receive the same rate of pay, including longevity pay, that he would have otherwise received for the position in which he was to be reemployed in his former class. In addition, during his temporary placement, he shall be placed first on the eligibility list for a position in his former class and shall not be required to retest for any such position. The employee may remain first on such list until he is appointed to a position in his former class.

(2) Prior to reemployment, an employee shall give notice to the appointing authority that the employee is able to return to work. An authorization from the employee’s treating physician certifying that the employee is able to perform the essential functions of the position that were required at the time he was originally confirmed in such position shall be included with the employee’s notice to the appointing authority. Upon furnishing such notice and certification to the appointing authority, the employee shall be deemed qualified for the position. The board shall approve the reemployment of the employee and the appointing authority shall reemploy such employee. The employee shall be considered a permanent employee and shall not be required to serve a working test. In addition, the employee shall be reemployed with the departmental and promotional seniority the employee had accrued as of the date of his retirement. If the employee is temporarily placed in a position in a lower class, he shall receive the same rate of pay, including longevity pay, that he would have otherwise received for the position in which he was to be reemployed in his former class. In addition, during his temporary placement, he shall be placed first on the eligibility list for a position in his former class and shall not be required to retest for any such position. The employee may remain first on such list until he is appointed to a position in his former class.

(3) The reemployment provided for in this Subsection is available at any time after the retirement of the employee.
employment including any such seniority that he would have accumulated from the date of his separation through the date of reinstatement as if he returned in his former class.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, if the appointing authority has a specific cause to dispute the certification of the employee’s treating physician, the appointing authority may have the employee evaluated by another physician for the limited purpose of confirming that the injury or medical condition that resulted in his retirement no longer prevents him from performing the essential functions of the position. If there is a disagreement between the employee’s treating physician and the physician selected by the appointing authority, the two physicians shall select a third physician whose opinion shall be determinative.

(3) The reemployment provided for in this Subsection applies only if a resignation or retirement occurred as a result of the employee’s being unable to perform the essential functions of his job after sustaining an injury or developing a medical condition during the course and scope of his employment as determined by the employee’s treating physician. In addition, the reemployment provided for in this Subsection is available at any time after the resignation or retirement of the employee.

F(1) Any regular employee who retires from a position in the classified fire service as a result of an injury or a medical condition which prevents him from performing the essential functions of his job, may, with the prior approval of the board, be reemployed in a position in the class in which he was employed immediately preceding his retirement or in a position in any lower class. Any such employee may be reemployed at any time after his retirement, but he shall be qualified for the position to which he is reemployed and be able to perform the essential functions of the position. In addition, the employee shall be reemployed with the departmental and promotional seniority accumulated through the date of retirement. This Subsection shall not be applicable to employees whose injury or medical condition resulted from their own negligent or intentional act.

Subject to the requirements of this Subsection, any regular employee who retires from a position in the classified fire service as a result of an injury or a medical condition which prevents him from performing the essential functions of his job and who applies for reemployment shall be reemployed in a position of the class in which he was employed immediately preceding his retirement. However, if there are no available positions in his former class, he may be temporarily placed in a position in any lower class. If the employee is temporarily placed in a position in a lower class, he shall receive the same rate of pay, including longevity pay, that he would have otherwise received for the position in which he was to be reemployed in his former class. In addition, during his temporary placement, he shall be placed first on the eligibility list for a position in his former class which may be reemployed immediately upon his return from his temporary placement.

The employee shall remain first on such list until he is appointed to a position in his former class.

(2)(a) Prior to reemployment, an employee shall give notice to the appointing authority that the employee is able to return to work. An authorization from the employee’s treating physician certifying that the employee is able to perform the essential functions of the position that were required at the time he was originally confirmed in such position shall be included with the employee’s notice to the appointing authority. Upon furnishing such notice and certification to the appointing authority, the employee shall be deemed qualified for the position. The board shall approve the reemployment of the employee and the appointing authority shall reemploy such employee. The employee shall be considered a permanent employee and shall not be treated as if he were on a temporary or trial basis.

(b) Notwithstanding the provisions of Subparagraph (a) of this Paragraph, if the appointing authority has a specific cause to dispute the certification of the employee’s treating physician, the appointing authority may have the employee evaluated by another physician for the limited purpose of confirming that the injury or medical condition that resulted in his retirement no longer prevents him from performing the essential functions of the position. If there is a disagreement between the employee’s treating physician and the physician selected by the appointing authority, the two physicians shall select a third physician whose opinion shall be determinative.

(3) The reemployment provided for in this Subsection is available at any time after the resignation or retirement of the employee.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 313

HOUSE BILL NO. 288

BY REPRESENTATIVE MAGGIE

AN ACT

To enact Code of Criminal Procedure Article 875.2 and to repeal Code of Criminal Procedure Article 875.1 relative to the financial obligations for criminal offenders; to provide relative to the payment of fines, fees, costs, restitution, and other monetary obligations related to an offender’s conviction; to require the court to determine the offender’s ability to pay the financial obligations imposed; to authorize the court to waive, modify, or create a payment plan for the offender’s financial obligations; to provide relative to the recovery of uncollected monetary obligations at the end of a probation or parole term; to provide for legislative intent; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 875.2 is hereby enacted to read as follows:

A. Determination of substantial financial hardship to the defendant

(1) Any defendant who has been ordered by the court to make payments toward the payment of costs, restitution, and other monetary obligations related to a criminal conviction, may file a motion with the court to determine whether payment in full of the aggregate amount of all the financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents.

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

(a) Waive all or any portion of the financial obligations.

(b) Order a payment plan that requires the defendant to make a monthly payment toward the payment plan pursuant to the provisions of Subparagraph (3)(b) of this Paragraph shall be equal to the defendant’s average gross daily income for an eight-hour work day.

(3) If the court determines that the defendant’s ability to fulfill his financial obligations changes or the defendant’s circumstances change, the court may either modify the defendant’s financial obligation or recalculate the amount of the monthly payment made by the defendant under the payment plan set forth in Subparagraph (1)(b) of this Paragraph.

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

C. If the court determines that payment in full of the aggregate amount of all financial obligations imposed upon the defendant would cause substantial financial hardship to the defendant or his dependents:

(1) The court may have the person to whom the restitution is ordered to be paid.

(2) The court may either waive or modify the defendant’s financial obligation or recalculate the amount of the monthly payment made by the defendant under the payment plan set forth in Subparagraph (1)(b) of this Paragraph.

(3) If the court determines that the defendant’s current circumstances prevent him from making the monthly payment required by the court or the defendant’s probation and parole officer is authorized to impose a payment alternative, including but not limited to any of the following: substance abuse treatment, education, job training, or community service.

(4) If the court determines that the defendant’s current circumstances would cause substantial financial hardship to the defendant or his dependents, the court may either modify or waive the defendant’s financial obligation or recalculated the amount of the monthly payment made by the defendant under the plan set forth in Subparagraph (1)(b) of this Paragraph.

E. If a defendant is ordered to make monthly payments under a payment plan pursuant to this Article, the defendant’s outstanding financial obligations resulting from his criminal conviction are forgiven and considered paid-in-full if the defendant makes consistent monthly payments for either twelve consecutive months or consistent monthly payments for half of the defendant’s term of supervision, whichever is longer.

F. If at the termination or end of the defendant’s term of supervision, any restitution ordered by the court remains unpaid, the court shall either reduce the amount of the unpaid restitution to be reduced to a civil money judgment in favor of the person to whom the restitution is ordered or, if the restitution is not reduced, may be enforced in the same manner as provided for the execution of judgments pursuant to the Code of Civil Procedure. For any civil money judgment ordered under this Article, the clerk shall send notice of the judgment to the last known address of the person to whom the restitution is ordered.

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

Section 2. Code of Criminal Procedure Article 875.1 is hereby repealed in its entirety.
Section 3.(A) Notwithstanding Section 3 of Act No. 260 of the 2017 Regular Session or any other Act to the contrary, the provisions of Act No. 260 of the 2017 Regular Session shall become effective on August 1, 2022, except as provided by Subsection B of this Section.

(B) It is the intent of the legislature that the provisions of Act No. 260 of the 2017 Regular Session that enacted Code of Criminal Procedure Article 875.1 and that amended and reenacted Code of Criminal Procedure Article 885.1(A), (C), and (D) and 884.4 shall never become effective.

Section 4. The legislature recognizes that the provisions of Act No. 668 of the 2018 Regular Session which amended and reenacted Code of Criminal Procedure Article 884.4 and which became effective on August 1, 2019, are in effect, and that the provisions of Act No. 253 of the 2019 Regular Session amending and reenacting Code of Criminal Procedure Article 885.1 and which became effective on August 1, 2019, are in effect.

Section 5.(A) The provisions of Sections 1 and 2 of this Act shall become effective on August 1, 2022.

(B) The provisions of Sections 3, 4, and this Section of this Act shall become effective on August 1, 2021.

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 315

BY REPRESENTATIVE KERNER AND SENATOR CONNICK

AN ACT

To amend and reenact R.S. 48:197(B)(3), relative to alcohol beverage control; to provide for the definition of “Class C-Package Store”; to provide for Package house-Class B permits; to provide for audits; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:197(B)(3) is hereby amended and reenacted to read as follows:

$271.3. Class C Permit; definitions

A. For purposes of this Section, “Class C-Package Store” shall be defined as an establishment that meets all of the following:

* * *

(7) Does not allow the consumption of any alcoholic beverage for any purpose or reason on or about the licensed establishment unless and except as otherwise provided for in this Title. Operates a package store whereby the primary sales of alcoholic beverages at the location are sales of factory-sealed containers for off-premise consumption. However, the retailer may sell alcoholic beverages for on-premise consumption not to exceed twenty percent of the business’s annual revenue of alcoholic beverage sales. Such sales shall be subject to audits.

* * *

§2713. Class C Permit; definitions

A. For purposes of this Section, “Class C-Package Store” shall be defined as an establishment that meets all of the following:

* * *

(7) Does not allow the consumption of any alcoholic beverage for any purpose or reason on or about the licensed establishment unless and except as otherwise provided for in this Title. Operates a package store whereby the primary sales of alcoholic beverages at the location are sales of factory-sealed containers for off-premise consumption. However, the retailer may sell alcoholic beverages for on-premise consumption not to exceed twenty percent of the business’s annual revenue of alcoholic beverage sales. Such sales shall be subject to audits.

* * *

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 316

BY REPRESENTATIVE LYONS

AN ACT

To amend and reenact R.S. 32:398, relative to motor vehicle accident reports; to modify references to accident reports and reporting requirements; to provide relative to electronic forms for crash reports; to provide relative to ownership of data and crash reports; to remove a provision that authorizes the Orleans Parish police department to charge a fee for copies of accident reports; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:398 is hereby amended and reenacted to read as follows:

§398. Accident Crash reports; when and to whom made; information aid; fees for copies; fees for accident crash photographs and videos

A. The driver of a vehicle involved in an accident or crash resulting in injury to or death of any person or property damage in excess of five hundred dollars shall:

(1) Immediately, by the quickest means of communication, give notice of the accident crash to the local police department if the accident crash occurs within an incorporated city or town or, if the accident crash occurs outside of an incorporated city or town, to the nearest sheriff’s office or state police station.

(2) Give his name, address, and the registration number of the vehicle he was driving and, upon request and if available, exhibit his license or permit to drive to any person injured in such accident the crash or to the driver or occupant of or person attending any vehicle or other property damaged in the accident crash.

(3) Give such information and, upon request, exhibit such license or permit to any police officer at the scene of the accident crash or who is investigating the accident crash.

B. The driver of any vehicle involved in an accident resulting in injury to or death of any person or total property damage to an apparent extent of one hundred dollars or more shall, within four hours after the accident, forward a written report of the accident to the Department of Public Safety and Corrections. Any person who violates the provisions of this Subsection

* As it appears in the enrolled bill state highways in Jefferson Parish, along the Westbank Expressway US 90 Business corridor located in Jefferson Parish, including the operation and maintenance of all lighting previously operated and maintained by the Department of Transportation and Development. Monies collected in the parish of Jefferson shall be appropriated to the Regional Planning Commission and used for purposes pursuant to R.S. 48:1161.2(D).

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 317

BY HOUSE BILL NO. 380

AN ACT

To amend and reenact R.S. 23:1536(E)(2) and (3), relative to unemployment compensation; to provide for the unemployment trust fund balance; to provide for a reduction of employers’ contributions under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 23:1536(E)(2) and (3) are hereby amended and reenacted to read as follows:

$1536. Determination of rate; ratio of reserves to payroll as a basis

E.

(2) If, at the computation date in any year, the fund balance, including all monies in the benefit transfer account, exceeds four hundred million dollars, a ten percent reduction in contributions due under the rate table as provided in Subsection D of this Section shall be granted to each employer with a positive reserve ratio.

(3) If, at the computation date in any year, the fund balance, including all monies in the benefit transfer account, exceeds one billion four hundred million dollars, a ten percent reduction in contributions due under the rate table provided in Subsection D of this Section shall be granted to each employer with a positive reserve ratio.

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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may be imprisoned for not more than sixty days or fined not more than one hundred dollars, or both.

G. The Department of Public Safety and Corrections may require the driver of a vehicle involved in an accident, which is required to be reported by this Section, to provide a supplemental report when the original report is insufficient in the opinion of the department and may require witnesses of an accident to provide written statements.

It shall be the duty of the state police or the sheriff's office to investigate all accidents crashes required to be reported by this Section when the accident crash occurs outside the corporate limits of a city or town, and it shall be the duty of the police department of each city or town to investigate all crashes occurring within the city or town. Every law enforcement officer who investigates an accident crash shall, as a Subsection, instruct the driver of each vehicle involved in an accident crash to report the following to all parties suffering injury or property damage from an accident, the apparent result of the accident crash:

1. The name and address of the owner and the driver of the vehicle.
2. The license number of the vehicle.
3. The name of the liability carrier for the vehicle, the name, address, and telephone number of the insurance agent who procured the liability policy providing coverage for the vehicle.

H. Every law enforcement officer who investigates an accident shall initial the accident report form to show that the officer has complied with the provisions of Subsection D of this Section, and shall indicate on the accident report form whether the investigation is made at the scene of the accident or by subsequent investigation and interviews.

I. Within forty-eight hours after completing the investigation, the investigating law enforcement agency shall forward a written copy of the accident report form to the Department of Public Safety and Corrections or data contained in the report to the Department of Transportation and Development. However, if the accident crash occurred within the corporate limits of a city or town, the enforcement office investigating law enforcement agency shall forward a copy of the accident report form to the police department of the city or town and a duplicate report to the Department of Public Safety and Corrections Transportation and Development within forty-eight hours after completing the investigation.

J. All data, and reports, any local police department, or any sheriff's office shall provide copies of crash reports to any interested person upon request and may charge a fee, not to exceed the sum of five dollars per report that does not exceed two pages, and not to exceed twenty dollars, inclusive of all service fees and charges, for a report that exceeds two pages.

K. If the state police establishes a lesser charge for electronic copies of crash reports, then a local police department or sheriff's office shall charge the amount established by state police for any electronic copies of crash reports provided pursuant to this Subsection.

L. All data and reports any local police department, or any sheriff's office shall provide copies of crash reports to any interested person upon request and may charge a reasonable fee.

M. Every person holding the office of coroner in this state, or, in the event of a vacancy in the office, the person performing the duties of coroner, shall report to the Department of Public Safety and Corrections Transportation and Development and to the Louisiana Highway Safety Commission the death of any person as a result of a collision crash involving a motor vehicle, and the circumstances of the collision crash within sixty days following such death. Such reports shall be made on forms supplied or approved by the department as provided for in Subsection I of this Section.

N. Notwithstanding the provisions of Public Chapter 309 of the Laws of 1973, the State Department of Public Safety and Corrections shall prepare and, upon request, shall supply to police, coroners, sheriffs, and other suitable agencies or individuals, forms for accident reports, calling for sufficient detailed information to disclose, with reference to a highway accident, the exact time and place thereof, the circumstances of such accident, the persons and vehicles involved. All accident reports required by this Section shall be made on forms supplied or approved by the Department of Public Safety and Corrections. Each accident report form supplied or approved by the department shall contain a place for the investigating officer to initial the report to indicate that he has given those instructions the office of state police, a municipal police department, the sheriff's office, and any other authorized agency or individual to report the accident and to provide information to disclose, with reference to a highway crash, the cause, conditions then existing, and the persons and vehicles involved. All crash reports required pursuant to this Section shall be provided on electronic forms approved by the Department of Public Safety and Corrections. The

Department of Public Safety and Corrections shall establish the format required for crash reports.

O. The Department of Public Safety and Corrections Transportation and Development shall receive accident crash data derived from the crash reports required to be made by this Section and may tabulate and analyze such reports the data and publish annually, or at more frequent intervals, statistical information based thereon as to the number, cause, and location of highway accidents and other appropriate information in connection therewith.

P. Based upon its findings after analysis, the department Department of Transportation and Development may conduct further necessary detailed research to determine more fully the cause and control of highway accidents. It may further conduct experimental field tests within areas in the state from time to time occasionally to prove the practicality of various ideas advanced in traffic control and accident crash prevention.

Q. (a) The reports required by this Section, and the information contained therein, shall be disclosed only to the extent permitted by the provisions of R.S. 44:1 et seq., and shall be made available only to the parties to the accident, parents or guardians of a minor who is a party to the accident, and insurers, or an insurance support organization under contract to provide claims and underwriting, of any party which is the subject of the report to the insurance representatives of those parties, or to the attorneys of the parties or succession representatives; or to a news-gathering organization that requests data related to the accident a specific crash. Upon request, accident crash reports shall be made available to the above enumerated persons within seven working days following the completion of the accident crash investigation. For the purposes of this Subsection, “news-gathering organization” means any of the following:

(a) For the purposes of this Subsection, “insurance support organization” means any of the following:

(1) A newspaper, or news publication, printed or electronic, of current news and intelligence of varied, broad, and general public interest, having been published for a minimum of one year and that can provide documentation of membership in a statewide or national press association, as represented by an employee thereof who can provide documentation of his employment with the newspaper, wire service, or news publication.

(b) A radio broadcast station, television broadcast station, cable television operator, or wire service as represented by an employee thereof who can provide documentation of his employment with the newspaper, wire service, or news publication.

(b) For purposes of this Subsection, “news-gathering organization” means any of the following:

(i) A newspaper, or news publication, printed or electronic, of current news and intelligence of varied, broad, and general public interest, having been published for a minimum of one year and that can provide documentation of membership in a statewide or national press association, as represented by an employee thereof who can provide documentation of his employment with the newspaper, wire service, or news publication.

(ii) A radio broadcast station, television broadcast station, cable television operator, or wire service as represented by an employee thereof who can provide documentation of his employment with the newspaper, wire service, or news publication.

(c) For purposes of this Subsection, “insurance support organization” means any of the following:

(1) A newspaper, or news publication, printed or electronic, of current news and intelligence of varied, broad, and general public interest, having been published for a minimum of one year and that can provide documentation of membership in a statewide or national press association, as represented by an employee thereof who can provide documentation of his employment with the newspaper, wire service, or news publication.

(2) A radio broadcast station, television broadcast station, cable television operator, or wire service as represented by an employee thereof who can provide documentation of his employment with the newspaper, wire service, or news publication.

R. (1) All persons and their agents are prohibited from screening accident reports if the person or his agent does not represent any of the persons or insureds of whom the report or report copy is requested and the report in which is requested is not required by the insurance carrier, or the carriers, to be furnished to the insured under the provisions of this Section. However, the limitation shall not prevent any person from requesting particular reports regardless of whether the person represents any party in the accident.

S. (1) The information in the reports may be tabulated and included in the statistical information published under the provisions of Subsection H of this Section.

T. (2) Nothing in this Section shall prohibit the sale of police accident reports or other driving record information to consumers of on-line driving record information services, except that the Department of Public Safety and Corrections shall not be required to pay such fee.

U. (3) All persons and their agents are prohibited from screening accident reports if the person or his agent does not represent any of the persons or insureds of whom the report or report copy is requested and the report in which is requested is not required by the insurance carrier, or the carriers, to be furnished to the insured under the provisions of this Section. However, the limitation shall not prevent any person from requesting particular reports regardless of whether the person represents any party in the accident.

V. (4) The information in the reports may be used by the office of motor vehicles for the purpose of maintaining operating records.

W. (5) The information in the reports may be used by the office of motor vehicles for the purpose of maintaining operating records.
Upon completion of the investigation, all police, state or local, that indicate damage to property of the Department of Transportation and Development or the local roadway owner, in an amount without cost to the department.

Headquarters maintenance division within six days of the date of the accident which is estimated to exceed five hundred dollars to the department's or local roadway owner's property has been damaged in an amount.

Be it enacted by the Legislature of Louisiana:

§4165. Special masters; appointment; duties and powers; compensation

F.(1) For causes of action arising from a disaster within a parish declared by the president of the United States to be subject to a major disaster declaration under 42 U.S.C. 5151 through 5207 and certified for individual assistance in accordance with the provisions of 44 CFR 206.48(b), the judges with civil jurisdiction in any court of competent jurisdiction may en banc appoint one or more special masters for all causes of action related to first-party insurance property damage claims.

(2) Notwithstanding any provision of law to the contrary, the court shall allow a party an opportunity to file a motion to opt out of the proceedings before the special master upon a showing of good cause.

(3) The appointment of a special master shall terminate upon determination by the appointing judges en banc.

(4) Each court in which a special master is appointed shall file an annual report of the preceding calendar year by February first of the following year, to the Louisiana Supreme Court, the House Committee on Civil Law and Procedure, and the Senate Committee on Judiciary A on the number, rate of compensation, duties, and assignments of each special master under its jurisdiction as well as the status of each cause of action assigned to each special master in the aggregate. The provisions of this Paragraph shall be applicable only to appointments made pursuant to this Subsection.

(5) An order pursuant to this Subsection shall comply with the requirements of Fed. Civ. R.53 as to the appointment and disqualification of a master, except to the extent those requirements are specifically inconsistent with state law.

(6) Notwithstanding any other provision of law to the contrary, any order issued pursuant to this Subsection shall provide for mandatory mediation with the goal of expedited dispute resolution using a qualified neutral mediator appointed and compensated in the manner directed by the court.

(7) Any special master appointed pursuant to this Subsection may waive the appointment and disqualification procedure required under this Subsection after January 1, 2022, provided that there is a demonstration to the court that the appointment to the special master will be effective in reducing the time from the appointment to trial.

(8) Notwithstanding any provision of law to the contrary, no provision or policy issue in this state may be construed to impair a court's authority under this Subsection, and no provision of this Subsection shall impair the jurisdiction or venue of any court of proper jurisdiction and venue in this state.

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 318

BY REPRESENTATIVES FARNUM AND BOURIAQUE

To enact R.S. 13:4165(F), relative to courts and judicial procedure; to authorize appointment of special masters under certain circumstances; to provide for mediation; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section I. R.S. 13:4165(F) is hereby enacted to read as follows:

§4165. Special masters; appointment; duties and powers; compensation

E.(1) For causes of action arising from a disaster within a parish declared by the president of the United States to be subject to a major disaster declaration under 42 U.S.C. 5151 through 5207 and certified for individual assistance in accordance with the provisions of 44 CFR 206.48(b), the judges with civil jurisdiction in any court of competent jurisdiction may en banc appoint one or more special masters for all causes of action related to first-party insurance property damage claims.

(2) Notwithstanding any other provision of law to the contrary, the court shall allow a party an opportunity to file a motion to opt out of the proceedings before the special master upon a showing of good cause.

(3) The appointment of a special master shall terminate upon determination by the appointing judges en banc.

(4) Each court in which a special master is appointed shall file an annual report of the preceding calendar year by February first of the following year, to the Louisiana Supreme Court, the House Committee on Civil Law and Procedure, and the Senate Committee on Judiciary A on the number, rate of compensation, duties, and assignments of each special master under its jurisdiction as well as the status of each cause of action assigned to each special master in the aggregate. The provisions of this Paragraph shall be applicable only to appointments made pursuant to this Subsection.

(5) An order pursuant to this Subsection shall comply with the requirements of Fed. Civ. R.53 as to the appointment and disqualification of a master, except to the extent those requirements are specifically inconsistent with state law.

(6) Notwithstanding any other provision of law to the contrary, any order issued pursuant to this Subsection shall provide for mandatory mediation with the goal of expedited dispute resolution using a qualified neutral mediator appointed and compensated in the manner directed by the court.

(7) Any special master appointed pursuant to this Subsection may waive the appointment and disqualification procedure required under this Subsection after January 1, 2022, provided that there is a demonstration to the court that the appointment to the special master will be effective in reducing the time from the appointment to trial.

(8) Notwithstanding any provision of law to the contrary, no provision or policy issue in this state may be construed to impair a court's authority under this Subsection, and no provision of this Subsection shall impair the jurisdiction or venue of any court of proper jurisdiction and venue in this state.

F.(1) “Activities” means marketing, promotions, sales efforts, events, and any other services that are reasonably related to the enhancement of tourism.

(2) “Assessed business” means a business operated by a business owner who is required to pay an assessment pursuant to this Chapter.

(3) “Assessment” means the levy imposed pursuant to this Chapter. An assessment may be levied based on a fixed amount, rate per transaction, fixed rate per transaction per day, percentage of sales, any combination of these methods, or any other method that confers benefit to the business owner.

(4) “Business” means any type of tourism business, including but not limited to any tourist home, hotel, motel, or trailer court accommodations, recreational vehicle park, privately owned or managed campgrounds, other lodging intended for short-term occupancy; restaurant, tourism attraction, retail sales, tourism, including cultural and family tourism; tourism business; job creation; tourism economic development; and other tourism related purposes.

(5) “Business owner” means any person recognized by the tourist commissioners as the owner of the business subject to assessment. A tourist commissioner may request a list of all businesses from the Louisiana secretary of state to confirm business information regarding entity name, status, date of incorporation, organization, registration, current registered office address, registered agent name, and address, and the names and addresses of current officers, directors, members, and managers. The list shall be final and conclusive in the determination of ownership of any such business. If the signature of a business owner is required by any provision of this Chapter, the signature of the authorized agent of the business owner shall be sufficient.

(6) “Management plan” means the acquisition, construction, installation, or maintenance of any corporeal property with an estimated useful life of five years or more that is reasonably related to the enhancement of tourism.

(7) “Management plan” means a plan adopted or amended pursuant to this Chapter that sets forth the objectives, policies, and procedures relating to the operation and promotion of a tourism recovery and improvement district.

(8) “Person” means an individual, public entity, firm, corporation, partnership, limited liability company, trust, association, or any other business entity or juridical person, whether operating on a for-profit or nonprofit basis.

(9) “Surcharge” means any charge to the consumer that is required to be paid for goods and services that is passed through to the consumer as a charge on the customer's receipt or guest folio.

(10) “Tourism commission” means a political subdivision created pursuant to R.S. 33:4574(B) for the purpose of promoting tourism within its respective jurisdiction. “Tourism commission” does not mean the Jefferson Convention and Visitors Bureau, Inc., or any tourism organization domiciled in Orleans Parish that would be deemed a “tourism commission”.

(11) “Tourist commission” means the members of the governing body of a tourism commission.

§4600.4. Initiation of proceedings; petition

A. A tourist commission may initiate proceedings to form a tourism recovery and improvement district under the written petition of the owners or authorized representatives of the owners or authorized representatives of businesses in the district, signed by either of the following:

(1) The business owners in the proposed tourism recovery and improvement district.

(2) More than sixty-seven percent of the total assessed businesses by number.

In the case of a petition weighted by the amount of assessment proposed
As it appears in the enrolled bill

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

(a) As it appears in the enrolled bill

to be levied as described in Subparagraph (1)(a) of this Subsection, the amount of assessment attributable to a business owned by the same business owner
is calculated in three different ways. If the amount of assessments proposed to be levied, shall not exceed the value of fifty percent in determining whether the petition is signed by business owners who will pay more than sixty-seven percent of the total amount of assessments proposed to be levied.

B. The petition of business owners required in Subsection A of this Section shall include the following:

(1) A map showing the boundaries of the tourism recovery and improvement district.

(2) Information specifying where the complete management plan can be obtained.

(3) Information specifying that the complete management plan shall be furnished upon request.

(4) All signatures on petitions shall be accompanied by a self-affirmation in the manner provided in R.S. 33:4600.5.

§4600.5. Self-affirmation; penalties

A. The self-affirmation on a petition shall state the following: “I state, under penalty of law, that to my knowledge and belief the facts stated in the petition are true, that my signature and name are as shown on this petition, and that I have signed this petition or have been duly authorized to sign this petition by the entity identified hereunder.”

B. A self-affirmation on a petition shall not be valid after one year has elapsed between the date of the self-affirmation as shown on the petition and the date the petition is filed with the tourist commission under R.S. 33:4600.4.

C. Except as otherwise provided in this Section, a self-affirmation shall be presumed valid unless competent evidence to the contrary is presented to and accepted by the tourist commission manager or the tourist commissioner.

D. If a person eligible to sign a petition is no longer capable of signing his name, such person may affirm by making a mark on the self-affirmation, with or without assistance, witnessed by the signature of another person.

E. A self-affirmation on any petition filed under this Chapter. Any signature presented to the tourist commission shall serve as the equivalent of the business owner having been administered an oath or affirmation, acknowledging that the facts contained in the petition are true and correct to the best of his knowledge, subject to the penalties for perjury or false swearing.

F. It shall be unlawful for any person to, by use of force or any other means, unreasonably influence a person to sign a petition or to not sign a petition, falsely induce a person to sign a petition, or forge or alter a signature to a petition.

§4600.6. Contents of management plan

The management plan shall include all of the following:

1. A map that identifies the tourism recovery and improvement district boundaries in sufficient detail to allow a business owner to reasonably determine whether a business is located within the boundaries of the tourism recovery and improvement district.

2. The name of the proposed tourism recovery and improvement district.

3. A description of the boundaries of the tourism recovery and improvement district, including the boundaries of benefit zones, proposed for establishment or extension in a manner sufficient to identify the affected property.

4. The total annual amount proposed to be expended in each year of operation of the tourism recovery and improvement district.

5. The total annual amount proposed to be expended for improvements, maintenance, and activities proposed for subsequent years shall satisfy the requirements of this Paragraph.

6. A description of the first year’s proposed improvements, maintenance, and activities and a statement that the same improvements, maintenance, and activities are proposed for subsequent years.

7. The time and manner of collecting the assessments.

8. The time and manner of collecting the assessments.

9. Information specifying where the complete management plan can be obtained.

10. The proposed source or sources of financing, including the proposed method and basis of levying the assessment.

11. A statement as to whether bonds will be issued to finance improvements.

12. The time and manner of collecting the assessments.

13. The specific number of years in which assessments shall be levied.

14. A description of the first year’s proposed improvements, maintenance, and activities.

15. That summary shall include all of the following:

a. A statement that the tourist commission shall provide the improvements, maintenance, and activities described in the management plan.

b. Any other item or matter required to be incorporated therein by the tourist commission.

§4600.7. Notice; public hearing; majority protest

A. If a tourist commission proposes to levy a new or increased business assessment pursuant to this Chapter, notice shall be mailed to the owners of the businesses proposed to be assessed. A protest may be made orally or in writing by any interested person. Every written protest shall be filed with the tourist commission at or before the time fixed for the public hearing.

B. The tourist commission may waive any irregularity in the form or content of any written protest. A written protest may be withdrawn in writing at any time before the conclusion of the public hearing. Each written protest shall contain a description of the business in which the person subscribing the protest is interested sufficient to identify the business and, if a person subscribing is not shown on the official records of the city as the owner of the business, the protest shall contain or be accompanied by written evidence that the person subscribing is the owner of the business or the authorized representative of the business owner.

§4600.8. Levy of assessments

A. An assessment proposed to be levied pursuant to this Chapter shall be authorized by a resolution of the tourist commission that describes in general terms the assessment to be levied and includes a statement that the assessment is to be levied pursuant to this Chapter. The assessment shall be approved in a public hearing procedure as provided in this Chapter.

B. Notwithstanding any other provision of law to the contrary, an assessed business shall place the assessment as a mandatory surcharge on the consumer’s bill. No surcharge shall be charged against any business in the same manner as are other surcharges, hotel and occupancy taxes, and sales and use taxes as required by applicable laws and regulations.

C. Receipts from any such surcharge for business assessments levied pursuant to this Chapter are not part of gross receipts or gross revenue for any purpose, including the calculation of sales revenue or occupancy taxes or state income taxes and are not part of income pursuant to any lease or other agreement entered by the business owner with any other person designated for the purpose of receiving it, or other matters incident to the business assessment shall be as provided by resolution.

§4600.9. Modification of plan by resolution after public hearing; adoption of resolution

A. The tourist commission may, at any time, modify the management plan.

B. Any modification of the management plan shall be made in accordance with the provisions of this Section.

C. The tourist commission may modify the management plan after conducting a public hearing followed by a resolution as provided in this Chapter regarding the proposed modifications. The tourist commission may modify the improvements and activities to be funded with the revenue derived from the levy of the assessments by adopting a resolution determining to make the modifications after holding a public hearing on the proposed modifications.
§4600.10. Renewal of tourism recovery and improvement district; term limit

A. Any tourism recovery and improvement district may be renewed by following the procedures for dissolution of such district as provided in this Section.

B. (1) If there are no changes to activities, assessment rates, assessment method, or boundaries, the tourism recovery and improvement district may be renewed by conducting a public hearing as provided in this Chapter to determine whether the tourism recovery and improvement district shall be renewed.

(2) If there are changes to activities, assessment rates, assessment method, or boundaries, the tourism recovery and improvement district may be renewed by following the procedures as provided for in this Chapter in addition to the public hearing procedure as provided in this Chapter.

C. Upon renewal, any remaining revenues derived from the levy of assessments, or any revenues derived from the sale of assets acquired with the revenues, shall be transferred to the renewed tourism recovery and improvement district. If the renewed tourism recovery and improvement district includes additional businesses not included in the prior tourism recovery and improvement district, the remaining revenues shall be spent to benefit only the businesses in the prior tourism recovery and improvement district. If the renewed tourism recovery and improvement district does not include businesses included in the prior tourism recovery and improvement district, the remaining revenues attributable to these businesses shall be refunded to the owners of these businesses.

D. Upon renewal, a tourism recovery and improvement district shall have a term that shall not exceed ten years; provided that, if the tourism recovery and improvement district is authorized to issue bonds, until the maximum maturity of those bonds. There is no requirement that the boundaries, assessments, improvements, or activities of a renewed district be the same as the original or prior tourism recovery and improvement district.

§4600.11. Dissolution of a tourism recovery and improvement district; procedure

A. Any tourism recovery and improvement district that has no outstanding indebtedness may be dissolved by resolution of the tourist commissioners by either of the following methods:

(1) During the operation of the tourism recovery and improvement district, there shall be a thirty-day period each year in which assesses may request the dissolution of the tourism recovery and improvement district. The first such thirty-day period shall begin one year after the date of establishment of the district, and shall continue for thirty days. The next such thirty-day period shall begin two years after the date of the establishment of the tourism recovery and improvement district. Each successive year of operation of the tourism recovery and improvement district shall have such a thirty-day period.

(2) The tourist commission shall initiate proceedings to dissolve a tourism recovery and improvement district upon the written petition of the owners or authorized representatives of the owners or authorized representatives of businesses in the district, signed by either:

(a) The business owners in the proposed tourism recovery and improvement district who will pay more than sixty-seven percent of the assessments proposed to be levied.

(b) More than sixty-seven percent of the total assessed businesses by number.

B. In the case of a petition weighted by the amount of assessment proposed to be levied as described in Subparagraph(A)(2)(a) of this Section, the amount of assessment attributable to a business owned by the same business owner that will pay more than fifty percent of the amount of all assessments proposed to be levied shall not exceed the value of fifty percent in determining whether the petition is signed by business owners who will pay more than sixty-seven percent of the total amount of assessments proposed to be levied.

C. The tourist commission shall adopt a resolution of intention to dissolve the tourism recovery and improvement district prior to the public hearing provided for in this Chapter. The resolution shall state the reason for the dissolution and the time and place of the public hearing. The resolution shall also contain a proposal to dispose of any assets acquired with the revenues from the operation of the tourism recovery and improvement district. The notice of the public hearing on dissolution required by this Section shall be given by mail to the owner of each business subject to assessment in the tourism recovery and improvement district. The tourist commission shall conduct a public hearing on dissolution not less than thirty days after mailing the notice to the business owners. The public hearing shall be held not more than sixty days after the adoption of the resolution of intention.

§2024.12. Exceptions to Applicability

The provisions of this Chapter shall not be applicable to the parishes of Jefferson and Orleans.

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

Section 3. 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 15, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 320

BY REPRESENTATIVES DAVIS, BACALA, WILFORD CARTER, COX, GLOVER, HODGES, HORTON, JEFFERSON, JENNINGS, LANDRY, LARVADAIN, AND WHITE

To enact R.S. 36:259(B)(38) and Part I-A of Chapter 11 of Title 40 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 40:2024.1 through 2024.7, and R.S. 44:4(3), relative to domestic abuse fatalities; to create the Louisiana Domestic Abuse Fatality Review Panel; to place the review panel within the executive branch of government; to provide definitions; to provide for the membership of the review panel; to authorize functions and duties of the review panel; to create local and regional panels to work within the review panel; to authorize the sharing of information, documents, and records between the review panel or any agency or entity; to provide confidentiality for the use of certain information obtained by the review panel; to provide limitations relative to the use of certain information obtained by the review panel; to provide for the issuance of an annual report; to provide for a public records exception; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

1. R.S. 36:259(B)(38) is hereby enacted to read as follows:

§259. Transfer of agencies and functions to Louisiana Department of Health

B. The following agencies, as defined in R.S. 36:363, are placed within the Louisiana Department of Health and shall perform and exercise their powers, duties, functions, and responsibilities as otherwise provided by law:

(1) "Dating partner" means any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionation or similarity or sharing of activities, financial considerations, and responsibilities of whether the offender lives or formerly lived in the same residence with the victim. A "dating partner" shall not include a casual relationship or ordinary association between persons in a business or social context.

(2) "Domestic abuse" includes but is not limited to physical or sexual abuse and any offense against the person, physical or non-physical, as defined in the Louisiana Criminal Code, including negligence and defamation, committed by one family member, child, or any other person who is not a person who is not a family member, household member, or dating partner against another person.

(3) "Domestic abuse fatality" means any death of a person resulting from an intentional killing by another person who is not a family member, household member, dating partner, or the perpetrator of the perpetrator's, or the suicide of a person where there are implications or facts about the death that a person is the victim of domestic abuse prior to his suicide. For the purposes of this Section, "domestic abuse fatality" shall be interpreted broadly to give the Domestic Abuse Fatality Review Panel discretion to review fatalities that have occurred both directly or peripherally to domestic relationships.

(4) "Domestic abuse fatality" means any death of a person resulting from an intentional killing by another person who is not a family member, household member, dating partner, or the perpetrator of the perpetrator's, or the suicide of a person where there are implications or facts about the death that a person is the victim of domestic abuse prior to his suicide. For the purposes of this Section, "domestic abuse fatality" shall be interpreted broadly to give the Domestic Abuse Fatality Review Panel discretion to review fatalities that have occurred both directly or peripherally to domestic relationships.

Be it enacted by the Legislature of Louisiana:

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(2) "Domestic abuse" includes but is not limited to physical or sexual abuse and any offense against the person, physical or non-physical, as defined in the Louisiana Criminal Code, including negligence and defamation, committed by one family member, child, or any other person who is not a person who is not a family member, household member, dating partner against another person.

(3) "Domestic abuse fatality" means any death of a person resulting from an intentional killing by another person who is not a family member, household member, dating partner, or the perpetrator of the perpetrator's, or the suicide of a person where there are implications or facts about the death that a person is the victim of domestic abuse prior to his suicide. For the purposes of this Section, "domestic abuse fatality" shall be interpreted broadly to give the Domestic Abuse Fatality Review Panel discretion to review fatalities that have occurred both directly or peripherally to domestic relationships.

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Be it enacted by the Legislature of Louisiana:

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(1) "Dating partner" means any person who is involved or has been involved in a sexual or intimate relationship with the offender characterized by the expectation of affectionation or similarity or sharing of activities, financial considerations, and responsibilities of whether the offender lives or formerly lived in the same residence with the victim. A "dating partner" shall not include a casual relationship or ordinary association between persons in a business or social context.

(2) "Domestic abuse" includes but is not limited to physical or sexual abuse and any offense against the person, physical or non-physical, as defined in the Louisiana Criminal Code, including negligence and defamation, committed by one family member, child, or any other person who is not a person who is not a family member, household member, dating partner against another person.

(3) "Domestic abuse fatality" means any death of a person resulting from an intentional killing by another person who is not a family member, household member, dating partner, or the perpetrator of the perpetrator's, or the suicide of a person where there are implications or facts about the death that a person is the victim of domestic abuse prior to his suicide. For the purposes of this Section, "domestic abuse fatality" shall be interpreted broadly to give the Domestic Abuse Fatality Review Panel discretion to review fatalities that have occurred both directly or peripherally to domestic relationships.

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regarding a deceased person from relevant agencies, professionals, healthcare providers, or other sources.

§2024.4. Functions; duties of the review panel

A. The legislature hereby establishes within the Louisiana Department of Health a review panel which shall be designated as the "Louisiana Domestic Abuse Fatality Review Panel", hereinafter referred to in this Part as "review panel" or "panel". The membership of the review panel shall include the following members:

1. The state health officer or his designee.
2. The secretary of the Louisiana Department of Health or his designee.
3. The secretary of the Department of Children and Family Services or his designee.
4. The assistant secretary of the office of behavioral health of the Louisiana Department of Health or his designee.
5. The director of the bureau of emergency medical services of the Louisiana Department of Health or his designee.
6. The director of the governor's office on women's policy or his designee.
7. The superintendent of state police or his designee.
8. The state registrar of vital records in the office of public health or his designee.
9. The attorney general or his designee.
10. A district attorney or assistant district attorney appointed by the Louisiana District Attorneys Association.
11. A sheriff appointed by the Louisiana Sheriffs Association.
12. A police chief appointed by the Louisiana Association of Chiefs of Police.
13. A coroner appointed by the president of the Louisiana Coroners Association.
14. The executive director of the Louisiana Coalition Against Domestic Violence or his designee.
15. The executive director of a community-based domestic violence service organization or his designee.
16. The president of the Louisiana Clerks of Court Association or his designee.
17. A forensic pathologist certified by the American Board of Pathology and licensed to practice medicine in the state appointed by the Louisiana State Board of Medical Examiners.
18. A representative of the Louisiana Protective Order Registry appointed by the judicial administrator of the Louisiana Supreme Court.
19. A representative of the legal services program funded by the Legal Services Corporation that regularly provides civil legal representation to survivors of domestic violence.
20. A director or his designee of a local supervised visitation or safe exchange center who is professionally trained to identify the unique safety needs of domestic violence victims.

B. Any additional persons may be appointed to the review panel who are determined to have relevant knowledge regarding domestic abuse and would aid the review panel in fulfilling its duties.

C. The members of the review panel shall elect a chairman to serve the review panel.

D. Notwithstanding the provisions set forth in Subsection A of this Section, each member shall be entitled to appoint a single person to serve as proxy for the duration of his term if the member is unable to attend a meeting of the review panel. The term of the designated proxy shall be the same as the voting member. A member appointing a person to serve as his designated proxy shall make his appointment known to the chairman of the review panel.

§2024.5. Records; confidentiality; prohibited disclosure and discovery

E. Any person, agency, or entity furnishing information, documents, and reports in accordance with this Section shall not be liable for the disclosure of personal information that victim's family members, or an alleged or suspected perpetrator of abuse that person, or any local or regional panel or agent of a local or regional panel, may not request from a person, agency, or entity any relevant information from any report that is available to the public. Nothing in this Section shall prohibit the publication by the review panel, or any local or regional panel or agent of a local or regional panel, of statistical compilations relating to domestic abuse fatalities that do not identify a person's case or person's healthcare provider, law enforcement agency, or organization who provides services to victims.

F. Any person, agency, or entity that has the information and is governed by this Section shall not be immune from subpoena, discovery, or prohibited from being introduced into evidence solely because they were presented to or reviewed by the review panel, or any local or regional panel or agent of a local or regional panel, if the information and records presented were obtained from other sources.

§2024.6. Reporting to the legislature: requirements

The review panel shall issue an annual report of its findings and recommendations to the governor, the speaker of the House of Representatives, and the president of the Senate. The report shall not contain information

* As it appears in the enrolled bill
identifying any victim of domestic abuse or that victim’s family members, an alleged or suspected perpetrator of abuse upon a victim, or the involvement of any agency with a victim or the victim’s family members. The review panel shall issue its initial report on or before January 30, 2023, and every year thereafter. The report may include any recommendations for legislation that the review panel considers necessary and appropriate.

§259.  Transfer of agencies and functions to Louisiana Department of Health

Section 2.  Part XI of Chapter 5-B of Title 40 of the Louisiana Revised Statutes of 1950, comprised of R.S. 40:1122.1, is hereby enacted to read as follows:

PART XI.  RARE DISEASES

§1122.1.  Louisiana Rare Disease Advisory Council

A.  For the purpose of this Part, the following terms have the meanings ascribed to them:

(1)  “Advisory council” shall serve only in a resource capacity to any public and private agency to consult with a person on any matter or be required to exercise the powers and responsibilities as provided in this Part.

(2)  “Department” means the Louisiana Department of Health.

(3)  “Rare disease” means any disease or condition that affects fewer than two hundred thousand persons in the United States. Rare disease shall also mean a genetic disease or condition that affects the function of the enzyme or gene editing therapeutics.

B.  The following agencies, as defined in R.S. 36:3, are placed within the Louisiana Department of Health and shall perform and exercise their powers, duties, functions, and responsibilities as otherwise provided by law:

(1)  The Louisiana Rare Disease Advisory Council is hereby created to provide input and feedback to the department and any other state agency or any state agency to consult with a person on any matter or be required to exercise the powers and responsibilities as provided in this Part.

G.  Nothing in this Section shall require the advisory council, the board, or any state agency to consult with a person on any matter or be required to meet with any specific expert or stakeholder.

H.  An advisory council member shall not receive any compensation for serving on the advisory council.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 321

HOUSE BILL NO. 492

BY REPRESENTATIVES HUGHES, ADAMS, BACALA, BAGLEY, BEAULIEU, BISHOP, BOURRIEUX, BRASS, BROWN, BRYANT, CAMPEAU, CARPENTER, CARRE, COUSSIAN, COX, DESHOTEL, DEVILLIER, DULESSIS, EDMONDS, EDMONSTON, EMERSON, FONTENOT, FREEMAN, FREIBERG, GLOVER, GREEN, HARRIS, HILFERTY, HOLLIS, HORTON, ILLG, IVEY, JAMES, JEFFERSON, JENKINS, MIKE JOHNSON, TRAVIS JOHNSON, JONES, JORDAN, KERNER, LACOMBE, LANDRY, LARVAID, PERRY, POLLARD, PRENTKIRCHER, PRIDE, PROCTOR, PROULX, QUERAL, QUINCY, RICHARDSON, ROBBINS, ROBINSON, ROPPE, THOMPSON, TURNER, WHEAT, WINDHAM, WILLARD, AND ZERINGUE AND SENATORS BARTON, BARTRELL, BAYHORNE, BEAULIEU, CHABOT, HALL, JAYMUS, JEFFERSON, LACOMBE, LARVAID, BROWN, BACALA, BEAULIEU, BISHOP, BOURRIEUX, BRASS, BROWN, BRYANT, CAMPEAU, CARPENTER, CARRE, COUSSIAN, COX, DESHOTEL, DEVILLIER, DULESSIS, EDMONDS, EDMONSTON, EMERSON, Fontenot, Freeman, Freiberger, Glover, Green, Harris, Hilferty, Hollis, Horton, Illg, Ivey, James, Jefferson, Jenkins, Mike Johnson, Travis Johnson, Jones, Jordan, Kerner, Lacombe, Landry, Larvadain, Perry, Pollard, Prentkercher, Pride, Proctor, Proulx, Quincy, Richardon, Robbins, Robinson, Roppe, Thompson, Turner, Wheat, Windham, Willard, and Zeringue

To amend and reenact R.S. 9:23800.9(A), relative to the prescriptive period for certain civil actions against a person for certain acts committed against a minor; to provide that an action against a person for sexual abuse of a minor or for physical abuse of a minor does not prescribe; to provide that an action against a person convicted of a violation of R.S. 40:1122.1 against a child does not prescribe; to provide for implementation; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 9:23800.9(A) is hereby amended and reenacted to read as follows:

§23800.9.  Action against a person for abuse of a minor

A.  An action against a person for sexual abuse of a minor, or for physical abuse of a minor resulting in permanent impairment or permanent physical...
Section 2. For a period of three years following the effective date of this Act, any party whose action under R.S. 9:2800.9 was barred by liberative prescription prior to the effective date of this Act shall be permitted to file an action under R.S. 9:2800.9 against a party whose alleged actions are the subject of R.S. 9:2800.9. It is the intent of the legislature to revive for a period of one year any claim against a party, authorized by R.S. 9:2800.9, that prescribed prior to the effective date of this Act.

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

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 323

HOUSE BILL NO. 505

BY REPRESENTATIVE ADAMS

To enact R.S. 47:463.210, 463.211, and 463.212, relative to motor vehicle special prestige license plates; to provide for the “West Feliciana Parish Schools” special prestige license plate; to establish the “En français S.V.P.” specialty license plate; to provide for the “United States Military Academy, West Point” special prestige license plate; to provide for the creation, issuance, design, implementation, fees, distribution, and rule promulgation applicable to such license plates; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 47:463.210, 463.211, and 463.212 are hereby enacted to read as follows:

A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the “West Feliciana Parish Schools” plate, provided there is a minimum of one thousand applicants for such plate. The plate shall be restricted to use on passenger cars, pickup trucks, motorcycles, recreational vehicles, and vans.
B. The secretary shall work in conjunction with the Superintendent of West Feliciana Parish Schools, or his designee, to select the color and design of the plate, provided it is in compliance with R.S. 47:463(A)(3). The design shall include the words “West Feliciana Parish Schools”.
C. The special prestige license plate shall be issued, upon application, to any citizen of Louisiana in the same manner as any other motor vehicle license plate.
D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section. The royalty fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.
E. The annual royalty fee shall be collected by the department and disbursed solely to fund programming at the Saint LUC French Immersion and Cultural Campus.
F. The secretary shall promulgate and adopt rules and regulations as are necessary to implement the provisions of this Section.

§463.211. Special prestige license plate: “United States Military Academy, West Point”.
A. The secretary of the Department of Public Safety and Corrections shall establish a special prestige motor vehicle license plate to be known as the “United States Military Academy, West Point” plate, provided there is a minimum of one thousand applicants for such plate. The plate shall be restricted to use on passenger cars, pickup trucks, recreational vehicles, motorcycles, and vans.
B. The secretary shall work in conjunction with the secretary of the Department of Veterans Affairs to select the color and design of the plate, provided the design is in compliance with R.S. 47:463(A)(3). The design shall include the phrase “United States Military Academy, West Point”.
C. The special prestige license plate shall be issued, upon application, to any graduate of the United States Military Academy, West Point who resides in Louisiana in the same manner as any other motor vehicle license plate.
D. The department shall collect an annual royalty fee of twenty-five dollars that shall be disbursed in accordance with Subsection E of this Section. The royalty fee shall be in addition to the standard motor vehicle license tax imposed by Article VII, Section 5 of the Constitution of Louisiana, and a handling fee of three dollars and fifty cents for each plate to be retained by the department to offset a portion of administrative costs.
E. The annual royalty fee shall be collected by the department and disbursed solely to fund programming at the United States Military Academy, West Point.

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

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

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 324

BY REPRESENTATIVE PRESSLY AND HILFERTY AND SENATOR JOHNS

AN ACT

To amend and reenact R.S. 37:3552(10), 3553(C), 3555(A)(4), 3556(A)(6), (B)(introductory paragraph) and (2), and (D), and 3561(A), to enact R.S. 15:876(A) (1(k) and R.S. 37:3553(A)(6) through (14), 3556(B)(3), 3563(E) through (G), and 3568, and to repeal R.S. 37:3562(A)(8) and (B), relative to massage therapists; to provide for massage therapy techniques; to provide for persons who are not licensed or certified as a massage therapist; to revise the powers and duties of the Louisiana Board of Massage Therapy; to provide for the performance of related matters; to provide for the department to offset a portion of administrative costs; to provide for fines and penalties to be imposed by the board; to provide for violations and grounds for discipline of massage therapists and massage establishments; to provide for human trafficking training; to provide for an effective date; and to provide for related matters.

Be enacted by the Legislature of Louisiana:

Section 1. R.S. 15:876(A)(1)(k) is hereby enacted to read as follows:

§567. Duty to provide information; processing fees; Louisiana Bureau of Criminal Identification and Information A.(1)

(k) The Louisiana Board of Massage Therapy shall submit fingerprint cards and other identifying information of persons seeking licensure pursuant to R.S. 37:3551 et seq. to the bureau. The bureau shall, upon request and after receipt of fingerprint cards and other identifying information from the Louisiana Board of Massage Therapy, make available to the Louisiana Board of Massage Therapy all conviction information from the Louisiana Board of Massage Therapy; to provide for inspections of massage establishments; to provide for inspection of those massage establishments that operate as a sexually oriented business; to provide for fines and penalties to be imposed by the board; to provide for violations and grounds for discipline of massage therapists and massage establishments; to provide for human trafficking training; to provide for an effective date; and to provide for related matters.

The Secretaries of the Department of Public Safety and Corrections; to the Federal Bureau of Investigation for a national criminal history record check;
(10) “Practice of massage therapy” means the manipulation of soft tissue for the purpose of maintaining good health and establishing and maintaining good physical condition. The practice of massage therapy shall include advertising or offering to engage in the practice of massage therapy and holding oneself out or designating oneself to the public as a massage therapist or massage establishment. The practice of massage therapy shall include effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction/active/passive range of motion), stretching activities as they pertain to massage therapy, Shiatsu, acupressure, reflexology, trigger point massage, and Swedish massage either by hand, forearm, elbow, foot, or with mechanical appliances for the purpose of body massage. Massage therapy may include the use of lubricants such as salts, powders, liquids, creams with the exception of prescriptive or medicinal creams, heat lamps, hot and cold stones, whirlpool, hot and cold packs, salt glow, body wraps, or steam cabinet baths and, with appropriate training, the use of non-prescriptive, off-the-shelf commercially available electromechanical devices for which they are trained which mimic or enhance the actions possible by the hands. It shall not include electrotherapy, ultrasound, laser therapy, microwave, colonic therapy, injection therapy, or manipulation of the joints; the use of electrical muscle stimulation, or transcutaneous electrical nerve stimulation except microcurrent. Equivalent terms for massage therapy are massage, therapeutic massage, massage technology, body work, or any derivation of those terms. As used in this Chapter, the terms “therapy” and “therapeutic” shall not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

§3553. Application of Chapter; exceptions and exemptions

C. Nothing in this Chapter shall be construed as preventing or restricting the practice of any person licensed or certified in this state under any other law from engaging in the profession or occupation for which he is licensed or certified. However, a person licensed or certified in this state under any other law shall not hold himself out to the public as a licensed massage therapist under the provisions of this Chapter.

§3555. Powers and duties of the board

A. The board shall:

(4) Adopt and revise rules and regulations pursuant to the Administrative Procedure Act for the purpose of administering the provisions of this Chapter. The board shall initiate promulgation of such rules and regulations within one hundred twenty days following any new changes to provisions of this Chapter.

(6) Prioritize inspections and incorporate risk factors for complaints made to the board regarding any unlicensed activity by massage therapists or massage establishments.

(7) Utilize all legally available news outlets as resources to identify unauthorized activity of a massage therapist or establishment.

(8) Evaluate the performance of inspection contractors who inspect massage establishments.

(9) Include in the inspection protocol a list of observations for inspectors to determine whether there is a strong possibility that an establishment is operating as a sexually oriented business and forward to law enforcement, if appropriate, the results of the inspection to the appropriate state agency or the local office of the Federal Bureau of Investigation.

(10) Develop a process to identify any unlicensed activity of a person who is not licensed by the board.

(11) Develop a process to review all complaints made to the board.

D. The board shall issue and deliver, by United States Postal Service or any other delivery service, a license to any person who has satisfied all requirements of this Chapter, including completion of continuing education as required by the board.

E. The board shall impose any sanctions, including revocation of a license pending a disciplinary hearing for any review of a massage therapist that reveals any violations of this Section.

§3560. Grounds for discipline

(1) A. The board shall impose a sanction against any person who fails to comply with the requirements of practice and licensure or registration that substantially equivalent licensing requirements pursuant to the provisions of this Section.

(2) Persons who hold a valid, current, and unexpired license or registration to engage in the practice of massage therapy in another state, territory, commonwealth, or the District of Columbia that has and maintains standards and requirements of practice and licensure or registration that substantially equivalent licensing requirements pursuant to the provisions of this Section.

§3561. License renewal requirements

A. Each license shall be renewed annually, upon or before its expiration date.

B. The board shall instituting a renewal application form, payment of the renewal fee in accordance with R.S. 37:3562, and providing evidence that the license has been completed continuing education requirements, as established by the board.

(10) Beginning with the renewal cycle of April 1, 2022, and in the cycle only, each renewing applicant shall submit to a state and federal background check as described in R.S. 37:3555(A)(14). In order to renew, an applicant must not have pled guilty to or been convicted of any sex-related crime, crime of violence, or crime related to the practice of massage therapy.

§3563. Grounds for discipline

E. The board shall perform an inspection of any massage establishment that has been disciplined in accordance with this Section within one calendar year of the imposition of license or registration discipline.

F. The board shall perform a review of any massage therapist that has been disciplined in accordance with this Section within one calendar year of the imposition of license or registration discipline.
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 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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**ACT No. 325**

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**HOUSE BILL NO. 545**

BY REPRESENTATIVE HUGHES

To amend and reenact R.S. 48:196(C) and 224.1(A) and to enact R.S. 48:752(3), relative to the Department of Transportation and Development and the State Highway Improvement Fund; to provide for the expenditure of money in road transfer agreements; to provide for funds to be credited to the Parish Transportation Fund; to provide an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 48:196(C) and 224.1(A) are hereby amended and reenacted and R.S. 48:752(3) is hereby enacted to read as follows:

§196. State Highway Improvement Fund

C. Monies appropriated from the fund shall be used exclusively by the Department of Transportation and Development for funding projects for any road which is part of the state highway system but not part of the federal system and, thus, is ineligible for federal highway funding assistance. Such projects shall include but not be limited to design, preventive maintenance, rehabilitation, restoration, and improvement of the state-maintained system of roads. In addition, these funds may be used to complete all of the preconstruction activities such as planning, survey, design, engineering, right-of-way acquisition, and utility relocations associated with such projects. These funds may also be used to compensate a parish or municipal governing authority for the acceptance of ownership of any road on the state highway system that is not part of the federal system pursuant to R.S. 48:224.1.

§224.1. Transfer and exchange of state and local roads

A. Upon receipt of a proper resolution submitted by a parish or municipal governing authority for the acceptance of ownership of any road on the state highway system and to assume the maintenance thereof and with the approval by a majority of the legislative delegation from such parish or municipality, the secretary may at his discretion accept the resolution and remove the road from the state highway system and it shall thereafter form a part of the parish or municipal road system. As a condition of such transfer, the department may provide a thing of value, including but not limited to credits towards future construction projects, payment of funds, or satisfaction of debt owed to the department. Such thing of value shall be equal to the amount of the present value of the forty-year projected future maintenance cost of the road to be transferred and may be funded by the department as a capital project. Any funds transferred to a parish or municipality as provided in this Subsection may be expended on any activity allowed under R.S. 48:752.

Any such condition of transfer shall be reduced to writing by the parties. The department may execute such agreements with any parish or municipality.

§752. Composition of the fund

The state treasurer shall credit to the Parish Transportation Fund, herein created by R.S. 48:751 et seq., the following:

(3). Compensation made available by the Department of Transportation and Development directly to a parish or municipal governing authority for acceptance of ownership of any road on the state highway system. This compensation shall be in excess of any funding distributed pursuant to R.S. 48:752.

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 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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**ACT No. 326**

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**HOUSE BILL NO. 572**

BY REPRESENTATIVES WHITE, BISHOP, BOURIAQUE, COUSSAN, DEVILLIER, EMERSON, FREEMAN, HARRIS, JONES, LARVAIDAIN, MACK, SCHENX, AYDER, AND THOMPSON AND SENATORS BOUIE, FESI, HENSGENS, HEWITT, AND WHITE

**AN ACT**

To amend and reenact R.S. 30:23(A), (B)(introductory paragraph), (1), (2), and (4), (C), and (D)(1), 1103(3) through (12), and 1110(C)(5) and (6) and to enact R.S. 30:1103(13), 1104(F), and 1110(F)(7), relative to the underground storage of hydrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law.

A. The underground storage of liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law.

1. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 30:23(A), (B)(introductory paragraph), (1), (2), and (4), (C), and (D)(1), 1103(3) through (12), and 1110(C)(5) and (6) are hereby amended and reenacted and R.S. 30:1103(13), 1104(F), and 1110(F)(7) are hereby enacted to read as follows:

§23. Underground storage of liquid or gaseous hydrocarbons or both or both, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law

A. The underground storage of liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law will permit the accumulation of large quantities of such liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law for orderly withdrawal in times of greater demand, it being deemed in the public interest to have a supply of such hydrocarbons substances readily available for consumption. The underground storage of carbon dioxide which provides for the more uniform withdrawal from various gas or oil fields is in the public interest and for a public purpose.

B. Except as to liquid or gas hydrocarbon storage or carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gas storage projects otherwise prohibited by law, the provisions of this Section shall apply to the use of any salt dome cavity for the storage of liquid or gaseous hydrocarbons or carbon dioxide, the assistant secretary, after public hearing pursuant to the provisions of R.S. 30:6, shall have found all of the following:

1. That the area of the salt dome sought to be used for the injection, storage, and withdrawal of liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law is suitable and feasible for such use.

2. That the salt dome cavity for the storage of liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law will not contaminate other formations containing fresh water, oil, gas, or other commercial mineral deposits, except salt.

3. That the temporary loss of jobs caused by the storage of liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law will be compensated, finding of new employment, or other provisions made for displaced labor.

4. That temporary loss of jobs caused by the storage of liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law will be provided.

C. After having made the findings required in Subsection B of this Section, the commissioner shall transmit a copy of the application, together with his findings, to the natural resources committees of the Senate and House of Representatives. These committees, meeting jointly, shall consider the facts surrounding the application and the findings of the commissioner and may hold public hearings thereon. Based upon their deliberations, the committees, and the commissioner, may submit a report and recommendations to the governor within fifteen days after receipt of the application. After consideration of any recommendations so made, the commissioner may issue all necessary orders providing that liquid or gaseous hydrocarbons, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law be stored therein, including the right to produce, take, reduce to possession, waste, or otherwise interfere with or exercise any control thereover. The commissioner shall issue necessary orders, rules, and regulations. The provisions of any salt dome cavity used for storage of liquid or gaseous hydrocarbons or carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law, or any adjacent strata or formation; and such rules and regulations as may be necessary for the protection of the environment, drilling into any salt dome for the creation of cavities, and equipping of same for the injection, storage, and withdrawal of liquid or gaseous hydrocarbons, or carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law. Subject to the
D. In furtherance of the development of comprehensive energy policy for the state, the secretary of the Department of Natural Resources shall determine the feasibility of initiating projects, by the state or by contract on behalf of the state, for the storage of emergency supplies of state-owned oil and gas, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gases not otherwise prohibited by law. Such determination shall include consideration of the techniques, costs, quantities of oil and gas, carbon dioxide, hydrogen, nitrogen, ammonia, compressed air, or noble gas not otherwise prohibited by law available for such purpose and priorities for allocation in time of emergency.

§1103. Definitions

Unless the context otherwise requires, the words defined in this Section have the following meaning when found in this Chapter:

(3) “Confidential business information” means any information accepted or determined by the United States Environmental Protection Agency to be subject to confidential treatment.

(4)(a) “Gas” has the same meaning as provided in R.S. 30:3.

(b) “Geologic storage” means the long- or short-term underground storage of carbon dioxide in a reservoir.

(5)(a) “Interested person” means any person who presently owns an interest within the area of, or proximate to, the tracts directly affected by the storage facility.

(b) “Office” means the office of conservation, Department of Natural Resources.

(6) “Oil” has the same meaning as provided in R.S. 30:3.

(7) “Person” means any natural person, corporation, association, partnership, limited liability company, or other entity, receiver, tutor, curator, executor, administrator, fiduciary, or representative of any kind.

(8) “Reservoir” means that portion of any underground geologic stratum, formation, aquifer, or cavity or void, whether natural or artificially created, including oil and gas reservoirs and coal and coalbed methane seams, suitable for or capable of being made suitable for the injection and storage of carbon dioxide therein.

(9) “Storage facility” means the underground reservoir, carbon dioxide injection wells, monitoring wells, underground equipment, and surface buildings and equipment utilized in the storage operation. The underground reservoir component of the storage facility includes any necessary and reasonable aerial buffer and subsurface monitoring zones designated by the commissioner for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide and shall be chosen to protect against pollution, and escape or migration of carbon dioxide.

(10) “Storage operator” means the person authorized by the commissioner to operate a storage facility. A storage operator can, but need not be, the owner of carbon dioxide injection wells, monitoring wells, underground equipment, and surface buildings and equipment utilized in the storage operation. The underground reservoir component of the storage facility includes any necessary and reasonable aerial buffer and subsurface monitoring zones designated by the commissioner for the purpose of ensuring the safe and efficient operation of the storage facility for the storage of carbon dioxide and shall be chosen to protect against pollution, and escape or migration of carbon dioxide.

(11) “Waste” in addition to its ordinary meaning, means “physical waste” as that term is generally understood in the storage industry.

§1104. Duties and powers of the commissioner; rules and regulations; permits

F. The commissioner of conservation, in order to facilitate orderly application reviews in conjunction with the United States Environmental Protection Agency (EPA) and in anticipation of being granted primary enforcement authority from the EPA, shall adopt and apply the “Reasons of Preemption” in accordance with the procedures set forth in 22CFR150. This decision shall apply to the provisions of this Subsection.

E. The fund shall be used solely for the following purposes:

F. The commissioner is authorized to enter into agreements and contracts and to expend money in the fund for the following purposes:

(7) To contract for professional services to assist with permit or application reviews.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 327

BY REPRESENTATIVE TRAVIS JOHNSON AND SENATORS BARROW, FIELDS, AND JACKSON

ACT No. 328

BY REPRESENTATIVE ROBERT OWEN

To amend and reenact R.S. 2:2(A)(2) and to enact R.S. 2:21, relative to unmanned aerial and aircraft systems; to provide for the regulation of all unmanned aircraft systems and all unmanned aerial systems; to create the Louisiana Drone Advisory Committee; and to provide for related matters.

ACT No. 332

BY REPRESENTATIVE ROBERT OWEN

To amend and reenact R.S. 2:2(A)(2) and to enact R.S. 2:21, relative to unmanned aerial and aircraft systems; to provide for the regulation of all unmanned aircraft systems and all unmanned aerial systems; to create the Louisiana Drone Advisory Committee; and to provide for related matters.

§2. Regulation of unmanned aerial systems and unmanned aircraft systems; preemption

A. Subject to the provisions of Subsection C of this Section and except as otherwise provided by law:

(2) State law shall supersede and preempt any rule, regulation, code, or ordinance of any political subdivision or other unit of local government. Nothing in this Section shall preempt the exclusive sovereignty of airspace of the United States as set forth in 49 U.S.C. 40103. Any interpretation or application of any provision of this Section that conflicts with the exclusive authority of the United States government to regulate unmanned aircraft systems and all unmanned aerial systems shall be null.

§21. Louisiana Drone Advisory Committee

A. There is hereby created within the Louisiana Department of...
Transportation and Development the Louisiana Drone Advisory Committee.

B.(1) The secretary of the Department of Transportation and Development shall appoint the Louisiana Drone Advisory Committee, and it shall be comprised of fifteen members. The members shall be selected by the following individuals as a means of representing a diverse set of stakeholders involved in the deployment and advancement of drone technologies in the state. The committee shall provide recommendations to the secretary of the Department of Transportation and Development as well as both the House Committee on Transportation, Highways, and Public Works and the Senate Committee on Transportation, Highways, and Public Works on policy and regulatory issues related to the adoption of drone technologies.

The members shall be appointed by the following groups or individuals:

(a) One member selected by the governor.
(b) One member selected by the chairman of the Senate Committee on Transportation, Highways and Public Works.
(c) One member selected by the chairman of the House Committee on Transportation, Highways and Public Works.
(d) One member selected by the secretary of the Department of Transportation and Development.
(e) One member from the Louisiana Farm Bureau Federation appointed by the president of the Louisiana Farm Bureau Federation.
(f) One member from the DRONERESPONDERS Public Safety Alliance appointed by the director of the DRONERESPONDERS Public Safety Alliance.
(g) One member from Louisiana Society of Professional Surveyors appointed by the president of the Louisiana Society of Professional Surveyors.
(h) One member from Louisiana Mid-Continent Oil and Gas Association appointed by the board of directors of the Louisiana Mid-Continent Oil and Gas Association.
(i) One member selected by the president of the Louisiana Senate.
(j) One member selected by the speaker of the Louisiana House of Representatives.
(k) One member from the Pelican Chapter of the Association of Unmanned Vehicle Systems International appointed by the chairman of the Pelican Chapter of the Association of Unmanned Vehicle Systems International.
(l) One member from the Fletcher Technical Community College appointed by the chancellor of the Fletcher Technical Community College.
(m) One member from Nicholls State University appointed by the president of Nicholls State University.
(n) One member from the Louisiana Airport Managers and Associates appointed by the board of the Louisiana Airport Managers and Associates.
(o) One member from the Houma-terrebonne Airport Commission appointed by the commission.

C. The Louisiana Drone Advisory Committee shall meet at least four times a year starting in August of 2021. Appointments to the committee shall be made no later than July 31, 2021. The term of the appointments shall cease at the end of the 2022 Regular Session of the Louisiana Legislature, at which time new appointments shall be made and end after the next two regular sessions. If a member resigns from the committee, the member shall be replaced by the individual responsible for their nomination.

D. The members of the Louisiana Drone Advisory Committee shall serve without compensation. The department shall provide staff support and resources to the committee solely for the preparation of committee agendas and minutes.

E.(1) At least thirty days prior to the start of each legislative session, the commission shall issue a report about the state of the unmanned aircraft system and unmanned aerial system industry in Louisiana that includes all of the following:

(a) Any legal barriers operators face.
(b) Any companies in Louisiana operating unmanned aerial vehicles.
(c) Any companies using unmanned aerial systems and unmanned aerial systems for commercial purposes.
(d) The economic value of the industry in the state.
(e) The ranking of Louisiana in comparison to other states in terms of the development of the unmanned aerial industry.
(f) The actions taken by the Federal Aviation Administration over the previous year relative to unmanned aircraft systems and unmanned aerial systems.

(2) The committee shall examine the potential impact of drone highways for the first report.

F. The Louisiana Drone Advisory Committee shall by majority vote of a quorum of members present at a meeting appoint one member of the committee to serve as a liaison with the Federal Aviation Administration to address any issues with federal, state, and local laws governing unmanned aircraft systems and unmanned aerial systems.

Approved by the Governor, June 14, 2021.

R. Kyle Ardoin
Secretary of State

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ACT No. 329

BY REPRESENTATIVE DUPLESISS AND SENATORS BARROW, BOURDAX, AND HENSGENS

AN ACT

To amend and reenact R.S. 28:66, 67(introductory paragraph) and (1) through (4), 68, 69A, 69B, 70(A), 71, 72(A), 73, and 75 and to enact R.S. 28:69(G) and (H) and 77, relative to behavioral health; to provide for persons who may petition to authorize involuntary outpatient treatment; to provide criteria and procedures for civil involuntary outpatient treatment; to provide for voluntary outpatient treatment; to provide for involuntary outpatient treatment; to provide for related matters. Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 28:66, 67(introductory paragraph) and (1) through (4), 68, 69A, 69B, 70(A), 71, 72(A), 73, and 75 are hereby amended and reenacted and R.S. 28:69(G) and (H) and 77 are hereby enacted to read as follows:

§66. Criteria for civil involuntary outpatient treatment A. The patient respondent may be ordered to obtain civil involuntary outpatient treatment if the court finds that all of the following conditions apply:

(1) The patient respondent is eighteen years of age or older.
(2) The patient respondent is suffering from a mental illness.
(3) The patient respondent is likely to refuse to accept the recommended treatment.
(4) The patient respondent has a history of lack of compliance with treatment for mental illness that has resulted in either of the following:
   (a) At least twice within the last thirty-six months, the lack of compliance with treatment for mental illness has been a significant factor resulting in an emergency certificate for hospitalization, or receipt of services in a forensic or other mental health unit of a correctional facility or a local correctional facility, not including any period during which the person was hospitalized or incarcerated in a state hospital or pursuant to the provisions of R.S. 14:105.
   (b) More acts of serious violent behavior toward self or others or threats of, or attempts of, serious physical harm to self or others within the last thirty-six months as a result of mental illness, not including any period during which the person was hospitalized or incarcerated in a state hospital.
(5) The patient respondent is, as a result of his mental illness, unlikely to survive safely in the community without supervision, based on a clinical determination.
(6) The patient respondent has a history of lack of compliance with treatment for mental illness, that has resulted in either of the following:
   (a) At least twice within the last thirty-six months, the lack of compliance with treatment for mental illness has been a significant factor resulting in an emergency certificate for hospitalization, or receipt of services in a forensic or other mental health unit of a correctional facility or a local correctional facility, not including any period during which the person was hospitalized or incarcerated in a state hospital or pursuant to the provisions of R.S. 14:105.
   (b) More acts of serious violent behavior toward self or others or threats of, or attempts of, serious physical harm to self or others within the last thirty-six months as a result of mental illness, not including any period during which the person was hospitalized or incarcerated in a state hospital.
(7) It is likely that the patient respondent will benefit from involuntary outpatient treatment.

B.(1) If the patient respondent has executed an advance directive as defined in R.S. 28:2221, any directions included in the directive shall be taken into account by the court in determining the written treatment plan.

B.(2) Nothing herein in this Section shall preclude a person with an advance directive from being subject to a petition pursuant to this Part.

§67. Petition to the court A petition for an order authorizing involuntary outpatient treatment may be filed in the judicial district in the parish in which the patient respondent is present or reasonably believed to be present. A petition to obtain an order authorizing involuntary outpatient treatment may be initiated by one of the following persons:

(1) The director, administrator, or treating physician of a hospital in which the patient respondent is hospitalized.
(2) The director, administrator, or treating physician of an emergency receiving center in which the patient respondent is found gravely disabled as defined in R.S. 28:2.
(3) The director of the local governing entity, or his designee, in the parish in which the patient respondent is present or reasonably believed to be present.
(4)(a) Any interested person through counsel with written concurrence of the coroner in the jurisdiction in which the person is found. The court may order the coroner in the jurisdiction in which the respondent is found to provide written concurrence to the allegations found in the petition to authorize involuntary outpatient treatment.

* * *

§68. Petition A. The petition shall contain the facts which are the basis of the assertion that the patient respondent meets each of the criteria in R.S. 28:66 that he is likely to refuse to accept the recommended treatment in the parish where filed, and provide the respondent with adequate notice and knowledge relative to the nature of the proceeding.

B.(1) In addition to the content specified in Subsection A of this Section, the petition shall contain the following information regarding the respondent:

(a) Name.
(b) Date of birth.
(c) Alias names, if any.
(d) Social security number.

* As it appears in the enrolled bill
The petition shall be accompanied by a Physician's Report to Court or an affidavit of a physician, psychiatric mental health nurse practitioner, or psychologist who has personally examined the patient respondent.

(1) Such physician, psychiatric mental health nurse practitioner, or psychologist has examined the patient respondent no more than ten days prior to the filing of the petition, he recommended involuntary outpatient treatment for the patient respondent, and he is willing and able to testify at the hearing on the petition.

(2) No more than ten days prior to the filing of the petition, such physician, psychiatric mental health nurse practitioner, or psychologist, or his designee or designee's designee has made or made and attempted to make the examination of the patient respondent but has not been successful in persuading him to submit to an examination, that such physician, psychiatric mental health nurse practitioner, or psychologist has reason to suspect that the patient respondent meets the criteria for involuntary outpatient treatment, and he is willing and able to examine the patient respondent and testify at the hearing on the petition.

§69. Procedure

A. * * *

(2) In addition to those persons entitled to notice pursuant to Paragraph (1) of this Subsection, if the respondent is interdicted, notice of the hearing and a copy of the petition shall also be served upon the curator for the interdict and the attorney who represented the interdict in the interdict proceedings.

B. (1) As soon as is practical after the filing of the petition, the court shall review the petition and supporting documents and determine whether there exists probable cause to believe that the respondent is suffering from a mental illness which renders him unlikely to voluntarily participate in the treatment which is necessary or appropriate to prevent a relapse or deterioration which would be likely to result in him becoming dangerous to self or others or gravely disabled as defined in R.S. 28:2. The report shall also include recommendations for a treatment plan.

(2) If the court determines that probable cause exists, the court shall appoint a physician, psychiatric mental health nurse practitioner, or psychologist to examine the respondent and to provide a written Physician's Report to Court. Such report shall be prepared by a qualified physician or a psychologist, or both, who has completed the examination of the respondent and has determined whether the respondent meets the criteria for involuntary outpatient treatment, and, if recommended, the physician or psychologist shall state the facts which support the allegation that the patient respondent meets each of the criteria for involuntary outpatient treatment, the treatment is the least restrictive alternative, and, if recommended, the beneficial and detrimental physical and mental effects of such medication, and whether the medication should be self-administered or administered by authorized personnel.

F. The patient G. The respondent shall be afforded an opportunity to present evidence, to call witnesses on his behalf, and to cross-examine adverse witnesses.

H. Each court shall keep a record of cases relating to persons who have a mental illness coming before the court pursuant to the provisions of this Title and the disposition of those cases. Each court shall also keep on file the original petition and certificates of physicians required by this Section, and the original or a microfilm or true copy of such records for at least five years following the last date on which the petition was filed pursuant to the provisions of this Section shall be sealed and available only to the parties to the case, unless a court, after a hearing held with notice to the respondent, determines such records should be disclosed to a petitioner.

§70. Written treatment plan for involuntary outpatient treatment

A. The court shall not order involuntary outpatient treatment unless an examining physician, psychiatric mental health nurse practitioner, or psychologist who has examined the patient, has recommended involuntary outpatient treatment, and the physician, psychiatric mental health nurse practitioner, or psychologist has testified at the hearing and stated at least one representative of the treatment team. The examining physician, psychiatric mental health nurse practitioner, or psychologist shall be authorized to consult with the respondent's treating physician, psychiatric mental health nurse practitioner, or psychologist who has testified at the hearing on the petition.

E. The director or his designee of the local governing entity shall certify it shall be certified to the court that the services ordered in the plan are available and can be reasonably accessed by the patient respondent.

F. The written treatment plan is subject to reviews before the court with the patient respondent or a court-appointed attorney at least once every six months. The initial frequency shall be stipulated in the treatment plan and modified with the court's approval.

G. The court shall not order involuntary outpatient treatment unless the respondent is in need of involuntary outpatient treatment to prevent a relapse or deterioration which would be likely to result in him becoming dangerous to self or others or gravely disabled as defined in R.S. 28:2. The court shall order the sheriff's department to take the respondent into custody and transport him to a psychiatrist's office, behavioral health center, hospital, or emergency receiving center for examination. Retention of the patient respondent in accordance with the court order shall not exceed twenty-four hours. The examination of the patient may be performed by the physician, psychiatric mental health nurse practitioner, or psychologist whose affidavit or Physician's Report to Court accompanied the petition pursuant to R.S. 28:660(B). If he is privileged or otherwise authorized by the hospital or emergency receiving center, such examination may be performed by any other physician, psychiatrist, psychiatric mental health nurse practitioner, or psychologist.

H. Retention of the patient respondent shall be authorized to examine the patient respondent and at least one representative of the treatment team. The examination of the patient respondent and at least one representative of the treatment team.

I. If the patient respondent has refused to be examined by a court order, the examining physician, psychiatric mental health nurse practitioner, or psychologist, the court may order the subject to undergo an examination and the examination shall be conducted in the presence of the patient respondent and at least one representative of the treatment team.

J. If the patient respondent has refused to be examined by a court order, the examining physician, psychiatric mental health nurse practitioner, or psychologist, the court may order the subject to undergo an examination and the examination shall be conducted in the presence of the patient respondent and at least one representative of the treatment team.

K. The party who ordered the examination shall require the patient respondent to undergo the examination. The examination shall be conducted in the presence of the patient respondent and at least one representative of the treatment team.

L. The examining physician, psychiatric mental health nurse practitioner, or psychologist who has examined the patient respondent is required to prepare and provide a written report of the examination to the court and to the patient respondent. The written report shall contain a summary of the examination, the diagnosis of the patient respondent, and a statement of the rationale for the examination.

M. The written report of the examination shall be filed with the court. The court shall admit evidence according to the Louisiana Code of Evidence.
A. If the court determines that the **patient respondent** does not meet the criteria for involuntary outpatient treatment, the court shall dismiss the petition.

B. If the court finds by clear and convincing evidence that the **patient respondent** meets the criteria for involuntary outpatient treatment, and no less-restrictive alternative is feasible, the court shall order that the **patient respondent** receive involuntary outpatient treatment for an initial period not to exceed one year. The court shall state reasons why the proposed treatment plan is the least restrictive treatment appropriate and feasible for the **patient respondent**. The order shall state the categories of involuntary outpatient treatment as set forth in R.S. 28:70, which the **patient respondent** is to receive, and the terms of the order, which may not order treatment that has not been recommended by the physician, psychiatric mental health nurse practitioner, or psychologist in consultation with the treatment team and included in the written treatment plan. The court shall not order an outpatient commitment unless the treatment plan does not certify that the services are available.

C. If the court finds by clear and convincing evidence that the **patient respondent** meets the criteria for involuntary outpatient treatment, and a written proposed treatment plan has not been approved, the court shall order the director of the local governing entity to provide a plan and testimony within five days of the date of the order.

D. The court may order the **patient respondent** to self-administer psychotropic drugs or order the administration of such drugs by authorized personnel as part of an involuntary outpatient treatment program. The order shall specify the type of psychotropic drugs and it shall be effective for the duration of such involuntary outpatient treatment.

E. If the petitioner is affiliated with a hospital that operates an involuntary outpatient treatment program that is willing to treat the patient, the court may order the hospital to provide all available categories of involuntary outpatient treatment services. If the hospital does not have such a program or if the patient is discharged to a different local governing entity, or if the director of the local governing entity has filed the petition and certified that no available categories of involuntary outpatient treatment services are available, the court order shall require the appropriate director of mental health services to provide all available categories of involuntary outpatient treatment services.

F. The treatment provider shall apply for court approval prior to instituting a proposed material change in the involuntary outpatient treatment order. The order shall not mean a change in the dosage or the specific psychotropic drug within the change of residence from one local governing entity to another. A material change shall not mean a change in the dosage or the specific psychotropic drug within the change of residence that is an involuntary outpatient treatment program. Either party may move for a hearing on the application. If a motion is not filed within five days from the date the application is filed, the court shall grant the application.

G. Failure to comply with an order of assisted outpatient treatment shall not be grounds, in and of itself, for involuntary civil commitment or a finding of contempt of court.

§72. Application for additional periods of treatment

A. The court order for outpatient treatment shall expire at the end of the specified period unless an extension has been filed. If any person or entity authorized within R.S. 28:477 determines that a **patient respondent** requires further involuntary outpatient treatment, he shall file a petition for continued treatment prior to the expiration of the involuntary outpatient treatment ordered by the court. If a **patient respondent** has been ordered to receive outpatient treatment for four consecutive six-month to one-year periods, the period of any subsequent order may exceed one year but shall not exceed two years.

§73. Application to stay, vacate, or modify

In addition to any right or remedy available by law, the **patient respondent** may apply to the court to stay, vacate, or modify the order based on a change in circumstances and he shall notify the director of the local governing entity or designee of his application.

§75. Failure to comply with involuntary outpatient treatment

A. If either party alleges noncompliance under the written treatment plan, the **patient respondent** may be solicited for additional persons, including those whose names are not on the written treatment plan, and the **patient respondent** must be notified of their inclusion. When a physician, psychiatric mental health nurse practitioner, or psychologist determines the respondent has failed to comply with the ordered treatment, the court shall be considered and make reasonable efforts to solicit the compliance of the respondent.

B. When a physician, psychiatric mental health nurse practitioner, or psychologist determines the patient has failed to comply with the ordered treatment, efforts were made to solicit compliance by the local governing entity, case manager, or an assistant community treatment provider shall make reasonable efforts to solicit the compliance of the respondent.

C. When a physician, psychiatric mental health nurse practitioner, or psychologist determines that the respondent meets the criteria, he may order an order for custody in accordance with R.S. 28:53.2, seek a judicial commitment in accordance with R.S. 28:54. Any period of hospitalization shall not invalidate the order for assistive outpatient treatment.

### ACT No. 330

**HOUSE BILL NO. 590**

**BY REPRESENTATIVE DAVIS**

**AN ACT**

To amend and reenact R.S. 38:3076(A)(14), relative to the Capital Area Groundwater Conservation District; to provide for the powers of the board; to provide for the assessment of costs for capital expenditures; to provide for the assessment of application fees and late fees for non-payment; and to provide for related matters.

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

Section 1. R.S. 38:3076(A)(14) is hereby amended and reenacted to read as follows:

§3076. Powers of the board

A. The board shall work with the commissioner of conservation in his responsibilities to do all things necessary to prevent waste of groundwater resources, and to prevent or alleviate damaging or potentially damaging changes to the land surface caused by withdrawal of groundwater within the district. In conjunction with the commissioner of conservation, the board shall have authority to do, as required, the following:

(14) To assess the following:

(a) A charge against all users within the district a charge based upon the annual rate of use of each user sufficient to meet costs and expenses of operation. Such charges must be uniform as to all users, being assessed on the basis of units of water used, whether a cubic, acre-foot, or other unit be used, and without distinctions or gradations as to total amounts of water produced by individual users or classes of users, except that no charge shall be made against the quantity of water pumped from the Mississippi River alluvial aquifer. Further, such charges shall be assessed and income therefrom used only to defray the costs and expenses of operation of the district assessing them.

(b) Costs for capital expenditures assessed to users based on either annual flows or specific costs for wells to individual users based on capital, debt service, and operation and maintenance costs. Costs may include specific systems and technologies to allow for remote monitoring of flows, water levels, water quality, and other parameters considered necessary by the board to conserve and protect groundwater resources and may include but are not limited to monitoring wells, scavenger wells, reclaimed water systems, pressure differential systems, water treatment systems, and other subsurface systems related to the protection of the aquifers.

(c) Late fees for non-payment of monthly or quarterly invoices not to exceed twenty-five dollars per month or one and one-half percent per half the balance due, whichever is greater, calculated beginning thirty days after the due date.

(d) Application fees not to exceed two thousand dollars for each application submitted for a new or upgraded well.

Approved by the Governor, June 14, 2021.
To amend and reenact R.S. 3:321(4) and (5), 3:323(10) through (14), and 3:324(1) and to enact R.S. 3:331(11) and Part II of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:321 through 323, relative to the policy of this state to develop and enhance the state's rural areas through a rural development fund; to provide for fund administration; to provide for rules and regulations; to provide for a rural development program; to provide for receipt of bond proceeds; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:321(4) and (5), 3:323(10) through (14), and 3:324(1) are hereby amended and reenacted and R.S. 3:331(11) and Part II of Chapter 4-A of Title 3 of the Louisiana Revised Statutes of 1950, comprised of R.S. 3:321 through 323 are enacted to read as follows:

§312. Legislative findings

* * *

(4) The legislature seeks to amplify the efforts of existing agencies and individuals who are interested in such rural policy areas as economic development and employment, local government and management, business, agriculture, environment, land use, natural resources, community revitalization, human services and community life, health care, education, transportation, community facilities, and housing, broadband connectivity, water quality, and sewer treatment.

(5) No state office has been specifically created to promote, harmonize, or assist such efforts of existing agencies and individuals that address the unique needs, conditions, and strengths of rural areas of the state. It is, therefore, the intent of the legislature to create a new state office of rural development. This new office shall serve as a single contact point for rural governments, service providers, state and federal agencies, and for individuals interested in rural policies and programs of the state; and shall strive to promote cooperative and coordinated solutions among existing agencies and programs that are designed to address rural needs including but not limited to the Governor's Advisory Council on Rural Revitalization, the office of broadband and connectivity, and the Department of Economic Development; and shall recommend to the governor that the legislature adopt the most suitable use of policies, programs, long-range plans, laws, and regulatory mechanisms in order to meet such needs.

§313. Definitions

* * *

(8) “Regional planning commission districts” means the eight regional planning commissions created pursuant to Subparts C and F of Part IV of Title 3 of the Louisiana Revised Statutes of 1950.

(9) “Rural areas” means parishes within the state having less than one hundred thousand population, or municipalities within the state having less than thirty-five thousand population, and the unincorporated areas of a parish with a population of over one hundred thousand.

(10) “Rural development and revitalization” means those policies, programs, laws, regulations, or other matters having to do with rural areas, including but not limited to economic development, employment, local government services and management, business, agriculture, environment, land use and natural resources, human services and community life, health care, education, transportation, community facilities, and housing, broadband connectivity, water quality, and sewer treatment.

§314. State office of rural development

* *

B. The director shall employ necessary staff to carry out the duties and functions of the office as otherwise provided in this Chapter, or as otherwise provided by law. As part of the necessary staff, the director shall employ one regional director in each of the eight regional planning commission districts of the state. Each applicant for the position of regional director shall reside in the district in which he seeks employment as a regional director. Any person hired as a regional director shall remain a resident of the district in which he is employed throughout the entirety of his employment. Regional directors shall be responsible for the implementation of the state office of rural development and assistant with the functions and duties assigned by the director and as provided for under this Chapter.

* * *

PART II. RURAL DEVELOPMENT PROGRAM

§321. Policy Statement

Louisiana's rural areas are a vital element of the state. In order to mitigate the rapid deterioration of rural health, education, infrastructure, and other necessary components to the well-being of Louisiana's rural population, it is necessary that the state create and support funding for a rural development program. It is therefore declared to be the public policy of this state to develop and enhance the state's rural areas through a rural development fund and a program of rural development.

§322. Rural Development Fund

A. Funds received by the office of rural development under this Chapter or otherwise made available for the purpose of this Chapter shall be deposited immediately upon receipt into the state treasury.

B. After compliance with the requirements of Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund, and prior to monies being placed in the state general fund, an amount equal to twelve percent of all monies required by Subsection A of this Section and any other monies appropriated by the legislature shall be credited to a special fund hereby created in the state treasury to be known as the “Rural Development Fund.”

The monies in this fund shall be used solely as provided in Subsection C of this Section and in the amounts appropriated by the legislature. All unexpended and unencumbered monies in this fund at the end of the fiscal year shall remain in the fund. The monies in this fund shall be invested by the state treasurer in the same manner as monies in the state general fund, and interest earned on the investment of these monies shall be credited to this fund.

§323. Administration of funds; rules and regulations; program guidelines

A. The Rural Development Fund shall be administered by the office of rural development. Subject to the budget process and appropriations made therefor, the director of the office of rural development may employ such personnel necessary for the efficient and proper administration of this Chapter.

B. The office shall adopt rules and regulations governing the use of this fund and shall adopt rules and regulations governing any program or funding under this Chapter, or as otherwise provided by law. Such rules and regulations shall establish a formula for the distribution of funds. Such formula shall use as its basis, all relevant data including but not limited to the affected population, unemployment, and other elements that may assist in determining the direct and indirect social and economic benefit to the rural community and the relationship of the project or activity to the overall rural revitalization plan for the state. All rules and regulations shall be adopted in accordance with the Administrative Procedure Act with legislative review by the House and Senate committees on rural affairs, aquaculture, and rural development.

C. The office shall clearly delineate the projects that are to be implemented and the functions that each project will fulfill. The office shall apply the following guidelines to any project funded:

(1) All projects or activities funded shall be related to the revitalization of a designated rural area, as defined in R.S. 3:331.

(2) All funds shall be used to mitigate the rapid deterioration of rural health, education, transportation, public facilities, tourism, infrastructure, or other systems essential to the socioeconomic wellbeing of the state's rural areas.

(3) All projects or activities should enhance and broaden rural employment opportunities and community services.

(4) All projects or activities should further the provisions of the Louisiana Rural Development Law.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

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ACT No. 332

HOUSE BILL NO. 625
BY REPRESENTATIVE DESHOTEL
AN ACT

To amend and reenact R.S. 34:1801(A)(1), (2), and (3), relative to the composition of the Avoyelles Parish Port Commission; to provide for the selection, process and terms of commission members; to provide an effective date; and to provide for related matters.

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

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 34:1801(A)(1), (2), and (3) are hereby amended and reenacted to read as follows:

§1801. Creation of Avoyelles Parish Port Commission

(1) There is hereby created a commission to be known as the Avoyelles Parish Port Commission, which shall be composed of nine members, at least three of whom shall be minorities, with one member domiciled in each police jury district who shall serve without compensation and who shall be appointed pursuant to Article VII, Section 9(B) of the Constitution of Louisiana, relative to the Bond Security and Redemption Fund.

(2) Each member of the police jury of Avoyelles Parish shall submit a list of three nominees from his respective district to select two commissioners, the Town of Simmesport shall select one commissioner, the representatives representing House District Twenty-Eight shall select
one commissioner, and the senator representing Senate District Twenty-Eight, and the senator representing Senate District Thirty-Two shall, collectively, select one commissioner; one nominee from each list of nominees submitted to serve as commissioners. (3) The initial commissioners appointed following the effective date of this Paragraph shall serve until January 12, 2020. Thereafter, any commissioner appointed shall serve a term of four years. Upon the effective date of this Paragraph, the existing commissioners shall remain until their term expired. Commissioners appointed thereunder shall serve four-year terms subsequent to staggered terms as staggered terms as provided in Subparagraph (b) of this Paragraph. The term shall end on January thirty-first of the term year. The selection process shall commence January first and be completed within thirty days. (d)(i) Two members shall serve a term of two years; two members shall serve a term of three years; and one member shall serve a term of four years. (ii) The terms of the respective members shall be determined from a selection by lottery at the first meeting of the board. (iii) For purposes of this Subparagraph, “selection by lottery” shall mean a random selection from the pool of chosen commissioners. Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided in Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently reenacted by the legislature, this Act shall become effective on the day following such approval. Approved by Governor, June 14, 2021. A true copy: R. Kyle Ardoin Secretary of State ACT No. 333 --- HOUSE BILL NO. 627 BY REPRESENTATIVE HUVAL To authorize and provide for the transfer of certain state property; to authorize the transfer of certain state property in St. Martin Parish; to provide for the property descriptions; to provide terms and conditions; to provide for the preservation of mineral interests; to provide an effective date; and to provide for related matters. Be it enacted by the Legislature of Louisiana: Section 1. The commissioner of administration, notwithstanding any 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 Tex Angelle: A 1/3 interest in a certain tract of State owned land, being a portion of Lot #6 Atchafalaya Land Corp Donation, situated between the Right of Way of Herman Dupuis Road and the bank line of Butte LaRose Bay, known as Tract B, Parcel ID: 0740001026, Containing approximately 0.18 acres, situated in Section 11, T9S-R7E, Louisiana Meridian, St. Martin Parish, Louisiana. Section 2. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 1 of this Act, and as more specifically described in any such agreements entered into and documents executed by and between the commissioner of administration and Tex Angelle, in exchange for consideration proportionate to the appraised value of the properties. Section 3. The commissioner of administration, notwithstanding any provision of law to the contrary, is hereby authorized to convey, assign, lease, or deliver any interest, excluding mineral rights, the state may have in and to all or any portion of the following described properties in St. Martin Parish to Andre’ Dugas: Tract #1 Any and all interest in a piece of dried lake bed described as Lease Lot #2771, Butte LaRose Area, Section 11, T9S-R7E, Louisiana Meridian, St. Martin Parish, Louisiana, more fully depicted by a plat map on file in the Louisiana State Land Office. Tract #2 A 1/3 interest in a certain tract of State owned land, being a portion of Lot #6 Atchafalaya Land Corp Donation, situated between the Right of Way of Herman Dupuis Road and the State Lease lot #2771, Parcel ID: 0740000927, Containing approximately 0.15 acres, situated in Section 11, T9S-R7E, Louisiana Meridian, St. Martin Parish, Louisiana. Section 4. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the properties 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 Andre’ Dugas, in exchange for consideration proportionate to the appraised value of the property. Section 5. The commissioner of administration, notwithstanding any 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 properties in St. Martin Parish to Savanna Broussard Guilbeau: Tract #1 Any and all interest in a piece of dried lake bed owned by the State of Louisiana, Butte LaRose Area, situated in Section 11, T9S, R7E, Louisiana Meridian, St. Martin Parish, Louisiana, containing 0.16 acres, more or less. Tract #2 A 1/3 interest in a certain tract of State owned land, being a portion of Lot #6 Atchafalaya Land Corp Donation, situated between the right of way of Herman Dupuis Road and the bank line of Butte LaRose Bay, known as TRACT C, Parcel ID: 0740001324, Butte LaRose Area, situated in Section 11, T9S, R7E, Louisiana Meridian, St. Martin Parish, Louisiana, containing 0.96 acres, more or less. Section 6. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the properties described in Section 5 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 Savanna Broussard Guilbeau, in exchange for consideration proportionate to the appraised value of the properties. Section 7. The commissioner of administration, notwithstanding any 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 properties in St. Martin Parish to Clinton J. and Katy J. Angelle: Tract #1 Any and all interest in a piece of dried lake bed owned by the State of Louisiana, Butte LaRose Area, situated in Section 11, T9S-R7E, Louisiana Meridian, St. Martin Parish, Louisiana, containing 0.11 acres, more or less. Tract #2 A 1/3 interest in a certain tract of State owned land, being a portion of Lot #6 Atchafalaya Land Corp Donation, situated between the Right of Way of Herman Dupuis Road and the bank line of Butte LaRose Bay, known as Tract B, Parcel ID: 0740001224, containing approximately 0.95 acres, situated in Section 11, T9S-R7E, Louisiana Meridian, St. Martin Parish, Louisiana. Section 8. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the properties described in Section 7 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 Clinton J. and Katy J. Angelle, in exchange for consideration proportionate to the appraised value of the properties. Section 9. The commissioner of administration, notwithstanding any 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 Lewis O. Bordelon: A 1/3 interest in a certain tract of State owned land, being a portion of Lot #6 Atchafalaya Land Corp Donation, situated between the Right of Way of Herman Dupuis Road and the bank line of Butte LaRose Bay, known as Tract B, Parcel ID: 07001125, Containing approximately 0.83 acres, situated in Section 11, T9S-R7E, Louisiana Meridian, St. Martin Parish, Louisiana. Section 10. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, the state may have in and to all or any portion of the following described property: The properties described in Section 9 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 Lewis O. Bordelon, in exchange for consideration proportionate to the appraised value of the property. Section 11. The commissioner of administration, notwithstanding any 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 Martin E. and Winn D. Frankel: A 1/3 interest in a certain tract of State owned land, being a portion of Lot #6 Atchafalaya Land Corp Donation, situated between the Right of Way of Herman Dupuis Road and the bank line of Butte LaRose Bay, Parcel ID: 07001125, Containing approximately 0.79 acres, situated in Section 11, T9S-R7E, Louisiana Meridian, St. Martin Parish, Louisiana. Section 12. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance.
Section 13. The commissioner of administration, notwithstanding any provision of law to the contrary, is hereby authorized and empowered to convey, transfer, assign, lease, or deliver any interest, excluding mineral rights, to the property described in Section 11 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 Warren Lockridge and Janice Harris.

The Act is hereby approved by the legislature, this Act shall become effective on the day following such approval.

Section 14. The commissioner of administration is hereby authorized to enter into such agreements, covenants, conditions, and stipulations and to execute such documents as necessary to properly effectuate any conveyance, transfer, assignment, lease, or delivery of title, excluding mineral rights, to the property described in Section 11 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 Warren Lockridge and Janice Harris, in exchange for consideration proportionate to the appraised value of the property.

Section 15. 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 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 334

HOUSE BILL NO. 635

BY REPRESENTATIVE GLOVER

To amend and reenact R.S. 17:5025(introductory paragraph) and (4)(c) and to enact R.S. 17:5025.4, relative to the Taylor Opportunity Program for Students (TOPS); to provide relative to high school core curriculum requirements for receipt of certain awards from TOPS; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:5025(introductory paragraph) and (4)(c) are hereby amended and reenacted and R.S. 17:5025.4 is hereby enacted to read as follows:

§5025. High school core curriculum requirements; Opportunity, Performance, Honors Awards

To be eligible for an Opportunity, Performance, or Honors Award pursuant to this Chapter, a student who graduates during or after the 2017-2018 school year shall have successfully completed a core curriculum which consists of nineteen units of high school course work as follows:

(4) * * *

(c) Two units chosen from the following: Western Civilization, European History, or AP European History; World Geography, AP Human Geography, or IB Geography; World History, AP World History, or World History IB; History of Religion; IB Economics, Economics, AP Macroeconomics, or AP Microeconomics; African American History.

§5025.4. High school core curriculum requirements; Opportunity, Performance, Honors; students graduating 2017-2018 through 2020-2021 school years.

To be eligible for an Opportunity, Performance, or Honors Award pursuant to this Chapter, a student who graduated from high school during or after the 2017-2018 school year but not later than the 2020-2021 school year shall have successfully completed a core curriculum which consists of nineteen units of high school course work as follows:

(1) English - Four Units

(a) English I.

(b) English II.

(2) One unit chosen from the following: English III, AP English Language Arts and Composition, or English III IB (Language A or Literature and Performance).

(3) One unit chosen from the following: English IV, AP English Literature and Composition, or English IV IB (Language A or Literature and Performance).

(4) Mathematics - Four Units

(a) Algebra I (one unit); Geometry (one unit); and Algebra II (one unit).

(b) Integrated Mathematics I, Integrated Mathematics II, and Integrated Mathematics III may be substituted for the Algebra I, Geometry, and Algebra II sequence.

THE ADVOCATE

As it appears in the enrolled bill

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vehicles shall collect, in addition to any fee authorized by law, a handling charge of twelve dollars for each of the following Class "D" and "E" driver's license transactions.

(a) New applications.
(b) Renewals.

(c) Valid without photo.
(2) The provisions of this Subsection shall not apply to Class "D" and "E" driver's licenses for a duplicate transaction pursuant to R.S. 32:406 where the change of address was caused by the renaming of a street or highway in accordance with a parish or municipal ordinance.

Section 2. R.S. 40:1321(S) is hereby enacted to read as follows:
§1321. Special identification cards; issuance; veteran designation; disabled veteran designation; university logo; "I'm a Cajun" designation; needs accommodation designation; fee expiration and renewal; exemptions; promulgation of rules; promotion of use: persons less than twenty-one years of age; the Protect and Save Our Children Program; Selective Service Registration

*   *   *

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

Section 3. R.S. 47:1472(C) is hereby enacted to read as follows:
§472. Lost certificate or number plate

*   *   *

C. No fee shall be charged for transactions to issue a duplicate certificate of registration to correct an address due to the renaming of a street or highway in accordance with the Administrative Procedure Act to implement the provisions of this Act.

Section 4. The Department of Public Safety and Corrections, office of motor vehicles, shall promulgate rules and regulations as are necessary in accordance with the Administrative Procedure Act to implement the provisions of this Act.

Approved by the Governor, June 14, 2021.
A true copy:
R. Kyle Ardoin
Secretary of State

ACT No. 336
BY REPRESENTATIVES SCHENXAMER, TRAVIS JOHNSON, AND MCFARLAND AND SENATOR CATHEY

AN ACT
To amend and reenact R.S. 3:1402, 1461, 1462, 1464(B), 1465(A), (C)(1), (D)(1), and (F), 1466(A) and (B)(2), 1468, 1471(A)(4), 1481, 1482, 1483, 1484, and 1485(B) and (G) and R.S. 47:1692 and 1869(A) and to enact R.S. 3:1469(C) and (D) and 1473, relative to industrial hemp; to provide for the regulation of industrial hemp; to provide for exemptions from commercial feed regulations; to provide for definitions; to provide for licensure; to provide relative to criminal background checks; to provide for testing; to provide relative to research entities; to provide for a centralized website; to provide a definition for consumable hemp products; to provide for regulation of consumable hemp products; to provide for license and permit fees; to provide for criminal penalties; to provide for civil penalties; to provide relative to the tax on hemp products; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 3:1402, 1461, 1462, 1464(B), 1465(A), (C)(1), (D)(1), and (F), 1466(A) and (B)(2), 1468, 1471(A)(4), 1481, 1482, 1483, 1484, and 1485(B) and (G) and R.S. 47:1692 and 1869(A) and to enact R.S. 3:1469(C) and (D) and 1473 are hereby amended and reenacted and R.S. 3:1469(C) and D and 1473 are hereby enacted to read as follows:

§1402. Exemptions

The provisions of this Part shall not apply to any commercial feeds that have been manufactured or produced by any person for the purpose of feeding his own livestock or manufactured or registered in accordance with Part VI of this Chapter.

*   *   *

§1461. Purpose

It is hereby the intent of the legislature to recognize industrial hemp as an agricultural commodity and authorize the cultivation, processing, and handling of industrial hemp as legal agricultural activities in the state of Louisiana in accordance with the Agriculture Improvement Act of 2018, P.L. 115-334.

§1462. Definitions

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

1. “Applicant” means a natural person or any individual who applies on behalf of a partnership, corporation, cooperative association, limited liability company, joint stock association, sole proprietorship, joint venture, business association, professional corporation, or any other legal entity or organization through which business is conducted for a grower, processor, contract carrier, handler, or industrial hemp seed producer license.

2. “Commission” means the Agricultural Chemistry and Seed Commission.

3. “Commissioner” means the Louisiana commissioner of agriculture and forestry.

4. “Contract carrier” means an entity operating in intrastate commerce to transport or deliver industrial hemp for compensation.

5. “Cultivate” or “cultivating” means planting, growing, or harvesting industrial hemp.

6. (5) “Department” means the Louisiana Department of Agriculture and Forestry.

7. (5) “Designated responsible party” means a natural person designated by the applicant or licensee as responsible for facility operations of the applicant or licensee facility.

8. “Federally defined THC level for hemp” means the greater of the following:

a. A delta-9 THC concentration of not more than three tenths of a percent (0.3%) on a dry weight basis.

b. The THC concentration for hemp defined in 7 U.S.C. 1629.

7. “Grower” means any individual, partnership, corporation, cooperative association, or other business entity that is licensed by the department to cultivate industrial hemp.

8. “Handle” or “handling” means possessing or storing industrial hemp for any period of time on premises owned, operated, or controlled by a person licensed by the Department of Agriculture and Forestry to cultivate industrial hemp, any of the following:

a. Transporting or delivering industrial hemp material in intrastate commerce for compensation.

b. Commercially harvesting, storing, or grinding industrial hemp material received from a grower.

c. Cleaning or packaging industrial hemp seed received from a seed producer.

d. Brokering industrial hemp material.


10. “Process” means converting industrial hemp into a marketable form.

11. “Processor” means any individual, partnership, corporation, cooperative association, or other business entity that receives industrial hemp in a transitory storage or processing into commodities; or products; or industrial hemp seed.

12. “Procurement” means any individual, partnership, corporation, cooperative association, or other business entity that issues a license or permit to a grower or processor to produce, transport, or sell industrial hemp.

13. “THC” means a combination of tetrahydrocannabinol, and tetrahydrocannabinolic acid, or a combination of both.

14. “State plan” means a plan required for approval by the United States Secretary of Agriculture to monitor and regulate the production of industrial hemp.

15. “State plan” means a plan required for approval by the United States Secretary of Agriculture to monitor and regulate the production of industrial hemp.

16. “State plan” means a plan required for approval by the United States Secretary of Agriculture to monitor and regulate the production of industrial hemp.

17. “State plan” means a plan required for approval by the United States Secretary of Agriculture to monitor and regulate the production of industrial hemp.

18. “Transport” or “transporting” means the movement of industrial hemp from the premises of a licensee to the premises of another licensee or from the premises of a licensee to the premises of a permit holder pursuant to R.S. 3:1483 by means of a vehicle.

*   *   *

§1464. Powers and duties of the commissioner

The commissioner shall:

*   *   *

8. Create a state plan, in consultation with the governor and attorney general, to monitor and regulate the production of industrial hemp. The state plan shall include all requirements specified in the Agriculture Improvement Act of 2018, P.L. 115-334.

9. Submit the state plan to the House and Senate committees on agriculture for approval no later than October 15, 2019.

10. Submit the state plan for approval by the United States Secretary of Agriculture no later than November 1, 2018.

*   *   *

§1465. Licensure

A. (1)(a) Each industrial hemp seed producer shall obtain an annual license issued by the department. The license shall authorize the licensee to produce, transport, or sell industrial hemp.

*   *   *
transport, and sell approved seeds to licensed industrial hemp growers, seed producers, handlers, and processors.

(c) A licensed industrial hemp seed producer shall ensure that the seed complies with the standards set by the commission.

(d) The department shall provide information that identifies sellers of industrial hemp seed to growers.

(2) A grower of industrial hemp shall obtain an annual license issued by the department. The license shall authorize the licensee to possess, store, cultivate, trim, dry, cure, handle, and transport industrial hemp in this state.

(3) A processor of industrial hemp shall obtain an annual license issued by the department. The license shall authorize the licensee to handle, possess, store, and transport industrial hemp in this state.

(4) A contract carrier handler of industrial hemp shall obtain an annual license issued by the department. The license shall authorize the licensee to transport industrial hemp in this state.

§1471. Criminal penalties

A. It shall be unlawful for any person or entity to cultivate, handle, process, or transport industrial hemp in any of the following circumstances:

(1) If the Cannabis sativa L. plant or any part of that plant would otherwise be considered industrial hemp as defined by this Part except that it has a THC concentration that exceeds the federally defined THC level for hemp THC concentration authorized in this Part. This shall not include handling the plant for destruction as required by the department pursuant to this Part.

§1473. Centralized website

The Louisiana State University Agricultural Center shall develop a centralized industrial hemp website that provides the public information, resources, and education on the production and marketing of hemp. The agricultural center shall develop the website in collaboration with the Southern University Agricultural Center, Louisiana Department of Agriculture and Forestry, Louisiana Department of Health, the office of alcoholic beverage control, Department of Economic Development, and relevant industry associations.

PART VI. INDUSTRIAL HEMP-DERIVED CANNABIDIOL, CONSUMABLE HEMP PRODUCTS

§1481. Definitions

As used in this Part:

(1) “CBD” means cannabidiol.

(2) “Commissioner” means the commissioner of alcohol and tobacco control.

(3) “Consumable hemp processor” means any individual, partnership, corporation, cooperative association, or other business entity that receives industrial hemp for the manufacturing or processing of a consumable hemp product.

(4) “Department” means the Louisiana Department of Health.

(5) “Federal delta-9-THC concentration of not more than three tenths of a percent” means a concentration of not more than 0.3 percent on a dry weight basis.

(6) “Negligently” means a conduct of willfulness, intentional violation of the provisions of this Part.

(7) “Retail sale” or “sale at retail” means the sale or any transaction in lieu of a sale of products to the public for use or consumption but does not include the sale or any transaction in lieu of a sale of products for resale.

(8) “State plan” means a plan required for approval by the United States Secretary of Agriculture to monitor and regulate the production of hemp.

(9) “THC” means a combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

(10) “Wholesaler” means a wholesale seller, distributor, or packer of consumable hemp products.

§1485. CBD and other related consumable hemp products; prohibitions

A. No person shall process or sell:

(1) Any Delta-9-THC concentration of not more than three tenths of a percent on a dry weight basis.

(2) Any additional combination of tetrahydrocannabinol and tetrahydrocannabinolic acid.

(3) Any alcoholic beverage containing CBD.

(4) Any consumable hemp product without a license or permit required pursuant to this Part.

(5) Any food product or beverage containing CBD unless the United States Food and Drug Administration approves CBD as a food additive.

§1499. Industrial hemp research

C. The University of Louisiana at Monroe Agribusiness Program is authorized to cultivate, handle, and process industrial hemp for product research and development.

D. Except for those entities exempted pursuant to this Part, all industrial hemp licensees whose intent is to perform industrial hemp research shall submit an annual industrial hemp research plan to the department. The department shall adopt rules establishing the requirements of the industrial hemp research plan. Such rules shall include performance-based sampling requirements.

§1471. Criminal penalties

A. It shall be unlawful for any person or entity to cultivate, handle, process,
fee shall be for each separate processing facility and shall be based on the annual sales of such facility according to the following schedule:

<table>
<thead>
<tr>
<th>Annual Sales</th>
<th>Annual Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under $500,000</td>
<td>$175.00</td>
</tr>
<tr>
<td>$500,001 - $1,000,000</td>
<td>$475.00</td>
</tr>
<tr>
<td>$1,000,001 - $2,500,000</td>
<td>$775.00</td>
</tr>
<tr>
<td>$2,500,001 - $5,000,000</td>
<td>$1,075.00</td>
</tr>
<tr>
<td>Over $5,000,000</td>
<td>$1,375.00</td>
</tr>
</tbody>
</table>

(2) A consumable hemp processor shall adhere to any sanitary regulations promulgated by the department.

A. Any cannabinoid product that is manufactured, distributed, imported, sold, or offered for sale shall be a consumable hemp product.

(1) Be produced from hemp grown by a licensee authorized to grow hemp by the United States Department of Agriculture or under an approved plan pursuant to the Agriculture Improvement Act of 2018, P.L. 115-334, or under an authorized state pilot program pursuant to the Agriculture Act of 2014, P.L. 113-79.

(2) Be registered with the department in accordance with the State Food, Drug, and Cosmetic Law provisions of this Section. The department shall charge and collect a fee of not more than fifty dollars for each separate and distinct product registered. This charge shall be in lieu of the charge collected pursuant to R.S. 40:628.

(3) Receive label approval from the department.

(4) Not be marketed as dietary.

(5) Not contain any active pharmaceutical ingredient (API) recognized by the United States Food and Drug Administration other than cannabidiol.

The provisions of this Paragraph shall not apply to products intended for topical application.

B. No cannabinoid product derived from any source other than hemp shall contain any cannabinoid that is not naturally occurring.

C. All labels shall meet the following criteria in order to receive approval from the department:

(1) Contain no medical claims.

(2) Have a scannable bar code, QR code, or website that contains a certificate of analysis as provided in Subsection E of this Section.

D. In addition to the requirements provided in Subsections B and C of this Section, all labels shall contain the following information:

(1) The batch identification number, date received, date of completion, and test results identifying the cannabinoid profile by percentage of dry weight, solvents, pesticides, microbials, and heavy metals.

(2) The certificate of analysis required by Subsection E of this Section shall be completed by an independent laboratory that meets the following criteria:

(1) Is accredited as a testing laboratory approved by the department.

(2) Has no direct or indirect interest in a grower, processor, or distributor of hemp or hemp products.

(3) The department shall provide a list of registered products to the office of alcohol and tobacco control.

F. A certificate of analysis that occurs within two years of the first offense, not more than three hundred dollars.

(1) The provisions of this Section do not authorize any person to manufacture, distribute, import, or sell any cannabinoid product derived from any source other than hemp.

G. Any facility processing industrial hemp products intended for human consumption that do not meet the definition of consumable hemp product provided in this Part shall be regulated in accordance with the State Food, Drug, and Cosmetic Law.

H. The department shall charge and collect from the manufacturers or packers of industrial hemp-derived CBD products an annual examination and investigation charge of not more than fifty dollars for any one separate and distinct product registered. This charge shall be in lieu of the charge provided in Subsection F.

I. Any wholesale seller, manufacturer, distributor, or packer of Industrial hemp-derived CBD products shall be regulated by the department in accordance with the State Food, Drug, and Cosmetic Law.

J. The department shall promulgate rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section. The rules shall specify standards for product labels, requirements for accreditation for laboratories, and any prohibited dosage vehicles as determined by the department, and sanitary requirements specific to consumable hemp processors.

§1484. Permit to sell; office of alcohol and tobacco control
A. The office of alcohol and tobacco control will apply for and obtain a permit from the office of alcohol and tobacco control.

B. The commissioner may establish and collect an annual wholesaler fee. The amount of the wholesaler fee shall be based on the cost of the regulatory functions performed and shall not exceed five hundred dollars.

C. Each person who sells or is about to engage in the business of selling at retail any industrial hemp-derived CBD consumable hemp product shall first apply for and obtain a permit for each place of business from the office of alcohol and tobacco control.

D. For purposes of this Section, each individually registered domain name owned or leased by or on behalf of a remote retailer shall be considered a place of business. No person or entity shall be required to have a physical place of business in the state of Louisiana in order to sell industrial hemp-derived CBD consumable hemp products at retail.

E. The office of alcohol and tobacco control has no authority to permit or otherwise regulate any wholesale seller, manufacturer, distributor, or packer of industrial hemp-derived CBD products.

F. Prior to selling industrial hemp-derived CBD consumable hemp products at a special event, the retailer shall request and promptly receive an annual special event permit from the commissioner. For purposes of this Section, a special event shall be defined as any event held at any location, other than a permitted place of business, where industrial hemp-derived CBD consumable hemp products are sold. The permittee shall notify the commissioner in writing of any special event the permittee will be attending prior to the event. Failure to notify the commissioner shall be grounds for revocation of the permit.

G. No permit issued pursuant to this Section shall authorize the permittee to sell or offer for sale any CBD cannabinoid product derived from any source other than hemp.

H. No industrial hemp-derived CBD consumable hemp product shall be sold to any person under the age of eighteen years.

I. The commissioner may establish and collect an annual retail permit fee and an annual special event permit fee. The amount of each permit fee provided for in this Subsection shall be based on the cost of the regulatory functions performed and shall not exceed one hundred seventy-five dollars per year.

J. The commissioner may, in addition to revocation or suspension of a permit issued under the authority of this Section, impose the following fines in addition to any unpaid assessments, late fees, or collection costs, to the civil penalties provided in this Section. Each day on which a violation occurs shall constitute a separate offense.

(1) For a first offense, not more than three hundred dollars.

(2) For a second offense that occurs within two years of the first offense, not more than one thousand dollars.

(3) For a third or subsequent offense that occurs within two years of the first offense, not less than five hundred dollars but not more than three thousand dollars.

K. In addition to the penalties provided in Subsection D of this Section, any permittee who violates any provisions of this Part or rules adopted pursuant to this Part, who alters, forges, or counterfeits, or uses without authority any permit or other document provided for in this Part, who operates without a permit, or who fails to collect or to timely pay the assessments, fees, and penalties due or assessed pursuant to this Part, shall be subject, in addition to any unpaid assessments, late fees, or collection costs, to the civil penalties provided in this Section. Each day on which a violation occurs shall constitute a separate offense.

(1) For a first offense, not more than three hundred dollars.

(2) For a second offense that occurs within two years of the first offense, not more than one thousand dollars.

(3) For a third or subsequent offense that occurs within two years of the first offense, not less than five hundred dollars but not more than three thousand dollars.

L. In addition to the penalties provided in Subsection D of this Section, any permittee who violates any provisions of this Part or rules adopted pursuant to this Part, who alters, forges, or counterfeits, or uses without authority any permit or other document provided for in this Part, who operates without a permit, or who fails to collect or to timely pay the assessments, fees, and penalties due or assessed pursuant to this Part, shall be subject, in addition to any unpaid assessments, late fees, or collection costs, to the civil penalties provided in this Section. Each day on which a violation occurs shall constitute a separate offense.

(1) For a first offense, not more than three hundred dollars.

(2) For a second offense that occurs within two years of the first offense, not more than one thousand dollars.

(3) For a third or subsequent offense that occurs within two years of the first offense, not less than five hundred dollars but not more than three thousand dollars.

M. In addition to the provisions of this Section, the commissioner may adopt rules and regulations in accordance with the Administrative Procedure Act to implement the provisions of this Section. The rules shall not include any fees or penalties for any permit not provided for in this Section, or any requirements for proof of Louisiana residence, criminal background checks, diagrams of retail premises, or proof of lease or ownership of any retail establishment.

§1485. Industrial Hemp Advisory Committee
B. The committee is hereby authorized to receive and review information and requests and make recommendations for future legislation relative to the regulation of industrial hemp and industrial hemp products, and industrial hemp-derived CBD products.

* As it appears in the enrolled bill
G. The committee may call upon and utilize the assistance and recommendations of those market participants directly involved with the industrial hemp industry including but not limited to seed distributors, growers, processors, manufacturers, wholesalers, and retailers of industrial hemp, industrial hemp products, and industrial hemp derived CBD products, and any other private sources as deemed necessary by the committee.

Section 2. R.S. 47:1692 and 1693(A) are hereby amended and reenacted to read as follows:

CHAPTER 19. INDUSTRIAL HEMP-DERIVED CBD CONSUMABLE HEMP PRODUCT TAX

§1692. Definitions

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

(1) “CBD” means cannabidiol. “Consumable hemp product” shall have the same meaning as set forth in R.S. 3:1481.

(2) Solely for purposes of the imposition of the industrial hemp derived CBD tax, “consumer” means either a business entity or a person who purchases industrial hemp derived CBD products.

(3) Solely for purposes of the imposition of the industrial hemp derived CBD tax, “retail sale” means the sale or transfer of industrial hemp derived CBD products to a consumer for any purpose other than for resale and shall include all transactions as the secretary, upon investigation, finds to be in lieu of sales. Resale shall include but not be limited to the sale of industrial hemp derived CBD products for further processing into a product produced in accordance with this Part.

(4) Solely for purposes of the imposition of the industrial hemp derived CBD tax, “retailer” means a person or entity that sells or offers for sale industrial hemp derived CBD products.

(5) “Secretary” means the secretary of the Department of Revenue or his duly appointed representatives.

§1693. Imposition of tax

A. There is hereby levied an excise tax upon each retail sale of industrial hemp derived CBD products within the state of Louisiana. The tax levied in this Section shall be at the rate of three percent of the retail sales price of industrial hemp derived CBD products. The excise tax shall be levied in addition to state and local sales tax and any other tax or any other taxing provisions of the state or local governments.

B. The tax levied in this Section shall be under the supervision of the department of revenue, and the department of revenue is hereby authorized to employ employees, and the department of revenue shall be entitled to receive the proceeds of the tax levied under this Section in the manner prescribed by the secretary of revenue, and the department of revenue shall be entitled to receive the proceeds of the tax levied under this Section in the manner prescribed by the secretary of revenue.

C. The board shall be established for the primary object and purpose of promoting and encouraging agricultural research and sustainability to stimulate the economy through commerce, industry, and research and for the utilization and development of natural and human resources of the area by providing job opportunities.

D. The boundaries of the district shall be coterminous with the boundaries of the parishes of East Carroll and Tensas.

§342. Board of commissioners; members; offices

A. There shall be a board of commissioners of the district, consisting of twenty-six members as follows:

(1) The governor or his designee.

(2) The commissioner of agriculture and forestry or his designee.

(3) The president of the local governing authority for the parish of East Carroll or his designee.

(4) The president of the local governing authority for the parish of Concordia or his designee.

(5) The president of the local governing authority for the parish of Madison or his designee.

(6) The president of the local governing authority for the parish of Tensas or his designee.

(7) The president of Louisiana Tech University or his designee.

(8) The president of the University of Louisiana at Monroe or his designee.

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

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

(11) The president of Grambling State University or his designee.

(12) The state representative for House District 19 or his designee.

(13) The state representative for House District 21 or his designee.

(14) The state senator for Senate District 32 or his designee.

(15) The state senator for Senate District 34 or his designee.

(16) The mayor of the city of Tallulah or his designee.

(17) The mayor of the town of Lake Providence or his designee.

(18) The mayor of the town of Newellton or his designee.

(19) The mayor of the town of St. Joseph or his designee.

(20) The mayor of the town of Waterproof or his designee.

(21) The mayor of the town of Clayton or his designee.

(22) The mayor of the town of Ferriday or his designee.

(23) The mayor of the town of Vida or his designee.

(24) The secretary of the Department of Economic Development or his designee as an ex officio nonvoting member.

(25) The president of the Louisiana Farm Bureau Federation or his designee as an ex officio nonvoting member.

(26) The president of the Louisiana Cotton and Grain Association or his designee as an ex officio nonvoting member.

B. Members shall serve during their tenure in the offices listed in Subsection A of this Section.

C. Any vacancy in the membership of the board, occurring by reason of death, resignation, or otherwise, shall be filled by the interim or acting person who assumes the duties of the person who held the now-vacant seat until an election can be held or a permanent appointment can be made.

D. The members of the board shall serve without compensation. The board may reimburse any member for expenses actually incurred in the performance of his duties pursuant to this Part.

E. Members of the board individually shall be prohibited from soliciting members of their immediate families are prohibited from bidding on or entering into any contract, subcontract, or other transaction that is under the supervision or jurisdiction of the district.

F. The board shall elect from among its own members a chairman, vice chairman, secretary, and treasurer, whose duties shall be those usual to such offices. At the option of the board, the offices of secretary and treasurer may be held by one person.

G. The board shall meet in regular session on the second Wednesday at the beginning of each quarter of a calendar year and shall also meet in special session as often as the chairman of the board convenes the board. A majority of the voting members of the board shall constitute a quorum.
§344. Obligations of the district

A. The district shall have the authority to incur debt for any one or more of its lawful purposes set forth in this Part, to issue in its name negotiable bonds, notes, certificates of indebtedness, or other evidence of indebtedness, and to provide for the security and payment thereof.

B. The district may in its own name and on its own behalf, to incur debt and to issue general obligation bonds, revenue bonds, certificates, notes, and other evidence of indebtedness.

C. To regulate the imposition of fees and rentals charged by the district for its facilities and services rendered by it.

D. To borrow money and pledge a part of its revenues, leases, rents, or other advantages as security for such loans.

E. To appoint officers, agents, and employees, prescribe their duties, and fix their compensation.

F. To seek, apply for, or receive any donations, financial assistance, or monies by way of public or private grants or investors.

§345. Securities

Bonds, certificates, notes, and other evidence of indebtedness issued by the district under this Part are deemed to be securities of public entities within the State Bond Commission.

§346. Exemption from taxation

The district and all properties at any time owned by the district and the income therefrom and all bonds, certificates, and other evidence of indebtedness issued by the district under this Part and the interest or income therefrom shall be exempt from a tax levied by the state of Louisiana.

§347. General compliances; enhancement

A. No provision of this Part shall be construed to exempt the district from compliance with the provisions of Louisiana laws pertaining to open meetings, public records, fiscal agents, official journals, dual officeholding and employment, public bidding for the purchase of supplies and materials and construction of public works, the Code of Governmental Ethics, the Right to Property in Article 1, Section 4 of the Constitution of Louisiana, and the Louisiana Election Code.

B. The district shall have the power and right to adopt a program or programs awarding contracts to, and establishing set-aside goals and preference procedures for the benefit of, businesses owned and operated by socially or economically disadvantaged persons in accordance with any of the provisions of R.S. 38:2233 and of Chapter 19 of Title 39 of the Louisiana Revised Statutes of 1950, entitled “Louisiana Minority and Women’s Business Enterprise Act”.

C. The financial records of the district shall be audited pursuant to R.S. 24:513.

Approved by the Governor, June 14, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 338

HOUSE BILL NO. 437
BY REPRESENTATIVE GADBERRY

AN ACT

To enact R.S. 40:1730.23(J), relative to enforcement of the state uniform construction code; to provide for inspections of commercial and residential structures; to prohibit remote virtual inspections of such structures; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 46:1730.23(J) is hereby enacted to read as follows:

$1730.23. Enforcement of building codes by municipalities and parishes

J. For purposes of code enforcement pursuant to this Section, a properly registered certified building inspector shall conduct all inspections of any commercial or residential structure and shall be present on site for such inspections.

Approved by the Governor, June 15, 2021.

A true copy:

R. Kyle Ardoin
Secretary of State

ACT No. 339

HOUSE BILL NO. 449
BY REPRESENTATIVE WILFORD CARTER

AN ACT

To amend and reenact R.S. 9:311(C)(3), 311.1, and 315.11(C)(2) and to repeal R.S. 9:315.27, relative to the suspension of child support obligations; to provide for suspension during an obligor’s incarceration; to remove exceptions to suspension of a support order during the obligor’s incarceration; to provide for requirements of the Department of Children and Family Services when providing support enforcement services; to provide for definitions; to provide for the duties of officers or employees of the Department of Public Safety and Corrections and the Department of Children and Family Services; to provide a timeframe for the Department of Children and Family Services to file an affidavit with the court; to remove provisions regarding notice given to the custodial party; to provide for the voluntary unemployment or underemployment of the obligor; to provide for the continuation of child support beyond the termination date; to authorize the promulgation of rules; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 9:311(C)(3), 311.1, and 315.11(C)(2) are hereby amended and reenacted to read as follows:

§311. Modification or suspension of support; material change in circumstances; periodic review by Department of Children and Family Services; medical support

C. For purposes of this Section, in cases where the Department of Children and Family Services is providing support enforcement services:
(3)(a) The department shall request a judicial review under any of the following conditions:
(b) The person who was the subject of the order of child support is or has been incarcerated for one hundred eighty consecutive days or more, unless any of the following conditions exist:
(c) The person will be or is incarcerated for a reason other than the custodial party or the child subject to the order of child support.
(d) The person is or was incarcerated for one hundred eighty consecutive days or longer.

§311.1. Child support during the obligor’s incarceration; Department of Children and Family Services providing support enforcement services
A. In accordance with the provisions of this Section, every order of child support order shall be suspended when the obligor will be or is incarcerated for one hundred eighty consecutive days or more, unless any of the following conditions exist:
(a) The obligor has not notified, or is not notified, the department in accordance with Paragraph (2) of this Subsection and an objection was not received from such party.
(b) If a timely objection is made, the order of child support shall continue until further order of the court.
(c) The suspension of the order of child support order shall begin upon the date that the department files the affidavit.

§9:315.2. Voluntarily unemployed or underemployed party
A. "Vacation of residence" means placement of an obligor in a county, parish, state or federal prison or jail, in which the obligor is permitted to earn wages from employment outside the facility. "Vacation of residence" does not include probation or parole.
B. "Support enforcement services" shall have the same meaning as provided in R.S. 46:236.1.
C. "Suspension" means the modification of a child support order to zero dollars during the period of an obligor's incarceration.
D. The Department of Public Safety and Corrections or the sheriff of any parish, as appropriate, shall notify the Department of Children and Family Services providing support enforcement services of any person who has been in their custody and may be subject to a child support order. If the person is not the custodial party, the department shall provide notice to the custodial party.
E. The custodial party shall not be deemed voluntarily unemployed or underemployed as a direct result of the obligor's incarceration unless it finds one of the following conditions:
(a) The obligor has been convicted of a crime against the custodial party or the child subject to the order of child support.
(b) The offender for which the obligor is incarcerated is not due to the obligor's failure to comply with an order to pay child support.
(c) A notice to the custodial party in accordance with Paragraph (2) of this Subsection and an objection was not received from the custodial party.
(d) The suspension of the order of child support order shall begin upon the date that the department files the affidavit.

§315.11. Voluntarily unemployed or underemployed party
A. A party shall not be deemed voluntarily unemployed or underemployed if either:
(b) He is or was incarcerated for one hundred eighty consecutive days or longer.

THE ADVOCATE
* As it appears in the enrolled bill
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CODING: Words in strike through type are deletions from existing law; words under scored (House Bills) and underscored and boldfaced (Senate Bills) are additions.